

REPORT ON ANNUAL AND FINANCIAL REPORTS 2016-2017

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

MARCH 2018

REPORT 5

COMMITTEE MEMBERSHIP

Ms Caroline Le Couteur	Chair
Ms Suzanne Orr	Deputy Chair
Ms Nicole Lawder	(term ended 15 February 2018)
Mr Mark Parton	(term began 15 February 2018)
Ms Tara Cheyne	
Mr James Milligan	

SECRETARIAT

Ms Annemieke Jongsma	Secretary
Ms Lydia Chung	Administrative Assistant
Ms Josephine Brown	Research Officer

CONTACT INFORMATION

Telephone	02 6205 1253
Post	GPO Box 1020, CANBERRA ACT 2601
Email	committees@parliament.act.gov.au
Website	www.parliament.act.gov.au

RESOLUTION OF APPOINTMENT

On 13 December 2016 the ACT Legislative Assembly (the Assembly) agreed by resolution to establish legislative and general purpose standing committees to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committees to be of concern to the community, including:

- (e) a Standing Committee on Environment and Transport and City Services to examine matters related to city and transport services, public infrastructure, heritage and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.¹

The Assembly agreed that each committee shall have power to consider and make use of the evidence and records of the relevant standing committees appointed during the previous Assembly.

TERMS OF REFERENCE

On 26 October 2017, the Assembly referred the annual and financial reports for the calendar year 2016 and the financial year 2016—2017 to Assembly committees for inquiry and report by the last sitting day in March 2018, in accordance with a schedule.² The reports were presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

The reports and parts of reports referred to the Standing Committee on Planning and Urban Renewal were:

- Chief Minister, Treasury and Economic Development Directorate - Architects Board of the ACT; Public Housing Renewal Taskforce and Affordable Housing; Land Release Policy; Urban Renewal (Planning)
- Environment, Planning and Sustainable Development Directorate - Planning; Loose Fill Asbestos Insulation Eradication Scheme; and
- Land Development Agency.

¹ Legislative Assembly for the ACT, Minutes of Proceedings No. 2, 13 December 2016, pp. 39-43, accessible at http://www.parliament.act.gov.au/_data/assets/pdf_file/0008/1017980/MoP002F2.pdf.

² Legislative Assembly for the ACT, Minutes of Proceedings No. 7, 16 February 2017, pp. 555-564, accessible at http://www.parliament.act.gov.au/_data/assets/pdf_file/0017/1034225/MoP007F.pdf.

ACRONYMS

ACA	Architects Accreditation Council of Australia
ACT	Australian Capital Territory
ACTPS	Australian Capital Territory Public Service
ART	Asbestos Response Taskforce
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
CRA	City Renewal Authority
DA	Development Application
ED	Economic Development
EPSDD	Environment, Planning and Sustainable Development Directorate
LDA	Land Development Agency
PDA	<i>Planning and Development Act 2007</i>
SLA	Suburban Land Agency

TABLE OF CONTENTS

Committee membership	i
Secretariat	i
Contact information	i
Resolution of appointment.....	ii
Terms of reference	ii
Acronyms.....	iii
RECOMMENDATIONS.....	VII
1 INTRODUCTION	1
Conduct of the inquiry.....	1
Structure of the Report.....	1
Acknowledgements.....	2
2 ANNUAL REPORTING REQUIREMENTS	3
Timing and presentation of reports.....	4
3 ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT	
DIRECTORATE.....	5
Introduction.....	5
Asbestos Response Taskforce	5
Planning Delivery	9
Strategic Planning	19
4 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT	23
Introduction.....	23
Land Supply Strategy	24
Affordable Housing Action Plan	30
Urban Renewal	31
ACT Architects Board.....	31
5 LAND DEVELOPMENT AGENCY	35
Introduction.....	35
Land Acquisitions	36
Community Engagement	38
Transition to Suburban Land Agency and City Renewal Authority	39

6 CONCLUSION	45
APPENDIX A WITNESSES.....	47
APPENDIX B QUESTIONS TAKEN ON NOTICE.....	49
APPENDIX C QUESTIONS ON NOTICE.....	54

RECOMMENDATIONS

RECOMMENDATION 1

3.18 The committee recommends that the ACT Government ensure that ongoing support is provided to residents and owners affected by Mr Fluffy during the remainder of the Asbestos Response Taskforce operations and after it concludes.

RECOMMENDATION 2

3.30 The committee recommends that the ACT Government update the functionality of the Development Applications website as a matter of urgency so that interested members of the public can sign up to receive notifications of development applications in a selected area, consistent with the facilities available in the DA Finder App V2.

RECOMMENDATION 3

3.31 The committee recommends that the ACT Government prioritise improving storage capacity so that all Development Applications can be made permanently available online with appropriate information as to their status such as: open for comment; under consideration; approved; or rejected.

RECOMMENDATION 4

3.32 The committee recommends that, if it will be more efficient to do so, the ACT Government considers integrating the work on increasing Development storage capabilities and improving Development Application notification systems with the e-Development upgrade, in order to improve the accessibility of information related to current and historical Development Application processes.

RECOMMENDATION 5

3.35 The committee recommends that the ACT Government conduct an audit on Development Application signage placement to determine whether signs are consistently meeting requirements and whether those requirements achieve the intended outcome of signs being clearly visible to passers-by.

RECOMMENDATION 6

3.36 The committee recommends that the ACT Government further improve Development Application notification signage, and use the changes adopted by the city of Vancouver in 2013 as guidance in how to effectively limit jargon, use everyday language and include images to make the signs easier to read and understand.

RECOMMENDATION 7

3.43 The committee recommends that ACT Government ensure that future Territory Plan Variations in respect of suburban local centres and group centres include controls addressing overshadowing, where these are currently not explicitly stated.

RECOMMENDATION 8

3.50 The committee recommends that the ACT Government, in its response to this report, provide a timeline for finalising the Gungahlin Town Centre Refresh.

RECOMMENDATION 9

4.18 The committee recommends that the ACT Government updates the way the indicative land release map is presented so that the map reflects the level of detail available in the indicative land release table, and is clear and easy to use.

RECOMMENDATION 10

4.19 The committee recommends that the ACT Government considers alternative ways of updating the community with regard to the status of land releases. For example, in instances where the release of a block of land is delayed for a significant period of time, consideration should be given to ways of flagging the site for future release, while letting the community know that the release is not imminent.

RECOMMENDATION 11

4.41 The committee recommends that the ACT Government consider requiring architects registered by the Architects Board to undertake regular professional development to maintain their registration.

RECOMMENDATION 12

5.9 The committee recommends that the ACT Government cease buying rural leases for 'strategic purposes' until the Auditor General has completed her investigation into rural land purchases by Land Development Agency.

1 INTRODUCTION

- 1.1 On 26 October 2017, the Assembly referred the annual and financial reports for the calendar year 2016 and the financial year 2016—2017 to Assembly committees for inquiry and report by the last sitting day in March 2018.
- 1.2 The following annual reports, or sections of annual reports were referred to the Standing Committee on Planning and Urban Renewal (the Committee):
 - Chief Minister, Treasury and Economic Development Directorate - Architects Board of the ACT; Public Housing Renewal Taskforce and Affordable Housing; Land Release Policy; Urban Renewal (Planning)
 - Environment, Planning and Sustainable Development Directorate - Planning; Loose Fill Asbestos Insulation Eradication Scheme; and
 - Land Development Agency.

CONDUCT OF THE INQUIRY

- 1.3 The Committee held a public hearing on 13 November 2017. At this hearing, the Committee heard evidence from 16 witnesses. Full details of witnesses who appeared are available in Appendix A of this report. Transcripts from the hearings are available at:
<https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-annual-and-financial-reports-2016-2017>
- 1.4 A total of 27 questions were taken on notice during the public hearings and 60 questions were placed on notice after the hearings. Please refer to Appendix B and Appendix C, respectively, for a list of the questions. Answers to the questions are provided on the inquiry webpage:
<https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-annual-and-financial-reports-2016-2017>

STRUCTURE OF THE REPORT

- 1.5 This report presents a summary of the Committee's inquiry into the annual reports listed in paragraph 1.2. In developing this report, the Committee has primarily focused on the issues that were raised at public hearings although some additional material has been drawn from annual report documents.
- 1.6 The structure of this report is as follows:

- Chapter 1: Introduction;
- Chapter 2: Annual Reporting Requirements
- Chapter 3: Environment, Planning and Sustainable Development Directorate
- Chapter 4: Chief Minister, Treasury and Economic Development Directorate
- Chapter 5: Land Development Agency
- Chapter 6: Conclusion

ACKNOWLEDGEMENTS

- 1.7 The Committee thanks relevant ACT Government Ministers and accompanying directorate officials for providing their time and expertise as witnesses at its annual reports hearings.
- 1.8 The Committee notes that a large number of Questions on Notice were submitted following the annual reports hearings. The Committee recognises this has resulted in a high workload for the relevant directorates. However, the Committee would like note the extensive amount of time following the hearings that it took for responses to Questions on Notice and some Questions Taken on Notice to be forwarded to the Committee. The Committee would like to see that timelines for the submission of responses to Questions on Notice and Questions Taken on Notice are adhered to in the future.

2 ANNUAL REPORTING REQUIREMENTS

- 2.1 The *Annual Reports (Government Agencies) Act 2004* sets the framework for annual reporting across the ACT public sector. In accordance with the *Annual Reports (Government Agencies) Act 2004*, the Annual Reports Directions (the Directions) are issued annually to outline agency reporting requirements.
- 2.2 As specified in the Directions, annual reports are ‘reports from agency heads to their responsible Minister, the Legislative Assembly and the public’.³ Annual reports enable agencies to provide an account of their performance, through Ministers, to the Legislative Assembly and the wider community.
- 2.3 The Directions state that an effective annual report will:
- provide clear information about the directorate/public sector body’s purpose, priorities, outputs and achievements;
 - focus on results and outcomes - communicate the success or shortfalls of the directorate/public sector body’s activities in pursuing government objectives in the reporting year, while accounting for the resources used in the process and explaining changes in performance over time;
 - discuss results against expectations - provide sufficient information and analysis for the Legislative Assembly and community to make a fully informed judgment on a directorate/public sector body’s performance;
 - clearly identify any changes to structures or functions of the directorate/public sector body in the reporting period;
 - report on directorate/public sector body financial and operational performance and clearly link this with budgeted priorities and financial projections as set out in annual Budget Estimate Papers and the entity Statement of Intent and Corporate Plan;
 - provide performance information that is complete and informative, linking costs and results to provide evidence of value for money;
 - discuss risks and environmental factors affecting the directorate/public sector body’s ability to achieve objectives including any strategies employed to manage these factors, and forecast future needs and expectations;
 - recognise the diverse needs and backgrounds of stakeholder groups and present information in a manner that is useful to the maximum number of users while maintaining a suitable level of detail; and

³ *Annual Reports (Government Agencies) Notice 2017* Notifiable Instrument NI2017—280, p. 6.

- comply with legislative reporting requirements including the *Annual Reports (Government Agencies) Act 2004* and the Annual Report Directions.⁴

2.4 Annual reports are public documents and available for use by stakeholders, including educational and research institutions, and the broader community. They provide a valuable tool for public reporting, accountability and transparency.

TIMING AND PRESENTATION OF REPORTS

2.5 The Directions for 2016-17 required annual reports to be presented to the responsible Minister before the close of business on 6 October 2017. Unless an extension of time was granted under section 14 of the Act, annual reports were required to be given to the Speaker's Office by the close of business on 13 October 2017.

