

ESTIMATES 2020-21 AND ANNUAL REPORTS 2019-20

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

APRIL 2021

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RESOLUTION OF APPOINTMENT

On 2 December 2020 the Legislative Assembly resolved to establish the Standing Committee on Planning, Transport, and City Services.¹

Under the Resolution the Committee is responsible for examining the following areas:

- City Renewal Authority;
- Suburban Land Agency;
- Planning and Land Management;
- Transport;
- City Services including waste and recycling;
- Housing (excluding service provision); and
- Building and Construction.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

² Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

TERMS OF REFERENCE

The Assembly's resolution of 2 December 2020 (above), included the following paragraphs:

- the committees so established may inquire and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community and within the nominated areas of responsibility;
and
- the committees so established are required to examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills.³

These paragraphs require the Committee to inquire into and report on Annual Reports and budgetary items ('Estimates') within the portfolio areas for which the Committee holds scrutiny. In this instance, in a deliberative meeting of 18 February 2021, the Committee agreed, to report on both inquiries in a single report, taking into account the Assembly's amendment to the above resolution of 11 February 2021.⁴

³ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, p.18, paragraphs (2) and (7).

⁴ Legislative Assembly for the ACT, *Minutes of Proceedings*, 11 February 2021, p.72, available at:
https://www.parliament.act.gov.au/_data/assets/pdf_file/0011/1701758/MoP006F.pdf

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RECOMMENDATIONS

RECOMMENDATION 1

- 2.72** The Committee recommends that the ACT Government put forward specific proposals for a revised planning system so that the ACT community is able to consider implications, respond, and contribute to the process of devising a future planning system.

RECOMMENDATION 2

- 2.75** The Committee recommends that the ACT Government consider developing an adaptive reuse policy to ensure that Canberra better uses existing assets in those instances where adaptive reuse results in less waste, and less embedded and ongoing emissions.

RECOMMENDATION 3

- 2.77** The Committee recommends that the Environment, Planning and Sustainable Development Directorate conduct a comprehensive assessment of the effect on flora and fauna after fires in the Orroral Valley in the summer of 2019-20 and publish findings and action plans by the end of the 2021-2022 financial year.

RECOMMENDATION 4

- 2.79** The Committee recommends that the ACT Government consider limiting extensions of time for requirements to commence and complete development on Crown leases.

RECOMMENDATION 5

- 3.39** The Committee recommends that the 2022 review of the National Construction Code include addressing the significant changes to climate and other conditions brought about by climate change.

RECOMMENDATION 6

- 4.64** The Committee recommends that the SLA take into account sustainability requirements for all land releases in all locations, including ensuring block and building sizes allow enough space to meet the 30% tree canopy and 30% permeability targets, cycle and footpath connections encourage active travel, developments are built and are oriented to ensure they have a low energy footprint, all car parks have separately-metered electrical wiring for electric vehicles and new developments do not have gas connections.

RECOMMENDATION 7

- 5.26** The Committee recommends that Sport and Recreation engage in a structured way with private recreational facilities like golf courses and other sports grounds to provide them with information and expertise about low-water maintenance of grass and sporting facilities.

RECOMMENDATION 8

- 6.75** The Committee recommends that the ACT Government acquire suitable equipment so that it has the capability to assess cycle and pedestrian path surfaces across the network.

RECOMMENDATION 9

- 6.76** The Committee recommends that the ACT Government set a target of 90 per cent of bike paths and footpaths being maintained in good condition, as is done for roads.

RECOMMENDATION 10

- 6.78** The Committee recommends that PCS and TCCS work together and take ongoing advice from the ParkCare groups to conduct more native plantings in urban areas to produce better habitat and reduce the need for mowing, as has been done at Ginninderry.

RECOMMENDATION 11

- 6.80** The Committee recommends that when reporting on waste and recycling, the ACT Government quote figures for tonnes of waste recovered and waste sent to landfill.

RECOMMENDATION 12

- 6.81** The Committee recommends that ACT Government use existing surveys and/or other existing means to determine what customers would have done with the material if they had not used the Bulky Waste service and whether the service is increasing waste to landfill.

RECOMMENDATION 13

- 6.83** The Committee recommends that Transport Canberra formulate and adopt a policy on hiring further female bus drivers, which includes measures to ensure accessibility of these positions to women, and clear targets.

RECOMMENDATION 14

- 6.84** The Committee recommends that Transport Canberra conduct surveys with women who are bus drivers and women who are not yet in that workforce to find out the barriers to entry.

RECOMMENDATION 15

- 6.86** The Committee recommends that ACT Government investigate a convenient on-demand app to book on-demand Flexibus services alongside options to call or book online.

RECOMMENDATION 16

- 7.23** The Committee recommends that that future works in Braddon incorporate best practice cyclist and pedestrian safety.

1 INTRODUCTION

BACKGROUND

- 1.1 On 2 December 2020 the Legislative Assembly for the ACT resolved to create Standing Committees, including the Standing Committee on Planning, Transport and City Services.⁵ Two paragraphs of the resolution provided Assembly committees with the authority to inquire into annual reports,⁶ and required them:

To examine the expenditure proposals contained in the main appropriation bills for the Territory and any revenue estimates proposed by the Government in the annual budget and prepare a report to the Assembly within 60 days of the presentation of the budget bills⁷

- 1.2 In a meeting of 18 February 2021, the Committee agreed to report on both inquiries in a single report, taking into account the Assembly's amendment to the standing committees' Resolution of Appointment of 11 February 2021.⁸

CONDUCT OF THE INQUIRY

- 1.3 For those portfolio areas for which it held scrutiny, the Committee invited ministers and their officers to appear in hearings, which were held on 25 February, 3 March, and 4 March 2021. Hearings were recorded and transcribed. Questions Taken on Notice were taken in hearings, and Questions on Notice were lodged by Members of the Assembly.⁹

⁵ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

⁶ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, p.18.

⁷ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, p.18.

⁸ Legislative Assembly for the ACT, *Minutes of Proceedings*, 11 February 2021, p.72, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0011/1701758/MoP006F.pdf

⁹ Answers to Questions Taken on Notice and Questions on Notice are available from the inquiry webpage at: <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees/ptcs/inquiries-into-annual-and-financial-reports-20192020-and-act-budget-20202021>

STRUCTURE OF THE REPORT

- 1.4 Chapter 1 of the report is the present introduction.
- 1.5 Chapters 2 to 7 of this report consider matters raised with each of the ministers who appeared before the Committee, in order of appearance:
- the Minister for Planning and Land Management, who appeared on 25 February 2021;
 - the Minister for Sustainable Building and Construction, who also appeared on 25 February;
 - the Minister for Housing and Suburban Development, who appeared on 3 March 2021;
 - the Minister for Sports and Recreation, who also appeared on 3 March;
 - the Minister for Transport and City Services, who appeared on 4 March 2021; and
 - the Chief Minister, as minister responsible for the City Renewal Authority, who also appeared on 4 March.

2 MINISTER FOR PLANNING AND LAND MANAGEMENT

2.1 In hearings of 25 February 2021 the Committee asked questions of the Minister for Planning and Land Management about:

- Output Class 1, Planning;¹⁰
- Output 2.1, Environment;¹¹
- Output 2.2 Conservation and Land Management;¹² and
- Output 4.1 Land Strategy.¹³

GAS AND FUTURE RESIDENTIAL DEVELOPMENT

2.2 The Committee asked how long it would take for legislation to be introduced to the Assembly that would prevent gas network connections in greenfields residential and infill developments.¹⁴

2.3 The Director-General of the Environment, Planning and Sustainable Development Directorate (EPSDD), told the Committee that the Directorate was ‘finalising briefing material for the minister’s consideration’ about the banning of gas in new suburbs, and was also at the same time considering whether work should be done in relation to future urban infill development.¹⁵ He told the Committee that this was ‘certainly much more straightforward for greenfields estates’, whereas for infill development ‘we need to consider a range of other matters, including the fact that we have got infrastructure that is there and what might happen to that infrastructure’.¹⁶

2.4 The likely means of making changes as regards greenfield development, he told the Committee, would be a variation to the *Territory Plan*. The timeline, taking into account

¹⁰ See 2020-21 Budget Statement E, pp.16, 22 and 52, viewed 10 March 2021, available at:

https://apps.treasury.act.gov.au/_data/assets/pdf_file/0008/1698938/2020-21-Budget-Statements-E.pdf

¹¹ See 2020-21 Budget Statement E, pp. 17 and 23.

¹² See 2020-21 Budget Statement E, pp. 18 and 24.

¹³ See 2020-21 Budget Statement E, pp.19, and 25.

¹⁴ Standing Committee on Planning, Transport and City Services, *Proof Transcript of Evidence*, 25 February 2021, p.1.

¹⁵ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.1.

¹⁶ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.3.

consultation and other requisite steps, would normally take from 12 to 18 months, and a variation to the *Territory Plan* could be expected to be in place by 2023.¹⁷ A briefing was also being prepared for the Minister regarding a commercial centre at Molonglo which was powered only electricity, which could be implemented either through the variation to the *Territory Plan* already being contemplated, or a separate one.¹⁸

REVIEW OF THE *TERRITORY PLAN*

- 2.5 The Committee asked questions about a review of the *Territory Plan* currently being undertaken. The Minister told the Committee that the Government wanted the planning review to deliver a system based on ‘outcomes-based rather than rules-based legislation or codes’, which would ‘make it more flexible for developers and give more certainty, we are confident, for the community as well’.¹⁹
- 2.6 The Director-General, EPSDD, told the Committee that although the review had begun with a focus on the *Territory Plan*, it had ‘gone beyond that to looking at the entire system’, which included ‘working out how we get to the end goal ... of a more people and outcomes focused planning system’.²⁰ The review had released a number of directions papers and exposed them for public comment.²¹
- 2.7 The Committee asked the Director-General to define ‘outcomes’ in the context of his comments on the purpose of the review. He told the Committee that the current system was ‘extremely rules based’, and that this perception was shared between the planning and land authority, the community, and industry representatives. As a result, he told the Committee, proponents were ‘just going through and ticking off each rule’. For a multi-unit development this could amount to more than 200 rules or criteria to be taken into account if proponents wanted to go beyond current rules.²²

¹⁷ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, pp.1-2.

¹⁸ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.2.

¹⁹ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.3.

²⁰ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.4, and see Environment, Planning and Sustainable Development Directorate – Planning, ‘Planning Review’, viewed 9 March 2021, available at: <https://www.planning.act.gov.au/planning-our-city/planning-projects/planning-review>

²¹ The six policy directions papers — ‘ACT Planning System Review and Reform Overview’, ‘System Structure’, ‘Strategic Planning’, ‘Development Controls’, ‘Development Assessment’, and ‘System Operation’ — are available from ACT Government, ‘ACT Planning Review’, viewed 9 March 2021, available at: <https://www.yoursay.act.gov.au/act-planning-review>

²² Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.5.

- 2.8 He told the Committee that this was creating a situation in which proponents did not think about what is the best outcome for the site, as they were ‘thinking about the site in the context of the street or the block or the suburb’, and this did not always lead to the best development for the site. At present, he told the Committee, the planning authority could be obliged to approve a development when it considers that it is not ideal and that the community doesn’t want it, but developers know that ‘at least they can get a clear pathway’, especially if they ‘comply with all the rules’ so that there is ‘less chance of a tribunal appeal’. These factors determined much of the development taking place at present.²³
- 2.9 The Director-General told the Committee that there was a desire ‘to get to a system where people stop and think about the strategic direction’. Currently, in his view, there was a lack of articulation between different elements of the planning system, such as the Territory Plan and the Planning Strategy. Other examples were climate change, transport and housing strategies, which were not in his view ‘reflected in the planning system’. The EPSDD would like to see the ACT planning system become ‘less focused on the rules and more focused on the outcomes, getting it to communities and developers and giving the assessment team a greater opportunity to really shape quality products’.²⁴
- 2.10 When asked how EPSDD would get to a point where it was confident that decisions expressed the intent of this outcomes approach, the Director-General told the Committee that this was ‘part of the work that is yet to be done’, which involved further consideration of development controls and assessment.²⁵
- 2.11 When asked for further information about the proposed outcomes approach, the Director-General told the Committee that the planning and lands authority had introduced new tools to support delivery of an outcomes focus. This included the work of the design review panel, which was ‘not necessarily to just be focused on the rules’. By the time proposals were considered by the panel, they should be compliant, so the panel was able to focus on other considerations. The authority was considering what guidelines it could provide, which would include examples of what were considered good outcomes, as a basis for proponents to visualise and focus on outcomes. Further work focused on demonstration housing. All of these measures were intended to show proponents ‘what we mean by a high-quality development’.²⁶
- 2.12 The Committee asked whether the review considered all part of the ACT planning system. The Director-General told the Committee that it did, and that a key imperative was to establish a

²³ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.5.

²⁴ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.6.

²⁵ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.6.

²⁶ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.7.

clear hierarchy and articulation from ‘big picture thinking’ through to planning arrangement for individual blocks.²⁷

- 2.13 A further question raised by the Director-General was whether the model used for assessing Development Applications would continue to be based on the Development Assessment Forum (DAF) model,²⁸ that is the current track-based system of ‘exempt’, ‘code’, ‘merit’ or ‘impact’ track assessments,²⁹ or whether it might be possible to divide the assessment of Development Applications into ‘complex’ or ‘less complex’ streams.³⁰

ADAPTIVE RE-USE

- 2.14 The Committee asked whether the ACT Government had an adaptive re-use policy for building assets.³¹

- 2.15 According to a 2004 Commonwealth Department of the Environment and Heritage publication:

Adaptive reuse is a process that changes a disused or ineffective item into a new item that can be used for a different purpose. Sometimes, nothing changes but the item’s use.³²

- 2.16 The Minister for Planning and Land Management told the Committee that the Government did not. Decisions about such matters were ‘made as we go through the planning process’, when consideration was paid to ‘the assets that are available’, ‘the pressure on the assets as we grow as a city’, and ‘changes to density’.³³

- 2.17 The Committee asked if there were any concessions on Lease Variation Charge were offered as an incentive for adaptive re-use of building assets.³⁴

²⁷ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.6.

²⁸ See Planning Institute of Australia, ‘Policy: Development Assessment Forum’, viewed 9 March 2021, available from <https://www.planning.org.au/policy/development-assessment-forum>

²⁹ See Planning Institute of Australia, ‘Leading Practice Model for Development Assessment’, viewed 9 March 2021, available from <https://www.planning.org.au/documents/item/6876>

³⁰ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.10.

³¹ *Proof Transcript of Evidence*, 25 February 2021, p.8.

³² Department of the Environment and Heritage, 2004, *Adaptive Reuse*, p.3, viewed 24 March 2021, available at: <https://www.environment.gov.au/system/files/resources/3845f27a-ad2c-4d40-8827-18c643c7adcd/files/adaptive-reuse.pdf>

³³ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.8.

³⁴ *Proof Transcript of Evidence*, 25 February 2021, p.8.

- 2.18 The Committee asked in particular about the advisability of remissions to LVC for adaptive re-use of commercial buildings, stating that at present it seemed that when a full LVC was levied, developers could only balance their books by committing to demolish and rebuild commercial stock.³⁵
- 2.19 The Director-General, EPSDD, told the Committee that he believed that at present there were no such incentives, although they had existed 'a number of years ago'.³⁶
- 2.20 The Committee asked why the Government would not have such a policy and why concessions to Lease Variation Charge (LVC) for this purpose had been discontinued.³⁷ This was taken as a Question Taken on Notice. In the answer to the question, the Acting Minister for Planning and Land advised the Committee:

There are currently no lease variation charge (LVC) remissions given for adaptive use. The previous adaptive use remissions were not taken up by industry, and so were not continued by the Government.

