

SELECT COMMITTEE ON ESTIMATES 2010-2011

Questions on Notice

Minister for Planning

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Construction standards for apartment buildings - complaints

VICKI DUNNE MLA : To ask the Minister for Planning

Ref: ACTPLA, BP4, p345

In relation to : Construction standards for apartment buildings – Complaints

1. How many complaints about:
 - (a) construction standards;
 - (b) building quality;
 - (c) building defects;
 - (d) warranty arrangements; and
 - (e) workmanship;have been lodged with any area within the ACT Planning and Land Authority by:
 - (a) Owners Corporation Network;
 - (b) owners corporations;
 - (c) individual unit owners;
 - (d) individual unit occupiers; and
 - (e) other persons or corporate entities?
2. To which units plan does *each* complaint refer?
3. What was the nature of *each* complaint?
4. Of the complaints lodged by owners corporations, how many involved multiple complaints about individual multi-unit developments?
5. What action has ACTPLA taken in response to those complaints?

MR BARR: The answers to the Member's questions are as follows:

1. ACTPLA systems do not support the collection of statistics based on the above categories.

Technical complaints recorded in ACTPLA databases are recorded against the relevant block and section identifier this is the consistent approach of dealing with all matters within ACTPLA. Complaints are not correlated according to the type of development the complaint relates to i.e. single residential or residential apartments.

Therefore data is not readily available for specific apartment buildings. Further, complaints are made by individuals either in their own right or as representatives of organisations recorded against the individual name and are not correlated with the role of the complainant or into other categories of complainant being requested.

This information can be collated manually but would require taking inspectors away from current investigations for a period of time to review each individual complaint record so as to categorise each complaint in the above terms.

I note that no timeframe has been provided for the span of records however there are approximately 800 complaints made under the Construction Occupations Licensing Act relating to all occupations and all classes of buildings in the last five years that would need to be manually reviewed. The majority of which would not be within the scope of the member's question.

I can advise that the OCN has not made any formal complaints under the Construction Occupations Licensing Act to the Construction Occupations Registrar regarding any properties in the ACT.

2. Refer to question 1. In addition the provisions of the Privacy Act prevent the release of the information being requested.
3. Refer to question 1. In addition the provisions of the Privacy Act prevent the release of the information being requested.
4. Refer to question 1.
5. All of the complaints received have been actioned in accordance with the legislative requirements of the applicable act and regulations.

Construction standards for apartment buildings - judicial inquiry

VICKI DUNNE MLA : To ask the Minister for Planning

Ref: ACTPLA, BP4, p345

In relation to : Construction standards for apartment buildings – Judicial Inquiry

1. Is the Minister aware that the Owners Corporation Network has called for a judicial inquiry into matters concerning building standards for apartment complexes, including correcting past injustices?
2. What consideration has the Minister given to that call?
3. Does the Minister acknowledge that the matters put forward for inquiry warrant consideration, whether by judicial inquiry or otherwise?
 - (a) If no, why?

MR BARR: The answers to the Member's questions are as follows:

1. I am aware that the Owners Corporation Network has raised the term 'judicial inquiry' in its letter to the Chief Minister dated 26 May 2010, a copy of which has been provided to me.
2. Prior to the receipt of the letter, I gave an undertaking to the Owners Corporation Network that the government would be investigating measures appropriate to addressing the concerns raised by the OCN. ACTPLA has commenced a review of existing arrangements associated with private certification and the building industry. I consider that this process is the most appropriate direction for resolving the concerns raised and should be completed before any further action is considered.
3. a) I have committed to investigating the broad range of issues identified by the OCN, members of the construction industry and ACTPLA.
- 3 b) N/A.

Construction standards for apartment buildings - Minister's letter to OCN

VICKI DUNNE MLA : To ask the Minister for Planning

Ref: ACTPLA, BP4, p345

In relation to : Construction standards for apartment buildings – Minister’s letter to OCN

In a letter dated 30 April 2010 from the minister to the Owners Corporation Network (OCN), it was stated, “To allow us to consider the various options and proposals I would suggest that our discussions be on a confidential basis.”

ABC-TV’s *Stateline* program on 21 May 2010, reported that ACTPLA had “highlighted ten areas to be reviewed in the approval, construction and certification process.”

1. Why did the minister call for the discussions with OCN to be kept confidential?
2. When did the minister agree that government announcements about options and proposals could be made in a television program that went to air less than one month after he asked OCN to keep their discussions confidential?
3. At any time prior to the airing of *Stateline*, did the government advise OCN that it would be making public announcements about the various options and proposals?
 - (a) If no, why?
 - (b) If yes, when?
4. Does the government acknowledge that potential conflicts of interest arise in the building certification arrangements whereby building certifiers, rather than being employed by owners, as would be the case for construction of a private residence, are employed by the developer/builder?
 - (a) If no, why?
 - (b) If yes, what particular reforms is the government considering in relation to this issue?
5. In relation to the process of assessing all reform proposals:
 - (a) what consultation process will be followed;
 - (b) what expert advice will be sought;
 - (c) how long will it be for legislative amendments to be brought to the Assembly?
6. What action does the government intend to take in relation to past and existing building defects from which developers/builders have abrogated their responsibility?

MR BARR: The answer to the Member's questions are as follows:

- 1) To discourage the issue being politicised.
- 2) Once the opposition politicised the issue.
- 3) No
 - (a) See question 2
 - (b) N/A
- 4) No
 - (a) Section 19 of the *Building Act 2004* states that:

The owner of land where it is proposed to carry out building work may appoint an eligible entity as certifier for the work.

Note: An appointment must be in writing (see Legislation Act, s 206).

The building certifier for any project can only be appointed by the **owner of the land** in accordance with this section. This requirement is clearly promoted by ACTPLA on its website and on the form which the owner is required under legislation to submit to ACPLA for all building work. The form titled '**Owner Appointment of a Certifier, and Application by Owner for Building Approval and Building Approval Certificate**' make it clear that the owner of the land appoints the building certifier.

If the developer or builder is the owner of the land at the time of application, then they as the owner are the only entity which can lawfully appoint the building certifier.

The obligation of the building certifiers is to enforce compliance with the relevant provisions of the Building Act 2004 and the current edition of the Building Code of Australia. This obligation cannot be circumvented by any arrangements either contractual or otherwise between an owner be they a builder or developer and the building certifier.

 - (b) N/A
- 5)
 - (a) The government will develop a consultation process when all suggestions for reform have been identified.
 - (b) The nature of proposals will determine the different forms of expertise that will be drawn on. ACTPLA has well-established links with industry and other stakeholder groups.
 - (c) Should legislative amendments be required they will be made as soon as practicable, subject to standard legislative procedures and impact analysis.
- 6) Formal complaints received by the government in relation to past/existing building defects, will continue to be investigated. The nature of action to be taken will be dependant upon whether the government has appropriate power to take action, and the nature of the defect.

QTON - Change of use charge

Asked by Brendan Smyth MLA on 26 May 2010 : Andrew Barr MLA, Minister for Planning took on notice the following question:

Ref: Hansard Transcript 26 May 2010 page 83

In relation to :

Can you provide the Committee with a copy of the Report prepared by SGS Planning and Economics?

Andrew Barr : The answer to the Member's question is as follows:

A copy of the SGS report Change of Use Charges for Leases (August 2006) is attached for the information of the Committee.

Please contact the Committee Office for a copy of this report.

QTON – Legal costs

Asked by Zed Seselja on 26 May 2010 : Andrew Barr, Minister for Planning took on notice the following question:

Ref: Hansard Transcript 26 May 2010 page 110

In relation to :

Legal costs incurred by ACTPLA - relating to recent ACAT decision (Kingston DA)

Andrew Barr : The answer to the Member's question is as follows:–

The Office of the ACT Government Solicitor has advised that in relation to the matter of Mainore Pty Ltd v ACTPLA (the Kingston DA), the amount of professional fees ('resources provided free of charge') was \$27,560.00 and the disbursements paid from Territorial Legal Expense was \$4,977.54.

QTON – Legal costs

Asked by Zed Seselja on 26 May 2010 : Andrew Barr, Minister for Planning took on notice the following question(s):

Ref: Hansard Transcript 26 may 2010 page 111

In relation to :

Total amount spent on legal fees in defending cases by ACTPLA in this financial year to date?

Andrew Barr : The answer to the Member's question is as follows:–

The Office of the ACT Government Solicitor has advised that in relation to defending cases for ACTPLA for the period from 1 July 2009 to 31 May 2010 the costs are as follows:

- professional fees ('resources provided free of charge') = \$396,493.75
- disbursements paid from Territorial Legal Expense = \$74,753.07
- other costs = \$94,220.54

The total year to date amount is \$565,467.36

QTON – Building quality and unit plans

Asked by Mrs Dunne MLA on 26 May 2010 : Andrew Barr Minister for Planning took on notice the following question:

Ref: Hansard Transcript 26 May 2010 page 119

In relation to building quality and unit plans-what are the 10 areas that have been identified for review (recently extended to 11)

Andrew Barr: The answer to the Member's question is as follows:

The initial response to the issues raised is summarised in the following points. It should be noted that these continue to be reviewed through ongoing consultation and consideration of emerging issues – to ensure that the short term can be implemented and planning is directed towards longer term actions around training of trades, consumer education as legislative change.

Legislation/regulation

1. Consider extended warranties legislation, which would establish new timeframes for builders warranty for poor quality work. Option being considered is that this be 12 months for an individual unit owner and three years for the body corporate, with both dates commencing from the date of settlement as opposed to Certificate of Occupancy and Use.
2. Consider the introduction of a building defects fund, whereby the developer/builder is required to provide a percentage of the cost of each development into a pooled fund.

This could be administered by JACS and has the potential to be used by a claimant, where verified, to repair defective works within the extended warranties period, with any balance of unused funds returned to the developer/builder at the end of the extended warranties period.

Inspections

3. Possible mandatory independent pre-occupancy inspection at first point of sale from the developer/builder to purchaser, accountable to the body corporate. Could be incorporated into the extended warranties legislation at 1 above.
4. Require frame and pre-sheet inspections to be made mandatory on commercial projects.
5. Require wet seal (water proofing) inspections be made mandatory on all projects, (domestic residential and commercial).
6. Regulate tradespersons who undertake water proofing).