2.6 All reports examined by the Committee were presented to the Speaker by the required date.

⁴ *Annual Reports (Government Agencies) Notice 2017* Notifiable Instrument NI2017—280, p. 9.

3 ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE

INTRODUCTION

- 3.1 The Environment, Planning and Sustainable Development Directorate (EPSDD) has a continuum of responsibilities that integrates strategic planning functions with the Government's environmental, cultural and heritage maintenance and protection functions, including a strong commitment to address and respond to climate change.⁵
- 3.2 The Committee held a public hearing with Mr Mick Gentleman MLA, Minister for Planning and Land Management and Minister for Urban Renewal on 13 November 2017 to examine the following areas of EPSDD's 2016-17 Annual Report:
- Asbestos Response Taskforce; and
 - Planning.
- 3.3 Other areas of the EPSDD 2016-17 Annual Report were considered by other committees.

ASBESTOS RESPONSE TASKFORCE

- 3.4 The EPSDD is responsible, through the Asbestos Response Taskforce (ART) for implementing the Loose-Fill Asbestos Insulation Eradication Scheme. This function was transferred to the EPSDD from CMTEDD on 1 November 2016.⁶
- 3.5 The Committee discussed the following matters with the Minister and Taskforce officials:
- Impacted versus affected dwellings;⁷
 - Residential versus Commercial dwellings;⁸
 - Chances of additional affected properties being discovered;⁹
 - Demolition progress;¹⁰

⁵ Environment, Planning and Sustainable Development Directorate *Annual Report 2016-17*, p. 6.

⁶ Environment, Planning and Sustainable Development Directorate *Annual Report 2016-17*, p. 88.

⁷ *Transcript of evidence*, 13 November 2017, pp. 30-31.

⁸ *Transcript of evidence*, 13 November 2017, pp. 31-34; 38-39; 41.

⁹ *Transcript of evidence*, 13 November 2017, pp. 33-34.

¹⁰ *Transcript of evidence*, 13 November 2017, pp. 30; 36-38.

- Pastoral care of affected home owners;¹¹ and
- Details of loan from the Commonwealth – including pay-back arrangements.¹²

DEMOLITION PROGRESS

- 3.6 The Committee made inquiries into the current status of the demolition of Mr Fluffy affected properties and were informed by the Directorate that:

As of 24 October, 847 Mr Fluffy properties have been demolished across Canberra. That is over 82 per cent of all the affected homes. It is anticipated that by the end of this year the great majority of affected houses in the scheme will have been demolished, with about 900 demolitions completed.¹³

ADDITIONAL PROPERTIES

- 3.7 Concerns were raised by Committee members as to the possibility of additional properties being identified as Mr Fluffy affected properties, as had recently occurred in Downer. In response the Committee was informed that:

Should additional affected premises be identified, we have well-established operating procedures and policy to deal with those in a swift and compassionate manner. As no doubt you will recall, this is a very sensitive issue. When affected premises are identified, the impact it has on the owners is significant. So it is about wraparound support through our personal support team; it is about being able to move compassionately and swiftly to provide them with clarity as to the way forward. We were able to develop those practices and put them to trial with the recently identified property that you pointed out.¹⁴

COMMERCIAL V RESIDENTIAL

- 3.8 Throughout the hearing there was significant discussion in relation to concerns that Mr Fluffy affected commercial properties were being treated differently to Mr Fluffy affected residential properties. When the Committee queried the reasons for this they were advised by the Minister that while there is 'no level of safety for loose-fill asbestos' the Ainslie shops, a Mr Fluffy affected commercial premises, 'is a commercial operation. That is the difference.'¹⁵

¹¹ *Transcript of evidence*, 13 November 2017, pp. 39-40.

¹² *Transcript of evidence*, 13 November 2017, pp. 40-41.

¹³ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 30.

¹⁴ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 34.

¹⁵ Minister Gentleman, *Transcript of evidence*, 13 November 2017, pp. 31; 33.

3.9 The Committee was advised that as a commercial property ‘falls outside the remit of the task force’¹⁶ there are other measures which are employed to manage commercial affected premises, ‘largely led by Access Canberra as part of its normal regulatory functions for dangerous substances and work health and safety within a commercial premises.’¹⁷ Further to this the Directorate indicated that:

There are appropriate pieces of legislation to deal with safety in workplaces, administered by Access Canberra. On that basis the decision has been made that commercial businesses can be controlled safely within that context. As you probably appreciate, regulating the safety of and numerous practices within people’s homes is an entirely different context; thus the basis of the scheme to date has been for residential premises. The Ainslie shops will be dealt with through an existing and robust regulatory framework, as other hazardous substances are.¹⁸

I can share with you that, without speaking on behalf of Access Canberra, I am aware that there has been extensive engagement with individual owners of the respective properties, recognising that, similarly to the task force’s scheme where we deem impacted properties, there are structural dependencies between some of these commercial operations. They have engaged with the owners and the lessees or tenants within those buildings as well.¹⁹

3.10 In this context the Committee were advised that in addition to Ainslie there was one other affected commercial property, the former Goodstart property in Aranda which following its recent sale was set to be demolished.²⁰

3.11 With asbestos still deemed to be present at Ainslie shops, the Committee expressed concerns about the safety of staff currently working or who had worked at these premises. In response the Directorate indicated that the employer was responsible for ensuring compliance ‘with their regulatory obligations under the Dangerous Substances Act and work health and safety legislation as a commercial practice.’²¹

3.12 The Directorate also indicated that in terms of liability for any relatable medical conditions suffered by anyone who worked at Ainslie shops:

It is not our position as planning officials, or indeed that of the task force, to look at liability for government decisions. But I would imagine that there will certainly be a liability on the employer for that in a normal work health and safety system.²²

¹⁶ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 34.

¹⁷ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 34.

¹⁸ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 32.

¹⁹ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 34.

²⁰ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 33.

²¹ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 33.

²² Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 34.

3.13 Throughout the discussion it was made clear by the Directorate that any property, residential or commercial, found to contain Mr Fluffy asbestos would have to be demolished:

...the position has always remained, having been formed through a lot of consultation in developing the original scheme, that the only enduring solution is the demolition of affected structures.²³

3.14 When pushed by the Committee on the safety of persons attending Ainslie shops the following exchange resulted:

Mr Gentleman: There has been a lot of interest in this hearing about the level of asbestos at Ainslie shops. I have reiterated a number of times that there is no safe level, according to the experts. The only option, I think, for Ainslie shops is to have it demolished.

Ms Lawder: Is that a yes or a no? Is it safe to go to Ainslie shops?

Mr Gentleman: I think I have made my point very clear. It needs to be demolished.

Ms Lawder: So that is a no; thank you.²⁴

PASTORAL CARE

3.15 The Committee articulated their concerns about the welfare of affected residents and owners of Mr Fluffy properties and inquired about the provision of continual support and pastoral care. In response the Committee was informed that:

The task force, from the outset, took the approach and commitment to the delivery of the scheme that it was about people...The task force has had at times up to 15 people in our personal support team of professionals in social support and welfare. They have a customer relationship database that was developed very quickly at the outset. Over the peak of the program, as the dwellings have been demolished and deregistered, obviously there is and has been a decrease in the demand on that team, so we adjust our resources accordingly.²⁵

The task force, for some 12 months now, has been going back and contacting, through our customer relationship database, former home owners who have moved on, who have no further requirement to engage with the task force...We are going through a very structured process of closing all of the cases. In our customer relationship management system, we are going through a predetermined set of criteria where we

²³ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 32.

²⁴ *Transcript of evidence*, 13 November 2017, p. 41.

²⁵ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 39.

contact each former home owner, we run through a questionnaire with them, and that team of experts forms a view about whether we can close their case or keep it open.²⁶

- 3.16 The Committee then queried the level of ongoing care, post the end-date of taskforce operations and was informed that:

We have started a personal snapshot to understand their support needs going forward. I cannot see that tailing off. Certainly, as we go through the case closures documentation, there will be fewer people as part of that that are actively involved with the program.²⁷

- 3.17 However the Directorate assured the Committee that the service will continue after the task force end date of 2020:

We see a transition to community groups. We think that, ongoing, because the task force does have a definite life, post that, we need to make sure that those support networks are still there and available to people as they are needed. We are working with community organisations to get those structures in place so that these people know where to go.²⁸

Recommendation 1

- 3.18 The committee recommends that the ACT Government ensure that ongoing support is provided to residents and owners affected by Mr Fluffy during the remainder of the Asbestos Response Taskforce operations and after it concludes.**

PLANNING DELIVERY

- 3.19 The Planning Delivery Division is responsible for reviewing the Territory Plan, the administration of the development assessment processes in the Territory, and building and construction policy.²⁹

- 3.20 The Committee discussed the following matters with the Minister and Directorate officials:
- Federal Golf Course Development;³⁰

²⁶ Mr Reynolds, *Transcript of evidence*, 13 November 2017, p. 39.

²⁷ Mr Fitzgerald, *Transcript of evidence*, 13 November 2017, p. 40.

²⁸ Mr Fitzgerald, *Transcript of evidence*, 13 November 2017, p. 40.

²⁹ Environment, Planning and Sustainable Development Directorate *Annual Report 2016-17*, p. 21.

³⁰ *Transcript of evidence*, 13 November 2017, pp. 2-4; 8-9.

- Red Hill Development;³¹
- Community Panels;³²
- Consideration of cumulative effects during planning assessment;³³
- Overshadowing considerations – building heights and solar access;³⁴
- Pre- Development Application consultation guidelines;³⁵
- Territory Plan Draft Variations;³⁶
- Development Application accessibility;³⁷
- Development Application signage;³⁸
- Development Application online and hard copy improvements;³⁹
- Storage of and access to old Development Applications;⁴⁰
- E-Development Assessments;⁴¹
- Development Application Accountability Indicators;⁴²
- Retrospective Development Applications;⁴³
- Leases – Deconcessionalisation;⁴⁴
- Leases –Variations;⁴⁵ and
- Staffing at EPSDD.⁴⁶

³¹ *Transcript of evidence*, 13 November 2017, pp. 4-7.

³² *Transcript of evidence*, 13 November 2017, pp. 3-4; 7-9.

³³ *Transcript of evidence*, 13 November 2017, pp. 5-6; 53.

³⁴ *Transcript of evidence*, 13 November 2017, pp. 5-6.

³⁵ *Transcript of evidence*, 13 November 2017, pp. 2-3; 7-12; 20.

³⁶ *Transcript of evidence*, 13 November 2017, pp. 2; 25-26; 49-50.

³⁷ *Transcript of evidence*, 13 November 2017, pp. 16-18.

³⁸ *Transcript of evidence*, 13 November 2017, pp. 16-18.

³⁹ *Transcript of evidence*, 13 November 2017, pp. 16-18.

⁴⁰ *Transcript of evidence*, 13 November 2017, pp. 16-18.

⁴¹ *Transcript of evidence*, 13 November 2017, pp. 16-18.

⁴² *Transcript of evidence*, 13 November 2017, pp. 18-20.

⁴³ *Transcript of evidence*, 13 November 2017, p. 21.

⁴⁴ *Transcript of evidence*, 13 November 2017, pp. 22-24.

⁴⁵ *Transcript of evidence*, 13 November 2017, p. 16.

⁴⁶ *Transcript of evidence*, 13 November 2017, pp. 67-68.