A range of broader economic stimulus remissions have been available since that time, including the current construction sector recovery remission.³⁸

DRAFT VARIATION 364: GUNGALIN TOWN CENTRE

- 2.21 The Committee asked questions about Draft Variation 364: Gungahlin Town Centre.³⁹

INTERIM EFFECT OF THE DRAFT VARIATION

- 2.22 One line of questioning concerned the interim effect of the draft variation.⁴⁰
- 2.23 Under the *Planning and Development Act 2007*, when the planning and land authority is preparing a draft variation to the *Territory Plan*, it must among other things consult specific statutory authorities,⁴¹ and conduct public consultation, in the process issuing a Consultation

³⁵ *Proof Transcript of Evidence*, 25 February 2021, p.9.

³⁶ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.8.

³⁷ *Proof Transcript of Evidence*, 25 February 2021, pp.8, 9.

³⁸ Question Taken on Notice No 1, received 5 March 2021.

³⁹ Draft Variation 364: Gungahlin Town Centre, viewed 10 March 2021, available from:
https://www.planning.act.gov.au/planning-our-city/territory_plan/draft_variations_to_the_territory_plan

⁴⁰ *Proof Transcript of Evidence*, 25 February 2021, p.11.

⁴¹ *Planning and Development Act 2007*, s 61(b), viewed 10 March 2021, available from:
<https://www.legislation.act.gov.au/a/2007-24/>

Notice.⁴² The consultation period initiated by the Notice can be extended or ‘further’ extended.⁴³ The Consultation Notice may state, for a period ‘not longer than 1 year’, that a part or whole of the draft variation, is to have interim effect.⁴⁴

2.24 The Act provides that where there is interim effect:

The Territory, the Executive, a Minister or a territory authority must not, during the defined period or a period stated in the consultation notice, whichever is shorter, do or approve the doing of anything that would be inconsistent with the territory plan if it were varied in accordance with the draft plan variation.⁴⁵

2.25 The Committee asked how interim effect had lapsed for Draft Variation 364 and related process.⁴⁶ The Director-General told the Committee:

If the interim effect is applied at the point that it is first notified then it will last for 12 months. After the 12-month period, it lapses. The reason that it is 12 months is that within that time you would ordinarily expect that the matter would be referred to the minister, because that is giving you 12 months to seek the views of the community, respond to the views of the community and provide a brief to the minister, and then potentially progress to committee and allow the committee time to inquire. But, as I said, at the point of referral a further decision is made. That is why it is 12 months.⁴⁷

2.26 He told the Committee:

In this case, due to various reasons, including the fact that we had an election in October - and, obviously in terms of referring things to ministers and committees there is a bit of a period where that does not or cannot occur - it has pushed beyond the 12-month period, and now there is a decision. Whenever we apply interim effect, if somebody is making decisions on that at that first point they do so knowing that that could change. The reason that it could change is that the minister might decide not to proceed with the variation or the interim effect could lapse.⁴⁸

2.27 The Committee noted that in this case, due to the 2020 ACT general election and COVID-19, it had not been possible to complete a normal process in the 12-month period, and that as a result the draft variation had been notified a second time. It asked against what would a

⁴² *Planning and Development Act 2007*, s 63.

⁴³ *Planning and Development Act 2007*, s 63(2).

⁴⁴ *Planning and Development Act 2007*, s 65(2)(b).

⁴⁵ *Planning and Development Act 2007*, s 65(2).

⁴⁶ *Proof Transcript of Evidence*, 25 February 2021, p.11.

⁴⁷ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.12.

⁴⁸ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.12.

development application be assessed if it had been lodged in periods where interim effect did or did not apply.⁴⁹

2.28 The Director-General told the Committee:

If you lodged a development application for those sites today, you would be assessed against the *Territory Plan* as it currently is, in effect. If interim effect is applied at a future point then you will be assessed against the new *Territory Plan* as though it were varied.⁵⁰

2.29 When asked what would happen if a decision on a development application had not been made, and against what it would be assessed, the Director-General told the Committee:

The point of the decision is the *Territory Plan* that applies at the time. If you lodged six months ago and a decision was due today, we would apply the *Territory Plan* ... as it stands. But, had we made a decision on the draft variation six months ago, it would have been as though the plan had been varied.⁵¹

MIX OF RESIDENTIAL AND COMMERCIAL DEVELOPMENT

2.30 Another line of questioning was about the mix of residential and commercial development contemplated for Gungahlin. Questions were asked about whether the ACT Government had a preference for residential development in Gungahlin, and whether this would constrain future commercial development.⁵²

2.31 The Minister told the Committee that the 'original focus for Gungahlin was as a large residential area'.⁵³ The Executive General Manager, Planning and Urban Policy, EPSDD, told the Committee that there were two imperatives for residential development in Gungahlin east. One was that the 'the planning strategy points us to having 70 per cent of all our future growth in the urban footprint, around town centres and transit corridors'.⁵⁴ A second was that:

when the first Gungahlin town centre variation happened, there was projected commercial demand of 200,000 square metres of commercial floor area. By the time the 2018 refresh came around, that was obviously extremely optimistic and had not

⁴⁹ *Proof Transcript of Evidence*, 25 February 2021, p.12.

⁵⁰ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.12.

⁵¹ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.12.

⁵² *Proof Transcript of Evidence*, 25 February 2021, p.13.

⁵³ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.14.

⁵⁴ Ms Lesley Cameron, *Proof Transcript of Evidence*, 25 February 2021, p.14.

been realised, so there were further projections, and a more realistic figure of 100,000 square metres of commercial floor space was accepted.⁵⁵

2.32 She told the Committee that this included 'about 13,500 square metres of small-scale commercial, predicting up to another 25 or 30 within the next couple of years' and setting aside '65,000 square metres in Gungahlin is specifically for large-scale commercial development'. This was 'the mix that was settled on, on the basis of demand forecasts'.⁵⁶

2.33 When asked the timeframe for these forecasts, the Executive General Manager took the question on notice, which was answered by the Acting Minister for Planning and Land Management. He advised the Committee:

The demand forecast is to 2028, with targets that comprise 13,500m² of existing offices (2016 value) and a further 21,500m² of future offices through growth of the town centre, mainly through small-scale offices.

The remaining 65,000m² is preserved for large scale commercial offices, as proposed in Draft Variation to the Territory Plan No. 364 (Gungahlin Town Centre).

We continue to monitor development and changes in centres to inform ongoing planning. The 2018 refresh was an example of updating planning in response to changes since the 2011 assumptions underpinning the earlier planning.⁵⁷

2.34 Questions were asked about a perceived difference between DV 364 and work done by the planning authority in 2010, in which office precincts were planned for two areas proposed to be varied under the draft variation, and whether the Government's policy target of urban infill as 70% of all residential development had resulted in a reduction in targets for commercial development in Gungahlin.⁵⁸

2.35 The Director-General responded. He told the Committee that DV 364 was 'not driven by ... the 2018 planning strategy'; rather, it was the result of 'a planning refresh that occurred in Gungahlin ... at the request of the Gungahlin community ... which wanted us to revisit the planning policies'. In light of this, the planning authority had 'revisited the inputs, the modelling, the projections et cetera', and this had resulted in DV 364.⁵⁹

2.36 Further questions were asked about the proposed reduction in scope, under DV 364 for commercial development from 200,000 to 100,000 square metres, who had agreed to this

⁵⁵ Ms Lesley Cameron, *Proof Transcript of Evidence*, 25 February 2021, p.14.

⁵⁶ Ms Lesley Cameron, *Proof Transcript of Evidence*, 25 February 2021, p.14.

⁵⁷ Mr Chris Steel MLA, Answer to Question Taken on Notice No 2, 4 March 2021.

⁵⁸ *Proof Transcript of Evidence*, 25 February 2021, p.15.

⁵⁹ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.15.

change of position, and whether the local community had, in the process of consultation, expressed a preference for more or fewer jobs available in the local area.⁶⁰ The Minister told the Committee that there was 'less appetite for commercial space'.⁶¹ The Executive General Manager told the Committee that it was 'based on the modelling that was done'.⁶² The Director-General told the Committee that it was 'was accepted by the planning authority, providing advice to government', and that 'the catalyst was development that was occurring in the north-west corner of Gungahlin', which was the Infinity towers and adjacent developments.⁶³

2.37 The Minister told the Committee:

If you look across Canberra, you will see that in almost every other town centre there is a large federal government department. There does not appear to be any appetite from the federal government to lodge a department in Gungahlin. So the predictions that we had earlier have changed. Unless there is some rethink or interest from the federal government to put a big department there, we are simply doing what the community expects us to do because of the lack of that department.⁶⁴

COMMUNITY AND RECREATIONAL FACILITIES REVIEW FOR GUNG AHLIN

2.38 The Committee asked questions about a community and recreational facilities review for Gungahlin, including about methodology and progress for the review, and when the community would have an opportunity to contribute to this process.⁶⁵

2.39 The Executive General Manager, Development and Implementation, EPSDD, responded. He told the Committee:

the consultants SGS are undertaking the work. Their scope, as it exists, is comprehensive. It goes across sporting, religious and community facility type needs.

⁶⁰ *Proof Transcript of Evidence*, 25 February 2021, p.15. See also Gungahlin Community Council, 'Submission in Response to ACT Territory Plan Draft Variation 364 (Gungahlin Town Centre Planning Refresh)', viewed 10 March 2021, available at: https://www.planning.act.gov.au/_data/assets/pdf_file/0005/1452173/20191129-comments-Combined-comments.pdf

⁶¹ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.15.

⁶² Ms Leslie Cameron, *Proof Transcript of Evidence*, 25 February 2021, p.15.

⁶³ Mr Ben Ponton, *Proof Transcript of Evidence*, 25 February 2021, p.15.

⁶⁴ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.16.

⁶⁵ *Proof Transcript of Evidence*, 25 February 2021, p.18.

We have purposely not tried to restrict what is in scope at this stage; we think it is an early preliminary data collection exercise.⁶⁶

2.40 He told the Committee:

The consultant is starting to engage with stakeholders. The stakeholders that we picked are broad in their classification. We have Barnardo's, PCYC and a broad range of different stakeholders that we are seeking to engage with. All of that is leading up to a point where we can have a really informed conversation with the community. We understand where the needs exist, but that will not be the limiting factor when we go to the community around where to next.⁶⁷

2.41 The Committee asked about the meaning of the term 'data collection exercise'. The Executive General Manager told the Committee that in this case it referred to investigations of:

usage and need, looking at demographic data mapped against projections and the like, particularly when it comes to sport and recreation, community health facilities and that type of thing. It is using that demographic data and not just looking at demand for service within the Gungahlin area but looking at whether there is an overflow due to lack of service.⁶⁸

2.42 He told the Committee that in part the process had been started in anticipation of the release of a site in Casey for a community facility. Noting that there was a diversity of views on how the site would be used, the Directorate had started with putting together data, on the basis of which the local community could be engaged in discussion. The Directorate was also in the early stages of identifying potential sites in the Gungahlin town centre for a future community facility.⁶⁹

2.43 When asked what was the scope for a 'community facility', the Executive General Manager told the Committee that the Directorate had no preconceived idea of what shape it would take, and the point of the data collection was to establish what sort of facility would match the needs of the local community.⁷⁰

2.44 The Committee also asked about potential perceptions on the part of community members that if the first part of the work for the project had been done — that is, the data collection — decisions had already been made about the outcome. In response, the Executive General

⁶⁶ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.19.

⁶⁷ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.19.

⁶⁸ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.19.

⁶⁹ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, pp.19-20.

⁷⁰ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.20.

Manager told the Committee that as far as the Directorate was concerned, 'no decisions have been made and the community engagement will inform what the final facility is'.⁷¹

ASSESSMENTS OF FLORA AND FAUNA AFTER FIRES IN THE ORRORAL VALLEY

2.45 The Committee noted that in the 2019-20 summer there had been major fires in the Orroral Valley and that this had had a devastating effect on habitat and wildlife. It asked what assessments had been done on the effect on flora and fauna, and whether any had become threatened, or had changed status, as a result of the fires.⁷²

2.46 The Deputy Director-General, Environment, Water and Emissions Reduction, EPSDD, responded. He told the Committee:

We are in the process of doing some of those assessments. When you have that level of devastating fire, it instantly creates new challenges. We had a large part of the park burnt out and then the rain event immediately afterwards created a lot of silt and washed through. There has been damage to catchments; there has been damage to flora and fauna. Also, post fire there is a great ability for weeds and pest animals that are not normally there to come on site. The park has been closed for some time.⁷³

2.47 The Executive Branch Manager, ACT Parks and Conservation Service, EPSDD, also responded. He told the Committee:

We have commenced a number of activities in the park which aim to get a feel for how the plants and animals are responding. We are lucky in the ACT that we have some very unusual vegetation types, given that we have elevation all the way from 600 to almost 1,900 metres. We are lucky to have some of the very few subalpine habitats that exist in Australia. Those habitats have a number of species that occur nowhere else.⁷⁴

⁷¹ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.20.

⁷² *Proof Transcript of Evidence*, 25 February 2021, p.17.

⁷³ Mr Geoffrey Rutledge, *Proof Transcript of Evidence*, 25 February 2021, p.17.

⁷⁴ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, p.17.

2.48 He told the Committee that two species, had been identified as ‘keystone species that ... act an indicator for the whole ecosystem’ in assessing the effect of the fires.⁷⁵ One was:

a small animal called a broad-toothed rat, which occurs in the high alpine bogs. It really does depend on those bog climates. When I say an alpine bog, I mean an area that is quite wet, that holds water in what is called sphagnum moss and releases it slowly into the system. Some of those ecosystems have been affected by the fires. We are looking to rehabilitate those. It will take a long time, but we were very successful in doing it in 2003, and we have the tools to do it. We have started on that.

This particular rat lives in these habitats. We have only just started the assessment. It takes time to get a feel for how the population is responding. We are finding it very hard to find any rats at all. That was predictable. We are hopeful that with the passage of time we will detect them. That remains to be seen. Our monitoring will return to these sites over a period to see whether we can detect any recovery.⁷⁶

2.49 A second species was the two-spined blackfish, which was:

an unusual fish that lives in our river systems in the high country. It is susceptible to the movement of sediment into rivers. We know that after the fires we got all that rain. That is a good thing and a bad thing. For the high systems it could be a bad thing if it pushes sediment into these creek lines and rivers and smothers the habitat of these fish. We are hopeful that that impact is very stochastic - it happens and it goes; it gives the opportunity for the fish to survive. But, again, we are very early in the detection. It is probably a question you could ask me again in 12 months and I would be able to give you a more comprehensive response.⁷⁷

ENFORCEMENT OF CONTROLLED ACTIVITIES

2.50 Access Canberra is responsible for enforcing ‘controlled activities’, specified in Schedule 2 of the *Planning and Development Act 2007*, which include:

- failing to comply with a provision of a lease or development agreement;
- ‘failing to keep a leasehold clean’;
- ‘undertaking a development for which development approval is required’ without development approval or not consistent with the approval;

⁷⁵ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, pp.17, 18.

⁷⁶ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, pp.17-18.

⁷⁷ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, p.18.