Private building certification

7. Review the current private building certification arrangements, to ensure that the industry and consumers have confidence that these arrangements deliver the best outcome for all.

8. Certifiers and builders to be required to sit a mandatory examination on their knowledge of and understanding of the Building Code of Australia (BCA).

Certifiers and builders to be required to subscribe to / have a copy of the BCA on site.

Education and sanctions

9. It is important to clearly convey the roles and responsibilities of ACTPLA (construction standards that result in a Certificate of Occupancy and Use) versus those of consumer affairs (fit and finish within the limitations of existing legislation).

Education is therefore important for people to understand the distinctions between constructability of a building and the quality of the workmanship. Education of industry about poor practice and to alert potential purchasers to things to look out for is also important.

10. Sponsor and/or judge an industry award for quality of workmanship.
11. Restate changes to unit titles legislation of 2009 as positive action on the part of Government that amongst other things reduces some of the previous powers of developers through body corporate structures and provides for a future building maintenance fund.

Programs rolled over

ZED SESELJA : To ask the Minister for Planning.

Ref: Estimates Hansard, page P636.

1. I note that the financial controller for the Chief Minister's Department noted that some programs rolled over in 2009/10 were then ceased in the 2010/11 budget, therefore disappearing from the budget documentation. Please outline all program funding in the planning portfolio rolled over in 2009/10 which then ceased in the 2010/11 budget.

MR BARR: The answer to the Member's question is as follows:

1. Nil.

Grants programs

ZED SESELJA : To ask the Minister for Planning

In relation to : Grants Programs and ACTPLA;

1. What grants programs within the planning portfolio will commence in 2010-11, and which grants programs will cease?
2. Which grant programs ceased in 2009-10?
3. What grants programs have been run since 2006-07, and what was the total cost of each, and what was the total administrative cost of each?
4. For each program above, what is the total cost of the program, including a) the cost to administer the program; b) the cost to advertise the program and c) the total amount of grants that are budgeted to be awarded in 2009-10 and 2010-11?
5. For those grants programs commencing in 2010-11, when is the program scheduled to cease?
6. What process will be used to determine the recipients of the grants?
7. Will grants under each program be contingent upon a contribution from the recipient of the grant?

MR BARR: The answer to the Member's question is as follows:

1. The *Tune Up Canberra* program, which commenced in 2009/10, will continue in 2010-2011. No grant programs will cease.
2. Nil
3. Total grants from July 2006 to date:

Community grants	\$99,230
Bushfire rebuilding grants	\$65,000

The cost to administer these grants cannot be provided however the amount is not material.

Total administrative costs from July 2009 to date:

<i>Tune Up Canberra</i>	\$68,082
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No grants have been processed to date.

4. For the total cost of the program, including the cost to administer the program; the advertising of the program; and the total amount of grants that are budgeted to be awarded in 2009-10 and 2010-11, please see the table below.

Grant	Total cost	Cost to administer	Cost to advertise	2009-10	2010-11
Bushfire rebuilding grants	\$125,000	n/a	n/a	\$10,000	\$60,000
Community grants	\$120,066	n/a	n/a	\$20,035	\$20,836
<i>Tune Up Canberra</i>	\$2,068,082	\$75,000	n/a		\$2,000,000

5. The *Tune Up Canberra* program will cease 30 June 2011.
6. Recipients of grants for the *Tune Up Canberra* program will be determined through use of assessment criteria developed specifically for the program. An assessment panel composed of both Government and industry representatives will use this assessment criteria to determine who will receive grants.
7. The *Tune Up Canberra* program will require that all funds provided be met dollar for dollar by successful applicants i.e. if an applicant receives \$100,000 through the *Tune Up Canberra* program they are required to contribute \$100,000 towards getting the approved works completed.

Overhead costs

ZED SESELJA : To ask the Minister for Planning

BP 4

In relation to : Overhead costs for ACTPLA;

1. What are the overhead fixed costs for ACTPLA for 2010-11 and how much is each?
2. What were those costs on 2006-07, 2007-08 and 2009-10?
3. How are these costs forecast to change between 2010-11 and 2013-14 (please provide a breakdown by output).
4. What are the variable and marginal costs for ACTPLA for 2010-11 and how much is each.
5. How are these costs forecast to change between 2010-11 and 2013-14, and how has this changed since 2009-10 (please provide a breakdown by output).

MR BARR: The answer to the Member's question is as follows:

1. Overhead costs are those costs which are not generally attributed directly to functional areas, but are managed corporately. All of these costs are fully attributed to the delivery of services by ACTPLA to its clients, and ACTPLA comprises one 'Output'.

Costs for 2006-07, 2007-08, 2008-09, estimated costs for 2009-10 and forecasts for 2010-11 are outlined below.

	2006-07 \$m	2007-08 \$m	2008-09 \$m	2009-10 \$m	2010-11 \$m
IT costs	4.4	3.3	4.4	4.6	4.6
Office accommodation	2.1	2.4	2.6	3.0	3.0
Shared Services Finance and HR support	0.4	0.8	0.9	0.9	0.9
Insurance	0.2	0.2	0.2	0.3	0.3
Staff development	0.2	0.2	0.2	0.3	0.3
Audit	0.1	0.1	0.2	0.2	0.2
Stationery, consumables and stores	0.2	0.2	0.2	0.3	0.3
Other (such as OHS, postage, security, uniforms, bank fees)	0.2	0.3	0.3	0.3	0.3

2. Refer to 1. (above).

3. ACTPLA's budget for the forward estimates is outlined in the 2010-11 Budget Paper No.4. The budget has not been broken down into specific overhead cost line-items requested as yet, however, indicative allocations are provided in the answer to question (1).

For the Forward Estimates, allocation of the budget at the detailed level will be undertaken closer to the relevant financial year, taking into account operational requirements, overall budget limits and other prevailing circumstances, such as contract negotiations.

4. All of the overhead costs are largely fixed in the short-run (i.e., 2010-11) and are considered to be variable in the long-run.
5. Refer answers above.

Output programs

ZED SESELJA : To ask the Minister for Planning

In relation to : Output programs for ACTPLA;

1. Please provide a list of initiatives or programs that are run under each output.
 - a. What is the budgeted cost for each in 2009-10 and 2010-11?
 - b. What was the actual cost for each in 2006-07, 2007-08 and 2008-09?
 - c. How many staff (by ASL) work (or worked) in each, and what is level of each staff member?
 - d. What capital equipment is required by each?
 - e. What specialist skills are required by staff in each, and what are the specialists levels?
2. For each program or initiative that was implemented in the 2009-10 budget that relates to ACTPLA
 - a. How many staff were budgeted to be employed for the initiative, and how many have been employed to date?
 - b. What was the budgeted cost of the initiative for ACTPLA in 2009-10, and how much has been spent to date?
 - c. What capital equipment was required (including the budgeted cost), and has all required capital equipment been purchased, and if so, what was the cost. If not, when will the equipment be purchased?
 - d. What benchmarks were set for the initiative, and have these benchmarks been met to date?

MR BARR: The answer to the Member's question is as follows:

1. To extract the information in the form requested would require a significant diversion of resources.

Budget initiatives are listed in the Budget papers for each financial year.

Budget initiatives that commenced in previous years either become part of the continuing cost of ACTPLA, or cease depending on the funding provided.

It is considered that most of the information sought can be derived from published Budget papers.

2. Refer to 1 (above).

Staff management

ZED SESELJA : To ask the Minister for Planning

BP 4

In relation to : Staff Management within ACTPLA;

1. How many staff are currently employed by ACTPLA, and what level is each (please provide a breakdown by output and work area).
2. What was the total staff turnover rate in 2008-09 and 2009-10 to date, and what is the budgeted staff turnover rate for 2010-11 (please provide a breakdown by output class and level).
3. How many positions within ACTPLA are currently unfilled as a result of the Government's staffing freeze?
 - a. When will these positions now be filled?
 - b. How much money has the Department saved as a result of the freeze?
4. How many staff receive a total salary of
 - a. below \$70,000,
 - b. between \$70,000 and \$80,000,
 - c. between \$90,000 and \$100,000,
 - d. between \$100,000 and \$110,000,
 - e. over \$110,000; and
 - f. For each salary range, how many staff are considered administrative or policy, and how many are considered frontline service delivery staff?
5. How many additional staff will be employed in 2010 (in FTE), and what level is each (please provide a breakdown by output and level).
 - a. How many are administrative or policy staff, and how many are considered frontline service delivery staff?
6. How much will be spent on training programs 2010-11?
 - a. What is the purpose of each training program, and
 - b. how many staff are expected to participate?
7. Will officers attend any training programs in 2010-11 interstate?
 - a. If so, what is the purpose of these training programs?
 - b. How many officers will attend?
 - c. What is the cost of each programs, including travel expenses?
8. What training programmes in 2010-11 will be held which will result in no marginal cost to ACTPLA?
9. What in-house training programs will be held in 2010-11 which will result in a cost to ACTPLA, and what is this cost expected to be?
10. What is the average oncost for each employee within ACTPLA budgeted to be in 2010-11?
 - a. What is included in this oncost?
 - b. What is the marginal oncost of an additional worker at the current staffing levels in 2010-11?
11. What specialist qualifications are required by staff for ACTPLA to undertake its roles and responsibilities?
 - a. What skills are currently lacking in ACTPLA?
 - b. How will these gaps be filled in 2010-11?