LEASE ADMINISTRATION

DECONCESSIONALISATION OF LEASES

- 3.21 In the context of provisions under s261 of the *Planning and Development Act 2007* (PDA) the Committee queried the process used by the Directorate and Minister to ascertain whether the deconcessionalisation of a lease is in the public interest. They were advised that:

To assist the planning and land authority in developing its advice for the minister to make a decision on community benefit, there is a requirement under the act for the proponent of a request to deconcessionalise a lease to undertake a social impact assessment. The social impact assessment also requires community engagement to be undertaken. Again, given that the deconcessionalisation of a lease is a development application, there would be an expectation, and I am trying to reflect on whether or not the pre-DA consultation guidelines include that. Yes, it specifically includes it, for that very purpose, because we know that for these types of leases there is bound to be community interest. There needs to be a social impact assessment undertaken and we want to make sure that the proponent is reaching out to a broad cross-section of the community, not necessarily just those people who might have a direct interest. In answer to your question, we have requirements for pre-DA consultation, we have requirements for social impact assessment, and that then provides information for the planning and land authority to respond to certain criteria on which we then provide advice to the minister to make his decision.⁴⁷

- 3.22 The Committee also queried the thoroughness of the process employed to consider the potential use of the land which is the subject of the deconcessionalised lease. In response the Directorate informed the Committee that:

...there is quite an extensive social impact assessment undertaken by the developer. That social impact assessment is then considered at length, in addition to the public consultation process that the developer goes through. Before a deconcessionalisation is made there is another public notification process, and those are all assessed by the expert officers against the proposal, against the plans and against the legislation, before advice is provided to the minister for deconcessionalisation. In that regard it is almost a similar process to a development assessment, where the proposal for deconcession is looked at length.⁴⁸

⁴⁷ Mr Ponton, *Transcript of evidence*, 13 November 2017, pp. 22-23.

⁴⁸ Mr Phillips, *Transcript of evidence*, 13 November 2017, p. 23.

DEVELOPMENT ASSESSMENT

PRE-DA CONSULTATION

- 3.23 During the hearing the Directorate made reference to the newly released pre-DA Guidelines, which had been largely developed throughout the 2016-17 reporting period:

A considerable amount of work has also seen the launch of the pre-DA consultation draft guidelines. These guidelines echo to the community that community engagement is an integral part of the design of major developments.⁴⁹

- 3.24 The Committee then queried what outcomes the Directorate hoped the implementation of these guidelines would achieve and were informed that:

What we are wanting to achieve here is that the proponent will talk to the community very early in the process, before they develop their concept too far. They may have an idea that they want to build a mixed use development or they might want simply residential, but they need to talk to the community to understand whether there are people there who are older who are looking to downsize and who might want a three-bedroom home or, if they reach out to a more diverse cross-section of the community, there may be students who are looking for studios. Another aspect of the guidelines is to ensure that we do reach out to a broad cross-section of the community and do not simply talk to those people that we always talk to. What we tend to find is that those who engage in the formal DA process tend to be those people who have the time to do so and the people who may have some really good contributions or interest do not have the time. It might be that they are working long hours; they might be young parents. When they get home they have got to get their kids ready for bed; that sort of thing. They cannot go out in the evening to attend workshops. They simply do not have the time to engage. We are asking the development industry to think about different ways to actually reach out and get those missing voices included in the conversation. Some of the really important feedback when we consulted on the guidelines was that we should look at a two-phase process; that is, the proponent will go out and talk to the community about, "This is my parcel; these are my initial ideas; what do you think?" and then go back a second time and say, "This is how I am responding to what I have heard." I do not expect that we will get consensus every time, but it is about understanding what the concerns might be and showing us whether or not a proponent has in fact addressed those concerns.⁵⁰

⁴⁹ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 2.

⁵⁰ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 10.

3.25 The Committee then queried how compliance with the guidelines would be assessed and what evidence proponents would have to provide in order to ensure compliance. The Directorate stated:

We will expect to see a report of some kind. We have not identified exactly the form that that report will take, but we will require a report of some kind that will outline the engagement activities that have been undertaken, the cross-section of the community that has been engaged. We understand that it still may be difficult for developers to engage with a broad cross-section; they may try but they may not actually get the feedback. It is more about showing what steps they have taken to reach out to those members of the community and then we can look at that and understand, “They have done X, Y and Z in relation to reaching out.”⁵¹

Proponents will need to demonstrate that they have complied with the guidelines when they lodge their development application for a completeness check. There are guidelines under the Planning and Development Act. They do have statutory force. If there is no evidence that there has been compliance with the guidelines then the application will not be accepted for public notification.⁵²

3.26 In light of the proponent having the responsibility for conducting and facilitating pre-DA consultation with the community the Committee then queried the recent use of community panels, facilitated by the Directorate. The Directorate informed the Committee that:

The minister, when I took on this role, asked me to think about new ways to engage on the new pre-DA consultation guidelines. So we are looking at a whole range of different ways that we can do things differently. The community panel concept was one of those new ways of engaging. Whilst it was proponent led, we thought, “Here are a number of opportunities.” We had three opportunities where we thought we could facilitate the conversation, just to see whether that worked. It is similar to the sort of thing that we would ordinarily do in policy development. We knew that these particular projects were potentially controversial, so we said, “Let’s try something new.” The important thing—and this is a conversation that I have had with the minister—is that I am very keen to have my team develop new ideas about new ways to engage, and to try those and take a risk. If it does not work, if community members or others feel as though it did not particularly meet their needs, we should not be afraid to accept that and say, “Okay; that particular concept did not work, but let’s not be afraid to try something else and try something that applies innovation.” That is what we are trying to do here: apply innovation, do something different and learn from that experience. So, next time, we will look to apply those learnings and adjust the way that we engage in these

⁵¹ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 11.

⁵² Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 11.

particular circumstances, based on the feedback that we have received from both the Assembly and also certain community members.⁵³

DEVELOPMENT APPLICATION ACCESSIBILITY

3.27 The Committee raised a number of issues during the hearing in relation to the notification and accessibility of Development Applications. In addition to the inability to receive RSS feeds an issue of particular concern to the Committee was the inability of website users to access closed Development Applications and related documentation. The Directorate admitted that:

Currently, Development Applications that have finished their public notification period are removed from the planning.act.gov.au website. The current practice is due to maintaining sufficient data storage and to ensure that the current website remains user-friendly (i.e. not cluttered with data). However information about a DA (regardless of its stage of assessment) can be accessed by request. This can be done by calling (13 22 81), sending a request on line (planning.act.gov.au) or in person at 16 Challis Street, Dickson from 8.30 am to 4.30 pm, Monday to Friday.⁵⁴

3.28 Upon seeking information as to the progress of the Directorate in improving its online accessibility to current and historical Development Applications the Committee was informed of the Directorate's ongoing work in relation to the upgrade of the e-Development system and their intention to look at 'different options to enhance user experience on the planning website in 2018.'⁵⁵

Some of the issues that are being looked at relate to some of the recommendations made at the last annual report hearings in relation to the content, the accessibility and the storage component. That work is due to be implemented finally next year, so hopefully there will be some significant improvements around the feel of what is available, the extent to which documentation remains available and the extent to which people can access it.⁵⁶

3.29 In this context the Directorate also sought to inform the Committee of changes to the Development Finder App:

We have heard from the community and of course Assembly members in the past about notification and accessibility for development applications, particularly documentation. That is why we have modified the development application finder app

⁵³ Mr Ponton, *Transcript of evidence*, 13 November 2017, pp. 6-7.

⁵⁴ *Answer to Question Taken on Notice, No. 1*, received 24 November 2017.

⁵⁵ *Answer to Question Taken on Notice, No. 2*, received 24 November 2017.

⁵⁶ Mr Phillips, *Transcript of evidence*, 13 November 2017, p. 18.

to version 2, which gives much more detail and sends out alerts when changes occur in your area of interest.⁵⁷

Recommendation 2

- 3.30 The committee recommends that the ACT Government update the functionality of the Development Applications website as a matter of urgency so that interested members of the public can sign up to receive notifications of development applications in a selected area, consistent with the facilities available in the DA Finder App V2.**

Recommendation 3

- 3.31 The committee recommends that the ACT Government prioritise improving storage capacity so that all Development Applications can be made permanently available online with appropriate information as to their status such as: open for comment; under consideration; approved; or rejected.**

Recommendation 4

- 3.32 The committee recommends that, if it will be more efficient to do so, the ACT Government considers integrating the work on increasing Development storage capabilities and improving Development Application notification systems with the e-Development upgrade, in order to improve the accessibility of information related to current and historical Development Application processes.**

DEVELOPMENT APPLICATION SIGNAGE

- 3.33 The Committee expressed concerns in relation to the adequacy of signage intended to inform the community that a Development Application is taking place at that location. The Directorate informed the Committee that:**

The signs are put up by a contractor employed by the government. We can certainly work with our colleagues in Access Canberra on the placement of signs. As I understand it, when the sign is placed, the location of the sign is marked and Access Canberra receives feedback in terms of the location of the sign and receives a photograph of the sign erected so that we have a record that the sign was erected in a

⁵⁷ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 16.

particular location. It may be that we do an audit of where those signs have been erected to see whether or not they are actually meeting requirements. It is good feedback; thank you.⁵⁸

- 3.34 The Directorate also advised the Committee of its intention to review the Development Application signage that is in use and indicated that they had recently seen good examples of such signage which included images::

In those particular cities—Vancouver in particular comes to mind—it has been very well received. We will look at what we can do there to see whether or not that is a cost-effective proposition for us.⁵⁹

Recommendation 5

- 3.35 The committee recommends that the ACT Government conduct an audit on Development Application signage placement to determine whether signs are consistently meeting requirements and whether those requirements achieve the intended outcome of signs being clearly visible to passers-by.**

Recommendation 6

- 3.36 The committee recommends that the ACT Government further improve Development Application notification signage, and use the changes adopted by the city of Vancouver in 2013 as guidance in how to effectively limit jargon, use everyday language and include images to make the signs easier to read and understand.**

TERRITORY PLAN VARIATIONS

CUMULATIVE IMPACTS AND OVERSHADOWING

- 3.37 The Committee raised concerns in relation to the cumulative impact of buildings proposed for development with one member of the Committee noting there were concerns that the approach by planning officials to development proposals is to consider them ‘one by one, sequentially.’⁶⁰ The Directorate refuted this assertion and stated:

That is our job: to consider cumulative impacts. When we undertake policy work—whether that be through master planning work, Territory Plan variations or, more

⁵⁸ Mr Ponton, *Transcript of evidence*, 13 November 2017, pp. 17-18.

⁵⁹ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 17.

⁶⁰ Ms Le Couteur MLA, *Transcript of evidence*, 13 November 2017, p. 5.

broadly, the work at a city-wide level—we are considering cumulative impacts in relation to environment, transport, infrastructure, services, social services, hard infrastructure and more. It is an important part of what we do. Likewise, I think it would be unfair to suggest that our assessment officers, who are all professional planners, architects and landscape architects, only consider the particular matter before them. They, of course, need to consider how a particular development fits within the locality and the context; in fact, they are required to do so under the Territory Plan. The objectives of the Territory Plan do talk about context, locality and the like. As I said, I think it is unfair to suggest that the planning authority does not consider cumulative impacts; as planners, that is our job.⁶¹

3.38 In further discussion the Committee queried the cumulative impacts of buildings specifically in relation to overshadowing and solar access. The Directorate indicated that:

The provision of suitable and accurate overshadowing analysis is a key requirement of documentation supporting development applications, particularly where the development is adjacent to key areas of public open space or residential development. Overshadowing is also tested by the Planning and Land Authority by utilising the Canberra 3D model, which can accurately indicate overshadowing impacts of proposed development on existing buildings and spaces. Within commercial centres, overshadowing of residential apartments is generally assessed against the solar access provisions in the Territory Plan which generally requires three hours of solar access for main daytime living areas during the winter solstice for 70% of apartments.⁶²

3.39 In answer to a related Question on Notice the Directorate also indicated that:

...the Planning and Land Authority carefully considers the impact of development proposals within commercial centres, including overshadowing. Where a proposal is for multiple stories the possible overshadowing impact of the development on open areas is considered, even if there isn't a specific overshadowing control. The Local Centres Development Code, for example, includes criteria to minimise overshadowing and excessive scale.⁶³

3.40 The Committee was informed in the same answer to a Question on Notice that factors considered during the assessment included the 'extent and length of time the area or building is shaded, the use of buildings and the location and orientation of the development.' Additionally the assessment also considers the impact on existing dwellings and the impact on public space.⁶⁴

⁶¹ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 5.