- 'having a building or structure that was constructed without approval required by this Act, chapter 7 (Development approvals)';
- 'failing to take reasonable steps to implement an offset management plan';
- 'using unleased territory land in a way that is not authorised';
- 'managing land held under a rural lease other than in accordance' with an offset management plan or the land management agreement; and
- 'failing to enter into a land management agreement' where it is required.⁷⁸

2.51 The Committee asked how many complaints about controlled activity were received in 2018-19 and 2019-20, and how long on average it took to investigate a complaint.⁷⁹

2.52 The Executive Branch Manager, Construction, Utilities and Environment Protection Branch, Access Canberra, Chief Minister, Treasury and Economic Development Directorate (CMTEDD) told the Committee that Access Canberra received 200 complaints in 2018-19 and 312 complaints in 2019-20.⁸⁰

2.53 He told the Committee that the time taken to investigate complaints varied. Access Canberra employed:

a risk-harm-based approach to regulation, and that means we do not just jump to investigating a matter; we generally undertake a preliminary assessment of the concerns that have been raised by the relevant citizen. Where we undertake that preliminary assessment and it warrants further investigation we would undertake that. We have some standard time frames which it is our intention to comply with.⁸¹

2.54 He told the Committee:

A lot of the planning-related complaints are driven from constituents and often there is an element of neighbourhood dispute involved. That is when we become involved in these types of matters. We look to try and mediate as best we can and provide people with the opportunity to seek voluntary compliance in the first instance. But where that fails we move to formal enforcement actions.⁸²

2.55 Executive Branch Manager told the Committee that in a majority of cases 'formal enforcement action is often not required for things like unclean leaseholds and concerns being raised by

⁷⁸ *Planning and Development Act 2007*, Schedule 2, Items 1 to 8 inclusive.

⁷⁹ *Proof Transcript of Evidence*, 25 February 2021, p.26.

⁸⁰ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.26.

⁸¹ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.26.

⁸² Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.26.

neighbours', and that engagement with Access Canberra 'over a short period generally results in that particular person making changes to their practices'.⁸³

- 2.56 The Committee asked how many controlled activity matters are considered by ACAT (the ACT Civil & Administrative Tribunal), the Executive Branch Manager told the Committee that there were not many. If Access Canberra took enforcement action, in the form of a 'controlled activity order', the person subject to the order had a right of appeal. As a result, few matters progressed to ACAT. Under the *Planning and Development Act 2007* a controlled activity order required 'notice to be given to the party beforehand', in the form of a show cause notice. He told the Committee that in 2019-20 Access Canberra issued 16 show cause notices and in 10 cases 'moved formally to the order process'.⁸⁴

- 2.57 When asked about the nature of those complaints, the Executive Branch Manager told the Committee:

The majority of complaints are neighbourhood issues with respect to unclean leaseholds, so people leaving various items on their property that are causing an amenity concern. Very rarely, if at all, have we come across safety concerns with respect to unclean leaseholds - things like chemicals and the like. What we see are visual amenity matters. A lot of concerns are raised about long grass in particular.⁸⁵

BLOCKS NOT MEETING COMMENCE AND COMPLETE REQUIREMENTS

- 2.58 The Committee asked what work Access Canberra had undertaken for vacant blocks where timelines to commence and complete building work had not been met.⁸⁶
- 2.59 The Executive Branch Manager told the Committee that if there were a breach of commence and complete provisions it was not a controlled activity so long as the leaseholder has paid an extension of time fee. Previously there had been engagement with leaseholders about failures to pay the extension of time fee, but most leaseholders paid were paying it. Recent engagement, he told the Committee, for this land had about 'maintaining it, making sure that it does not become a dumping ground for other members of the community and making sure

⁸³ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.26.

⁸⁴ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.27. See *Planning and Development Act 2007*, Part 11.3, 'Controlled activity orders' and s 350(3) for the requirement to issue a show cause notice.

⁸⁵ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.27.

⁸⁶ *Proof Transcript of Evidence*, 25 February 2021, p.27.

that it is adequately fenced if those practices are occurring'. He told the Committee that there were no compliance activities for vacant leases unless complaints were made.⁸⁷

2.60 When asked whether it was not a breach of lease conditions to not develop, and that all was required was to pay a penalty, the Executive Branch Manager confirmed that this was the case, advising that Schedule 2 of the *Planning and Development Act 2007* had been 'amended specifically in relation to lease and development provisions'.⁸⁸

2.61 The Committee asked whether these penalties were being paid or were being accrued against the value of the lease. The Executive Branch Manager told the Committee that this varied on a 'case-by-case basis' and that there were 'people that pay' and 'people that accrue'.⁸⁹ He told the Committee that there was another provision which:

places restrictions on people being able to sell vacant land and requires the Planning Authority's consent to do so. It would be picked up at that time in terms of any outstanding fees that they would need to pay, because it would result in that parcel of land not being able to be sold.⁹⁰

2.62 The Committee noted vacant leases in Amaroo and Franklin which were disorderly and asked what compliance activities were done by Access Canberra. The Executive Branch Manager told the Committee:

The way that we manage unclean leaseholds is that, on receipt of a complaint, we will undertake an inspection of that site. At this particular point in time, an operational policy has existed for a number of years that if 30 per cent of the land visible from the public domain is covered in items, excluding long grass and overgrown foliage and the like - if it meets that criterion, then we would look to take action. That action would be to work with the relevant occupant or owner of that site to seek voluntary compliance in the first instance.⁹¹

2.63 He confirmed that under the *Planning and Development Act 2007* leaseholders had in effect an indefinite extension on the requirement to commence and complete development, so long as

⁸⁷ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.27.

⁸⁸ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.27. Item 1, Schedule 2, of the *Planning and Development Act 2007* was amended, and ss 298A to 298D inclusive inserted, to provide for an extension of time fee by the *Planning and Development (Extension of Time) Amendment Act 2014*, effective 21 May 2014, viewed 10 March 2021, available at: <https://www.legislation.act.gov.au/View/a/2014-13/20140521-57812/PDF/2014-13.PDF>

⁸⁹ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.28.

⁹⁰ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.28.

⁹¹ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.28.

the fees provided for under the Act were paid. Where fees were not paid, termination of lease was a potential remedy.⁹²

SHOPPING CENTRE LEASE SQUATTING

2.64 The Committee asked whether Access Canberra, regarding its regulatory role for lease conditions, served a similar role in relation to commercial leases in shopping centres.⁹³

2.65 The Executive Branch Manager, Construction, Utilities and Environment Protection Branch, Access Canberra, told the Committee:

Only to the extent that it is with respect to the Crown lease for the property. For example, if the Crown lease for a particular commercial centre required the land to be used for a shop and it was being used for another purpose, whatever that may be, then we would potentially become involved in that matter.⁹⁴

2.66 When asked the position if a commercial lease was no being used for any purpose and was falling into disrepair, the Executive Branch Manager told the Committee:

It would depend on the lease. There are some Crown leases which have provisions in the back of the lease where the lease can be determined. What that means generally is that there is a provision that says that if they have failed to use the lease for the purpose for which it was granted for a period of 12 months then we have an ability to take action.⁹⁵

2.67 He told the Committee that such action would take the form of a controlled activity order process provided for under the Planning and Development Act, but the 'difficulty and challenge' was that 'if they use it for its purpose for one day, the clock starts again'.⁹⁶

2.68 The Executive Branch Manager told the Committee that Access Canberra 'very rarely' received complaints about commercial leases not being used, within 12-months, for the purpose for which they were granted', aside from vacant blocks intended for the construction of shops.⁹⁷

2.69 The Committee noted that there appeared to be a number of cases of shopping centre squatting, expressed surprise that Access Canberra received few complaints, and asked if

⁹² Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.29.

⁹³ *Proof Transcript of Evidence*, 25 February 2021, pp.29-30.

⁹⁴ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.30.

⁹⁵ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.30.

⁹⁶ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.30.

⁹⁷ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.30.

Access Canberra were able to advise the Committee about the number of complaints on these matters and their outcomes.⁹⁸

- 2.70 The Executive Branch Manager told the Committee that this would be difficult to do as it would require 'a manual search of each complaint' in order to provide the information. If Access Canberra received complaints it would conduct a preliminary assessment on whether there was 'risk and harm that would result in our undertaking regulatory action'.⁹⁹

COMMITTEE COMMENT

- 2.71 Regarding the current review of the ACT planning system, the Committee noted that although the Director-General placed significant emphasis on replacing a 'rules-based' system with an 'outcomes-based' system, he was not able to tell the Committee what this meant; how such a system would work in practice; and how compliance would be assessed and enforced. The Committee considers these significant matters and takes the view that specifics must be developed in the near future so that the ACT community has time to reflect on any proposed changes to the planning system that arise.¹⁰⁰

Recommendation 1

- 2.72 The Committee recommends that the ACT Government put forward specific proposals for a revised planning system so that the ACT community is able to consider implications, respond, and contribute to the process of devising a future planning system.**
- 2.73 Regarding adaptive re-use of building assets, the Committee considers it important that the ACT Government develop a policy to support this practice.¹⁰¹

⁹⁸ *Proof Transcript of Evidence*, 25 February 2021, p.30.

⁹⁹ Mr Ben Green, *Proof Transcript of Evidence*, 25 February 2021, p.30.

¹⁰⁰ A review of the ACT planning system was referenced in Environment Planning and Sustainable Development Directorate, *Annual Report 2019-20*, at pp.7, 26, 28, 29, 36, 37, 83, 88, 123, 128, 160, & 348, and *2020-21 Budget Statements E*, at p.30.

¹⁰¹ Adaptive reuse was referenced in Environment Planning and Sustainable Development Directorate, *Annual Report 2019-20*, at pp.132 & 133, and *2020-21 Budget Statements E*, at pp.62, 69 & 71.

Recommendation 2

- 2.74 The Committee recommends that the ACT Government consider developing an adaptive reuse policy to ensure that Canberra better uses existing assets in those instances where adaptive reuse results in less waste, and less embedded and ongoing emissions.**
- 2.75 Regarding assessments of flora and fauna after fires in the Orroral Valley in the summer of 2019-20, the Committee was interested to hear about the fortunes of particular species after the fires, but considered that a more comprehensive assessment was urgent and important if the area was to be managed effectively for regeneration.¹⁰²

Recommendation 3

- 2.76 The Committee recommends that the Environment, Planning and Sustainable Development Directorate conduct a comprehensive assessment of the effect on flora and fauna after fires in the Orroral Valley in the summer of 2019-20 and publish findings and action plans by the end of the 2021-2022 financial year.**
- 2.77 Regarding enforcement of controlled activities, the Committee was concerned to learn that although standard lease conditions required purchasers of Crown leases to commence and complete development within a certain timeframe, leaseholders were able, in effect, to obtain an indefinite extension by periodically paying a fee, or by having a fee charged against their lease.¹⁰³

Recommendation 4

- 2.78 The Committee recommends that the ACT Government consider limiting extensions of time on requirements to commence and complete development on Crown leases.**

¹⁰² No specific reference to the assessment of the effect on flora and fauna of fires in the Orroral Valley was made in either Environment Planning and Sustainable Development Directorate, *Annual Report 2019-20* or *2020-21 Budget Statements E*.

¹⁰³ Reference to responsibility for ensuring compliance with lease conditions was made in Environment Planning and Sustainable Development Directorate, *Annual Report 2019-20*, at pp.21, 32 & 103. No relevant reference was made in *2020-21 Budget Statements E*, and no specific reference was made to Access Canberra's role in compliance for controlled activities in *2020-21 Budget Statements B*.

3 MINISTER FOR SUSTAINABLE BUILDING AND CONSTRUCTION

3.1 In hearings of 25 February 2021 the Committee asked questions of the Minister for Sustainable Building and Construction questions about:

- Output 5.1: Loose-fill Asbestos Insulation Eradication Scheme;¹⁰⁴ and
- Output 1.2: Planning and Building Policy.¹⁰⁵

MR FLUFFY BLOCKS

UNSOLD BLOCKS

3.2 The Committee asked how many 'Mr Fluffy' blocks (that is, blocks remediated under the loose-fill asbestos removal program) were as yet unsold.¹⁰⁶

3.3 The Executive General Manager, Development and Implementation, EPSDD, told the Committee that at time of hearings two had been remediated and were scheduled for sale. Other blocks from the program had been sold to the private sector. Development applications had been lodged and, once approved, building would commence.¹⁰⁷

3.4 He told the Committee that he was unable to say, in hearings, how many vacant blocks there were arising from the program but undertook to answer the question on notice.¹⁰⁸ The Minister's answer to the Question Taken on Notice advised the Committee:

Properties acquired by the Territory under the Loose Fill Asbestos Insulation Eradication Scheme (Scheme) are demolished, remediated and, for affected properties, removed from the Affected Residential Premises Register. Remediated blocks are then offered for sale in the following order:

1. to the former owner who reserved their First Right of Refusal (FROR)¹.
2. to government agencies

¹⁰⁴ See 2020-21 Budget Statement E, pp.20, and 26, viewed 11 March 2021, available at:

https://apps.treasury.act.gov.au/data/assets/pdf_file/0008/1698938/2020-21-Budget-Statements-E.pdf

¹⁰⁵ See 2020-21 Budget Statement E, pp.16 and 23.

¹⁰⁶ Proof Transcript of Evidence, 25 February 2021, p.32.

¹⁰⁷ Mr Bruce Fitzgerald, Proof Transcript of Evidence, 25 February 2021, p.32.

¹⁰⁸ Mr Bruce Fitzgerald, Proof Transcript of Evidence, 25 February 2021, p.32.

3. to the general public through a competitive process¹⁰⁹

3.5 The answer advised:

As at 28 February 2021, there are 21 Territory-owned remediated vacant blocks at various stages of the sales process:

- One has a live FROR offer to the former owner
- Seven are reserved for asset transfer to Housing ACT
- Seven are exchanged to private purchasers with future settlement dates
- Six are available for public sale with auction event planning underway

Additionally, the rebuild of three Territory-owned units in a Unit Complex is underway with the development to be completed prior to them being offered for public sale.¹¹⁰

3.6 The answer continued:

Rebuild activity, whether by a former owner or a new owner, is subject to the standard ACT development and building approval processes. It is the responsibility of the new owner to seek the required approvals and redevelop on the block within the relevant timeframes. Since commencement of the Scheme in 2014 and as at 28 February 2021, there has been 941 remediated blocks sold (settled) by the Asbestos Response Taskforce. It is not possible for the Taskforce to determine how many of those blocks sold have yet to commence construction.¹¹¹

LEASEHOLDERS NOT PARTICIPATING IN THE BUYBACK

3.7 The Committee asked about instances in which the owners of affected properties had chosen not to take part in the buyback scheme.¹¹²

3.8 The Minister told the Committee:

As of 18 February, there are 35 of the 1,027 residential blocks that have been identified that are still on the register. Eight of those are owned by the territory. Twenty-seven of those are privately owned. What we know in relation to those is that one of the 27 is expected to be settled by the end of February; 15 have an expected settlement date of

¹⁰⁹ Ms Rebecca Vassarotti MLA, Answer to Question on Notice No 5, p. 2. At this point the Answer included a footnote stating: 'FROR is not available to the former homeowner of an affected or impacted property in a Units Plan'.

¹¹⁰ Ms Rebecca Vassarotti MLA, Answer to Question on Notice No 5, p. 2. At this point the Answer included a footnote stating: 'Ministerial consent was given in January 2019 to the rebuild of units demolished as part of the Scheme prior to them being offered for resale'.

¹¹¹ Ms Rebecca Vassarotti MLA, Answer to Question on Notice No 5, p. 2.

¹¹² *Proof Transcript of Evidence*, 25 February 2021, p.33.