- c. Has the staffing freeze contributed to this shortfall?
12. What is the average salary for each employee who has a specialist skill that is required for ACTPLA to undertake its roles and responsibilities? What will be the average salary in 2010-11 (please provide a breakdown by specialisation, output and employee level).
13. What training must employees undertake on a regular basis to maintain their specialist skills, and what is the budgeted total cost of this training in 2010-11?
 - a. What is the average cost per employee?
 - b. Who will provide the training?
14. What specialist equipment is required for employees within ACTPLA to undertake their jobs, and how will this change in 2010-11? For each piece of equipment:
 - a. how many are required,
 - b. what is the capital cost of each,
 - c. what is the running cost of each?
 - d. Over what period is each piece of equipment depreciated?
 - e. What equipment will be purchased in 2010-11 for this purpose?
15. How many graduates will be employed in 2010-11?
 - a. What is the cost of employing each graduate, and what is the breakdown of these costs, including oncosts?
 - b. How many graduates have been employed on average each year since 2001?
16. How many staff will be recruited in 2010-11, and how much has been spent on recruitment in 2009-10 to date?
 - a. How much is budgeted to be spent on recruitment in 2010-11, and how is this broken down?
17. How much office space is currently leased by ACTPLA, or the ACT Government on behalf of ACTPLA?
 - a. Will this change in 2010-11, if so how will it change and what is the cost of the change?
 - b. What is the cost of the current lease, what is the make-good provision, and when will this lease be complete?
 - c. If a new lease is to be signed in 2010-11, what is the cost of the lease, what is the make-good provision, and when will this lease be complete?
18. How many staff, are budgeted to receive HDA in 2010-11? For each staff member,
 - a. why will they receive HDA?
 - b. How long will they be on HDA?
 - c. What is the budgeted expense for staff receiving HDA in 2010-11?
 - d. Please provide a breakdown by output class and level
19. How many staff are currently on any form of leave indefinitely?
 - a. What are the reasons for these staff being on indefinite leave?
 - b. Please provide a breakdown by output class and level
20. For each cost and staffing figure requested in the above questions, what was it for 2006-07, 2007-08 and 2008-09?

MR BARR: The answer to the Member's question is as follows:

Answers to these questions have been provided in QON 693 and QON 647.

Working groups

ZED SESELJA : To ask the Minister for Planning

In relation to : Working Groups involving ACTPLA;

1. How many working groups, consultation groups, inter-departmental committees, roundtables or other intra-Government committees have been created (or will be created) by ACTPLA in 2009-10?
2. Will any working groups, consultation groups, inter-departmental committees, roundtables or other intra-Government committees be created by ACTPLA in 2010-11?
3. For each group, committee or roundtable in questions 1 and 2:
 - a. What is the cost of creating and maintaining each?
 - b. For how long will each run?
 - c. How many staff will regularly be involved?
 - d. How often will each meet?
 - e. Where will each meet?
 - f. Which departments, agencies or non-government organisations will be represented, and what is the role of each?

MR BARR: The answer to the Member's question is as follows:

As advised in response to Question No 669, in relation to the ACT Planning and Land Authority, the information requested in this Estimates Committee Question on Notice requires detailed research of financial and other records.

The Government is not prepared to invest the significant time required to address this question as it would be too resource intensive and unnecessarily divert critical resources away from ACTPLA's core business.

Budget initiatives

ZED SESELJA : To ask the Minister for Planning

BP 3

In relation to : Budget initiatives involving ACTPLA;

1. For each expense, revenue or capital measure reported in Budget Paper No. 3 which applies to ACTPLA:
 - a. what is the staffing increase required
 - b. what are the IT requirements, including those which are to be purchased “off the shelf” and those which are to be custom built
 - c. what is the average on cost per additional staff member
 - d. what consultancies are required, including the purpose of the consultancy and budgeted cost, and whether the contract for the consultancy will be single select or open tender.
 - e. What are the capital requirements, including any equipment that will be purchased
 - f. Has the Department offset any funding to accommodate any part of the initiative, and what was the offset?
 - g. Will the initiative require any form of regulatory change and if so, what change is required, and will a regulatory impact statement be published prior to it being considered by the Assembly?

MR BARR: The answer to the Member’s question is as follows:

Please see the attached table in response to the question above.

BUDGET PAPER NO 3 AT PAGES 90 AND 91

Budget Initiatives	Staffing increase	IT requirements	Average On Cost per staff	Consultancies	Purpose	Budgeted Cost 2010-11	Budgeted Cost 2011-12	Single Select/Open Tender	Capital Requirements	Funding Offset	Regulatory Change
Commercial & Land Supply Strategy	Nil	None	N/A	Yes	Ecological & Technical Assessments	\$ 130,000.00	-	No decision at this stage	No	No	No
Continued National Reforms on Planning & Building	0.5	None	\$16,482 per 1.0 FTE	No	National Reform - Planning & Building Master planning	\$124,000	Ongoing funding	N/A	No	No	No
Erindale & Tuggeranong - Master Planning Program	0.25	None	\$16,482 per 1.0 FTE	Yes	Master planning	\$100,000	\$200,000	No decision at this stage	No	No	No
Pialligo - Master Planning Program	0.25	None	\$16,482 per 1.0 FTE	Yes	Master planning	\$100,000		No decision at this stage	No	No	No

BUDGET PAPER NO 3 AT PAGES 164, 165 AND 166

Lawson South - Relocation of Power Line	Nil	None	N/A	Yes	Forward Design	\$ 300,000.00		No decision at this stage	No	No	No
Lawson South - Water Quality Control Pond Design	Nil	None	N/A	Yes	Forward Design & Feasibility Studies	\$ 200,000.00	\$100,000	No decision at this stage	No	No	No
Molongolo - Future Stormwater	Nil	None	N/A	Yes	Feasibility Study	\$ 450,000.00		No decision at this stage	No	No	No
Molongolo - East-West Arterial Road & Extension to John Gorton Drive to Molongolo River	Nil	None	N/A	Yes	Feasibility Study	\$ 250,000.00	\$200,000	No decision at this stage	No	No	No
Gungahlin Town Centre Roads	Nil	None	N/A	Yes	Feasibility Study	\$ 300,000.00		No decision at this stage	No	No	No
Scrivener Dam Upgrade	Nil	None	N/A	Yes	Feasibility Study	\$ 350,000.00		No decision at this stage	No	No	No

Woden Vally Stormwater Retardation Basins	Nil	None	N/A	Yes	Feasibility Study	\$ 150,000.00	\$100,000	No decision at this stage	No	No	No
Symonston Arterial Road	Nil	None	N/A	Yes	Feasibility Study	\$ 200,000.00	\$100,000	No decision at this stage	No	No	No
ICT Case Management & Data Warehouse	Nil	Yes - custom built	N/A	Yes	Design and construct integrated case management and reporting system	\$ 360,000.00		Single Select	No	No	No

Budget costs

ZED SESELJA : To ask the Minister for Planning

BP 4

In relation to : Budgeted Costs for ACTPLA;

1. What is the budgeted cost for the Department in 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14 of
 - a. Electricity
 - b. Internet communications
 - c. Telecommunications
 - d. Travel for senior executive staff
 - e. Travel for non-executive staff
 - f. Local travel, including taxis, bus fares, and vehicles
 - g. Printing
 - h. Paper
 - i. Official entertainment
 - j. Consultant's fees
 - k. Office supplies

For each cost in 1, what were these costs in 2006-07, 2007-08 and 2008-09?

MR BARR: The answer to the Member's question is as follows:

1. In relation to 2009-10, the following table outlines the available information.

	2009-10 Estimated Outcome \$m
Electricity ¹	0.182
Internet Communication ²	0.033
Telecommunications	0.204
Travel ³	0.063
Local travel, including taxis, bus fares, and vehicles	0.025
Printing ⁴	0.111
Paper	0.018
Official entertainment	0.005
Consultants fees ⁵	6.127
Office supplies ⁶	0.062

Notes:

1. Actual provided by Department of Land and Property Services
2. Derived from the InTACT SLA
3. ACTPLA internal budget allocations do not distinguish between executive and non-executive staff travel.
4. Including printing costs associated with printing maps, public notification signage and public consultation and communication.

5. Including costs relating to forward design, feasibility, geotechnical and heritage studies for strategic programs as well as those associated with the audit of the Authority's financial statements and internal audit fees.
6. Stationery and Supplies.

In relation to 2010-11, ACTPLA's internal budgets have not yet been disaggregated to line items.

In relation to the forward estimates, the internal budgets will not be disaggregated to a detailed level until just before the commencement of each financial year.

These respective costs in 2006-07, 2007-08 and 2008-09 are identified below.

	\$m		
	2006-7	2007-8	2008-9
Electricity	0.181	0.174	0.164
Internet Communication	0.037	0.030	0.030
Telecommunications	0.216	0.153	0.233
Travel	0.063	0.112	0.089
Local travel, including taxis, bus fares, and vehicles	0.012	0.014	0.014
Printing	0.095	0.214	0.094
Paper	0.017	0.017	0.018
Official entertainment	0.004	0.004	0.004
Consultants fees	5.246	4.182	6.273
Office supplies	0.179	0.166	0.219

Budget costs

ZED SESELJA : To ask the Minister for Planning

BP 3 and 4

In relation to : Budgeted Costs and ACTPLA

1. What are the annual depreciation costs for ACTPLA?
 - a. How much depreciation is allocated to small capital items which are used in the day-to-day activities of ACTPLA, and how much is related to major capital works or items?
 - b. What are those major capital works or items specifically and how much is the depreciation for each annually?
2. What capital initiatives will be completed by ACTPLA in 2010-11, 2011-12, 2012-13 and 2013-14?
 - a. What was the original cost of those initiatives when they were first considered by Government?
 - b. What is the current budgeted cost of each initiative?
 - c. What are the ongoing costs to the Budget of the initiative, including running costs and depreciation costs?
3. What capital initiatives were be completed by ACTPLA in 2006-07 and 2007-08?
 - a. What was the original cost of those initiatives when they were first considered by Government?
 - b. What is the current budgeted cost of each initiative?
 - c. What are the ongoing costs to the Budget of the initiative, including running costs and depreciation costs?
4. What capital initiatives (or expenditure on capital equipment) were completed/will be completed by ACTPLA in 2009-10?
 - a. What was the original cost of those initiatives when they were first considered by Government?
 - b. What is the current budgeted cost of the initiative?
 - c. What are the ongoing costs to the Budget of the initiative, including running costs and depreciation costs?
 - d. What was the estimated completion date when the initiative was first considered by Government?