⁶² *Answer to Question on Notice No. 5*, received 19 January 2018.

⁶³ *Answer to Question on Notice No. 5*, received 19 January 2018.

⁶⁴ *Answer to Question on Notice No. 5*, received 19 January 2018.

3.41 The Committee made further inquiries into which commercial centres had Territory Plan controls addressing overshadowing and in an answer to a Question on Notice the Committee were advised that the following commercial centres have Territory Plan controls addressing overshadowing:

- Belconnen town centre
- Braddon commercial area
- City
- Dickson group centre
- Greenway (Tuggeranong) town centre
- Griffith (Manuka) group centre
- Gungahlin town centre
- Kambah group centre
- Kingston group centre
- Macquarie (Jamison) group centre
- Phillip (Woden) town centre⁶⁵

3.42 In answer to a Question on Notice the Committee was also informed that the following commercial centres do not have Territory Plan controls addressing overshadowing:

- Suburban local centres
- Amaroo group centre
- Calwell group centre
- Casey group centre
- Charnwood group centre
- Chisholm group centre
- Conder group centre
- Curtin group centre
- Erindale group centre
- Hawker group centre
- Kaleen group centre
- Kippax group centre
- Mawson group centre
- Wanniasa group centre

⁶⁵ Answer to Question on Notice No. 5, received 19 January 2018.

- Weston group centre⁶⁶

Recommendation 7

- 3.43 The committee recommends that ACT Government ensure that future Territory Plan Variations in respect of suburban local centres and group centres include controls addressing overshadowing, where these are currently not explicitly stated.**

STRATEGIC PLANNING

- 3.44 The Strategic Planning Division is responsible for Heritage and a wide range of activities that provide the broad strategic, city-wide planning policies for the ACT.⁶⁷

- 3.45 The Committee discussed the following issues with the Minister and Directorate Officials:

- Update on Planning Strategy;⁶⁸
- Statement of Planning Intent;⁶⁹
- Housing Choices Discussion paper;⁷⁰
- Gungahlin Planning Refresh;⁷¹
- Transport for Canberra;⁷²
- In the City;⁷³
- Molonglo Valley;⁷⁴ and
- Staffing at EPSDD;⁷⁵

ACT PLANNING STRATEGY

- 3.46 During the hearing the Directorate stated that agreement had been reached to undertake a review of the ACT Planning Strategy. In noting this announcement the Committee queried the basis for this decision. They were informed that:

⁶⁶ Answer to Question on Notice No.5, received 19 January 2018.

⁶⁷ Environment, Planning and Sustainable Development Directorate *Annual Report 2016-17*, p. 31.

⁶⁸ *Transcript of evidence*, 13 November 2017, pp. 6-7; 58.

⁶⁹ *Transcript of evidence*, 13 November 2017, pp. 7; 10; 19; 41; 52-55; 102.

⁷⁰ *Transcript of evidence*, 13 November 2017, p. 49; 52; 62; 75.

⁷¹ *Transcript of evidence*, 13 November 2017, p. 24-26.

⁷² *Transcript of evidence*, 13 November 2017, pp. 20-21.

⁷³ *Transcript of evidence*, 13 November 2017, pp. 65-67.

⁷⁴ *Transcript of evidence*, 13 November 2017, pp. 42-47; 58; 61-64; 81-82; 99-100; 104.

⁷⁵ *Transcript of evidence*, 13 November 2017, pp. 67-68.

The cabinet earlier this year agreed to review the ACT planning strategy. The current planning strategy was developed in 2012. Every five years, the government consider whether they should or should not agree to a review. They have agreed to a review. That looks across the whole territory and the planning for the territory.⁷⁶

- 3.47 The Committee then sought detail on the public engagement and consultation process that will be employed as part of this process and were informed that:

It will not be too far away. The cabinet agreed on 4 October this year, so it is still very recent, but we will have a communications plan and engagement plan ready as soon as we can.⁷⁷

GUNG AHLIN TOWN CENTRE PLANNING REFRESH

- 3.48 The Committee inquired about the status of the Gungahlin Town Centre planning refresh and level of community engagement in this process. In its response the Directorate stated that:

The planning refresh gave us a timely opportunity to hear the community's views on the future growth and development of Gungahlin. It is growing the fastest of any of our suburban areas, so it was really good timing to begin that. Analysis of the community feedback has confirmed that the original planning for the town centre and the vision to be an urban village is still valued by the community. Specifically, good design and construction quality are important issues for the community. Also, there are concerns around tower development overshadowing—you see that play out in the media as well—and increased traffic congestion, which you have pointed out.⁷⁸

- 3.49 Specifically the Committee inquired about when the process would be finalised. The Directorate advised that:

... the consultation finished towards the end of May and the community consultation report is due to be released very soon, before Christmas. We anticipate finishing the whole planning refresh, which includes traffic modelling and two or three other things that we have been modelling about development impacts, early in the new year. We would release it back for community consultation; we would anticipate not doing that before the end of January so that people are able to be back at work and back from holidays.⁷⁹

⁷⁶ Ms Flanery, *Transcript of evidence*, 13 November 2017, p. 7.

⁷⁷ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 7.

⁷⁸ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 24.

⁷⁹ Ms Flanery, *Transcript of evidence*, 13 November 2017, pp. 24-25.

Recommendation 8

- 3.50 The committee recommends that the ACT Government, in its response to this report, provide a timeline for finalising the Gungahlin Town Centre Refresh.**

4 CHIEF MINISTER, TREASURY AND ECONOMIC DEVELOPMENT

INTRODUCTION

- 4.1 The Chief Minister, Treasury and Economic Development Directorate (CMTEDD), as a central agency in the ACT public sector, provides strategic advice and support to the Chief Minister, Ministers and Cabinet on policy, economic and financial matters, service delivery and whole of government issues. During the reporting period the directorate has focused on activities including:
- facilitating business development and new investment;
 - tourism and events;
 - sport and recreation;
 - higher and vocational education and the arts;
 - land release and facilitating projects; and
 - procurement and capital works.⁸⁰
- 4.2 The directorate also managed Shared Services across government and facilitated the services provided by Access Canberra.⁸¹
- 4.3 From 2017-18, the functions of Strategy and Program Design will transfer to the Environment, Planning and Sustainable Development Directorate. Over the year, Strategy and Program design will:
- monitor the Government's Indicative Land Release Program for 2017-18 to 2020-21;
 - produce quarterly reports on land and property trends, underpinned by data and analysis from a range of sources, to support policy and decision making around land;
 - develop and deliver a new Affordable Housing Strategy;
 - continue to monitor and report (as required) on industry MoUs and agreements;
 - deliver two regulatory and process reform initiatives, which are intended to be adaptable to the Government's policy directions; and

⁸⁰ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 13.

⁸¹ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 13.

- respond to and deliver Government priorities and emerging policy issues.⁸²
- 4.4 Sections of the CMTEDD 2016-17 Annual Report were referred to the Committee for inquiry and report as well as the annexed Annual report of the ACT Architects Board.
- 4.5 The Committee held a public hearing with Mr Mick Gentleman MLA, Minister for Planning and Land Management and Minister for Urban Renewal on 13 November 2017 to examine elements of the following areas of CMTEDD's 2016-17 Annual Report:
- Land Supply Strategy; and
 - Urban Renewal.
- 4.6 The Committee held a public hearing with Mr Mick Gentleman MLA, Minister for Planning and Land Management and Minister for Urban Renewal on 13 November 2017 to examine the 2016-17 Annual Report of the ACT Architects Board.
- 4.7 The Committee held a public hearing with Ms Yvette Berry MLA, Minister for Housing and Suburban Development on 13 November 2017 to examine the following areas of CMTEDD's 2016-17 Annual Report:
- Public Housing Renewal Taskforce; and
 - Affordable Housing Action Plan / Affordable Housing Strategy
- 4.8 Other areas of the CMTEDD 2016-17 Annual Report were considered by other committees.
- 4.9 As of 1 July 2017, responsibilities for urban renewal functions including selected urban and infrastructure projects and the Public Housing Renewal Taskforce; and land supply and policy functions including affordable housing have been transferred to EPSDD.⁸³

LAND SUPPLY STRATEGY

- 4.10 During 2016-17 CMTEDD led and coordinated the delivery of the ACT Government's land supply strategy.⁸⁴
- 4.11 The Committee discussed the following issues with the Minister and Directorate Officials:
- Indicative Land Release Program;⁸⁵

⁸² Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 65.

⁸³ Environment, Planning and Sustainable Development Directorate *Annual Report 2016-17*, p. 108.

⁸⁴ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 65.

⁸⁵ *Transcript of evidence*, 13 November 2017, pp. 41-63; 81-84.

- Infill v Greenfield - profitability for government.⁸⁶
- Land and Property Trends – Land Development Pipeline;⁸⁷ and
- Land and Property Trends – Supply and Demand.⁸⁸

INDICATIVE LAND RELEASE PROGRAM

- 4.12 During discussion of the 2016-17 indicative land release program the Committee noted that there had been a 'release of 4,907 dwellings against a target of 4,550'⁸⁹ and queried why there had been a higher number of dwellings released than had been forecasted. The Directorate explained that:

The land release program has the crucial word at the front of it, which is "indicative" land release program. We will release a program with the very best knowledge that we have at the time, noting that some things, even though they might have gone most of the way down the pipeline, still encounter issues right at the very end. The release of 4,900 compared to 4,500 is the sum total of a number of sites that were delayed and a number of sites that were pulled forward. Probably the most notable one that went out the door during the year which was pulled forward was stage 2 of Denman Prospect, which was sold englobo—a very big supply of single residential there, which the market has been calling for; hence we got quite a good result in this financial year. In terms of sites that have just slipped past and been marginally delayed, there are a number of those. None of those were very material in terms of large amounts or any significant issues there. There is a fair bit of plus and minus.⁹⁰

- 4.13 The Directorate went on to indicate that they expected the next 'four years of land releases [to be] about 4,000 per annum.'⁹¹

LAND DEVELOPMENT PIPELINE

- 4.14 The Committee sought information on the Directorate's 2016 and early 2017 Land and Property Reports and were informed that:

The reports have focused on providing information on the state of the forward pipeline of supply in greenfield and urban areas of Canberra as well as greenfield land prices.

⁸⁶ *Transcript of evidence*, 13 November 2017, pp. 41; 63-64; 102-104.

⁸⁷ *Transcript of evidence*, 13 November 2017, pp. 45; 48; 61-62.

⁸⁸ *Transcript of evidence*, 13 November 2017, pp. 45 -49; 56-58.

⁸⁹ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 41.

⁹⁰ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 46.

⁹¹ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 46.