17 August, which is the closure of the buyback program date; one is considering whether they are going to come into the scheme; and currently we know that there are 10 that are not participating in the scheme.¹¹³

- 3.9 The Executive General Manager, Development and Implementation, told the Committee that of the properties expected to settle in February, one further property had since settled and was in the possession of the Territory.¹¹⁴
- 3.10 The Committee asked what would be done about the 10 properties where owners had not elected to participate in the scheme.¹¹⁵
- 3.11 The Minister told the Committee that the scheme was scheduled to finish on 17 August, and that this was considered to be the closing date. It had been extended for a time due to COVID-19, but this would now be the end of the scheme. At time of hearings the Government was considering what would happen after the scheme closes, was aware that it would need to do something for properties that were still privately owned, and was considering the mechanisms that would be available to it once the scheme was closed.¹¹⁶
- 3.12 The Committee asked for more specific indications about options open to the Government in this respect, the Executive General Manager told the Committee the Directorate had in 2019 released the 'Pathways to Eradication' package, which had set out management protocols including: 'increased safety protocols related to the management of those properties, increased requirements for asbestos management plans - display boxes for those - and an updating of the register to show whether they are in compliance'.¹¹⁷
- 3.13 He told the Committee that the package also 'allowed transition assistance for people to access funds early in the settlement process', and 'put in place an occupation prohibition so that properties cannot be transferred, so that their current owner is the last owner of a Mr Fluffy property'.¹¹⁸
- 3.14 He told the Committee that in 2025 the Government would 'look to compulsory acquisition'. This would be 'be heavily dependent on ... individual circumstances'. A number of the owners of the 10 properties not taking part in the scheme were 'just looking to live out their years in

¹¹³ Ms Rebecca Vassarotti MLA, *Proof Transcript of Evidence*, 25 February 2021, p.33.

¹¹⁴ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.33.

¹¹⁵ *Proof Transcript of Evidence*, 25 February 2021, p.33.

¹¹⁶ Ms Rebecca Vassarotti MLA, *Proof Transcript of Evidence*, 25 February 2021, p.33.

¹¹⁷ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, pp.33-34.

¹¹⁸ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.34.

their home', and 'at a period in time when they pass away, we will look to how the estate manages that property, with a view to demolition'.¹¹⁹

- 3.15 The Committee asked whether there were mortgages on any of the 10 properties not taking part in the scheme. It noted that under current conditions such mortgages would become in-effect unsecured and asked about the implications for mortgagees, and whether the Government had had discussions with lenders about the status of these mortgages.¹²⁰

- 3.16 The Executive General Manager told the Committee:

Early on in the scheme we talked to the banks about the fact that we effectively provide a safety net. We have notified the banking sector that the scheme will close, as part of our stakeholder engagement. Individual circumstances and the equity that people have in their homes is something that we are not aware of. Each circumstance will be different.¹²¹

BUILDING STANDARDS TO DEAL WITH EXTREME HEAT, SMOKE, FIRE AND HAIL

- 3.17 The Committee asked to what extent building standards were being changed to deal with extreme heat, smoke, fire and hail, noting that these conditions were likely to arise more frequently due to climate change.¹²²

- 3.18 The Minister told the Committee that this had been considered in a process to produce the 2019 National Construction Code, including compliance assessment for dwellings and consideration of their operation in hotter and cooler weather. A new code in 2022 presented an opportunity for further work in this area.¹²³

- 3.19 The Deputy Director-General, Planning and Sustainable Development, EPSDD, told the Committee:

The primary mechanism in Australia for setting standards for buildings is through the National Construction Code. That is developed nationally, overseen by the Building Codes Board. You will be aware that there have been royal commissions in response to various natural disasters that have occurred. Coming out of those there have been

¹¹⁹ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.34.

¹²⁰ *Proof Transcript of Evidence*, 25 February 2021, p.34.

¹²¹ Mr Bruce Fitzgerald, *Proof Transcript of Evidence*, 25 February 2021, p.34.

¹²² *Proof Transcript of Evidence*, 25 February 2021, p.36.

¹²³ Ms Rebecca Vassarotti MLA, *Proof Transcript of Evidence*, 25 February 2021, p.36.

specific recommendations referred back to the Building Codes Board, to look at the code for things like fire standards. It is a live issue that we are collaborating on with our colleagues across the jurisdictions.¹²⁴

3.20 She told the Committee:

The code has a primary purpose, in terms of building standards, for things like structure and fire. Energy efficiency is a more recent area of priority for the code. When it comes to things like bushfire standards, for example, in the past the primary driver has been that buildings enable people to shelter for long enough that they can then escape. The idea of fireproofing, or building buildings so that they can withstand particular disasters, is a more recent consideration. This is a very specific matter; the Building Codes Board are looking at fire standards.¹²⁵

3.21 She told the Committee that the National Building Code was updated every three years, and that work was always taking place for its next iteration. There was a long lead-time for developing technical standards, and policy decisions had to be made before those standards were put in place.¹²⁶

3.22 The Deputy Director-General told the Committee that environment smoke was a challenge. It was closely related to energy efficiency in terms of the energy required to filter air. There was a desire to seal our buildings for efficiency, but it was important to allow for local conditions, such as condensation in dwellings in the ACT, and there were 'lots of trade-offs to be considered'.¹²⁷

ENGINEER REGISTRATION SCHEME

3.23 The Committee asked questions on progress toward an engineer registration scheme for the ACT.¹²⁸

3.24 The Minister told the Committee:

We are still in the development phase in relation to that. Work has been done in relation to industry, and looking at the different models that are operating in different states and territories. There are quite different approaches that are being taken. It is

¹²⁴ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.37.

¹²⁵ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.37.

¹²⁶ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.37.

¹²⁷ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.37.

¹²⁸ *Proof Transcript of Evidence*, 25 February 2021, p.38.

about assessing what the different models are and what will work best for this jurisdiction. A key issue is: how broad is the net in terms of the engineer qualifications? That is certainly one of the areas where there has been a different approach in different jurisdictions. That is one of the key things that is being looked at, at the moment.¹²⁹

3.25 The Committee noted that other Australian jurisdictions were more advanced in this process, and that some were in the process of implementing registration schemes.¹³⁰

3.26 The Deputy Director-General, Planning and Sustainable Development, EPSDD, told the Committee that the Directorate had engaged consultants to help it conduct 'detailed regulatory and policy analysis, comparing against the different jurisdictions'. This information would be used to formulate proposals, and then the Directorate would 'go out and do some broader consultation'. There had been 'a lot of targeted engagement over the last six months with the key professional associations involved', including Engineers Australia.¹³¹

3.27 She told the Committee there had also been 'some key national developments' in the past 12 months, including 'real guidance' in the last few months on 'proposals for automatic mutual recognition' across jurisdictions. Another development was 'a national registration framework for practitioners in the building industry' which arose from the national Building Confidence Report. The framework included preferential criteria for registration of licensed practitioners for a range of different professions.¹³²

3.28 The Deputy Director-General told the Committee that a significant challenge was that Australian jurisdictions were operating under different frameworks, and it was undesirable to have 'vastly different schemes in operation' in each case.¹³³

FLAMMABLE CLADDING

3.29 The Committee asked how many government buildings currently had flammable cladding.¹³⁴

3.30 The Chief Projects Officer, Major Projects Canberra, told the Committee that there were 'many ACT government buildings with different types of cladding on them', which were managed by

¹²⁹ Ms Rebecca Vassarotti MLA, *Proof Transcript of Evidence*, 25 February 2021, p.38.

¹³⁰ *Proof Transcript of Evidence*, 25 February 2021, p.38.

¹³¹ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.38.

¹³² Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.40.

¹³³ Dr Erin Brady, *Proof Transcript of Evidence*, 25 February 2021, p.40.

¹³⁴ *Proof Transcript of Evidence*, 25 February 2021, p.41

‘different agencies across government’, and as a result Major Projects had been given overall responsibility for the 23 which required rectification works.¹³⁵

- 3.31 When asked whether these works were all being conducted under one contract, he told the Committee all 23 of the buildings had had testing and design works done, and that contracts for this work had been put in place following a procurement process conducted late in 2020. At time of hearings, Major Projects was ‘on the cusp’ of beginning rectification. For 11 buildings, Major Projects would soon sign a contract to begin work, procured through an existing ACT government panel. Administrative processes were also underway that would soon lead to the beginning of rectification works for the remainder of the buildings.¹³⁶
- 3.32 The Committee asked whether the work was being procured under a request for quotation or a single select process.¹³⁷
- 3.33 The Chief Projects Officer told the Committee that it was not a single select process, because the contractors were drawn from an existing ACT government panel (the ‘Project Management Agreement Panel’)¹³⁸ established subject to already existing procurement process. Under this, panellists were approached for a quote to undertake the work.¹³⁹
- 3.34 When asked how Major Projects ensured value for money when the work was not put out to tender, the Chief Projects Officer told the Committee that rates listed in the contracts with panel providers were established through the procurement process which led to the panel being created. This was, he told the Committee, not a panel of specialists in cladding removal and remediation: they were providers for ‘general construction’.¹⁴⁰
- 3.35 He told the Committee that assessments of the suitability of a panellist to undertake those works was based on prior knowledge of their capabilities. Major Projects dealt with them on other projects across government, and so had ‘an understanding of where the capabilities reside across the market’. A further dimension of ensuring value for money was being satisfied ‘as to the appropriateness of the proposals which are put through’, with reference to panel rates. He told the Committee that when Major Projects conducted a design and assessment process for affected government buildings, a quantity surveyor was engaged to provide a cost

¹³⁵ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.41.

¹³⁶ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, pp.41-42.

¹³⁷ *Proof Transcript of Evidence*, 25 February 2021, p.42.

¹³⁸ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.43.

¹³⁹ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.42.

¹⁴⁰ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.42.

estimate to repair the buildings, and it could use these figures as a reference for assessing quotes obtained from the panel.¹⁴¹

- 3.36 When asked the degree to which quotes offered by panellists for 'general construction' were applicable for the specific task of remediating flammable cladding, the Chief Projects Officer told the Committee the work was not 'particularly specialist'. While fire assessment was a more specialised skill, removing panels and replacing them with non-combustible panels was 'a fairly common skill set across the market'.¹⁴²
- 3.37 The Committee asked for greater detail on the timeline for remediation of the 23 buildings. The Chief Projects Officer told the Committee that for the first 11 buildings, Major Projects expected that construction works would begin in March-April 2021. For the other 12 buildings, it was necessary to undertake internal procurement approval processes, and work was likely to begin 'a couple of months' later. Major Projects intended to have all works completed by the 30 June 2022.¹⁴³

COMMITTEE COMMENT

- 3.38 Regarding changes to building standards to respond to climate change, the Committee heard that new national building standards were still subject to policy work and were not ready to be implemented. In the Committee's view, conditions seen in the summer of 2019-20 in the Territory demonstrate the urgency with which these changes should be developed and applied.¹⁴⁴

Recommendation 5

- 3.39 The Committee recommends that the 2022 review of the National Construction Code include addressing the significant changes to climate and other conditions brought about by climate change.**

¹⁴¹ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.42.

¹⁴² Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.43.

¹⁴³ Mr Duncan Edghill, *Proof Transcript of Evidence*, 25 February 2021, p.43.

¹⁴⁴ No specific reference was made to the National Construction Code in Environment Planning and Sustainable Development Directorate, *Annual Report 2019-20*. It was referenced in *2020-21 Budget Statements E*, at p.11

4 MINISTER FOR HOUSING AND SUBURBAN DEVELOPMENT

- 4.1 The Minister for Housing and Suburban Development appeared before the Committee, with her officers, on 3 March 2021 to answer questions about the Suburban Land Agency's statement of intent.¹⁴⁵

MEETING QUALITY AND SUSTAINABILITY REQUIREMENTS

- 4.2 The Committee asked what the Suburban Land Agency (SLA) was doing to ensure that developments built on land releases would meet quality and sustainability requirements.¹⁴⁶
- 4.3 The Chief Executive Officer (CEO) told the Committee that the objects of the SLA's governing act (the City Renewal Authority and Suburban Land Agency Act 2017), and its minister's letter of expectations, required the SLA to achieve the best possible 'social and cultural, environmental and financial outcomes', and that these were taken into account in the SLA Board's decision-making and the strategies adopted by the SLA.¹⁴⁷
- 4.4 When asked how land release for the highest quality proposal was achieved, the CEO told the Committee that one way this was achieved was by way of a 'place-making process'. This resulted in a 'place design brief' which was provided to prospective tenderers, who were required to respond to it in their proposal, which was given a specific weighting in the evaluation criteria for the tender. Financial outcomes and experience were also accorded weightings in the tender process. The SLA did not have 'a goal for every release': such weightings were specific to the release. A recent release at Gold Creek was an example of how the weighting process worked in practice.¹⁴⁸
- 4.5 The Committee asked how the different imperatives set out for the SLA were reconciled in its decision-making. The CEO told the Committee that this depended on 'the weightings, the evaluation and how you best specify what "quality" is', and that this was why it was 'so

¹⁴⁵ 2020-21 Budget Statements E, pp.87-111.

¹⁴⁶ Proof Transcript of Evidence, 3 March 2021, p.45.

¹⁴⁷ Mr John Dietz, Proof Transcript of Evidence, 3 March 2021, p.46.

¹⁴⁸ Mr John Dietz, Proof Transcript of Evidence, 3 March 2021, p.47.

important to work with the community to get a place design brief that you can score against'.¹⁴⁹

- 4.6 The Committee asked how the SLA set the weighting accorded to different criteria for each land release. The CEO told the Committee that it was the responsibility of the 'executive and the area responsible for that release' although he, as CEO, was involved for larger releases.¹⁵⁰
- 4.7 The Committee asked how the SLA ensured that in new land releases:
- there was space in blocks and suburbs for 30 per cent tree canopy coverage and 30 per cent permeability;
 - buildings were oriented to support low energy consumption;
 - electrical wiring was provided to every car park to allow separate metering; and
 - there would not be gas connections.¹⁵¹
- 4.8 The CEO told the Committee that the SLA's joint venture partner had 'very much paved the way for developments that do not have gas' and that, in relation to the SLA's development at Whitlam there was a rebate which provided an incentive for householders not to connect to gas.¹⁵²
- 4.9 The Senior Project Manager told the Committee that zero emissions suburbs were one of four themes in the SLA's new strategy, which also included 'resilient communities', 'healthy, prosperous and inclusive places', and 'responsible consumption and production'.¹⁵³
- 4.10 She told the Committee that the SLA had developed an internal 'tree canopy cover framework' which set out actions for the SLA to 'contribute towards the targets set out in Canberra's living infrastructure plan, such as 30 per cent tree canopy cover and 30 per cent permeable surfaces'. Meeting these objectives was 'more challenging' in newer suburbs because there were 'compact blocks and less space in the verges for big street trees' and people were building bigger houses.¹⁵⁴
- 4.11 The framework, she told the Committee, supported objectives for tree cover by recommending education so that the community understood 'the value that trees, greenery and gardens have to add to their homes'. A landscape rebate was offered in a number of

¹⁴⁹ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.47.

¹⁵⁰ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.47.

¹⁵¹ *Proof Transcript of Evidence*, 3 March 2021, p.48.

¹⁵² Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.48.

¹⁵³ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.48.

¹⁵⁴ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.49.

suburbs, such as Taylor, Coombs, Wright and Ginninderry. In the coming year this would extend to educating leaseholders 'on what sort of landscaping they can do', in connection with which the SLA had worked with a local landscape architect 'to develop climate-friendly garden designs'.¹⁵⁵

- 4.12 In Whitlam the SLA had partnered with EPSDD to deliver a living infrastructure demonstration pilot, which considered 'things like digging larger pits for the trees, using higher quality soils, using larger street trees to start with, and passive irrigation', and included 'a number of different kerb inlets that funnel the stormwater into the tree pit to help keep the tree passively irrigated throughout the year'.¹⁵⁶
- 4.13 There was also use of soil and moisture probes and permeable driveways. All of these things were 'about trying to increase permeable surfaces, trying to keep the water in the landscape and support tree health', and the SLA would 'be working closely with a consultant to monitor the benefits of that system, with the potential opportunity to roll that out for other suburbs in the future'. A 'collaboration hub' in Whitlam was under construction which would provide examples of sustainability features, such as 'a green roof and a green wall', which residents could view and potentially implement.¹⁵⁷
- 4.14 The Senior Project Manager told the Committee that under the strategy theme of 'zero emissions suburbs', the SLA was implementing an energy rebate package in Whitlam in which it was 'offering \$10,000 to eligible buyers who build an all-electric, highly efficient home'. The SLA was working with Evoenergy and ANU 'to investigate the potential for large-scale community battery storage' in stage 2 of Jacka. The SLA was considering making Jacka its first zero emissions suburb and whether it would mandate solar panels and using housing design guidelines to control building orientation and the inclusion of double-glazed windows.¹⁵⁸ Design guidelines had been used in the Ginninderry Joint Venture with 'a lot of success', and the SLA was considering whether to adopt a similar model in Jacka.¹⁵⁹
- 4.15 The Committee asked what work was being done to ensure that mandated characteristics on new dwellings did not have negative effects on housing affordability.¹⁶⁰

¹⁵⁵ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.49.