MR BARR: The answer to the Member's question is as follows:

1. Budget Paper No. 4 (page 355) reports the annual depreciation costs for ACTPLA.
 - a. ACTPLA capitalises property, plant and equipment with a minimum value of \$5,000. \$27,000 is allocated to small capital items.
 - b. The major capital items are computer software (depreciation of \$167,000) and motor vehicles under a finance lease (depreciation of \$207,000).
2. As shown in Table 1 below. All initiatives will be completed by end of 2011-12.
 - a. As shown in Table 1 below - Column A.

- b. As shown in Table 1 below - Column B.
- c. Nil ongoing costs for feasibility study and forward design initiatives, pending construction.

TABLE 1

Project	A. Original Cost \$'000	B. Current Budgeted Cost \$'000
Capital Initiatives will be completed in 2010-11		
Lawson South - Relocation of 132kV Power Line (Forward Design)	300	300
Molonglo - Future Stormwater Management (Feasibility Study)	450	450
Gungahlin - Town Centre Roads (Feasibility Study)	300	300
Scrivener Dam Upgrade (Feasibility Study)	350	350
Canberra Integrated Urban Water Program (Forward Design)	1,000	1,000
Future Water Management Options - Molonglo River (Feasibility Study)	500	500
Urban Development Sequence for Affordable Housing –Molonglo and North Weston (Feasibility Study)	650	650
Urban Development Sequence for Affordable Housing – Environmental Impact Assessment Molonglo (Feasibility Study)	550	550
Urban Development Sequence for Affordable Housing – Concept Plans Gungahlin (Feasibility Study)	450	450
East Lake Sustainable Urban Renewal (Feasibility Study)	1,720	1,720
Horse Park Drive Extension from Amaroo to Moncrieff Group Centre (Forward Design)	500	500
Horse Park Drive Water Quality Control Pond (Forward Design)	300	300
Mirrabei Drive Extension to Horse Park Drive (Forward Design)	300	300
Kenny Water Quality Control Pond (Forward Design)	300	300
Capital Initiatives will be completed in 2011-12		
Lawson South - Water Quality Control Pond (Forward Design)	300	300
Molonglo - East-West Arterial Road and Extension of John Gorton Drive to Molonglo River (Feasibility Study)	450	450
Woden Valley - Stormwater Retardation Basins (Feasibility Study)	250	250
Symonston - Arterial Road (Feasibility Study)	300	300

- 3. As shown in Table 2 below. All 2007-08 capital initiatives were approved to rollover to 2008-09 (five projects).
 - a. As shown in Table 2 below - Column A.
 - b. As shown in Table 2 below - Column B.
 - c. As shown in Table 2 below – Columns C and D

TABLE 2

Capital Initiatives completed in 2006-07	A. Original Cost \$'000	B. Final Expenditure \$'000	C. Running Cost \$'000	D. Depreciation Cost \$'000
Woden Town Centre Wilbow & Easty Streets (Forward Design)	200	200	4	10
Bonython West Infrastructure (Forward Design)	200	200	4	10
Molonglo Valley Access Roads and Bridge (Feasibility Study)	350	350	0	0
City West Infrastructure Stage 1 - Childers Street Precinct (Construction)	6,000	5,924	120	300
Gundaroo Drive Water Main (Construction)	1,800	1,791	1	90
Sustainable Transport Initiative (Feasibility Study)	6,000	5,280	0	0

4. As shown in Table 3 below.
- As shown in Table 3 below - Column A.
 - As shown in Table 3 below - Column B.
 - As shown in Table 3 below – Columns C and D.
 - As shown in Table 3 below – Column E.

TABLE 3

Capital Initiatives completed / will be completed in 2009-10	A. Original Cost \$'000	B. Current Budgeted Cost \$'000	C. Running Cost \$'000	D. Depreciation Cost \$'000	E. Original Completion Date in BP4
East Lake Geotechnical Investigations (Feasibility Study)	200	200	0	0	Jun 2010
East Lake Environmental Site Assessment Phase 2 & 3 (Feasibility Study)	400	400	0	0	Jun 2010
Fyshwick Road Network (Feasibility Study)	250	250	0	0	Jun 2010
Majura Valley Engineering Services and Flood Study for Woolshed Creek (Feasibility Study)	170	170	0	0	Jun 2010
Lawson South – Ginninderra Drive and Aikman Drive Intersection Upgrade (Forward Design)	400	200	4	10	Jun 2010
City West – Infrastructure Stage 3 (Forward Design)	250	250	5	13	Jun 2010
East Lake/Jerrabomberra Creek Interface and Ponds Study (Feasibility Study)	200	200	0	0	Jun 2009
Dickson Master Plan (Feasibility Study)	110	110	0	0	Jun 2010
Kingston Master Plan (Feasibility Study)	200	200	0	0	Jun 2010
Nudurr Drive Extension to Gungahlin Drive (Forward Design)	400	400	0	0	Dec 2009
Mulligans Flat Road Extension to NSW Border (Forward Design)	300	300	6	15	Jun 2009
Clarrie Hermes Drive Extension to Barton Highway (Forward Design)	600	600	12	30	Jun 2009
Trunk Sewer Extension from Amaroo to Bonner (Forward Design)	150	150	3	8	Jun 2009
Molonglo Infrastructure Stage 1 (Forward Design)	635	635	13	32	Jun 2008
North Weston Pond (Forward Design)	625	625	13	31	Jun 2008

Environment measures

ZED SESELJA : To ask the Minister for Planning

In relation to : Environmental measures for ACTPLA;

1. What are the estimated greenhouse gas emissions for ACTPLA in 2010-11, 2011-12, 2012-13 and 2013-14?
2. What initiatives or measures has ACTPLA implemented in 2009-10 to reduce greenhouse gas emissions?
 - a. What is the cost of each initiative
 - b. how much greenhouse gas has each initiative saved?
3. What initiatives or measures will ACTPLA implement in 2010-11 to reduce greenhouse gas emissions?
 - a. What is the budgeted cost of these initiatives
 - b. How much greenhouse gas will each initiative save?
4. How much paper recycling will be undertaken in 2010-11, 2011-12, 2012-13 and 2013-14, what percentage of total paper used is this, and what benchmark will ACTPLA measure its success in recycling against?

MR BARR: The answer to the Member's question is as follows:

1. No formal estimates for ACTPLA greenhouse gas emissions in 2010-11, 2011-12, 2012-13 and 2013-14 exist. Emissions for the last two financial years are contained in ACTPLA's Annual Reports. Progressive improvements to energy efficiency in building and transport usage are expected to contribute to a continuing downward trend in emissions over the period 2010 to 2014.
2. & 3. Most initiatives implemented, in the course of implementation, and planned for the future, cannot be easily assigned to a particular year. Recent initiatives and current plans for greenhouse gas reduction at ACTPLA's two premises (at DPMH at Dickson and Mitchell) and in relation to transport include the following:
 - Improved energy usage (in association with the Department of Land and Property Services) include upgrade CBUS system in DPMH, motion sensitive switches in toilets, exploring change of lighting to T5, solar hot water units on roof, air conditioning reprogramming - building temperatures and time spans, hot water urns connected to CBUS, staff education and reminders to turn off PCs overnight and on weekends, active managed building shutdowns during major breaks (Christmas/New Year, Easter), etc).
 - Efforts to ensure fit out of new Mitchell premises achieved the highest Green Star rating possible despite inherent deficiencies in the base building.

- Exploring more effective hardware use (including eg, default two-sided printing).
 - Enrolment in the ACTSmart Sustainability Program maintained by the Department of the Environment, Climate Change, Energy and Water.
 - Minimised hard copy filing and retention via electronic records management.
 - Continuing availability and further development of e-systems enabling customers to engage with services electronically with commensurate reduction in paper-based activity.
 - Rationalisation of stationery holdings and variety to save costs and environmental impacts, with an emphasis on environmental products where practicable.
 - Increased use of fuel efficient and environmentally sound vehicles in fleet (Smart Cars, hybrids including Prius and Camry); reduction in number of vehicles to lowest practicable level.
 - Active encouragement of the use of bus, bike or walking to meetings where practical and cost-effective.
 - Availability of ACTPLA bike for use by staff attending meetings.
 - Support and encouragement of bike riding as a realistic commuter option for staff through an ACTPLA bike riders group.
4. ACTPLA has not yet set a future paper target around recycling. Where possible, the goal is to recycle all paper waste products. Future success will be measured by improvements over baseline reports. ACTPLA's Annual Report contains additional information.

IT and advertising

ZED SESELJA : To ask the Minister for Planning

In relation to : IT and Advertising for ACTPLA;

1. What is the budgeted cost of the provision of IT services for ACTPLA for 2010-11?
2. What is the budgeted or forecast increase in costs for the provision of IT services in 2011-12, 2012-13 and 2013-14?
3. What were the costs of provision of IT services in 2007-08, 2008-09 and 2009-10?
4. What will be the marginal cost and the average cost of the provision of IT services at the forecast staffing levels in 2010-11, and what was this cost in 2009-10?
5. How much will be spent on advertising in 2009-10 and 2010-11, and what is forecast to be spent in 2011-12, 2012-13 and 2013-14, and how is this spending broken down between i) outputs and ii) design, printing, distribution etc.
6. What form of advertising will be undertaken in 2010-11?
7. What is the purpose of each form of advertising to be undertaken in 2010-11?
8. How much has been spent on graphic design purposes in 2009-10, and how much will be spent on graphic design in 2010-11, 2011-12, 2012-13 and 2013-14?

MR BARR: The answer to the Member's question is as follows:

1. The budgeted cost of the provision of IT services for ACTPLA for 2010-11 is expected to be \$4.6 million.
2. The budgeted or forecast increase in costs for the provision of IT services in 2011-12, 2012-13 and 2013-14 is expected to be broadly in line with CPI.
3. The costs of provision of IT services in 2007-08, 2008-09 and 2009-10:

2007-08	\$3.3 million
2008-09	\$4.4 million
2009-10	\$4.6 million
4. The approximate estimated marginal cost of IT is in the order of \$4,700 per annum. However this may vary dependant on the specific functions of the position.

The average cost of the provision of IT services at the forecast staffing levels in 2010-11 is expected to be some \$16,000 which is broadly consistent with the level in 2009-10.