The reports have sought to focus on areas where the Government has a particular knowledge and insight, as opposed to reporting on general property market conditions (that the private sector covers).⁹²

- 4.15 In response to additional questions from the Committee in relation to the land development pipeline the Directorate indicated:

The land and property report is showing that the pipeline is extremely healthy. There are quite a number of sites that are sitting in the development pipeline. There are about 10,000 sites that are sitting in the developers' pipeline where an EDP has been established or is pending. There are about 2,400 sites that are currently underway in terms of land servicing—preparing that for construction—and there are about 4,000 sites that have gone past land servicing and are waiting for leases to be issued or dwelling construction to commence. So the pipeline is very healthy.⁹³

- 4.16 The Committee queried the reasons for delaying land releases, as had occurred in Belconnen and Woden. The Directorate informed the Committee that:

While the government has sites that it can release at a particular point in time, they are well and truly outnumbered by sites that sit there in the hands of the private sector with development potential. The developers are free to initiate a development at any point in time, and they go through the proper statutory processes, while the government needs to observe the timing around those and then make decisions on the land that it holds. We have seen quite a number of private sector developments come to the DA stage, particularly in Belconnen, as we all know, and also in Woden. Based on the yields and the likely delivery timing of these projects on these private sector sites, a cross-government reference group that puts the land release program together—it is not just us—made the decision, in conjunction with the SLA, to delay those particular sites.⁹⁴

- 4.17 In addition to the development pipeline the Directorate highlighted components of the Land and Property Report which noted positive developments in relation to land prices and the time from exchange to settlement of land. They informed the Committee that:

There has been criticism in the past that while it is one thing to have a release of a site, it is another thing to be able to get on and actually build there. I am pleased to advise that the time has contracted between release and construction; the report highlighted that. It also has a compendium of statistics on land prices, as I mentioned before. There is a good, broad price range of properties across four or five particular greenfield

⁹² *Answer to Question on Notice No. 52*, received 15 January 2018.

⁹³ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 45.

⁹⁴ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 58.

release areas. It also looks very closely, as I have mentioned before, at the multi-unit supply and where all of that is in the pipeline.⁹⁵

Recommendation 9

- 4.18 The committee recommends that the ACT Government updates the way the indicative land release map is presented so that the map reflects the level of detail available in the indicative land release table, and is clear and easy to use.**

Recommendation 10

- 4.19 The committee recommends that the ACT Government considers alternative ways of updating the community with regard to the status of land releases. For example, in instances where the release of a block of land is delayed for a significant period of time, consideration should be given to ways of flagging the site for future release, while letting the community know that the release is not imminent.**

LAND AND PROPERTY SUPPLY AND DEMAND

RESIDENTIAL

- 4.20 In response to questions about the responsiveness of the current land release program the Committee was informed by the Directorate that population growth and household formation were two factors that were used to inform housing demand and supply:

Of course, over the 2016-17 financial year we had the update from the census which not so much caught us by surprise but it was interesting to note that the population of Canberra was more than originally thought, which lined up very clearly with what we had been releasing in terms of land, and not seeing a lot of blocks sitting there vacant. Certainly, population growth is the key one. Household formation is another one—how many persons per household as the population grows. What is the demand for an extra house for a number of people? Household formation is running at about 2.3 at the moment, so that is a fairly high level number which we use. We then look at what is out there at the moment. You will see in the land release program that we bring forward or we delay sites according to demand. We have been delaying sites in Belconnen; we have been delaying sites in Woden. We know that the market there is

⁹⁵ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 61-62.

pretty well satisfied in terms of medium to high density product, so some of those things certainly affect how we do things.⁹⁶

- 4.21 The Directorate indicated the greatest demand for land was being seen in Ginninderry, Molonglo, Whitlam, North Coombs and North Wright.⁹⁷ They also noted that Taylor, Jacka, Throsby, Lawson and Kenny were ‘on the program’, albeit at various stages of progress.⁹⁸
- 4.22 During discussions on housing demand the Committee made reference to community feedback that had been received by the government in relation to ‘their desire for a greater range of housing types’.⁹⁹ In response to the claim by a Committee member that there ‘is frustration about the number of apartments that are being offered as opposed to stand-alone dwellings’¹⁰⁰ the Minister indicated that the ‘some 95% of all dwellings in the ACT are RZ1 individual dwellings.’¹⁰¹
- 4.23 In an answer to a Question on Notice the Directorate further indicated that out of the 4,907 dwelling sites that had been released, 70.6% were for multiunit complexes, mainly in the inner north and the inner south, and 29.4% were for single residential dwellings.¹⁰² However they did also note that:

Good supplies of single residential, as we know, fly out the door. When it comes to demand for a product, single residential, without question, goes out the door quite quickly. Medium density goes out the door quite quickly as well. For multi-unit apartments, depending on the location, the demand is somewhat mixed.¹⁰³

- 4.24 The Directorate informed the Committee that the information gleaned from the Land and Property report:

...advised us that we needed to treat with caution some of those multi-unit opportunities. It also highlighted—we have had the release today of housing choices—that there was a need for more medium density type opportunities, particularly terrace and townhouse. We are seeing now, as we undergo EDP planning for some of the other suburbs within Molonglo and also in Gungahlin, that there is a real focus on not just single and high density but also terrace townhouse products.¹⁰⁴

⁹⁶ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 46.

⁹⁷ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 46-47.

⁹⁸ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 47-48.

⁹⁹ Mr Parton MLA, *Transcript of evidence*, 13 November 2018, p. 55.

¹⁰⁰ Mr Parton MLA, *Transcript of evidence*, 13 November 2018, p. 55.

¹⁰¹ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 55.

¹⁰² *Answer to Question on Notice No. 22*, received 5 February 2018; Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 49.

¹⁰³ Mr Tennent, *Transcript of evidence*, 13 November 2017, p. 47.

¹⁰⁴ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 61-62.

4.25 The Directorate further stated in relation to this 'missing middle' that:

...the ACT is not unique in respect of the problem of the missing middle. Many planning policies provide for, as the minister said, traditional suburban development and then in your town centres and city centres it is more conducive to higher density, the five, six, seven, 10-storey developments. We have seen that the market has been shifting towards those two ends and we are now looking at whether or not the planning system can assist in achieving good quality townhouse development to fill that gap that we are hearing about. Through the survey results and also through the statement of planning intent, the community was saying to us that they were keen to see that type of housing product, particularly, as I said, those people on very large blocks who are getting older and who want to stay in their local community and they can downsize and actually open up some of the capital from the property that they own.¹⁰⁵

4.26 The Minister also noted that:

We are trying to now address what the community has asked for in regard to further densification, and that includes apartments of course but it also includes what we talked about as that missing middle and any other opportunities, particularly for affordable housing in town centres like Tuggeranong, for example.¹⁰⁶

INDUSTRIAL

4.27 The Committee made inquiries of the Directorate as to the demand for industrial sites. They were informed that:

Industrial demand can be a difficult one to get a grip on. Decisions have to be made as part of the planning process about the size of the sites. We saw some industrial estates planned and released within Hume which, after an initial show of interest, sat around with not a lot of interest in the years after that. Interestingly, most of that is now sold, so it does ebb and flow depending on the economic conditions in the territory. With respect to going forward, it appears to be all about size. With the growth of the ACT economy and with the very robust population growth that we are seeing, the territory continues to come under the eyes of some players that you would not necessarily see in the normal course of events. They are all after the big site, particularly the big box retailers.¹⁰⁷

4.28 The Directorate also indicated that opportunities were not only being sought in Symonston and Fyshwick but also in the Majura Valley, pending environment clearances.¹⁰⁸ The

¹⁰⁵ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 55.

¹⁰⁶ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 55.

¹⁰⁷ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 56-57.

¹⁰⁸ Mr Tennent, *Transcript of evidence*, 13 November 2017, pp. 56-57.

Directorate assured the Committee that despite the size of the land there was 'no intention of doing anything' in relation to the greyhound track at Symonston.¹⁰⁹

AFFORDABLE HOUSING ACTION PLAN

- 4.29 CMTEDD led and coordinated the delivery of the ACT Government's Affordable Housing Action Plan which includes initiatives to provide more affordable housing and rental accommodation for Canberrans.¹¹⁰
- 4.30 The Committee discussed the following issues in relation to the Affordable Housing Action Plan:
- The Affordable Housing Database;¹¹¹
 - ACT Housing and Homelessness Summit;¹¹²
 - Affordable Housing Advisory Group;¹¹³ and
 - Innovation Fund Projects.¹¹⁴

INNOVATION FUND PROJECTS

- 4.31 The Committee asked questions in relation to the nature of the projects currently funded under the \$1 million innovation fund. The Directorate informed the Committee that there were currently three projects receiving funding, Nightingale, Home Ground and Home Share.¹¹⁵
- 4.32 As it was identified that there are still monies available in the innovation fund, the Committee then queried where the remaining funding will be directed and were informed that:
- The work that has already happened so far with the preliminary announcements that were made that were part of the parliamentary agreement and the conversation, as well as the summit, will feed into the advisory group's work. Then they will come to the government with advice about the next part of the innovation fund, where that should go and where it is best directed to meet the needs of our community.¹¹⁶

¹⁰⁹ Minister Gentleman, *Transcript of evidence*, 13 November 2017, p. 57.

¹¹⁰ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 65.

¹¹¹ *Transcript of evidence*, 13 November 2017, pp. 71-73.

¹¹² *Transcript of evidence*, 13 November 2017, p. 74.

¹¹³ *Transcript of evidence*, 13 November 2017, pp. 74-76.

¹¹⁴ *Transcript of evidence*, 13 November 2017, pp. 74-76.

¹¹⁵ Minister Berry, *Transcript of evidence*, 13 November 2018, p. 75.

¹¹⁶ Minister Berry, *Transcript of evidence*, 13 November 2018, p. 76.

URBAN RENEWAL

PUBLIC HOUSING RENEWAL TASKFORCE

- 4.33 The Public Housing Renewal Taskforce, through the public housing renewal program, is constructing or purchasing 1,288 public housing dwellings across Canberra to replace existing older properties and improve the overall quality of the public housing portfolio.¹¹⁷ This program aims to improve outcomes for public housing tenants in the ACT and support the renewal of Canberra's urban areas.¹¹⁸
- 4.34 The Public Housing Renewal Taskforce will be administratively located within the Environment, Planning and Sustainable Development Directorate (EPSDD) from 1 July 2017.¹¹⁹
- 4.35 The Committee discussed the following issues in relation to the Public Housing Renewal Taskforce:
- Properties handed over as part of the Public Housing Renewal Taskforce;¹²⁰
 - Changes in design of proposed suburban public housing developments;¹²¹
 - Community engagement regarding proposed suburban public housing developments;¹²² and
 - Matching tenant needs with suitable properties.¹²³

ACT ARCHITECTS BOARD

- 4.36 The ACT Architects Board is established under the *Architects Act 2004*. Its role is to ensure registered architects provide services to the public in a professional and competent manner.¹²⁴
- 4.37 The ACT Architects Board's functions are to:
- register architects;
 - investigate complaints given to the Board about registered people and people who have been registered;

¹¹⁷ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 89.

¹¹⁸ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 89.

¹¹⁹ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 89.

¹²⁰ *Transcript of evidence*, 13 November 2017, pp. 76-77.

¹²¹ *Transcript of evidence*, 13 November 2017, pp. 78-81.

¹²² *Transcript of evidence*, 13 November 2017, pp. 78-81.

¹²³ *Transcript of evidence*, 13 November 2017, pp. 77-78.

¹²⁴ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 248.