¹⁵⁶ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.49.

¹⁵⁷ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.49.

¹⁵⁸ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, pp.49-50.

¹⁵⁹ Ms Caitlin Westropp, *Proof Transcript of Evidence*, 3 March 2021, p.50.

¹⁶⁰ *Proof Transcript of Evidence*, 3 March 2021, p.50.

4.16 The CEO told the Committee:

You are right; it is a challenge. We are looking at whole-of-life affordability and ensuring that the product that we can provide has the right amenity; that it is in a location where they can travel appropriately and where their electricity bills are reduced, where possible; then reviewing to ensure that, if there is a small increase in the capital cost up front, that is taken into account within the policy.¹⁶¹

HOW COMMUNITY VIEWS ARE TAKEN INTO ACCOUNT FOR LAND RELEASES

4.17 The Committee asked how the SLA took community priorities and views into account in the process of making land releases, and it ensured that tenderers delivered community benefit.¹⁶²

4.18 The CEO told the Committee that the work of the SLA was not only about ‘carving up land’ and delivering financial benefit to the Territory: it was ‘about optimising financial, social, cultural and environmental outcomes’.¹⁶³

4.19 He told the Committee that ‘place making’ was now a much more prominent part of the SLA’s approach. This was:

really about that very first stage, sitting down and understanding with the community the uniqueness of a site—the historical uses, the cultural uses and the current uses. It is about the connections, both physical and emotional, that people might have with a site, and using that to inform and educate a place design brief.¹⁶⁴

4.20 He told the Committee that this, and the evaluation criteria applied to tenders, ensured that a developer had ‘the best idea of what a successful development would look like’. The SLA’s work in Gold Creek was an example of such an approach, where the SLA worked with the community to create a panel, the objective of which was to ‘design a place brief’ that would be used as part of the criteria for evaluating tenders from developers. Working with the community allowed an understanding of ‘the history of the place’ and ‘the restrictions under which the community may operate’.¹⁶⁵

¹⁶¹ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.50.

¹⁶² *Proof Transcript of Evidence*, 3 March 2021, p.53.

¹⁶³ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.53.

¹⁶⁴ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.53.

¹⁶⁵ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.53.

- 4.21 In this process the SLA was seeking to work within the requirements of the Territory Plan, and this sometimes brought ‘particular use restrictions’ into play.¹⁶⁶
- 4.22 The Executive Director, Development Delivery, told the Committee that five themes arose from the place design brief: ‘a five-star green-star community rating, tree canopy, permeable surfaces, pedestrian access, cyclepath connections throughout the site and better connections to the surrounding residential areas’. These were taken into account in weightings for tender evaluations: the place design brief was weighted 50 per cent, financial outcomes 30 per cent and all others 20 per cent.¹⁶⁷

METHODS FOR SELLING LAND TO THE COMMUNITY

- 4.23 The Committee asked what methods were used to sell land and what proportion of land for residential dwellings was sold under each method.¹⁶⁸
- 4.24 The CEO told the Committee that the main methods of sale were: direct sales ‘over the counter’; sales by ballot; auctions; expressions of interest; and sale by tender. The highest volume of sale over the last 12 months, he told the Committee, were done by ballot, which was the method adopted by the SLA where demand for single residential blocks of land was high. An internal guidance document determined the methodology used in each case, depending on ‘expected demand; the specifics of the site; and whether it is the first or last site of a commercial area’.¹⁶⁹
- 4.25 The Committee asked how many single-dwelling and/or duplex blocks were offered for over-the-counter sales in 2019-20 and how many are planned for 2020-21 and 2021-22.¹⁷⁰
- 4.26 The CEO told the Committee that the terminology “on offer” referred to the amount that the SLA would release in a particular year, however since the SLA’s inception the government had had a policy ‘to provide land in excess of demand’. As a result, in the lead up to the present financial year there was ‘land available over the counter in the hundreds’, in order to help ‘reduce some of the price pressure on land’ and provide choice. It was possible to say how much had been released in a financial year, or actually exchanged in sales, but the amount on offer was ‘a larger number than that’.¹⁷¹

¹⁶⁶ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.53.

¹⁶⁷ Mr Tom Gordon, *Proof Transcript of Evidence*, 3 March 2021, p.55.

¹⁶⁸ *Proof Transcript of Evidence*, 3 March 2021, p.55.

¹⁶⁹ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.55.

¹⁷⁰ *Proof Transcript of Evidence*, 3 March 2021, p.55. This was taken as a Question Taken on Notice.

¹⁷¹ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, pp.55-56.

4.27 In addition, he told the Committee, ‘unprecedented uncertainty’ had been brought about by COVID-19. As a result, a comparison of the number of exchanges in the 2019 and 2020 calendar years showed a difference of ‘200-odd to 1,000-odd’, which was ‘significant’.¹⁷²

4.28 When asked about how it was possible for the SLA to plan for the coming year, the Minister agreed that it was difficult. She told the Committee:

Canberra was not the only state or territory where this occurred. An international health pandemic led to forecasting of situations which turned out not to be the case or not to be as dire as was expected. The SLA kept going with its land release program; nothing slowed down there. However, we thought there was going to be a slump, including this year as well, but that just was not the case. People were purchasing homes and land. We are hearing the same for the rest of the country and seeing it in the private market as well.¹⁷³

HOUSING AFFORDABILITY AND OVER-THE-COUNTER SALES

4.29 The Committee asked whether there were restrictions or caveats placed on over-the-counter sales to control for affordability.¹⁷⁴

4.30 The CEO told the Committee that the SLA used different methodologies for meeting its 15 per cent affordability target for land release. Prospective home-owners seeking to qualify for blocks made available under affordability targets were added to a register, and their incomes were reviewed. But restrictions and caveats for over-the-counter sales were not applied in service of affordability targets: different method of releases were employed for the different types of buyers in the market.¹⁷⁵

4.31 The Committee asked whether there was a reserve price or a price determined by highest offer for ordinary individual housing blocks.¹⁷⁶

4.32 The CEO told the Committee that prices for sales were determined by valuations. Under SLA’s Act, it was required to ensure that it had valuations for land for sale and did not sell below that valuation. For ballot or over-the-counter sales formal valuations were used to set a reserve price which was ‘openly advertised and made available for all prospective buyers’. This, he told

¹⁷² Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.56.

¹⁷³ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.56.

¹⁷⁴ *Proof Transcript of Evidence*, 3 March 2021, p.56.

¹⁷⁵ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.56.

¹⁷⁶ *Proof Transcript of Evidence*, 3 March 2021, p.56.

the Committee, was very different from an auction process, in that the 'price that we advertise is the price at which the block is available'.¹⁷⁷

- 4.33 The CEO also told the Committee that the price of land act had behaved quite differently from that of the established housing market. While prices in the established housing market had increased, the SLA's price per square metre for land had decreased.¹⁷⁸
- 4.34 The Deputy Chief Executive Officer agreed with the CEO. He told the Committee that data from the ABS showed that median housing prices had risen by about nine per cent over the last three years, whereas the SLA's prices, based on per square metre, had fallen by 11 per cent, resulting in a differential between SLA prices and the median house price, as at September 2020, of about 20 points.¹⁷⁹
- 4.35 In the past, he told the Committee, prices for estates developed by the former Land Development Agency, such as Coombs, Wright and Throsby, had been affected by private sector development in adjacent areas. Prices in Coombs and Wright had been affected by Denman Prospect, and prices in Throsby were also affected by market behaviour. However, in newer estates -- Taylor and Whitlam -- the SLA has had more control 'because there was not a comparative product', and this had resulted in 'prices a little lower than in previous years'.¹⁸⁰

HOUSING IN EXISTING FOOTPRINT AND GREENFIELD AREAS

- 4.36 The Committee noted that there was a Government target for 70 per cent of new housing to be built within Canberra's existing footprint and 30 per cent in greenfield developments, and asked what proportion the land for 3,043 dwellings that had just been released were within the existing footprint or were greenfield releases.¹⁸¹
- 4.37 The Deputy Chief Executive Officer told the Committee that the August 2020 economic and fiscal update showed that in the year's Indicative Land Release Program 59 per cent of land for dwellings was in new suburban areas and 41 per cent in existing suburbs.¹⁸²

¹⁷⁷ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.57.

¹⁷⁸ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.57.

¹⁷⁹ Mr Neil Bulless, *Proof Transcript of Evidence*, 3 March 2021, p.57.

¹⁸⁰ Mr Neil Bulless, *Proof Transcript of Evidence*, 3 March 2021, p.57.

¹⁸¹ *Proof Transcript of Evidence*, 3 March 2021, p.59.

¹⁸² Mr Neil Bulless, *Proof Transcript of Evidence*, 3 March 2021, p.60, referring to *August 2020 Economic and Fiscal Update*, p.152, viewed 24 March 2021, available at:

https://apps.treasury.act.gov.au/_data/assets/pdf_file/0010/1619308/August-2020-Economic-and-Fiscal-Update.pdf

LAWSON STAGE 2

- 4.38 The Committee asked for an update on the Lawson Stage 2 land release.¹⁸³
- 4.39 The Chief Executive Officer of the SLA told the Committee that Lawson Stage 2 had gone through a second stage tender release, but the ‘challenges of the site’ had led to this also not attracting a purchaser. The SLA was investigating future options to develop the site, including going to market again; the SLA developing on its own behalf; or entering into a joint venture. The second tender had only finished recently.¹⁸⁴
- 4.40 When asked why the tender had failed to attract interest, the Chief Executive Officer told the Committee that there was an electricity substation within ‘the development footprint’ which represented ‘both a technical challenge and a planning challenge’ for future development on the site.¹⁸⁵
- 4.41 He told the Committee that the question came down to ‘who [was] the most capable of mitigating those risks’. The first tender process had contemplated a ‘design solution’ for this problem, but that the tenderer had indicated that the cost to implement the design solution was regarded as significant and that as a result they did not wish to buy the land. The second tender process had ‘allowed flexibility in a technical solution’, leaving it open to industry ‘to come up with innovative ideas to solve it’ however, as a result of this, ‘the planning aspect and the approval aspect [became] a higher risk’.¹⁸⁶
- 4.42 The Chief Executive Officer told the Committee that this was ‘a very challenging site’ to develop. The ‘feasibility of delivering appropriately’ on the site was ‘probably very slim’, and prospective tenderers perceived a risk. One possible way to offset this problem was to find ways to share risk, ‘either through a joint venture’ or in some other way.¹⁸⁷
- 4.43 He told the Committee that while the SLA had been ‘open to industry coming up with a technical solution that they could provide’, it had not been able to.¹⁸⁸

¹⁸³ *Proof Transcript of Evidence*, 3 March 2021, p.62.

¹⁸⁴ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.62.

¹⁸⁵ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.62.

¹⁸⁶ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.62.

¹⁸⁷ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.62.

¹⁸⁸ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.63.

LAND FOR COMMUNITY HOUSING PROVIDERS

- 4.44 The Committee asked about what would be built on land that had been sold to community housing providers.¹⁸⁹
- 4.45 The Executive Director, Built Form and Divestment, told the Committee that there had been sales to community housing providers in Taylor and Whitlam. Supportive housing sites had also gone to market in Giralang and Scullin, some of which were under negotiation.¹⁹⁰
- 4.46 He told the Committee that community housing providers had specific requirements in that they aimed to 'manage their portfolio in a way that enables them to not only grow the supply of community housing but also ... turn stock over, so they are constantly renewing their stock'.¹⁹¹ Another requirement centred on 'access to land at a price point that enables their business model to work'. There were various constraints placed on sales to community housing providers by the SLA, which included 'restrictions on the transfer of title down the track'. This could be a challenge for the provider if they wanted to 'turn stock over' in the future. However, the benefit was that it put downward pressure on price, making it more affordable for providers.¹⁹²

LAND ON-HOLD

- 4.47 The Committee asked whether there were instances where a real estate agent selling residential land on behalf of the SLA had led a prospective buyer to believe that land which appeared to be for sale was actually on-hold for a builder. The Committee asked how the on-hold process worked, and how long a builder could keep land on-hold.¹⁹³
- 4.48 The CEO told the Committee there were two methods. One was through the SLA's 'put and call' system, which allowed a builder to deal with prospective buyers 'knowing that the block of land they have is available if that prospective buyer wishes to buy'. A second method was available for persons who expressed interest in buying a block of land over the counter. Under this system, a short period was allowed for individuals to reserve a block before it was exchanged.¹⁹⁴

¹⁸⁹ *Proof Transcript of Evidence, 3 March 2021*, p.60.

¹⁹⁰ Mr Nicholas Holt, *Proof Transcript of Evidence, 3 March 2021*, pp.59-60.

¹⁹¹ Mr Nicholas Holt, *Proof Transcript of Evidence, 3 March 2021*, p.60.

¹⁹² Mr Nicholas Holt, *Proof Transcript of Evidence, 3 March 2021*, p.60.

¹⁹³ *Proof Transcript of Evidence, 3 March 2021*, p.61.

¹⁹⁴ Mr John Dietz, *Proof Transcript of Evidence, 3 March 2021*, p.61.

- 4.49 The Deputy Chief Executive Officer told the Committee that in these instances the SLA usually allowed ‘about a month’ to allow would-be purchasers to have their finance considered and approved. In recent times, lenders’ approval processes had extended to about 13 weeks, and the SLA had been more ‘lenient’, allowing up to two months ‘for people to confirm that they are going to exchange on the block’.¹⁹⁵
- 4.50 He told the Committee that builders would usually opt for the put and call system because it allowed them to ‘have the block effectively under their responsibility for six months to allow them to work with the customer’. The SLA would, at the end of the six months period, ‘exercise the option and we will put that block to the builder, which means he has to acquire the block outright’. If, on the other hand, the builder has a customer ‘who wants to proceed to sale, he can call that option and we will sell that block to the customer’.¹⁹⁶
- 4.51 When asked whether it was feasible for real estate agents to use this mechanism to encourage a prospective buyer to use a specific builder in exchange for a kickback from the builder, the CEO told the Committee that, while it was theoretically possible, it was unlikely.¹⁹⁷

PUBLIC AND AFFORDABLE HOUSING

- 4.52 The Committee asked about how the ACT Government would meet its target of 400 public dwellings and 600 affordable dwellings delivered by 2025-26.¹⁹⁸
- 4.53 The Minister told the Committee that five of the targeted 600 affordable housing dwellings had been completed in the previous two weeks, and 16 of the targeted 400 for public housing.¹⁹⁹ She also noted work done by the SLA with community housing providers, noted above, and its work on different affordable housing models, such as shared equity and build to rent.²⁰⁰
- 4.54 The Executive Branch Manager, Building Reform, told the Committee that the ‘delivery of the 600 will not look necessarily like dollars for a brand-new home attached to a particular land release’. Other mechanisms were used to try to make sure of the availability of affordable rental accommodation, such as ‘land tax exemptions, other incentives, and support for

¹⁹⁵ Mr Neil Bulless, *Proof Transcript of Evidence*, 3 March 2021, p.61.