5. ACTPLA is expected to spend some \$0.3 million on advertising in 2009-10, with similar amounts spent in forward years (adjusted for inflation). ACTPLA has one 'Output'.

It is not possible with the resources available and in the time permitted to provide amounts related to design, printing, distribution etc.

6. Print media, signs on proposed development sites.
7. Most of ACTPLA's advertising expenditure is on public notices that are a statutory requirement under the *Planning and Development Act 2007*.

This includes development application notification, (including expenditure on signs placed on developments sites) and notification of environmental impact statements, proposed road closures and Territory Plan variations. Some further print advertising is undertaken to inform and educate the community about major planning projects or initiatives.

8. ACTPLA employs a graphic designer and therefore does not outsource this task.

Public information

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p45, output class 1.

In relation to : public information

1. Could you please explain why the funds for security for payments are going to ACTPLA?

MR BARR: The answer to the Member's question is as follows:

1. In his speech to the Assembly on 15 October 2009, Minister Hargreaves the then Minister for Industrial Relations announced that ACTPLA would administer the security of payment legislation because of its current role in regulating the building industry

ACTPLA has recruited an officer to undertake the task of administering the legislation and much of the lead up work has already been done in preparation for the commencement of the Act on 1 July 2010. The ACTPLA website has a section for security of payment that includes a comprehensive information kit.

Public information

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : public information

1. Why are DAs and EIS etc removed from ACTPLA website soon after public consultation finishes? They are undoubtedly still on the computers, but the link is removed. There is still public interest in them and it causes inconvenience to the public who cannot find out what it planned if they miss the 4 week window (2 week consultation then an extra 2 weeks).

MR BARR: The answer to the Member's question is as follows:

1. The *Planning and Development Act 2007* does not require ACTPLA to display DAs undergoing public notification on the ACTPLA website, however, ACTPLA provides this service to the public to make DAs easily accessible.

The *Planning and Development Act* does require ACTPLA to display a draft EIS on the ACTPLA website for the period that representations can be made. The draft EIS webpage is separate to the DA webpage.

The purpose of the notification webpages is to make the DAs and draft EISs that are open for public scrutiny and comment available in one place and easily accessible.

Representations on a DA or a draft EIS can only be made during the notification period for them to be considered during the assessment process.

Leaving DAs and draft EISs on the website for a longer period of time potentially could mislead the public into thinking they can comment on a DA or draft EIS at any time.

If a member of the public wants to look at a DA or draft EIS after it has been removed from the relevant notification webpage they can contact the ACTPLA Customer Service Centre and staff will provide copies of any documentation that is available on the public register (unless exemption has been granted) by email, mail or over the counter. A small fee may be applicable.

ACT Architects Board

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : ACT Architects Board

1. What departmental control does ACTPLA have over the ACT Architects' Board?
2. Are there any plans to move the Board into another Department such as Chief Minister's Dept or ACTLAPS?

MR BARR: The answer to the Member's question is as follows:

1. ACTPLA's role under the *Architects Act 2004* is to provide a registrar who is responsible for managing the administration of the architects board and maintaining the register
2. No.

Adelaide Avenue setbacks

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : Adelaide Avenue setbacks

1. What is being done to ensure that setbacks on development sites along Adelaide Ave in Deakin adhere to planning rules? In particular block numbers 5, 6, 7 & 8?

MR BARR: The answer to the Member's question is as follows:

1. Any development regardless of its location is required to meet the requirements of the Territory Plan and the *Planning and Development Act 2007*.

The subject of the complaint may be provided an opportunity to seek development approval or any other relevant approval, consistent with the application of appropriate practices of procedural fairness, prior to any formal enforcement action being undertaken. This may be a lengthy process to complete.

The commencement of any formal action is prioritised against other active investigations based on the nature and seriousness of the non-compliance and the risk of harm to members of the public.

In relation to the specific block numbers along Adelaide Avenue in Deakin the provisions of the Privacy Act prevent the release of information on specific sites.

Urban Infill

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p345, output class 1.

In relation to : Urban Infill

What percentage of Development Applications are currently infill developments, and what percentage are currently Greenfield developments?

MR BARR: The answer to the Member's question is as follows:

ACTPLA systems do not support the collection of statistics based on the above categories.

In addition, as many single residential developments are now exempt from development approval, the provision of information concerning where Development Applications are occurring is likely to be misleading if trying to establish what percentage of development is occurring in infill areas as compared to Greenfield sites.

Canberra Spatial plan

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : Canberra Spatial Plan

1. What longevity does the Canberra Spatial Plan have?
2. Given that it is now 8 years since it was first planned/implemented, is there to be a review soon?

MR BARR: The answer to the Member's question is as follows:

1. The Canberra Spatial Plan was released in 2004 and its purpose was to provide a clear strategic direction for the development of Canberra for the 30 years.
2. The Canberra Spatial Plan combined with the Sustainable Transport Plan provides the ACT Planning Strategy under the *Planning and Development Act 2006*. This Act also calls for the Planning Strategy to be reviewed every five years. Under the Sustainable Future program the ACT Planning and Land Authority has commenced the evaluation of the Spatial Plan and hence the review of the ACT Planning Strategy.

Adelaide Avenue

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p348, output class 1.

In relation to : Adelaide Avenue

1. What is the status of the horse paddocks along Adelaide Avenue?
2. Are there proposals to make this site available for future transit oriented development or are there plans for a Commonwealth land swap to develop this land as an embassy precinct?

MR BARR: The answer to the Member's question is as follows:

1. The Curtin horse paddocks along Adelaide Avenue are zoned as 'Broadacre' under the Territory Plan and is the subject of a licence agreement, for the purpose of horse agistment, and is managed by Territory and Municipal Services as the land custodian.
2. It is important to identify potential opportunities for future transit orientated development. The horse paddocks along Adelaide Avenue is one potential site but no plans or proposals have been developed by the Government. There is no confirmed interest in this site from the Commonwealth at this stage.

Development applications

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : Development Applications

1. Why isn't ACTPLA required to identify which zone properties are in when advertising Development Applications online and in the media?

MR BARR: The answer to the Member's question is as follows:

1. Sections 152 to 155 of the *Planning and Development Act 2007* prescribes the process for notifying a Development Application (DA). The Act is very specific about who must be notified and what type (minor or major) of notification is to be undertaken but does not prescribe the type of information that must be disclosed.

However, the DA form contains the information on which zone a property is in and the form is available for public scrutiny on the notification website and the public register (unless exemption has been granted).

Community gardens

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p268, output class 1.

In relation to : Community gardens

1. What is ACTPLA's role in assessing the potential for establishing community gardens in new estates?

MR BARR: The answer to the Member's question is as follows:–

1. As part of the assessment of Estate Development Plans, ACTPLA ensures adequate areas of public open space are provided in accordance with the Territory Plan. This provides the potential for future community gardens. Concept Plans for specific estates may indicate public open space areas to be set aside with the view of encouraging future community gardens.

Woden valley stormwater retardation basins

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p165, output class 1.

In relation to : Woden Valley Stormwater retardation Basins

1. Will the Woden Valley Stormwater retardation Basins feasibility study include consideration of constructing wetlands along Yarralumla and Long Gully Creeks?
2. What sort of land release sites are been considered, and where?

MR BARR: The answer to the Member's question is as follows:

1. No, the project is to investigate the feasibility of constructing dry stormwater retardation basins, to improve flood safety downstream along Yarralumla and Long Gully Creeks. The project builds on a previous study into retardation and pond opportunities, in Woden Valley which concluded that retarding basins, primarily on playing fields, was the best option.
2. The study will provide opportunities for new development near Woden Town Centre on the eastern side of Yarralumla Creek between Mawson Drive and Hindmarsh Drive. Other potential sites may also be improved due to the lower flood levels and flooding frequency provided by constructing retarding basins upstream.

Gungahlin Town centre roads

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p165, output class 1.

In relation to : Gungahlin Town Centre Roads

1. What sort of road improvements will the feasibility study for Gungahlin Road network improvements include?
2. Do these improvement cover active transport options?

MR BARR: The answer to the Member's question is as follows:

1. The Gungahlin Town Centre Roads Feasibility Study will investigate the extension of the existing road network, east of the current town centre, to facilitate future land releases and complete the road network in the town centre. The ultimate completion of the road network is the improvement alluded to in the Budget Paper 3 project description statement - *This initiative will investigate the feasibility of implementing road network improvements recommended as part of the Gungahlin Town Centre Transportation Study completed in October 2009.*
2. The scope of the study does not include active transport options as that would be a detailed design consideration. The study will, however, ensure the proposed road network expansion is compatible with future public transport strategies.

ICT case management

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p166 & BP4, p.345, output class 1.

In relation to : ICT case management

1. Is the ICT Case management and data warehouse funded in this year's budget linked to the new software for processing DAs (eDevelopment)?
2. When will ACTPLA be able to provide a computer generated three dimensional model of proposed changes to this city's skyline and footprint to ensure that the public can understand the impacts of proposed developments?
 - a. Will you consider putting it on Google Earth which already has many buildings from other cities?

MR BARR: The answer to the Member's question is as follows:

1. Yes, but it will also enable the integration of data from other ACTPLA business systems.
2. ACTPLA currently has in-house capacity to undertake small scale 3D visualisation models to support planning and design studies. Larger scale modelling is costly and is not a budget priority at this time. Nevertheless, ACTPLA is considering using some 3D visualisation and graphics as part of community engagement on the Sustainable Futures Program.
 - a. Google Earth is a tool that has been trialled successfully in recent times by ACTPLA as part of public consultation on the Gungahlin Planning Study. More extensive use of the tool is again dependent on budget funding, this is not a priority at this time.

Commercial land release

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p348, output class 1.

In relation to : Commercial land release

1. What is meant by “re-establishing an operational predictive retail model for the ACT”?
2. What will ACTPLA’s role be in this process?