- consider whether it is necessary to take disciplinary action against registered people and people who have been registered and, if it is, to take the necessary action;
- consider and report to the Minister about issues referred to the Board by the Minister for advice;
- advise the Minister in relation to the practice of architecture, for example, about codes of professional conduct;
- further a common and harmonious approach to the administration of legislation about architects by cooperation with local jurisdictions;
- accredit courses of study in architecture; and
- provide general advice to consumers about the professional conduct and standards of competence expected of registered architects.¹²⁵

4.38 The Committee discussed the following issues with the Minister and the Registrar of Architects:

- Accreditation Processes and Requirements;¹²⁶
- Complaints;¹²⁷
- Remuneration for member of the Board;¹²⁸
- Upcoming and Developing Priorities for the Board;¹²⁹
- Professional Development;¹³⁰and
- Positions on Board due for Reappointment.¹³¹

PROFESSIONAL DEVELOPMENT

4.39 The Committee inquired into the nature of the accreditation and occupational requirements for registration on the Architects Board of the ACT and was informed that:

The accreditation process is a national process. It first relies upon the applicant having a university qualification, and there are universities that are approved by the Architects Board to deliver those...That is the first part of the process, completion of that master's program. The second part is an architecture practice examination and that is in three parts. The first part is a logbook of practical experience which needs to identify over 3,300 hours of experience under the supervision of someone who is already a

¹²⁵ Chief Minister, Treasury and Economic Development Directorate, *Annual Report 2016-17*, p. 248.

¹²⁶ *Transcript of evidence*, 13 November 2017, pp. 27-28.

¹²⁷ *Transcript of evidence*, 13 November 2017, p. 28.

¹²⁸ *Transcript of evidence*, 13 November 2017, p. 28.

¹²⁹ *Transcript of evidence*, 13 November 2017, pp. 27; 29.

¹³⁰ *Transcript of evidence*, 13 November 2017, pp. 27-28.

¹³¹ *Transcript of evidence*, 13 November 2017, pp. 29 -30.

registered architect. The second part is a written examination, and that is a national examination held twice a year. That is looking at their practice techniques, their technical abilities. The third component is an interview, which is undertaken by registered architects.¹³²

- 4.40 Noting that continued professional development is 'encouraged' rather than 'required' the Committee also queried the need for the strengthening of professional development requirements. In response the Registrar of Architects stated that:

At this point in time the legislation does not mandate any directed training or continual professional development. But that is something that is ongoing in terms of their conversations and it may be that they will consider putting that position to the minister in future.¹³³

Recommendation 11

- 4.41 The committee recommends that the ACT Government consider requiring architects registered by the Architects Board to undertake regular professional development to maintain their registration.**

¹³² Mr Green, *Transcript of evidence*, 13 November 2017, p. 27.

¹³³ Mr Green, *Transcript of evidence*, 13 November 2017, p. 28.

5 LAND DEVELOPMENT AGENCY

INTRODUCTION

- 5.1 The Land Development Agency (LDA) was established under Section 31 of the *Planning and Development Act 2007* (PDA) as a Territory authority. Its functions were to develop land; carry out works for the development and enhancement of land; carry out strategic or complex urban development projects and any other function granted to it under territory law. The LDA did not administer any enactments, but had to exercise its functions in accordance with the object of the territory plan and in accordance with its statement of intent.¹³⁴
- 5.2 The LDA was situated within the Economic Development portfolio (ED) where it conducted its core business of developing and selling land on behalf of the ACT Government. The LDA released and developed government owned land for residential, commercial, industrial and community purposes.¹³⁵
- 5.3 The LDA ceased as an agency on 30 June 2017. Its responsibilities were assumed by the City Renewal Authority, the Suburban Land Agency and the Environment, Planning and Sustainable Development Directorate (EPSDD).¹³⁶
- 5.4 The Committee held a public hearing with Ms Yvette Berry MLA, Minister for Housing and Suburban Development on 13 November 2017 to examine the LDA's 2015-16 Annual Report.
- 5.5 The Committee discussed the following issues with the Minister and Directorate and former LDA officials:
- Land Acquisitions;¹³⁷
 - Rural Land;¹³⁸
 - Leased Purchases;¹³⁹
 - Land Valuations Policy;¹⁴⁰
 - Sustainability and Climate Change;¹⁴¹

¹³⁴ Land Development Agency, *Annual Report 2016-2017*, pp. 11-12.

¹³⁵ Land Development Agency, *Annual Report 2016-2017*, p. 11.

¹³⁶ Land Development Agency, *Annual Report 2016-2017*, p. 15.

¹³⁷ *Transcript of evidence*, 13 November 2017, pp. 83; 85; 90; 102-103; 105-108.

¹³⁸ *Transcript of evidence*, 13 November 2017, pp. 105-107.

¹³⁹ *Transcript of evidence*, 13 November 2017, pp. 83-84.

¹⁴⁰ *Transcript of evidence*, 13 November 2017, pp. 82-84.

¹⁴¹ *Transcript of evidence*, 13 November 2017, pp. 100-102.

- Community Engagement – Mingle;¹⁴²
- Land Releases – Amount and Type;¹⁴³
- Canberra Brickworks Community Involvement;¹⁴⁴
- Audit and Governance Review;¹⁴⁵
- Transition to SLA/CRA – Roles and Responsibilities;¹⁴⁶
- Transition to SLA/CRA – Governance;¹⁴⁷
- Transition to SLA/CRA – Reporting;¹⁴⁸
- Transition to SLA/CRA – Staffing;¹⁴⁹
- Transition to SLA/CRA – Risk Management;¹⁵⁰and
- Transition to SLA/CRA – Fraud Prevention (including Conflict of Interest).¹⁵¹

LAND ACQUISITIONS

RURAL ACQUISITIONS

5.6 The Committee noted that during the 2016-17 reporting period the LDA undertook the acquisition of three parcels of land, which included two in the Belconnen area (Wintergarden and Ginninderry) and one in the Stromlo areas (Winslade).¹⁵² The Committee also noted the settlement date for the Winslade purchase as 30 June 2017, the day before the Land Development Agency was abolished and questioned officials as to the reasons for the acquisition. The Directorate informed them that:

The business case looks at the potential for the site. The acquisition is seen as a strategic acquisition. The business case looked at the long-term nature of the acquisition and proceeded from there.¹⁵³

¹⁴² *Transcript of evidence*, 13 November 2017, pp. 95-100.

¹⁴³ *Transcript of evidence*, 13 November 2017, pp. 41-63; 81-84.

¹⁴⁴ *Transcript of evidence*, 13 November 2017, pp. 108-110.

¹⁴⁵ *Transcript of evidence*, 13 November 2017, pp. 84; 87.

¹⁴⁶ *Transcript of evidence*, 13 November 2017, pp. 59; 62; 84-95.

¹⁴⁷ *Transcript of evidence*, 13 November 2017, pp. 59; 62; 84-95.

¹⁴⁸ *Transcript of evidence*, 13 November 2017, pp. 59; 62; 84-95.

¹⁴⁹ *Transcript of evidence*, 13 November 2017, pp. 68-69.

¹⁵⁰ *Transcript of evidence*, 13 November 2017, pp. 59; 62; 84-95.

¹⁵¹ *Transcript of evidence*, 13 November 2017, pp. 59; 62; 84-95.

¹⁵² Land Development Agency, *Annual Report 2016-2017*, p. 207.

¹⁵³ Mr Gordon, *Transcript of evidence*, 13 November 2017, p. 106.

- 5.7 The Committee was informed that options explored in relation to the Winslade land included urban development, environmental offset and the value that would be attained as the land appreciates, even if its rural use was maintained.¹⁵⁴
- 5.8 The Committee notes that the purchase of rural land by the LDA is currently the subject of an audit by the ACT Auditor-General.

Recommendation 12

- 5.9 The committee recommends that the ACT Government cease buying rural leases for 'strategic purposes' until the Auditor General has completed her investigation into rural land purchases by Land Development Agency.**

LEASED PURCHASES

- 5.10 The Committee queried the current number and details of subleases that constituted peppercorn leases. In response to two Questions on Notice the Committee was informed that:

The former Land Development Agency issued four sub-leases with terms being a period of 10 years at a nominal rental rate with all ongoing costs of maintenance, rates and charges met by the sub-lessee. Of the four, one was issued in 2011, one in 2016 and two in 2017.¹⁵⁵

Block 1600 Belconnen, known as Pine Ridge, was acquired by the former Land Development Agency in 2016-17.¹⁵⁶

Other properties also the subject of a sub-lease that have similar conditions are:

Blocks 1491, 1492, 1587 Belconnen (Wintergarden) - 10 years

Blocks 435, 456, 476, 441, 439, 440 Stromlo (Winslade) -10 years

Block 766 Gungahlin (Horsepark) -10 years.¹⁵⁷

The former Land Development Agency had no policy on the issue of sub-leases. Land tenure arrangements are considered on a case by case basis dependent on land management requirements, the size and nature of the property, the future purpose and timing of development.¹⁵⁸

¹⁵⁴ Mr Gordon, *Transcript of evidence*, 13 November 2017, pp. 106-107.

¹⁵⁵ *Answer to Question Taken On Notice, No.19*, received 30 November 2017.

¹⁵⁶ *Answer to Question Taken On Notice, No. 18*, received 23 November 2017.

¹⁵⁷ *Answer to Question Taken On Notice, No.18*, received 23 November 2017.

¹⁵⁸ *Answer to Question Taken On Notice, No.19*, received 30 November 2017.

LAND VALUATIONS POLICY

- 5.11 During discussion in relation to land acquisitions the Committee queried what the policy for obtaining independent market valuations had been under the LDA. In response to a Question Taken on Notice the Committee was informed that:

The previous *Planning and Development (Land Acquisition Policy Framework) Direction 2014 (No 1)* that applied to the Land Development Agency required an independent market valuation to be undertaken as part of the acquisition assessment process in line with this policy framework a minimum of one valuation would be undertaken.¹⁵⁹

- 5.12 In response to the same Question Taken on Notice the Committee was informed that 'the policy as it applied to the LDA is no longer in use'¹⁶⁰ and:

...the new policy will require two valuations. However, during an acquisition process, the seller may obtain a valuation. If this occurs, a minimum of one valuation will be sought by the Suburban Land Agency to inform decision making. If the seller has not obtained a valuation, then two valuations will be sought. This is the policy currently being enacted and is before the Suburban Land Agency Board Audit and Risk Committee for endorsement at its meeting of Monday, 27 November 2017.¹⁶¹

COMMUNITY ENGAGEMENT

CANBERRA BRICKWORKS COMMUNITY NON-DISCLOSURE AGREEMENTS

- 5.13 The Committee queried the necessity for non-disclosure/confidentiality agreements for community panel members taking part in the consultation and tender process for the development of the Canberra Brickworks site. In response the Committee was informed that:

All members of the community panel were asked to sign confidentiality agreements, because they were involved in the sale process; they were actually involved in evaluating the tenders. Because it was a commercial negotiation, we asked them to sign confidentiality agreements around the commercial nature of the proposals that we were receiving.¹⁶²

- 5.14 The Committee then queried the current status of the confidentiality agreements following the successful tender process and was informed in an answer to a Question Taken on Notice that:

¹⁵⁹ Answer to Question Taken On Notice No.17, received 30 November 2017.

¹⁶⁰ Answer to Question Taken On Notice No.17, received 30 November 2017.

¹⁶¹ Answer to Question Taken On Notice No.17, received 30 November 2017.

¹⁶² Mr Holt, *Transcript of evidence*, 13 November 2017, pp. 108-109.