¹⁹⁶ Mr Neil Bulless, *Proof Transcript of Evidence*, 3 March 2021, p.61.

¹⁹⁷ Mr John Dietz, *Proof Transcript of Evidence*, 3 March 2021, p.61.

¹⁹⁸ *Proof Transcript of Evidence*, 3 March 2021, p.64.

¹⁹⁹ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, pp.64-65.

²⁰⁰ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.64.

privately owned properties to be put into the mix', and a combination of methods would help the Government achieve the target of 600 additional properties in this category.²⁰¹

4.55 The Committee asked how incentives to the private sector would work in practice. The Executive Branch Manager told the Committee that her unit was currently running a land tax exemption pilot, which provided a subsidy to owners renting out a property at 75 per cent market value. Funding had also been provided to undertake a feasibility study on build to rent, a model that was 'well established in other parts of the world' but not in Australia. 'Build to rent', she told the Committee, was a model in which the developer, rather than buying land and building units or houses for sale, retains the improvements on the block and offers them for rent. The aim was to find a way to provide incentives so that these could be affordable rental properties.²⁰²

4.56 The Minister told the Committee that consideration was also being given to church land. She told the Committee:

A lot of churches have spare land around, so we are looking at ways we can work with them so they have got skin in the game. They have the land to build on and we need to work around some of the planning constraints for them to be part of delivering affordable housing.²⁰³

4.57 Later in hearings the Minister told the Committee that the Government had achieved 'above our targets with regard to affordable, community and public housing'. The Deputy Director-General, Land Strategy and Environment, told the Committee that the target for the previous year had been approximately 630 dwellings and about 680 had been delivered.²⁰⁴

PUBLIC HOUSING RENEWAL PROGRAM

4.58 The Committee asked for an overview of the Public Housing Renewal Program, completed in 2019-20.²⁰⁵

4.59 The Minister told the Committee that this had been a successful program which had renewed 'around 11 per cent' of public housing stock, and that this would result in reduced maintenance costs in coming years.²⁰⁶

²⁰¹ Ms Bethel Sendaba, *Proof Transcript of Evidence*, 3 March 2021, p.65.

²⁰² Ms Bethel Sendaba, *Proof Transcript of Evidence*, 3 March 2021, p.65.

²⁰³ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.65.

²⁰⁴ Ms Yvette Berry MLA, Dr Erin Brady, *Proof Transcript of Evidence*, 3 March 2021, p.66.

²⁰⁵ *Proof Transcript of Evidence*, 3 March 2021, p.66.

²⁰⁶ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.66.

- 4.60 The Deputy Director-General, Environment, Water and Emissions Reduction, told the Committee that the program had ‘modernised the stock of public housing in the ACT’. He told the Committee that previously existing stock, such as former public housing units in Northbourne Avenue, no longer matched the needs of modern families, in particular ‘the size of the families that needed public housing’. The Commonwealth Government’s Asset Recycling Initiative had helped fund the program, and the program was able to ‘bring stock to market very quickly’ that was suited to the needs’ of public housing tenants.²⁰⁷
- 4.61 He told the Committee that the new housing stock employed universal design, so that they were all universally accessible. The program was completed on time and under budget: the total budget had been \$60 million, of which \$11 million was rolled into public housing for the present year, and a further \$48 million would be allocated for the next financial year.²⁰⁸
- 4.62 The Committee asked further questions about changes in requirements for tenants of public housing stock. The Minister told the Committee:

Over the last decade more and more larger families through separations as a result of domestic and family violence need support with public housing. Because the families are larger they need bigger houses, and our stock was designed for a different purpose, for different families earlier on. This renewal is about changing that up and recognising that the need has changed as a result of our community changing and this terrible challenge of domestic and family violence and larger families needing larger houses. The idea of the renewal is to make the stock fit for purpose so it meets people’s needs.²⁰⁹

COMMITTEE COMMENT

- 4.63 The Committee was concerned to hear that the ability to meet quality and sustainability targets set out in Canberra’s living infrastructure plan, such as 30 per cent tree canopy cover and 30 per cent permeable surfaces, was constrained in newer suburbs where there were ‘compact blocks and less space in the verges for big street trees’. The Committee noted that these attributes were in fact controlled by planning policy, and that it lay within the discretion of government to adjust them.²¹⁰

²⁰⁷ Mr Geoffrey Rutledge, *Proof Transcript of Evidence*, 3 March 2021, pp.66-67.

²⁰⁸ Mr Geoffrey Rutledge, *Proof Transcript of Evidence*, 3 March 2021, pp.66-67.

²⁰⁹ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.68.

²¹⁰ General reference to the work of the SLA was made in the SLA Statement of Intent, *2020-21 Budget Statements E*, at pp.87- 111.

Recommendation 6

- 4.64 The Committee recommends that the SLA take into account sustainability requirements for all land releases in all locations, including ensuring block and building sizes allow enough space to meet the 30% tree canopy and 30% permeability targets, cycle and footpath connections encourage active travel, developments are built and are oriented to ensure they have a low energy footprint, all car parks have separately-metered electrical wiring for electric vehicles and new developments do not have gas connections.**
- 4.65 Regarding Lawson Stage 2, the Committee is concerned that the outcome of the proposed development is as yet unresolved.

5 MINISTER FOR SPORTS AND RECREATION

- 5.1 The Minister for Sports and Recreation and her officers appeared before the Committee to answer questions about Output 2.4, City Maintenance and Services, in relation to sportsground management.

RECREATIONAL FACILITIES AND CLIMATE CHANGE

- 5.2 The Committee asked what was being done to ensure that government and privately maintained recreational facilities would be able to adapt to climate change, in which plants, for example, would need to tolerate more heat and less water.²¹¹
- 5.3 The Minister told the Committee that the summer of 2019-20 ‘made everybody pay attention to climate change’. Herself and Sports and Recreation had met with all the sports clubs, saying that there needed to be a strategy for making outdoor sports more sustainable, including how to manage playing in heat or smoky conditions, and what policies there should be put in place. These meetings had taken place before the advent of COVID-19, and at that point the process was paused. She noted that different sports clubs had different approaches to playing in extreme heat, and under her portfolio she wanted to ‘bring all of that together’ into a climate change strategy on how to manage outdoor sports fields in particular.²¹²
- 5.4 She told the Committee that there were a number of sports fields in the ACT that were not irrigated. While irrigation technology was improving, these fields also generated ‘very hot playing surfaces in extreme temperatures’. Technology for sustainable irrigation also needed further development. While there were opportunities for other forms of irrigation which did not use as much water and were more sustainable, they were not yet suitable for fields where sport was played at the elite level.²¹³
- 5.5 The Committee asked whether non-potable water was being made available for watering of government and privately-run sports grounds.²¹⁴

²¹¹ *Proof Transcript of Evidence, 3 March 2021, p.72.*

²¹² Ms Yvette Berry MLA, *Proof Transcript of Evidence, 3 March 2021, p.72.*

²¹³ Ms Yvette Berry MLA, *Proof Transcript of Evidence, 3 March 2021, p.72.*

²¹⁴ *Proof Transcript of Evidence, 3 March 2021, p.73.*

- 5.6 The Executive Branch Manager, City Presentation, City Services, told the Committee that sportsgrounds were irrigated by non-potable water where possible. In the inner north a reticulation network fed stormwater into storage tanks which was used for sportsgrounds.²¹⁵
- 5.7 Another approach, he told the Committee, was to use aquifer water, where available, or to adopt more modern forms of irrigation that used larger water droplets and were as a result subject to lower levels of evaporation and able to provide better coverage between sprinkler outlets. Elsewhere, there had been upgrades of irrigation plant to increase water efficiency, again covering the areas more effectively and losing less water to evaporation.²¹⁶
- 5.8 He told the Committee that these upgrades were part of a rolling program. Many of the sportsgrounds were 'quite old' and may have been built when the suburbs were first created. These were being upgraded where possible so that they were 'fit for purpose' and so that the Territory could manage a network of sportsgrounds sustainably.²¹⁷
- 5.9 When it came to private recreational facilities, such as golf and other clubs, the Executive Branch Manager told the Committee, that Sports and Recreation were able to provide advice, such as whether there is an available source for non-potable water, as the agency did not hold responsibility for allocations of water.²¹⁸
- 5.10 He told the Committee that other ways to adapt to climate change were planting species more capable of tolerating lower levels of watering and higher temperatures, and installing LED lights on sportsgrounds so that training and match play could take place in the cooler parts of the day.²¹⁹

FACILITIES FOR FEMALE PLAYERS

- 5.11 The Committee asked about the Use of sportsgrounds by female players, in particular about upgrades to facilities to make them more female-friendly.²²⁰
- 5.12 The Minister told the Committee that many change rooms had been built a long time ago, where in some cases 'there was not even a thought that women might play those sports'. Upgrades to make them more inclusive so that women and girls had an opportunity to play

²¹⁵ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.73.

²¹⁶ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.73.

²¹⁷ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.73.

²¹⁸ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.73.

²¹⁹ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.74.

²²⁰ *Proof Transcript of Evidence*, 3 March 2021, p.74.

sport, and feel 'safe and comfortable' while doing it, had been included in the program of works for some years.²²¹

- 5.13 The Executive Branch Manager told the Committee that there were guidelines on the Sports and Recreation website setting out principles for female friendly facilities, and for making older buildings 'more attractive, more usable and more fit for purpose for women and girls'. Stimulus funding received in the previous year had supported works of this kind at Amaroo, Wanniasa, Deakin, Narrabundah Velodrome and softball facilities at Hawker.²²²
- 5.14 These works ranged in scale, he told the Committee. Some were 'relatively small projects' involving changes to power points and mirrors, removing urinals, installing cubicles and the like. Larger works, such as a recent project at Waramanga, involved installing new flooring and heating, and the refurbishment of the whole pavilion and canteen. It was, he told the Committee, possible to 'achieve a lot with a relatively small amount of money'.²²³

NEIGHBOURHOOD OVALS

- 5.15 The Committee asked questions about neighbourhood ovals, in particular on how people in the community were able to express views on how they could be used productively.²²⁴
- 5.16 The Minister told the Committee that neighbourhood ovals had previously been sports fields, where watering was discontinued during the last Canberra drought. Approximately thirty sports fields were not irrigated after that time. This, she told the Committee, was relevant to earlier questions about how to manage sportsgrounds in the context of climate change. 'Big green fields in the middle of suburbs' were 'very expensive and not sustainable', which led to consideration of the best way to manage them.²²⁵
- 5.17 The Minister told the Committee about an instance of this at Florey, where she and her officers had engaged the local community, and a school, to discuss ways to use the space. This was made more complex by the fact that more than one ACT government directorate had responsibility.²²⁶

²²¹ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.74.

²²² Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.74.

²²³ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, pp.74-75.

²²⁴ *Proof Transcript of Evidence*, 3 March 2021, p.78.

²²⁵ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.78.

²²⁶ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.78.

- 5.18 In general, she told the Committee, members of the community, if they wished to advocate for a particular treatment of a neighbourhood oval, would 'lobby government, as they normally would in any other budget year', or lobby individual Members of the Legislative Assembly. This would then be factored into government decision-making about priorities for expenditure and 'whether those sports fields are needed for the greater sporting community'. As part of this process, the Minister told the Committee, she and her directorate engaged 'regularly' with the sports community about where facilities should be, and how they should be managed. There was also work by Transport and City Services on how to manage neighbourhood ovals better, which 'all comes down to budgets, priorities of government and what the needs are for those neighbourhood ovals'.²²⁷
- 5.19 When asked whether there was an overarching vision or policy for neighbourhood ovals, the Minister told the Committee that they were 'maintained as public open space', and that this was 'what they were used for at the moment'.²²⁸
- 5.20 Later in hearings the Committee asked further questions about the decision to stop irrigating the sportsgrounds that would later become neighbourhood ovals, and whether there was scope to reintroduce irrigation now that dams were full and more water was available.²²⁹
- 5.21 The Minister told the Committee that it was 'always a possibility', although she told the Committee that dams had been full before and the Territory had later had challenges with water supply. Ovals required a lot of water for their upkeep, despite attempts to use more sustainable approaches. The potential to reintroduce watering was 'never closed off', but it was necessary to consider 'the needs of the sports'. Engaging with sporting codes now, there was a lot of discussion about sports fields being quiet during the day when school is on, but coming alive at night, and as a result government was being told that investing in lighting on sports fields is what sporting codes need 'so that they can activate those sports at night for training and play'.²³⁰
- 5.22 The Committee asked about the cost of returning a neighbourhood oval to operation as a sportsground.²³¹

²²⁷ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.79.

²²⁸ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.79.

²²⁹ *Proof Transcript of Evidence*, 3 March 2021, p.81.

²³⁰ Ms Yvette Berry MLA, *Proof Transcript of Evidence*, 3 March 2021, p.81.

²³¹ *Proof Transcript of Evidence*, 3 March 2021, p.82.

- 5.23 The Minister and the Executive Branch Manager both told the Committee that this involved some expense.²³² The Executive Branch Manager told the Committee that it was not so simple as turning the irrigation back on:

Often in reinstating an oval you need to rebuild it from the ground up. You might even need to bring in new soil—as well as the turf, the irrigation and the pumps. Then sporting groups generally want associated infrastructure. They generally want a toilet block, a bin and maybe lighting.²³³

- 5.24 He recalled in that one instance at Higgins where this was done, the aggregate figure for reinstating the sportsground came to \$2.7 million, and that ‘reinstating to a sportsground standard’ could amount to ‘a significant investment’.²³⁴

COMMITTEE COMMENT

- 5.25 Regarding sportsgrounds and climate change, the Committee notes that the Territory is in the initial stages of its response. While progressive works to upgrade irrigation and install lights are ways to adapt sportsgrounds to emerging conditions, they are only part of the larger response that will be necessary. The dangers of heat stress and heat stroke for players is a matter of concern that could lead to problems for future participation in sport. Adaptation of irrigation methods to climate change is in its early stages. Responses to these challenges should be further developed, and the results of this work shared across public and privately-managed sporting facilities.²³⁵

Recommendation 7

- 5.26 The Committee recommends that Sport and Recreation engage in a structured way with private recreational facilities like golf courses and other sports grounds to provide them with information and expertise about low-water maintenance of grass and sporting facilities.**

²³² Ms Yvette Berry MLA, Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.82.

²³³ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.82.

²³⁴ Mr Stephen Alegria, *Proof Transcript of Evidence*, 3 March 2021, p.82.

²³⁵ Sportsgrounds and irrigation systems were referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at pp. 18, 31, 48, 50, 123, 256, 258, 264, 297, 298 & 311, and *2020-21 Budget Statements H*, at pp. 1, 18, 23, 25, 39 & 45.

6 MINISTER FOR TRANSPORT AND CITY SERVICES

6.1 On 4 March 2021 the Minister for Transport and City Services and his officers appeared before the Committee to answer questions about:

- Output 2.1: Roads and Infrastructure;²³⁶
- Output 2.2 Library Services;²³⁷
- Output 2.3: Waste and Recycling;²³⁸
- Output 2.4: City Maintenance and Services;²³⁹
- Output 2.5 Capital Linen Services;²⁴⁰ and
- Output 1.1: Transport Canberra.²⁴¹

INDICATORS FOR BIKE PATHS AND FOOTPATHS

6.2 The Committee asked why the Transport and City Services Directorate had a target of maintaining 90 per cent of Territory roads in good condition, but no similar indicator for bike paths and footpaths.²⁴²

6.3 The Minister told the Committee that he and the Directorate were now placing a greater emphasis on maintenance for footpaths and shared paths, and that that same morning he had announced further funding for footpath repair.²⁴³ Later in hearings he told the Committee that this was an allocation of federal funding from the Local Roads and Community Infrastructure Program, amounting to \$2.6 million in additional funding for repairs and maintenance of our footpath and shared path network, in addition to Territory funding in this area.²⁴⁴

²³⁶ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.17, 21.