MR BARR: The answer to the Member’s question is as follows:

1. ACTPLA has utilised a computer model for over 10 years which predicts retail expenditure in all commercial centres across the range of retail product categories resulting from population growth and changes to the supply of retail floorspace. The model is used to inform planning for new commercial centres and for assessing proposals for new retail development. The previous retail model was developed and run by a specialist consultant who retired in 2008. ACTPLA engaged a consultant in February 2010 to develop a new retail model so that it will continue to have the capacity to undertake its planning and development assessment functions in this area.
2. ACTPLA is overseeing the consultant in the development of the new retail model and will utilise it upon completion.

Eastlake

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p348, output class 1.

In relation to : Eastlake

1. Given that the proposals for Eastlake involve housing with zero setbacks, and front doors which open directly onto roads, what speed limits would be set in these areas?

MR BARR: The answer to the Member's question is as follows:

1. No housing is being considered with front doors opening directly onto roads. The street network being proposed includes 'green streets' which will limit the maximum vehicle speed to 25km/h. Other streets will be consistent with current ACT standards for residential areas of 50km/h.

NCA review / national Capital Plan

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p347, output class 1.

In relation to : NCA review/ National Capital Plan

1. The NCA is proposing changes to the Open Space Network across Canberra. What are ACTPLA's views on the proposals?
2. What input and involvement has ACTPLA had to date?
3. Are there any particular sites of contention between the NCA and ACTPLA?
4. Are there any particular plans for Adelaide Avenue, in terms of creating transit oriented development? What discussions have taken place regarding this area?
5. Following the 2008 Federal Parliamentary Inquiry into the Role of the NCA, what has happened to the Interim Council which was to be established to review the joining of the National Capital Plan and the Territory Plan?
6. What liaison has there been on this issue?

MR BARR: The answer to the Member's question is as follows:

1. When and if ACTPLA forms any views they will be considered by Government along side the views of other relevant agencies.
2. None.
3. Refer to the responses to 1 and 2 above.
4. a) Not at this stage but will be actively reviewed as part of current planning work for increasing residential densities within established areas.
b) None with the NCA.
5. An Intergovernmental Committee was established to consider the changes to how the ACT Planning System is administered between the NCA and the ACT Government and is still working through options.
6. This Committee has met on several occasions to assist the Federal Attorney General's Department to make recommendations to the Commonwealth Government.

Planning and Development Forum

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4: p345, output class 1.

In relation to : Planning and Development Forum

1. Why is the work of the Planning and Development Forum not open for public scrutiny?
2. Can the agendas and minutes of this forum be made available to the public?
3. How is the membership of the Forum selected?

MR BARR: The answer to the Member's question is as follows:

1. The forum is open to the community. It is intended as a forum for discussion of issues that relate to the community and stakeholders.

The Planning and Development Forum was established with the following terms of reference:

- *The Planning and Development Forum is to provide strategic comment on planning and development policy to the ACT Government and the ACT Planning and Land Authority.*
 - *While the Forum has no statutory role, it is established to work cooperatively and provide timely and integrated input to a range of planning and development issues, such as Master Plans for town, group and local centres; and community facility needs assessment.*
 - *The Forum will assist helping the Authority and the Minister evaluate policies including responses to community and industry consultation processes.*
2. The matter of making the agendas and notes from Forum meeting available to the public was recently discussed at the Planning and Development Forum (this followed from a request from a local community organisation to have access to this information). Members decided not to make the papers publicly available (such as on the ACTPLA website), however, it agreed to consider requests on a case by case basis, noting that open distribution has the potential to constrain the exchange of frank and often delicate conversation given the ease with which such material can be misinterpreted.
 3. The Planning and Development Forum was restructured in 2004, with the first meeting held in September 2004. Members from the previous Forum together with community council chairs formed the 'new' Planning and Development Forum.

The re-establishment of the Forum was in part in response to the Edwards report¹ findings that such a broadly representative body could act as a conduit between the Authority and relevant industry, community and professional group interests on strategic planning and development policy matters.

The membership of the Forum was decided by the then Minister for Planning and includes representatives from organisations that are considered to be significant stakeholders in planning and development matters in the ACT. The most recent decision on the membership was to include a representative from the Youth Advisory Council.

I will consider any request for an organisation to be invited to join the Planning and Development Forum. It is acknowledged that the lack of a South Canberra community council means that there is no representation from a large part of Canberra on the Forum. It is hoped that current moves to establish such a community council will come to fruition.

¹ Review of Stakeholder Engagement in ACT Planning: Report on Consultancy for the ACT Government, National Institute for Governance University of Canberra 13 April 2004
http://www.actpla.act.gov.au/data/assets/pdf_file/0007/2797/nig-report.pdf

Symonston Arterial Road

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p166, output class 1.

In relation to : Symonston Arterial Road

1. I note that a feasibility study will be undertaken to extend Jerrabomberra Ave to Canberra Ave, and that this work will be done to support future industrial land releases in the Eastern Broadacre employment corridor.
2. When can we expect the Eastern Broadacre Study to finally be released?
3. What community consultation will there be following its release?

MR BARR: The answer to the Member's question is as follows:

1. It is correct that the Symonston Arterial Road Feasibility Study, which covers the possible extension of Jerrabomberra Avenue to Canberra Avenue, is to support future industrial land releases as part of the Eastern Broadacre work.
2. I intend to release the study, along with a discussion paper for public consultation, in July or August this year.
3. A comprehensive consultation program is planned to accompany the release of the study and discussion paper. This will include:
 - a letter to stakeholders and all lessees in the study area;
 - community information sessions;
 - briefings of community councils and other groups; and
 - displays and a range of other activities to encourage participation.

Molonglo-Future Stormwater Feasibility study

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p165, output class 1.

In relation to : Molonglo- Future Stormwater Feasibility Study (\$450,000)

1. What sort of issues will this feasibility study cover, and will it cover an examination of how to deliver non-potable water to households in Molonglo?

MR BARR: The answer to the Member's question is as follows:

1. The study will investigate the stormwater management options for the Molonglo Valley area, including environmental, social, economic and technical factors. Opportunities for stormwater extraction for reticulation of non-potable water for the irrigation of playing fields and open space areas will be identified.

Molonglo road and Group centre

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p165, output class 1.

In relation to : Molonglo road and Group Centre

1. Regarding the feasibility study for East-West Arterial Road and extension of John Gorton Drive - what are the key considerations of this study? (\$450,000)
2. Does this study include consideration of the placement of the Town/ Group Centre?
3. If so, does it consider how to ensure that the endangered woodland can be protected?
4. How does the Commonwealth's Strategic Environmental Assessment impact on the alignment of the road and placement of the Group Centre?

MR BARR: The answer to the Member's question is as follows:

1. The key considerations of this study are: planning and environmental constraints including potential EIS triggers, arterial road design and operational factors; possible revisions of the east-west arterial road alignment adjacent to the arboretum; review of public transport planning outcomes; and the trunk sewer masterplan for the Group Centre and Molonglo suburb 3.
2. The Structure Plan and Territory Plan set out the Government's agreed location of the group centre and the north-south and east-west arterial roads.
3. Protection of Matters of National Environmental Significance, including endangered woodland, is being considered as part of the Molonglo Valley Strategic Assessment process.
4. The endorsement of the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance by the Commonwealth Minister must be completed to give confidence to the further detailed planning and infrastructure projects for the next stages of Molonglo.

Molonglo Arterial Road

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p120, output class 1.

In relation to : Molonglo Arterial Road

1. In relation to the \$34.5M for the North-South Arterial Road for Molonglo (John Gorton Drive) – how much of the road does this funding cover?
2. Does it only cover costs of the road up to the northern end of Wright and Coombes?
3. How does the Commonwealth's Strategic Environmental Assessment impact on the current and future alignment of the road?

MR BARR: The answer to the Member's question is as follows:

1. The \$34.5M covers approximately 2.3 km of John Gorton Drive. It includes two carriageways each comprising a travel lane, a bus lane and an on-road cyclepath, associated service roads providing access to development sites, the new Weston Creek bridge, two major signalised intersections, an underpass and a link road to Uriarra Road.
2. The funding covers construction costs from Streeton Drive/Cotter Road intersection to Holdens Creek thus providing access to most of Wright and Coombs.
3. The endorsement of the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance by the Commonwealth Minister must be completed to give confidence to the further detailed planning and infrastructure projects for Molonglo.

Molonglo

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 3: p121 & p269, output class 1.

In relation to : Molonglo

1. I note that a Sustainability Strategy for Wright and Coombs is being created - when will this be developed and finalised? Is ACTPLA developing this (or which Dept)?
2. How does the requirement that all homes in Molonglo will have water saving measures such as rainwater tanks or greywater recycling differ from the standard Water Sensitive Urban Design Guidelines?
3. When will the Riparian Management Strategy be developed and finalised? What is ACTPLA's role in this?
4. How will 'further environmental objectives' be embedded in Government land developments?
5. Given the Government's sustainability reforms in planning and the Labor-Greens Parliamentary Agreement, how is Molonglo going to be different to Gungahlin?

MR BARR: The answer to the Member's question is as follows:

1. ACTPLA is not developing the Sustainability Strategy for Coombs and Wright. This is being developed by the Land Development Agency (LDA).
2. All water sensitive urban design requirements in the Territory Plan Codes apply to Molonglo developments. In addition, stormwater harvesting from ponds is to be used to irrigate playing fields, thus saving more potable water. Water sensitive urban design requirements are not standardised and innovative ways of achieving the targets within the Codes are encouraged. Further details of water sensitive urban design intentions for Wright and Coombs will be available in the estate development plans being prepared by the LDA.
3. The Molonglo Riparian strategy - Coombs and North Weston is being developed jointly by ACTPLA and the LDA, in conjunction with Parks Conservation and Lands in the Department of Territory and Municipal Services. LDA is managing the contract. It was originally intended that this strategy would be completed by 30 June 2010, however, there are still a number of issues that need to be resolved.
4. ACTPLA is not responsible for land development, however, the Concept Plans and Deeds of Agreement that place requirements on land development include provisions for environmental objectives specific to the location.

5. ACTPLA is committed to achieving excellence and best practice in sustainable planning outcomes in Molonglo. Planning for the new district of Molonglo Valley will enhance its unique features and create a point of difference from other districts in Canberra.