The non-disclosure agreements signed by the community panel members remain binding. As such, details of the proposal provided by the tenderers must not be disclosed.¹⁶³

TRANSITION TO SUBURBAN LAND AGENCY AND CITY RENEWAL AUTHORITY

STAFFING

- 5.15 In the context of the transition from the LDA and Economic Development to the City Renewal Authority (CRA) and the Suburban Land Agency (SLA) the Committee requested details on the number of staff affected and where they were moved to. In response to a Question Taken on Notice the Committee was informed that:

The number of people transferred from the LDA and Economic Development Directorate.

<i>Transferred From</i>	<i>Transferred To</i>		
	SLA	CRA	EPSDD
Land Development Agency (112)	70	12	30
Economic Development {57}	1	9	47
Total People Transferred	71	21	77

Staff that were transferred to the Directorate on the 1st of July 2017 remain engaged in their substantive positions, consistent with the transfer of functions.¹⁶⁴

- 5.16 The Committee also queried if there were any job losses or redundancies as a result of the moves, to which they were informed that there were none at a non-executive level as 'people just moved across without any change'.¹⁶⁵

¹⁶³ Answer to Question Taken On Notice No.27, received 30 November 2017.

¹⁶⁴ Answer to Question Taken On Notice No.15, received 15 January 2018.

¹⁶⁵ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 68.

5.17 The Directorate noted that three executives did leave their positions but the Committee were informed that this was due to early termination provisions in their contracts which 'given the magnitude of the change, it is not uncommon for executives to have the early termination provisions applied.'¹⁶⁶

REPORTING

5.18 In the context of discussions regarding the change from the LDA to the SLA the Committee queried the prescriptive regular reporting requirements of the SLA. Whilst some elements of reporting were addressed during the hearing a detailed response was provided in an answer to a Question Taken on Notice:

Regular reporting requirements of the Suburban Land Agency include the following:

Annual and financial reporting

- The agency must give the Treasurer a statement of intent for each financial year: section 61 of the *Financial Management Act 1996*.
- As soon as practicable after the end of each financial year, the agency must prepare a statement of the performance of the agency in meeting the objectives in the statement of intent for the year: section 68 of the *Financial Management Act 1996*.
- The agency must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*.
- A report prepared under the Annual Report Act must include the authority's statement of performance for that year and the auditor-general's report about that statement of performance: section 71 of the *Financial Management Act 1996*.
- As soon as practicable after the end of each financial year, the agency must prepare annual financial statements for its operations during the year: section 63 of the *Financial Management Act 1996*.
- The responsible Minister for the agency may, in writing, direct the relevant person for the agency to give the Minister financial or other statements relating to the agency: section 102 of the *Financial Management Act 1996*.
- The agency must, as soon as practicable, tell the responsible Minister of any significant event that affects, or seems likely to affect the value of the agency, a significant part of the agency's assets, the performance of the agency as a whole, or the carrying out of a significant activity of the agency: section 101 of the *Financial Management Act 1996*.

¹⁶⁶ Mr Ponton, *Transcript of evidence*, 13 November 2017, p. 68.

CEO reporting

- The Chief Executive Officer must develop corporate strategies and operational strategies, for approval of the agency board, and report to the board on implementation of the approved strategies: section 57 of the *City Renewal Authority and Suburban Land Agency Act 2017*.
- The Chief Executive Officer is required to regularly advise the board about the operation and financial performance of the agency, and immediately advise the board about significant events: section 84 of the *Financial Management Act 1996*.

Board reporting

- The Chair of the governing board must ensure the responsible Minister is kept informed about the operations of the agency: section 82 of the *Financial Management Act 1996*.
- If a governing board member has a material interest in an issue being considered, the Chair of the governing board must report to the responsible Minister in writing about the disclosure, the nature of the interest disclosed and any decision by the board on the disclosure: section 89 of the *Financial Management Act 1996*.

Land acquisition

- The agency must, not later than 10 working days after the end of a quarter, give the Minister a report that includes details of any land acquired by the agency during the quarter, a copy of all valuations of the acquired land that the agency considered in relation to the acquisition and any other information prescribed by the regulation for the report: section 43 of the *City Renewal Authority and Suburban Land Agency Act 2017*.
- The Minister must present the report to the Legislative Assembly not later than 5 sitting days after the Minister receives the report: section 43 of the *City Renewal Authority and Suburban Land Agency Act 2017*.
- Prior to the acquisition of a private lease, the agency must provide the Minister a business case for endorsement: *City Renewal Authority and Suburban Land Agency {Suburban Land Agency Land Acquisition} Direction 2017*.¹⁶⁷

In my letter to the Chair of the Suburban Land Agency on 25 August 2017 I outlined the following reporting requirements (amongst other matters):

¹⁶⁷ Answer to Question Taken on Notice No. 22, received 30 November 2017.

- Decisions of the agency should be underpinned by information management practices that consider the regular public release of board papers or reports to inform, build community understanding and confidence in the operations of the agency.
- The provision of accurate and timely advice on significant issues as they arise. This might include:
 - o matters for which the Government is or is likely to be accountable in the Legislative Assembly;
 - o matters scheduled for deliberation by the board and by the Ginninderry Joint Venture;
 - o important operational or budgetary issues, including under the *Work Health and Safety Act 2011*;
 - o achievement against set development targets;
 - o matters related to internal governance, including compliance with the Government's framework for management of risk;
 - o matters likely to attract significant public interest.
- Regular updates on the initiatives that are deployed across the agency to establish and embed a positive organisational culture founded on the ACTPS values.
- Advice from the agency on ideas to ensure developments can be delivered in a way that meaningfully and genuinely engages our community, trusts their views and ideas, and ultimately enhances the attractiveness and liveability of our city.
- The statement of intent process under the *Financial Management Act 1996* must include a response outlining how the board proposes to deliver on the Minister's expectations as outlined in this letter.¹⁶⁸

In my letter to the Chair of the Suburban Land Agency on 1 September 2017 I outlined the following reporting requirements (amongst other matters):

- The board is to provide the Minister, each quarter, a report on what activities or other business operations have been undertaken or implemented in support of the below functions:
 - o ensure a mixture of public and private housing in new suburbs;
 - o increase the supply of affordable housing that meets or exceeds the affordable, community and public housing targets set under section 65 of the City Renewal Authority and Suburban Land Agency Act 2017 (the Act); and
 - o carry out the development of land in a manner that is environmentally sustainable.

¹⁶⁸ Answer to Question Taken on Notice No. 22, received 30 November 2017.

- Approval to sell any leases of land {grant of Crown leases) in the agency's land inventory is conditional on the board providing the Minister, each quarter, with an assurance statement confirming that the sales of land in that period were in accordance with the objects of the agency under s38 of the Act.
- Approval to settle contracts to purchase leases of land that were included in Schedule 2 of the Transfer Instrument is conditional on the board providing the Minister each quarter, with a land acquisition report in accordance with s43 of the Act.¹⁶⁹

¹⁶⁹ Answer to Question Taken on Notice No. 22, received 30 November 2017.

6 CONCLUSION

- 6.1 The Committee has made 12 recommendations in this report relating to a broad range of topics.
- 6.2 The Committee would like to thank ACT Government Ministers and directorate officials for their contribution this this inquiry.

Ms Caroline Le Couteur MLA

Chair

14 March 2018

Appendix A Witnesses

Mr Mick Gentleman MLA, Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal

Environment, Planning and Sustainable Development Directorate

- Mr Ben Ponton, Director-General, EPSDD
- Mr Geoffrey Rutledge, A/g Deputy Director-General, Sustainability and the Built Environment, EPSDD
- Mr Chris Reynolds, Chief Operating Officer
- Mr Brett Phillips, Executive Director, Planning Delivery, EPSDD
- Ms Fleur Flanery, A/g Executive Director, Planning Policy, EPSDD
- Ms Karen Wilden, Director, Engagement and Executive Support, EPSD
- Mr Bruce Fitzgerald, A/g Executive Director, Urban Renewal
- Mr Simon Tennent, A/g Director Land Development Projects

Chief Minister, Treasury and Economic Development Directorate

- Ms Leesha Pitt, Director, Licensing and Registrations, Access Canberra, CMTEDD
- Mr Ben Green, Deputy Director, Licensing and Registrations, Access Canberra, CMTEDD

Ms Yvette Berry MLA, Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation

Environment, Planning and Sustainable Development Directorate

- Mr Ben Ponton, Director-General, EPSDD
- Mr Geoffrey Rutledge, A/g Deputy Director-General, Sustainability and the Built Environment, EPSDD
- Mr Chris Reynolds, Chief Operating Officer
- Mr Bruce Fitzgerald, A/g Executive Director, Urban Renewal
- Mr Simon Tennent, A/g Director Land Development Projects
- Mr Tom Gordon, Executive Director, Greenfield, SLA
- Mr Clint Peters, Director, Urban Projects, Sales and Marketing, SLA

Chief Minister, Treasury and Economic Development Directorate

- Mr Dave Peffer, Former A/g Chief Executive Officer, SLA; Deputy Director-General, Access Canberra, CMTEDD
- Mr Nicholas Holt, Director Programs, CRA

Appendix B Questions Taken on Notice

**Standing Committee on Planning an Urban Renewal
Annual and Financial Reports 2016-2017
Questions Taken on Notice – 13 November 2017**

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Uncorrected Proof Transcript page no	Answer date	Published on web
QToN	1	13 November 2017	Ms Cheyne MLA	EPSDD	Development Applications that are closed – are they available; how to access...etc	20-21	24 November 2017	Y
QToN	2	13 November 2017	Ms Cheyne MLA	EPSDD	RSS feeds in relation to Development Applications	22	24 November 2017	Y
QToN	3	13 November 2017	Ms Lawder MLA	EPSDD	Development Application Breakdown Statistics during reporting period: - Number of Retrospective DAs (received) - Number of Retrospective DAs (rejected)	26	24 November 2017	Y
QToN	4	13 November 2017	Ms Le Couteur MLA	EPSDD	Timing for Oaks Estate Territory Plan Variation	31-32	24 November 2017	Y
QToN	5	13 November 2017	Ms Lawder MLA	EPSDD (ACT Architects Board) – Access Canberra	Positions due for appointment/reappointment on ACT Architects Board	36	28 November 2017	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Uncorrected Proof Transcript page no	Answer date	Published on web
QToN	6	13 November 2017	Ms Lawder MLA	EPSDD (Asbestos Taskforce)	Data on residences acquired by taskforce: <ul style="list-style-type: none"> - Date acquired - Location of block - Size of block - Rice paid for block - Cost of eradication - When listed for sale - How it was sold (e.g. auction or otherwise) - Final sale price 	47	24 November 2017	Y
QToN	7	13 November 2017	Ms Lawder MLA	EPSDD (Asbestos Taskforce)	Rate of Interest on Loan from Commonwealth	50	22 November 2017	Y
QToN	8	13 November 2017	Ms Le Couteur MLA	EPSDD (Land Release/Urban Renewal)	Molonglo – group centre - timing	52-53	7 December 2017	Y
QToN	9	13 November 2017	Ms Le Couteur MLA	EPSDD (Land Release/Urban Renewal)	Bridge across Molonglo When will it be ready Will people have to use Coppins Crossing in the interim	53-54	12 December 2017	Y
QToN	10	13 November 2017	Ms Le Couteur MLA	EPSDD (Land Release/Urban Renewal)	Re: section at Wright – CFZ land	55	2 January 2018	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Uncorrected Proof Transcript page no	Answer date	Published on web
QToN	11	13 November 2017	Mr Milligan MLA	EPSDD (Land Release/Urban Renewal)	Re timing of land release CBR brickworks	62	22 December 2017	Y
QToN	12	13 November 2017	Ms Lawder MLA	EPSDD (Land Release/Urban Renewal)	Status re site in West Macgregor for childcare purposes	68-69	7 December 2017	Y
QToN	13	13 November 2017	Ms Lawder MLA	EPSDD (Land Release/Urban Renewal)	17/18 Land Release Report How many are single dwellings	75	7 December 2017	Y
QToN	14	13 November 2017	Ms Cheyne MLA	EPSDD (Land Release/Urban Renewal)	Work done in Braddon before Master Plan – new lights and wider footpath.	81	7 December 2017	Y
QToN	15	13 November 2017	Ms Lawder, MLA	EPSDD (Land Release/Urban Renewal)	Transition of staffing/positions before and after change to SLA and CRA Numbers in terms of head count and FTE	83-84	15 January 2018	Y
QToN	16	13 November 2017	Mr Milligan MLA	EPSDD (Public Housing Renewal and Affordable Housing)	The breakdown, by type, the 600 property's provided to Housing ACT	92	13 December 2017	Y
QToN	17	13 November 2017	Mr Coe MLA	EPSDD (LDA related)	Valuations Policy – LDA policy on number of valuations required (including number of valuations required)	99	30 November 2017	Y