²³⁷ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.17, 23.

²³⁸ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.17, 25.

²³⁹ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.18, 26.

²⁴⁰ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.18, 27.

²⁴¹ 2020-21 Budget Statements H: Transport Canberra and City Services Directorate, pp.16, 19, 63 and 64.

²⁴² Proof Transcript of Evidence, 4 March 2021, p.84.

²⁴³ Mr Chris Steel MLA, Proof Transcript of Evidence, 4 March 2021, pp.84-85.

²⁴⁴ Mr Chris Steel MLA, Proof Transcript of Evidence, 4 March 2021, p.86.

- 6.4 The Acting Executive Branch Manager, Roads ACT, City Services, told the Committee that the Directorate had increased spending on maintenance for both cyclist paths— asphalt paths— and pedestrian (that is, concrete) paths. She told the Committee that it had also done condition audits of shared paths— cyclepaths and footpaths— in the ACT. Thus far, it had audited 700 kilometres of a 3,000-kilometre network of paths, with the intention of programming preventative rather than reactive maintenance.²⁴⁵
- 6.5 When asked again as to why there was an indicator for roads but not pedestrian or cycle paths, the Acting Executive Branch Manager told the Committee that the accountability indicator for roads good condition depends on assessments of the road surface, ‘bump counts’ and so on. This was ‘very difficult’ to apply to shared paths and ‘even harder’ for concrete. One contributor to this difficulty was the fact that road condition audits were done with a vehicle-mounted machine that recorded bump counts, and doing this on ‘small, shared path’ was ‘much more difficult’. As a result, it was necessary to conduct such audits using manual inspections, and it was as a result ‘a lot more resource heavy’ than audits of road surfaces.²⁴⁶

TRAFFIC CALMING MEASURES

- 6.6 The Committee asked whether there were plans to install traffic calming measures -- that is, speed humps -- on Forsythe Street in Banks; what process was followed to determine whether such measures were required; and whether this was driven by community or police concerns.²⁴⁷
- 6.7 The Acting Executive Branch Manager told the Committee that a range of factors was taken into account in assessing local area traffic management. If the Directorate received expressions of concern from the community or police, regarding for example speeding, crash incidents or fatalities, this was collated and studies were conducted to determine average speed and see whether there were alternatives to traffic calming measures.²⁴⁸
- 6.8 She told the Committee the Directorate used traffic calming as a last resort. In most cases, she told the Committee, it was ‘a minority of vehicles’ which took part in ‘speeding or unruly behaviour’, and the Directorate tried to promote reporting of this behaviour to the police as a way to encourage more orderly behaviour.²⁴⁹

²⁴⁵ Ms Shelly Fraser, *Proof Transcript of Evidence*, 4 March 2021, p.85.

²⁴⁶ Ms Shelly Fraser, *Proof Transcript of Evidence*, 4 March 2021, p.85.

²⁴⁷ *Proof Transcript of Evidence*, 4 March 2021, p.87.

²⁴⁸ Ms Shelly Fraser, *Proof Transcript of Evidence*, 4 March 2021, pp.87-88.

²⁴⁹ Ms Shelly Fraser, *Proof Transcript of Evidence*, 4 March 2021, p.88.

- 6.9 The Committee asked whether the effects of traffic calming measures were measured after they were installed. The Acting Executive Branch Manager told the Committee that the Directorate conducted follow-up audits annually, to determine effectiveness, whether more devices should be installed or those present removed, and to reassess the situation based such factors as 'community feedback, speed surveys and police reports'.²⁵⁰
- 6.10 In a later answer to a Question Taken on Notice, the Minister advised the Committee that there were 'no planned traffic calming measure scheduled to be installed on Forsythe Street in Banks'.²⁵¹

MOWING PROGRAM

- 6.11 The Committee asked for more information about a recently-introduced a satellite navigation system intended to increase the efficiency and safety of mowing.²⁵²
- 6.12 The Minister told the Committee that 'a very significant amount of rain' had resulted in additional growth of grass. Mowing teams had been doing 'an incredible amount of work'. More staff had been employed 'to try and get on top of that', and the Directorate had conducted 'more regular mowing patterns' in Canberra. An extra \$2 million in 'surge funding' had been committed 'to try and get on top of it' over the period.²⁵³
- 6.13 The Executive Branch Manager, City Presentation, City Services, spoke more specifically about the satellite navigation system. He told the Committee that the GNSS satellite system mounted on the Directorate's mowers was 'an automated way for us to find out where the mower is travelling, whether the blades are up or down and whether they are spinning'. Using this system, the Directorate could 'track all the progress of an individual mower as it rolls through the day without any kind of operator involvement', providing 'a wealth of data that we can then use to both provide to the community and inform our future planning and identify more efficient ways of undertaking the mowing'. The mowing map displayed on the Directorate's website was compiled using data from the system, and 'pre-programmed mapping' was used to indicate what is going to happen in the future.²⁵⁴

²⁵⁰ Ms Shelly Fraser, *Proof Transcript of Evidence*, 4 March 2021, p.88.

²⁵¹ Mr Steel MLA, Answer to Question Taken on Notice No 10.

²⁵² *Proof Transcript of Evidence*, 4 March 2021, p.88, referencing Transport Canberra and City Services Directorate, Annual Report 2019-2020, p.86.

²⁵³ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.88.

²⁵⁴ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.89.

- 6.14 When asked how much urban open space was mown in the 2019-20 year, and how much needed to be mown, in each 'pass', the Executive Branch Manager told the Committee that the Directorate mowed 'around 5,000 hectares of urban open space in any given pass'. This was done 'multiple times through the year', and included arterial roads, areas covered by the suburban mowing program, and sportsgrounds: 'basically everything that TCCS mows'.²⁵⁵
- 6.15 The Committee asked how many ACT Government staff were employed on mowing, and how many contractors were employed. The Executive Branch Manager told the Committee that mowing was done by the Place Management Unit, which was the biggest part of City Presentation, there were around 250 people operating a fleet of 88 mowers. Due to favourable conditions for grass growth, shifts and weekend work had been employed to meet demand.²⁵⁶
- 6.16 The Minister told the Committee that the additional 'surge' funding referenced above had allowed the Directorate to employ 24 new staff, who mostly worked on the verges of arterial roads, 'doing the hard-to-reach work—brush cutting, weeding and so forth'. This, he told the Committee 'freed up the other staff in City Presentation to do the general mowing', which had made 'a big difference'. The additional staff would be retained until June 2021 year 'to try and get on top of the extra workload'.²⁵⁷
- 6.17 The Committee noted that additional rain had contributed to higher rates of growth and, noting that higher rainfall had been seen on a number of occasions in previous years, asked why better planning was not taking place to forestall complaints by residents about long grass.²⁵⁸
- 6.18 The Executive Branch Manager told the Committee that he thought that the Directorate had prepared well for the current this year. All of staff were trained and ready to go, mower blades were ordered in winter, and the Directorate began the mowing program 'very early in the spring, earlier than we normally would, knowing that we were going to be up against it'. All the staff that were needed were employed, and the Directorate had attracted additional surge funding because it was able to show that it was needed.²⁵⁹
- 6.19 However, he told the Committee, when there was a target for mowing suburbs every four weeks, it could be difficult to meet them when the grass was growing fast and, even if the target was met, after four weeks the grass was 'often quite high'. That was 'a reality of the

²⁵⁵ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.89.

²⁵⁶ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, pp.89-90.

²⁵⁷ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.90.

²⁵⁸ *Proof Transcript of Evidence*, 3 March 2021, p.90.

²⁵⁹ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.91.

natural world and the fact that we are dealing with living organisms; they will grow when there is rain and great weather'.²⁶⁰

- 6.20 Due to this situation, he told the Committee, it was necessary to prioritise 'lines of sight, access and safety issues so that people can still move around and use open space safely': for example, according priority to roundabouts to maintain visibility for road users. It was necessary for the Directorate to mow to maintain lines of sight and then 'come back to the amenity-type mowing that makes a city look good but is not as high a priority as lines of sight'. These were some of the trade-offs involved in keeping up with 'peak demand' for mowing.²⁶¹
- 6.21 In addition, the Minister told the Committee, after the Orroral Valley fire of 2019-20, it had been necessary for the Directorate to give preference to 'managing grass growth that presents a fire risk as opposed to the beautification and amenity of the suburbs'. The Executive Branch Manager also told the Committee that sportsgrounds and 'big district parks' were also a priority, 'so that there is always sufficient amenity and there are facilities for people to use safely'.²⁶²

PARKCARE

- 6.22 The Committee asked to what extent there was coordination between the ACT Parks and Conservation Service (PCS), the Transport Canberra and City Services Directorate (TCCS), and Landcare and ParkCare groups, particularly in relation to weed management in urban and park areas.²⁶³
- 6.23 The Minister told the Committee that PCS and TCCS worked together on the management of weed infestations and environmental issues.²⁶⁴
- 6.24 The Executive Branch Manager, PCS, told the Committee that objectives in this context could be divided into managing land in line with 'natural and cultural values', for which PCS had responsibility, and managing for 'recreational and amenity' imperatives, for which TCCS was responsible. He told the Committee that there was 'quite a lot of dovetailing' in public land management between PCS and TCCS, and indicated mowing for fire fuel management as an example of this.²⁶⁵

²⁶⁰ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.91.

²⁶¹ Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.91.

²⁶² Mr Stephen Alegria, *Proof Transcript of Evidence*, 4 March 2021, p.91.

²⁶³ *Proof Transcript of Evidence*, 25 February 2021, p.22.

²⁶⁴ Mr Mick Gentleman MLA, *Proof Transcript of Evidence*, 25 February 2021, p.22.

²⁶⁵ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, p.22.

- 6.25 The Committee indicated that feedback from the community suggested that non-native grasses were being planted in areas for which TCCS was responsible, and asked whether it was possible for PCS to inform TCCS practice so that the management of urban spaces was more consistent with those for nature spaces.²⁶⁶
- 6.26 The Executive Branch Manager told the Committee that this was being done ‘wherever possible’. Both PCS and TCCS understood that there were species that should not be introduced because they had the potential to become weeds however, in many cases, ‘we do not know what those plants are until it actually happens’. It was possible to anticipate this for ‘80 to 90 per cent of them ahead of time’, but some species appeared to be suitable in the first instance and then turned out not to be.²⁶⁷
- 6.27 Another dimension, he told the Committee, was that TCCS were ‘managing for amenity’. For this purpose, it was important to ‘introduce plants into those parts of the territory that can be maintained easily, that are hardy and can take a bit of punishment’, even though these were ‘not necessarily the plants [PCS] would like in the system because they do not have much natural and cultural value’.²⁶⁸
- 6.28 The Committee noted that in Ginninderry there had been success in reducing the need for mowing through increased emphasis on planting native species, and asked whether it were possible to follow this example. It also asked how volunteer citizen science, Landcare and ParkCare groups could provide local knowledge and suggestions that could potentially change mowing and land management regimes.²⁶⁹
- 6.29 The Executive Branch Manager told the Committee:
- We support upwards of 40 ParkCare groups, who are people exactly of the type you are describing. They have a lot of the local knowledge, and we value that and use that as much as we can. There will always be a degree of conflict between what people would like to have and what we can deliver. We acknowledge that and we sit at the table and try and deliver what we can with what we have got. I would always encourage people to bring their ideas to either TCCS or us, or to both, because invariably, if we cannot do exactly what has been requested, we can at least try and come to an agreement.²⁷⁰

²⁶⁶ *Proof Transcript of Evidence*, 25 February 2021, p.22.

²⁶⁷ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, pp.22-23.

²⁶⁸ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, p.23.

²⁶⁹ *Proof Transcript of Evidence*, 25 February 2021, p.23.

²⁷⁰ Mr Daniel Iglesias, *Proof Transcript of Evidence*, 25 February 2021, p.23.

CONTAINER DEPOSIT SCHEME

- 6.30 The Committee noted a reference to the Container Deposit Scheme in the TCCS Annual Report 2019-2020 and asked how many containers had been received since June 2020.²⁷¹
- 6.31 The Minister told the Committee that under the scheme 200 million containers had been collected from July 2018 to the end of February 2021. He told the Committee that approximately 50 per cent of all eligible containers had been collected, and that in the past year there had been an increase in the number of containers that have been deposited through the scheme, amounting to just over 20 per cent.²⁷²
- 6.32 The Acting Executive Branch Manager, ACT NoWaste, City Services, told the Committee that Container Deposit Scheme had a significant increase in container receipts from July to December 2020, reflecting a 57.6 per cent increase rather than the 50 per cent increase quoted in the annual report. He told the Committee that the annual report showed an 88 per cent participation rate for the scheme, with 83 per cent support and a 90 per cent satisfaction rate.²⁷³
- 6.33 The Committee was told that an additional factor in increasing participation was that additional depots had opened (in Belconnen)²⁷⁴ — or were scheduled to open, as in Fyshwick.²⁷⁵
- 6.34 The Minister told the Committee that the Keep Australia Beautiful National Litter Index report showed that in 2019-20 two per cent of litter in the ACT came from containers, and that that this was a 17.5 per cent decrease from the previous year. This, he told the Committee, showed that the scheme was having a ‘marked impact’ in reducing litter from containers.²⁷⁶

ROADWORK ON A SECTION OF MONARO HIGHWAY

- 6.35 The Committee asked about recently completed resealing of a section of Monaro Highway between Isabella Drive and Johnson Drive, noting comments from constituents who raised

²⁷¹ *Proof Transcript of Evidence, 4 March 2021*, p.95, citing Transport Canberra and City Services Directorate, *Annual Report 2019-2020*, p.85.

²⁷² Mr Chris Steel MLA, *Proof Transcript of Evidence, 4 March 2021*, p.95.

²⁷³ Mr Anthony Haraldson, *Proof Transcript of Evidence, 4 March 2021*, p.96.

²⁷⁴ Mr Chris Steel MLA, *Proof Transcript of Evidence, 4 March 2021*, p.97.

²⁷⁵ Mr Anthony Haraldson, *Proof Transcript of Evidence, 4 March 2021*, p.97.

²⁷⁶ Mr Chris Steel MLA, *Proof Transcript of Evidence, 4 March 2021*, p.97.

questions about how long the repairs would last and complaints about the method of repair employed, including noise.²⁷⁷

- 6.36 The Acting Executive Branch Manager, Roads ACT, City Services, told the Committee that there were two different treatments used for road resurfacing, and decisions about selection were determined based on factors such as 'surface area, road volume and location near sensitive facilities such as hospitals and aged-care facilities'. 'Chip seal', she told the Committee, was used due to its cost efficiency, and this allowed the Directorate to resurface more road area than if overlays or bitumen resealing were used. She told the Committee that while gravel in chip seal treatments could take weeks or months to embed into the road surface, decibel ratings went down 'over the months as those stones start to settle into the seal'.²⁷⁸
- 6.37 In a later answer to a Question Taken on Notice the Minister advised the Committee that under the '2020-21 Road Resurfacing Program the northbound lane of Monaro Highway from Johnson Drive to Isabella Drive received a two-coat spray seal (chip seal) treatment'.²⁷⁹

BULKY WASTE COLLECTION SERVICE

- 6.38 The Committee asked questions about the Bulky Waste Collection Service. It asked whether much of the material was going to land fill, and whether rates of recovery could be improved.²⁸⁰
- 6.39 The Minister told the Committee that the Territory had set a target of 30 per cent resource recovery from the scheme, and that this was 'a lot higher' than what other jurisdictions had been able to achieve. So far, the scheme had been rolled out to concession card holders across the ACT and more broadly in Gungahlin and Tuggeranong, and from that the resource recovery had been assessed at 38.8 per cent which, he noted, was higher than the ACT target and benchmark figures in other jurisdictions. The Territory program had also entered into an arrangement with the GIVIT provider such that items collected were 'paired with need in the community', and there were also arrangements with such organisations as St Vincent de Paul and the Salvation Army 'to provide those items to people they work with and also sell to support their charitable purpose through their shopfronts'. He told the Committee that resource recovery had been so effective in the Territory that 'we have not yet had a last

²⁷⁷ *Proof Transcript of Evidence, 4 March 2021, p.99.*

²⁷⁸ Ms Shelly Fraser, *Proof Transcript of Evidence, 4 March 2021, p.100.*

²⁷⁹ Mr Steel MLA, Answer to Question Taken on Notice No 13.