Sustainability initiatives include the protection of matters of National Environmental Significance through the Molonglo Valley Strategic Assessment process, principles of transit-oriented development and walkable neighbourhoods, water saving measures, and changes to the codes of the Territory Plan to improve solar access.

Specific provisions in the design of capital works for Molonglo include busways and bus priority measures, and allowance for a treated effluent/harvested stormwater pipeline along John Gorton Drive as the spine for Molonglo.

Building certification

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4, p.348, output class 1.

In relation to : Building certification

1. What auditing has been done of the building certifiers to date, and what more can be done to ensure that shoddy work is not being signed off on?
2. Does this auditing of building certification include audits of energy efficiency, and what will be done to ensure the rigour of energy efficiency ratings?
3. What progress has there been on implementing a licensing and regulatory system for energy rating assessors?
4. How is the work of the Compliance section assessed?
 - a. Is Compliance pro-active or re-active?
5. Are they aware of other places aside from multi-units with building standard/certification problems?
 - a. What is the breakdown of such problems in terms of building type?
 - b. Are there any problems which occur with commercial buildings?
 - c. Has ACTPLA made any progress in resolving the issues of the house in Ainslie?
(Which was built below building standards, but which was signed off by building certifier. The costs of reparation are way above the building insurance funds available.)
6. Could you please explain the difference between BCA issues (which the private building certifiers sign off on) and construction quality and liability. Single houses in Victoria have a home guarantee fund which protects consumers – is the model in the ACT similar, and does it apply to multi-unit developments?
7. The Building Commission in Victoria also has a good dispute resolution model – has this been considered for the ACT?
8. How does the Government proposal for building inspections relate to current building inspections required upon purchase?

MR BARR: The answer to the Member's question is as follows:

1. The ACT Planning and Land Authority (ACTPLA) has a performance measure under Output 1.1 Budget Paper 4, p. 350 to perform compliance auditing of 10% of building applications lodged in the financial year. The table below shows activity to date in the 2009-2010 financial year. Any further audit information will be available in the ACTPLA's Annual Report.

Building approvals registered FY 09-10	Total registrations audited	Physical site audits conducted of total registrations audited	DA exempt certifier activity audited from total registrations audited
5106	533 = 10.44%	104 = 19.5%	256 = 48%

ACTPLA has commenced a review of existing arrangements associated with private certification and the building industry.

2. Please refer to the response to question 1 of the Member's earlier Question on Notice 09-325. An announcement on further action the Government will take in reforming the current regulatory system for residential building energy efficiency assessments will be made shortly.

3. A regulatory system for residential energy assessors already exists. Refer also to question 2.

4. The primary indicator for the auditing of building certification is the budget output targets.

(a) The auditing of building certification is proactive. Investigations of complaints about building work is naturally reactive.

5. Complaints received by ACTPLA, not all of which reveal any problem with the building in question or a breach of regulation, relate to many types of building.

(a) ACTPLA systems do not support the collection of statistics based on this category.

Technical complaints recorded in ACTPLA databases are recorded against the relevant block and section identifier, which is the consistent approach of dealing with all matters within ACTPLA. Complaints are not correlated according to the building type the complaint relates to e.g. single residential, residential apartments, or particular classes in the Building Code of Australia etc.

(b) At times problems do occur with commercial buildings.

(c) Assuming that the house in question is the one that was featured in the media, ACTPLA can not comment due to legal processes.

6. The *Building Act* requires building certifiers to certify that building work has been completed in accordance with that Act if the certifier is satisfied on reasonable grounds that that is the case. As well as requiring work to accord to the BCA, the Act requires work to be done in a proper and skilful way.

The *Building (General) Regulation 2008*, sections 31 and 32 prescribe considerations for determining materials, work standards, and construction tolerances that must be considered when deciding if non-exempt building work, as defined in the Act, has been carried out in a proper and skilful way. These provisions are the most prescriptive and stringent in Australia and respond to difficulties courts have historically had in determining what

constitutes proper and skilful building work. The BCA does not specifically deal with a "proper and skilful" work requirements. It is a minimum regulatory intervention code that address broad issues like life safety, rather than aesthetics or quality of fit and finish .

Section 88 of the *Building Act* creates statutory warranties by builders for certain residential building work, and places the warranty into relevant contracts. The warranty covers compliance with that Act, and work being done in a proper and skilful way with good and proper materials. It covers class 1 houses and class 2 apartment buildings if both are no higher than three storeys excluding car-parking storeys. The warranty therefore goes beyond just BCA requirements.

The *Building (General) Regulation 2008* prescribes the period that the statutory warranties for residential building work operate for, being six years for structural elements and two years for non-structural work, both from completion of the work. They are based on nationally consistent periods.

Limitations on certain liabilities of builders and building certifiers in relation to certain damages in relation to defective building work, other construction, and negligence are prescribed in Part 9 of the *Building Act*, which also prescribes how courts must judge awards of damages against each relevant defendant, rather than just the builder or just the certifier, for example. The part also places a ten year limitation on actions for those kinds of damages. Such actions are not limited to breaches of the BCA.

7. Such disputes are more appropriately a fair trading, consumer law or contract law matter. Planning and construction laws are essentially about design and function standards more so than about contractual matters.
8. The government proposal refers to inspections by ACTPLA officers of building work during the construction process. It does not relate to the inspections of the condition of an existing building carried out by independent building inspectors engaged as a consequence of the *Civil Law (Sale of Residential Property) Act 2003*.

Canberra Spatial plan - risk assessment/human settlement vulnerability

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4, p.347, output class 1.

In relation to : Canberra Spatial Plan – risk assessment/ human settlement vulnerability

1. When can we expect to see the discussion paper to inform the evaluation of the Canberra Spatial Plan, and the risk assessment of human settlement in regard to temperature increase?
2. What stage is this process up to now?
3. At what stage will the community be engaged in its development?
4. Is there any consideration of an improved community engagement process on this issue, as I imagine that there will be a huge range of views on it? Perhaps this would be a good issue to talk to the Community Engagement Unit about trialling more modern forms of engagement such as deliberative democracy fora?
5. How does this process fit in with the Assembly Climate Change Committee's ecological carrying capacity inquiry?

MR BARR: The answer to the Member's question is as follows:

1. A key output of the Sustainable Future program will be an evaluation of the Canberra Spatial Plan (2004). As part of this program ACTPLA has commissioned two key pieces of work to inform the evaluation. The first is a broad risk assessment to identify the inherent strengths and weaknesses in Canberra's urban pattern with regard to an increase in temperature. The second is to be consider through the use of design scenarios, what are potential adaptive and mitigation strategies. This work, including the discussion paper reporting on the Sustainable Future stakeholder workshops, will inform the preparation of a directions paper which will be released later this year.
2. Both the risk assessment and the design scenarios are due to be completed by August/September 2010. ACTPLA has also commenced the evaluation of the Spatial Plan in regard to the key themes raised by the stakeholders and to achieving key strategic policy outcomes, including the Sustainable Transport Action Plan and the target of being carbon neutral by 2060.
3. The stakeholder workshops and the release of the discussion paper on these workshops was the commencement of a broader discussion with the community.

4. Strategies to expand and encourage greater community engagement are being developed. These include the consideration of a deliberative democracy forum and greater use of social media. It is vital to the evaluation to canvass the community's values, to explore what is important to people and understand what the costs and benefits of building a more sustainable city are. I understand that to this end, there has been extensive talks with the Community Engagement Unit in the Chief Minister's Department to identify and uses processes that will lead to consistent and fruitful engagement on the broader strategic planning issues.
5. There is no direct correlation with any inquiry on ecological carrying capacity. Maintaining and enhancing our ecological services is a priority issue and will be canvassed in the directions paper. Also the evaluation will however, more directly address and link to the indicators set out in the Commissioner for Sustainability and the Environment's, State of the Environment Report.

Review of Habitable suites

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4, p.345, output class 1.

In relation to : Review of Habitable Suites

What is the progress of ACTPLA's review of habitable suites?

When can we expect to see ACTPLA's report on the issue, and a Draft Territory Plan Variation?

MR BARR: The answer to the Member's question is as follows:

An issues paper titled *Special residential and non-residential uses in residential zones* was released for public comment in November and December 2009. It proposed the replacement of "habitable suites" and similar types of accommodation with "secondary residences". The relevant provisions are included in a draft Residential Zones Development Code. This code is a component of a draft variation to the Territory Plan that is scheduled for public release over coming months.

Master Planning

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4, p.346, output class 1.

In relation to : Master planning

1. When are the Master Planning processes for Pialligo, Erindale and Tuggeranong expected to be undertaken?
2. When are the master planning processes for Dickson and Kingston expected to be finalised and made publicly available?

MR BARR: The answer to the Member's question is as follows:

1. The Tuggeranong and Erindale Centres planning project is to commence in the new financial year with the first community engagement event scheduled towards the end of the year. The bulk of community engagement will happen in the first half of 2011.

The Pialligo planning project will commence in the second quarter of 2011.

2. ACTPLA will be releasing both the draft Dickson and Kingston Centre planning reports for public comment for four weeks, starting in July 2010. ACTPLA will, after the close of the public comment period, bring forward a submission for Government consideration with proposed policy directions and implementation strategies.

Commercial land supply / Live events

Caroline Le Couteur: To ask the Minister for Planning:

Ref: ACTPLA, Budget Paper 4, p.348, output class 1.

In relation to : Commercial land supply/ Live Events

Have you examined the impact on the entertainment establishments in the Sydney and Melbourne buildings, of the proposed hotel/residential development in the car parks on London Cct opposite? I am particularly concerned to ensure that these developments will not lead to shutting down more live music venues in Civic.

MR BARR: The answer to the Member's question is as follows:

Blocks 3 and 4 Section 100 adjacent to the Melbourne and Sydney buildings are to be auctioned on 21 June 2010 by the Land Development Agency.

Each block is subject to a holding lease and a Deed of Agreement. The Deed contains the development conditions associated with the lease to be issued upon sale.

The developer is required to mitigate noise intrusion from traffic and late night entertainment through appropriate high quality planning and design of buildings.