52 STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Uncorrected Proof Transcript page no	Answer date	Published on web
					Current policy and number of valuations required before purchase of land			
QToN	18	13 November 2017	Mr Coe MLA	EPSDD (LDA related)	Length of leases for land purchased by LDA in Belconnen – and details of any sub-lease	100	23 November 2017	Y
QToN	19	13 November 2017	Mr Coe MLA / Ms Le Couteur MLA	EPSDD (LDA related)	How many ‘peppercorn’ leases are in place and the timing of them and what is the policy around that.	100	30 November 2017	Y
QToN	20	13 November 2017	Ms Lawder MLA	EPSDD (LDA related)	Conflict of Interest matter details – as referred to on p 39 of Annual Report – are they now with another agency?	103	23 November 2017	Y
QToN	21	13 November 2017	Ms Lawder MLA	EPSDD (LDA related)	SLA Fraud and Corruption Prevention Plan – status and projected implementation; what happens in meantime	103-104	23 November 2017	Y
QToN	22	13 November 2017	Mr Coe MLA	EPSDD (LDA related)	Regular and Prescriptive reporting and difference with LDA and since LDA was disbanded	108	30 November 2017	Y
QToN	23	13 November 2017	Ms Cheyne MLA	EPSDD (LDA related)	Risk and control measures – have audit and risk committees been established; who are the appointees – names required.	112	23 November 2017	Y
QToN	24	13 November 2017	Mr Milligan MLA	EPSDD (LDA related)	How many Mingle events Cost of each Mingle Event Outcomes of Mingle events	115	23 November 2017	Y
QToN	25	13 November 2017	Ms Le Couteur MLA	EPSDD (LDA related)	EIS/NES Molonglo re: Buffer zone Kama Nature Reserve	125-6	7 December 2017	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Uncorrected Proof Transcript page no	Answer date	Published on web
QToN	26	13 November 2017	Ms Lawder MLA	EPSDD (LDA related)	Discussions re: South Lanyon and LDA	129	23 November 2017	Y
QToN	27	13 November 2017	Mr Coe MLA	EPSDD (LDA related)	CBR Brickworks - Legal Status of contract. Are Non-disclosure provisions the reason why there is no information?	130	23 November 2017	Y

Appendix C Questions on Notice

**Standing Committee on Planning and Urban Renewal
Annual and Financial Reports 2016-2017
Supplementary Questions (Questions on Notice) – 13 November 2017**

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
QoN	1	13 November 2017	Dunne MLA	EPSDD	Sewage Infrastructure, planning and urban renewal	12 December 2017	Y
QoN	2	13 November 2017	Le Couteur MLA	EPSDD	Delivering Work Plans	1 December 2017	Y
QoN	3	13 November 2017	Le Couteur MLA	EPSDD	Urban Renewal Program	30 November 2017	Y
QoN	4	13 November 2017	Le Couteur MLA	EPSDD	Molonglo Valley	12 December 2017	Y
QoN	5	13 November 2017	Le Couteur MLA	EPSDD	Overshadowing	19 January 2018	Y
QoN	6	13 November 2017	Le Couteur MLA	EPSDD	Public Housing Urban Renewal	22 January 2018	Y
QoN	7	13 November 2017	Le Couteur MLA	EPSDD	Land Release in Molonglo	12 December 2017	Y
QoN	8	13 November 2017	Coe MLA redirect from EDT	EPSDD	Asbestos Response Taskforce	24 November 2017	Y
QoN	9	13 November 2017	Dunne MLA	EPSDD	Conflict of Interest - LDA	11 December 2017	Y
QoN	10	13 November 2017	Dunne MLA	EPSDD	Auditor- General Recommendation 7 - LDA	13 December 2017	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
QoN	11	13 November 2017	Dunne MLA	EPSDD	Auditor- General Recommendation 4,5,and 6 - LDA	13 December 2017	Y
QoN	12	13 November 2017	Dunne MLA	EPSDD	Auditor- General Recommendation 1 - LDA	21 December 2017	Y
QoN	13	13 November 2017	Dunne MLA	EPSDD	Auditor- General Recommendation 2 and 3 - LDA	22 December 2017	Y
QoN	14	13 November 2017	Dunne MLA	EPSDD	SLA and CRA Board and Executive - LDA	13 December 2017	Y
QoN	15	13 November 2017	Parton MLA	EPSDD	Public Housing Renewal Program – CMTEDD Annual Report pg 89-90	13 December 2017	Y
QoN	16	13 November 2017	Parton MLA	EPSDD	ARI sites – CMTEDD Annual Report pg 90	13 December 2017	Y
QoN	17	13 November 2017	Parton MLA	EPSDD	Residential Property sales supporting Public Housing Renewal Program – CMTEDD Annual Report pg 89-90	13 December 2017	Y
QoN	18	13 November 2017	Parton MLA	EPSDD	Property Purchase – CMTEDD Annual Report pg 89 – highlights third dot point	7 December 2017	Y
QoN	19	13 November 2017	Parton MLA	EPSDD	Replacement Dwellings completed and transferred to Housing ACT under the Public Housing Renewal Program – CMTEDD Annual Report pg 90	13 December 2017	Y
QoN	20	13 November 2017	Parton MLA	EPSDD	Business Cases and Property Sales/Purchases – CMTEDD Annual Report pg 89-90	13 December 2017	Y
QoN	21	13 November 2017	Parton MLA	EPSDD	Various - CMTEDD Annual Report pg 65 and LDA Annual Report pg 23,24,26, and 28	22 December 2017	Y
QoN	22	13 November 2017	Parton MLA	EPSDD	Various - CMTEDD Annual Report pg 65 and LDA Annual Report pg,26, and 28	5 February 2018	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
					with reference to Towards a New Housing Strategy Community Conversation paper – July 2017		
QoN	23	13 November 2017	Lee MLA	EPSDD	Rural Acquisition – Winslade Property	11 December 2017	Y
QoN	24	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Pool Fences	15 December 2017	Y
QoN	25	13 November 2017	Lawder MLA	EPSDD	Planning Output 1.1 – Concessional leases	18 December 2017	Y
QoN	26	13 November 2017	Lawder MLA	EPSDD	ACT Planning Strategy 1.2 – Community Facilities Demand Assessment	12 December 2017	Y
QoN	27	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal 9.9 – Government Office Strategy – Block 4 Section 77 Dickson (MVR site)	Redirect to EDT	Y
QoN	28	13 November 2017	Lawder MLA	EPSDD	LDA – 2016-17 Objective 1	7 December 2017	Y
QoN	29	13 November 2017	Lawder MLA	EPSDD	LDA – Objective 2	7 December 2017	Y
QoN	30	13 November 2017	Lawder MLA	EPSDD	LDA - HRM	13 December 2017	Y
QoN	31	13 November 2017	Lawder MLA	EPSDD	LDA – Remuneration for Chief Executives and Board Members	13 December 2017	Y
QoN	32	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal 9.9 – City Action Plan - Communicate	17 January 2018	Y
QoN	33	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal – City Action Plan - Partnerships	17 January 2018	Y
QoN	34	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal – 9.9 – City Action Plan - Connect	9 February 2018	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
QoN	35	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal 9.9 – City Action Plan - Simplify	17 January 2018	Y
QoN	36	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal – City Action Plan - Activate	17 January 2018	Y
QoN	37	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal – General	19 January 2018	Y
QoN	38	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – FOI Requests	12 December 2017	Y
QoN	39	13 November 2017	Lawder MLA	EPSDD	Strategic Planning 1.2 – Statement of Planning Intent	12 December 2017	Y
QoN	40	13 November 2017	Lawder MLA	EPSDD	ACT Planning Strategy – Master Plans	19 December 2017	Y
QoN	41	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery - Engineers	18 December 2017	Y
QoN	42	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery – Staffing Culture at EPSDD	12 December 2017	Y
QoN	43	13 November 2017	Lawder MLA	EPSDD / CMTEDD	Urban Renewal 9.9 – Government Office Strategy – Block 35 Section 100 City	Redirect to EDT	Y
QoN	44	13 November 2017	Lawder MLA	EPSDD	Planning Output 1.1 – Lease Variations	15 December 2017	Y
QoN	45	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Red Hill Federal Golf Club Motion Compliance	22 December 2017	Y
QoN	46	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Mixed-use strata legislation	12 December 2017	Y
QoN	47	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Garage Spaces	12 December 2017	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
QoN	48	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Retrospective Development Applications	12 December 2017	Y
QoN	49	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – E-development Assessments	15 December 2017	Y
QoN	50	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2	12 December 2017	Y
QoN	51	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – City to Gateway Draft Urban Renewal Strategy	19 December 2017	Y
QoN	52	13 November 2017	Lawder MLA	EPSDD	ACT Land Release Policy 9.1 – Reports on Land Development Trends	15 January 2018	Y
QoN	53	13 November 2017	Lawder MLA	EPSDD	ACT Land Release Policy 9.1 – Indicative land release program - Residential	15 December 2017	Y
QoN	54	13 November 2017	Lawder MLA	EPSDD	ACT Land Release Policy 9.1 – Indicative Land Release Program; mixed -use	15 January 2018	Y
QoN	55	13 November 2017	Lawder MLA	EPSDD	ACT Land Release Policy 9.1 – Indicative Land Release program; Community and non-urban	12 December 2017	Y
QoN	56	13 November 2017	Lawder MLA	Access Canberra	Architects Board of the ACT – Architects Accreditations Council of Australia Annual General Meeting - Melbourne	28 November 2017	Y
QoN	57	13 November 2017	Lawder MLA	Access Canberra	Architects Board of the ACT – Membership of the Board	28 November 2017	Y
QoN	58	13 November 2017	Lawder MLA	EPSDD	ACT Land Release Policy – 9.1 – Unoccupied Dwellings	12 December 2017	Y
QoN	59	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Unused Leases	1 December 2017	Y
QoN	60	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery – 1.2 – Tharwa Draft Village Plan	12 December 2017	Y

Type of Questions	No	Hearing Date	Asked By	Directorate / Portfolio	Subject	Answer date	Published on web
QoN	61	13 November 2017	Lawder MLA	EPSDD	ACT Planning Strategy 1.2 – Dickson Treaders Partnership	12 December 2017	Y
QoN	62	13 November 2017	Lawder MLA	EPSDD	ACT Planning Delivery 1.2 – Staffing Culture at EPSDD (CALD)	15 December 2017	Y