A report must be prepared by a suitably qualified acoustic engineer to identify the potential effects on building residents from all types of noise expected to be generated in this precinct. This report must also include proposed mitigation measures to address the issues identified. Mitigation measures may include building design, window design and material specification where appropriate. Plans must be included in the submission for planning approval.

Mitigation measures must be approved by both the Territory and the National Capital Authority as a condition of lease issue.

Building complaints

ZED SESELJA : To ask the Minister for Planning

In relation to : Building Complaints

1. How many complaints has ACTPLA received in the last four financial years (and to date in 2009-10) relating to poor construction?
 - g. How many complaints were resolved in favour of the complainant?
 - h. How many complaints in each year were resolved in favour of the builder; and
 - i. How many complaints in each year remain unresolved?
2. For each complaints in 1a, b and c, what type of building or construction activity did it involve (ie, homes, units, commercial) and what was the complaint about?

MR BARR: The answer to the Member's question is as follows:

1. ACTPLA systems do not support the collection of statistics based on the above category of complaint and outcomes are not recorded in the above terms.

This information can be collated manually but would require taking inspectors away from current investigations for a period of time to review each individual complaint record so as to identify and categorise each complaint in the above terms.

2. Refer to question 1. Note also that complaints made by individuals are confidential and much of the detail of the complaint cannot be publically divulged without breaching privacy regulations.

Building regulations

ZED SESELJA : To ask the Minister for Planning

In relation to : Building Regulations

1. How many regulations must a builder have consideration of when building a home?
 - j. What assessment has ACTPLA made of this regulatory burden?
 - k. How much does this regulatory burden add to the cost of a home?

MR BARR: The answer to the Member's question is as follows:

1. As in any occupation, a builder must have consideration of a number of regulations including those covering occupational health and safety, environmental protection, as well as those regulations specific to the control of the activity being undertaken. For builders, these will be the *Building Act 2004* and the provisions of the Building Code of Australia (BCA) as in force at the time.
 - a. Not all regulation that relates to building and the responsibilities inherent in the construction process is administered by ACTPLA.

Technical building regulation primarily relates to the health, safety, amenity and sustainability of a building, including its structural integrity. It is not clear which aspects of regulation the Member refers to in relation to regulatory burden. It is assumed that the Member does not consider that all regulations, for instance those that require that a structure is safe and does not fail structurally, or that a person must have adequate skills to carry out work, are necessarily a burden.

Amendments to the BCA are subject to a national regulatory impact process, which must be approved by the Office of Best Practice Regulation. The national regulatory impact statement also contains an analysis of the costs and benefits of proposals specific to the ACT, and also considers the costs to the community of not introducing a regulation eg where public safety may be at risk.

Assuming changes have been introduced by the Government, new ACT-specific regulations are subject to ACT impact analysis requirements as prescribed in the *Legislation Act 2001*.
 - b. Costs of compliance with regulation will naturally differ from building to building. The BCA is a performance-based regulation and does not prescribe building, design or business practices, specific appliances or materials used for finishes. Some building solutions can reduce the cost of a home, others may increase the up-front costs but decrease the long-term maintenance and operational costs.

The absence of regulations can also result in increased costs to property owners, if a reasonable level of quality is not required of building work.

Change of use charge

ZED SESELJA : To ask the Minister for Planning

Ref: Estimates Hansard 26 May 2010

In relation to : the Change of Use Charge;

1. Treasury indicated in estimates hearings on 14 May 2010 that: *“if you look at the data over a couple of years, it appears that for all dual-occupancy developments the uplift in value was calculated to be \$5,000; for multi-units, it was \$1,500; and for townhouses it was \$2,500. Odd, but the process seemed to have been followed”* (page p180-181).
 - a. How many dual occupancy developments, multi unit developments and townhouse developments have been charged change of use charge at these rates (please provide breakdown by year since the arrangement to fix the change of use charge was implemented)
 - b. For each development in 1(a), how many residences are contained within each?
 - c. Has ACTPLA made any assessment of the revenue that was forgone as a result of the change of use arrangement?
 - d.
2. The Minister referred to the elasticities of demand and supply (Hansard, page P1273). Which side of the market is more inelastic?
3. The Minister noted that “There is considerable evidence at the moment that there is a lot of land speculation particularly around certain blocks in certain parts of the city that is leading to very high prices being paid for that land” (P1273). By how much is this land in the city overvalued?

MR BARR: The answer to the Member’s question is as follows:

1. a. The number of dual occupancy developments approved since 2004-05 is:

2004-5	2005-6	2006-7	2007-8	2008-9	2009-10
34	41	40	42	71	84

ACTPLA is unable to provide figures prior to the 2004-5 financial year.

ACTPLA is unable to determine the number of multi-unit and town house developments due to limitations on resources to undertake such a task which would require investigation of every development application submitted within the relevant timeframe.

- b. Each of the above approvals is for two dwellings.
 - c. No.
2. My comments did not suggest that one side of the market was more or less elastic than the other.

3. My comments did not state the land was overvalued. Any price paid is determined by the market in response to development potential.

Crown lease extensions

ZED SESELJA : To ask the Minister for Planning

In relation to : Crown lease extensions

1. How much revenue is being collected from Crown Lease Covenant extension fees?
 - l. How much has been collected in each of the last four financial years?
 - m. How much is budgeted to be collected in 2009-10, and in the next four financial years?
2. What are the reasons that these fees are being charged? For example, how much revenue has been collected from projects that have stalled due to fallout from the GFC?
3. How much revenue has been collected from projects that have stalled due to changes in policy by the Federal Government?

MR BARR: The answer to the Member's question is as follows:

1. (a)

	Actual (\$m)
2005-06	0.2
2006-07	0.8
2007-08	0.7
2008-09	1.3

(b)

	Budget (\$m)	Actual (\$m)
2009-10	1.3	1.4 (to end April)
2010-11	1.4	
2011-12	1.4	
2012-13	1.4	
2013-14	1.4	

2. (a) Recommendations 15 and 16 of the Report of the Affordable Housing Steering Committee March 2007, indicated appropriate measures that should be undertaken to facilitate timely development of land in the Territory and reduce the large scale non-compliance with development timeframes.

When the *Planning and Development Act 2007* (the Act) was implemented on 31 March 2008, sections 298A and 298B of the Act put into place the actions identified in the affordable housing initiative.

Further, the Government has implemented a fee moratorium from 1 July 2009 to 30 June 2011, that applies to a variety of commercial leases as a deliberate measure to reduce the impact of the GFC on those leaseholders.

(b) ACTPLA systems do not support the collection of statistics based on the above category therefore data is not readily available for revenue that has been collected from projects that have stalled due to fallout from the GFC.

This information can be collated manually but would require taking officers away from current applications for a period of time to review each individual application so as to categorise each extension to determine those projects that have been alleged to be stalled due to fallout from the GFC.

3. Please identify the specific Federal Government policies that relate to matters regulated by ACTPLA for which you believe revenue has been collected by that agency.

Land release

ZED SESELJA : To ask the Minister for Planning

In relation to : Land Release

1. How many staff within ACTPLA work directly on land release and land release issues?
2. What modelling or analysis does ACTPLA undertake on the optimum level of land that needs to be released?
3. Will the i) rectification and ii) codification of the change of use charge reduce demand for urban infill and instead place more pressure on greenfields developments?

MR BARR: The answer to the Member's question is as follows:

1. Between 40 and 45 staff across the organisation.
2. This is the responsibility of the Department of Land and Property Services.
3. Currently there is no evidence to suggest that changes to the way Change of Use Charge (CUC) is calculated will place more pressure on greenfield developments.

Molonglo

ZED SESELJA : To ask the Minister for Planning

In relation to : Molonglo

1. How much of ACTPLA's budget is devoted to work on the Molonglo Valley?
 - n. How many staff are involved in the Molonglo development (on an FTE basis)
 - o. How many contractors or consultants are involved, and what is the cost of engaging each?
2. What feasibility studies are currently underway for Molonglo? For each:
 - p. what was the cost, how many staff are involved,
 - q. what is cost of consultants for the study, and
 - r. when will it be complete?
3. How many childcare centres will be opened in Molonglo?
4. How many blocks will be available in Molonglo, and are there any policy decisions that are yet to be taken that may change this number?
 - s. If there are policy decisions which are yet to be taken, what are they, and how would they change the design of Molonglo?

MR BARR: The answer to the Member's question is as follows:

1. a. Approximately 11 FTEs are involved with the work relating to Molonglo from across the organisation.
 - t. One contractor is engaged on Molonglo planning and infrastructure projects. The cost is \$175,000 (to end of June 2011) excluding GST.
2. Four feasibility studies for Molonglo are currently in progress:
 - Molonglo Future Stormwater Management (previously Future Water Management Options- Molonglo River). Cost is \$787,596.42 including GST and will be physically completed by June 2011.
 - Molonglo East West arterial Road and extension of John Gordon Drive to Molonglo River (\$250,000 in 2010/11 and \$200,000 in 2011/12). Physical completion October 2011.
 - Urban Development Sequence for Affordable Housing – Molonglo and North Weston. Cost is \$150,000 and will be physically completed by mid 2011.
 - Urban Development Sequence for Affordable Housing – Environmental impact assessment Molonglo. Cost is \$155,000 and will be physically completed by June 2011.
3. Childcare centres can be provided by the Government, community organisations or the private sector. It is not possible to predict how many will be opened in Molonglo.

4. The projected future population in Molonglo is approximately 50,000, however, this will be reviewed as concept planning progresses through the district and statutory processes are undertaken.

A Strategic Assessment for the Protection of Matters of National Environmental Significance within the Molonglo Valley under the requirements of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* is currently being prepared for consideration by the Commonwealth Minister for the Environment.

Weston Creek Masterplan

ZED SESELJA : To ask the Minister for Planning

In relation to : Weston Creek Masterplan

1. What progress has the Government made on developing a masterplan for Weston Creek?

MR BARR: The answer to the Member's question is as follows:

1. Government has committed to preparing master plans for Kingston, Dickson, Tuggeranong and Erindale, Pialligo and Tharwa. No commitment has been given to the preparation of a master plan for Weston Creek.