²⁸⁰ *Proof Transcript of Evidence, 4 March 2021, p.104.*

chance Saturday event where people can come and collect any items that have not been taken', because all of the 'usable items have been taken thus far'.²⁸¹

6.40 The Committee noted that in effect 62 per cent of material collected under the scheme was going to landfill. It asked how this compared with a similar previous process conducted under another contract, and how the ACT Government was working to reduce this figure.²⁸²

6.41 This was taken as a Question Taken on Notice. The answer to the question advised the Committee:

The previous bulky waste collection service was only available to eligible concession card holders in the ACT and the contractual reporting provisions did not include the resource recovery or actual tonnages of items collected. All items collected under the previous contract were taken directly to the respective Green Shed and not through a weighbridge. This current contract reporting requirements records actual tonnages received and recovered. The percentage landfilled as at end of January 2021 is 58% (or 312.7 tonnes).²⁸³

6.42 The answer further advised:

Research carried out by ACT NoWaste prior to the bulky waste service commencing indicated the following recovery rates from councils across Australia:

- South Sydney Regional Organisation of Councils investigated the management of bulky waste service across 16 Sydney councils and found 16% of the materials collected from single unit dwellings was recovered. The recovery rate from multi-unit developments was slightly lower at 14%; and
- Research by MRA Consulting Group suggests the national average recovery rate for council bulky waste services is around 10%, with NSW at 12%, Victoria 13% and WA 7%.²⁸⁴

²⁸¹ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.105.

²⁸² *Proof Transcript of Evidence*, 4 March 2021, pp.104-105.

²⁸³ Mr Chris Steel MLA, Answer to Question Taken on Notice No 15, received 12 March 2021.

²⁸⁴ Mr Chris Steel MLA, Answer to Question Taken on Notice No 15, received 12 March 2021.

FEMALE BUS DRIVERS

- 6.43 The Committee noted that 10.5 per cent of Transport Canberra bus operators were female, but the Australian average was 13 per cent, and asked what was being done to increase the number of female bus drivers.²⁸⁵
- 6.44 The Minister told the Committee that Transport Canberra had been conducting ‘extensive recruitment’ in the past year due to an expansion of services.²⁸⁶
- 6.45 The Executive Branch Manager, Bus Operations, Transport Canberra, told the Committee that during the COVID-19 pandemic there had been reduced turnover of bus drivers in Transport Canberra. The normal attrition rate was five to six people on average a month, but that ‘fell away’ during this time. There had been a recruitment process open for some time, which from which 500 applications were current at time of hearings. Applicants had been asked if they were prepared to work casually in the first instance, as Transport Canberra sought to use casual workers to cover services on Saturdays, Sundays and public holidays, or at other times when there may be a shortage of drivers.²⁸⁷
- 6.46 When asked whether Transport Canberra had conducted surveys to identify barriers to women entering the workforce as bus drivers, the Executive Branch Manager the Committee it had not.²⁸⁸
- 6.47 In a later answer to a Question Taken on Notice, the Minister advised the Committee that at 5 March 2021 Transport Canberra had 43 permanent full-time female bus drivers, 47 permanent part-time, and 22 casual, for a total of 112 female bus drivers.²⁸⁹

CARBON EMISSIONS FROM THE TRANSPORT CANBERRA FLEET

- 6.48 The Committee noted that the Transport Canberra and City Services annual report showed that the bus fleet emitted 38,166 tonnes of carbon dioxide in the financial year and asked for the Minister’s view on this.²⁹⁰

²⁸⁵ *Proof Transcript of Evidence, 4 March 2021*, p.108.

²⁸⁶ Mr Chris Steel MLA, *Proof Transcript of Evidence, 4 March 2021*, p.108.

²⁸⁷ Mr Ian McGlinn, *Proof Transcript of Evidence, 4 March 2021*, p.109.

²⁸⁸ Mr Ian McGlinn, *Proof Transcript of Evidence, 4 March 2021*, p.110.

²⁸⁹ Mr Steel MLA, Answer to Question Taken on Notice No 16.

²⁹⁰ *Proof Transcript of Evidence, 4 March 2021*, p.110, citing Transport Canberra and City Services Directorate, *Annual Report 2019-2020*, p.88.

- 6.49 The Minister told the Committee that this was ‘too high’. The fleet was mostly made up of diesel buses, and some fuelled by natural gas. Transport Canberra needed to change its fleet to zero emissions buses, and in the previous year had launched a zero-emissions transition plan, setting out a mechanism to achieve that by 2040 or earlier, depending on the technology ‘available at the time’.²⁹¹
- 6.50 He told the Committee that Transport Canberra was currently in the market for 90 battery electric buses, which were expected to emissions by more than 7,000 tonnes a year, which amounted to a 20 per cent reduction. Transport Canberra would also lease 34 buses to replace our older buses in the fleet, which were ‘significant emitters of not only carbon emissions but diesel particulate matter that is recognised around the world as having quite significant health impacts’.²⁹²
- 6.51 The Minister told the Committee that procuring electric buses was ‘a major part’ but not the only part of the transition to a zero emissions service. It also included providing the infrastructure to support electric buses. Woden bus depot would be the most significant first electric bus depot. To be constructed in the coming years, 40 buses would be able to be charged there at first, and further upgrades would allow the depot to be fully electric with capacity for charging 110 buses. There were plans for a fourth bus depot, potentially in West Belconnen or Gungahlin, which would include charging facilities. Charging had already taken place on a smaller scale at Tuggeranong depot, where a trial of a fully electric bus was being conducted until the month before hearings.²⁹³
- 6.52 The broader plan, he told the Committee, also included transitioning diesel mechanics so that they could work on electric vehicles and forming ‘partnerships with energy providers so we can deliver the energy required to service the fleet’, whether that was electricity for electric buses or hydrogen technology moved in that direction.²⁹⁴
- 6.53 The Executive Branch Manager told the Committee that the ‘market sounding’ for the provision of 90 electric buses had resulted in more than 100 parties people submitting expressions of interest. This would ‘evolve’ into a formal tender process in coming months and ‘keen interest’ was anticipated.²⁹⁵

²⁹¹ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.110.

²⁹² Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.110.

²⁹³ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.111.

²⁹⁴ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.111.

²⁹⁵ Mr Ian McGlinn, *Proof Transcript of Evidence*, 4 March 2021, p.111.

CARBON COST OF CONGESTION

- 6.54 The Committee noted that that the *ACT Transport Strategy* had quoted the daily economic cost of road congestion as \$800,000 in 2016, and asked whether this included the carbon cost of congestion.²⁹⁶
- 6.55 The Acting Deputy Director-General, Transport Canberra and Business Services told the Committee that the figures used in the Strategy did not include carbon cost, and focused on lost productivity due to travel delays.²⁹⁷

FREQUENCY OF LOCAL BUS SERVICES ON WEEKENDS

- 6.56 The Committee noted that in its last quarterly update to the Assembly in August last year, Transport Canberra had advised that it expected to further increase the frequency of local bus services on weekends in the first half of 2021, and asked when this increase would take place.²⁹⁸
- 6.57 The Minister told the Committee that Transport Canberra had, prior to the advice to the Assembly, already increased bus services on the weekends as part of a network update which came into force in October 2020, which had introduced more frequent bus services, particularly on Saturday mornings. Transport Canberra was also considering potential future increases in the frequency of services. One matter that required attention was recruiting bus drivers who were able to work shifts on weekends, and Transport Canberra continued to work on this.²⁹⁹
- 6.58 The Minister told the Committee that this was a ‘two-stage approach’, in which Transport Canberra had, under an interim timetable of November 2019, worked to increase reliability and then conducted a significant recruitment of staff, resulting in a capacity to increase the frequency of bus services on the weekend, under the July 2020 network update.³⁰⁰

²⁹⁶ *Proof Transcript of Evidence*, 4 March 2021, p.114, citing the *ACT Transport Strategy*, p.5, viewed 24 March 2021, available at: https://www.transport.act.gov.au/_data/assets/pdf_file/0016/1613302/200601-ACT-Transport-Strategy_web.pdf

²⁹⁷ Mr Ben McHugh, *Proof Transcript of Evidence*, 4 March 2021, p.114.

²⁹⁸ *Proof Transcript of Evidence*, 4 March 2021, p.117, and see Minutes of Proceedings, No 137--13 August 2020 p.2083, ‘Presentation of Papers’, ‘Transport Action Plan—Quarterly update—Number 4, dated August 2020—Response to resolution of the Assembly—Network19—Weekend bus services’.

²⁹⁹ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, pp.117, 118.

³⁰⁰ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.117.

- 6.59 The Executive Group Manager, Transport Canberra, told the Committee that the primary emphasis of the current action plan was to improve reliability while ‘incrementally’ increasing the number of drivers.³⁰¹
- 6.60 The Executive Branch Manager, Bus Operations, Transport Canberra, told the Committee that changes in the previous year had increased the number of drivers required every Saturday by 34, and also focused on improved reliability. Recruiting an additional 34 drivers was not sufficient, because they might not be willing to work every Saturday, so it was necessary to recruit beyond that number. He told the Committee that at time of hearings, Transport Canberra required 220 drivers to support services on Saturdays. For Sundays it was 173; and 659 from Monday to Friday. This covered shifts for bus services and ‘some spares’.³⁰²

FLEXIBUS SERVICE

- 6.61 The Committee asked questions about the Flexibus service, including whether it was possible to contact the service and have buses arrive at an address at a certain time.³⁰³
- 6.62 The Executive Branch Manager, Bus Operations, Transport Canberra, told the Committee that this was not ‘a real-time system yet’. At present, the arrangement was that a person requesting a service was obliged to contact the service two days before pickup.³⁰⁴
- 6.63 When asked whether bookings could be made for a certain time, he told the Committee that the service would provide ‘a window of opportunity’ of about 30 minutes rather than an exact time. The service would ring people with a disability and provide a lead time so that they could prepare themselves to be ready to board the bus when it arrived.³⁰⁵
- 6.64 The Committee indicated that older constituents had expressed dissatisfaction with the service due to low reliability and long waiting times, making it unsuitable for transport to fixed appointments, such as for medical care.³⁰⁶
- 6.65 The Minister for Transport Canberra and City Services told the Committee:

We are also looking at the future of the system. At the election, Labor committed to introducing an on-demand flexible bus service. Booking two days in advance is not very

³⁰¹ Ms Judith Sturman, *Proof Transcript of Evidence*, 4 March 2021, p.117.

³⁰² Mr Ian McGlinn, *Proof Transcript of Evidence*, 4 March 2021, p.118.

³⁰³ *Proof Transcript of Evidence*, 4 March 2021, p.122.

³⁰⁴ Mr Ian McGlinn, *Proof Transcript of Evidence*, 4 March 2021, p.121.

³⁰⁵ Mr Ian McGlinn, *Proof Transcript of Evidence*, 4 March 2021, p.122.

³⁰⁶ *Proof Transcript of Evidence*, 4 March 2021, p.122.

convenient for many people. We have seen some trials. I think nine trials were undertaken in Sydney in relation to on-demand transport. We are looking at how we can potentially implement that in the ACT.³⁰⁷

6.66 He told the Committee:

There will be some planning undertaken over this year to explore those options, potentially with the use of an Uber-style app where you can book a service within a much more reasonable time frame and where, shortly before you get picked up, you can see the service coming to you and you know how far away it is. There would still be the option to call for a service for people who do not use mobile phones. We are looking at those options. They seem to be working quite effectively in other jurisdictions.³⁰⁸

AUTOMATED BUS TRIAL

6.67 The Committee noted a recent automated bus trial at Kangara Waters, ACT, and asked whether the ACT was considering more automated bus services to establish a wider network of coverage.³⁰⁹

6.68 The Minister told the Committee that there was activity in this area on a national basis, including work on insurance to cover potential motor accident injuries arising from automatic vehicles, across jurisdictions, and work toward 'a framework for the introduction of automated vehicles into Australia' and potential 'national or harmonised legislation that might facilitate automated vehicles'.³¹⁰

6.69 The Executive Branch Manager, Strategic Policy and Customer, told the Committee that automatic vehicles had been identified as a key priority in the expectation that they would 'bring sustainability and, in particular, a great deal of efficiency to our transport network'.³¹¹

6.70 He told the Committee that TCCS was at time of hearings working to develop an evaluation framework which would allow it to consider the trials taking place in different jurisdictions and assess their significance in order to 'take the maximum amount of learning' from a limited number of trials.³¹²

³⁰⁷ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, pp.122-123.

³⁰⁸ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.123.

³⁰⁹ *Proof Transcript of Evidence*, 4 March 2021, p.123.

³¹⁰ Mr Chris Steel MLA, *Proof Transcript of Evidence*, 4 March 2021, p.123.

³¹¹ Mr John Bowdery, *Proof Transcript of Evidence*, 4 March 2021, p.123.

³¹² Mr John Bowdery, *Proof Transcript of Evidence*, 4 March 2021, p.123.

- 6.71 He told the Committee that there was ‘an enormous amount of work going on’, across jurisdictions, to share learning and to share opportunities. A trial could take place in New South Wales or Queensland, for example, and due to collaboration with those jurisdictions the ACT could ‘take that learning without running that trial ourselves’.³¹³
- 6.72 The Executive Branch Manager told the Committee that, as noted by the Minister, there was national work regarding the safety of automated vehicles and importing them into Australia. He told the Committee that the Commonwealth held responsibility authority for the Australian design rules, which would regulate the standards for the vehicles. There was other work which considered the regulatory environment needed to ensure that automatic vehicles, when imported into Australia, were safe for road use. Work was underway to develop appropriate legislation and regulation. He told the Committee that TCCS expected that it would take four years to reach ‘a degree of consensus across Australia’ so that this technology could be ‘managed and implemented safely’.³¹⁴
- 6.73 The Committee asked whether such vehicles would be electrically-powered, in relation to which the Executive Branch Manager told the Committee that he thought this a ‘fair assumption’.³¹⁵

COMMITTEE COMMENT

- 6.74 In view of the importance of the environment, active travel and exercise, the Committee was concerned to hear that the ACT Government did not have the same capacity or equipment to assess the surfaces of cycle and pedestrian paths as it did for road surfaces. Given the importance of forms of transport which are alternatives to the use of private cars, the Committee believes it important that the Government acquire this capability. The Committee also believes that the ACT Government should set a target, consistent with its practice for roads, of 90 per cent of bike paths and footpaths maintained in good condition.³¹⁶

³¹³ Mr John Bowdery, *Proof Transcript of Evidence*, 4 March 2021, p.124.

³¹⁴ Mr John Bowdery, *Proof Transcript of Evidence*, 4 March 2021, p.124.

³¹⁵ Mr John Bowdery, *Proof Transcript of Evidence*, 4 March 2021, p.124.

³¹⁶ Cycle paths were referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at pp. 37 & 263. Cycle path design was referenced in *2020-21 Budget Statements H*, at pp. 33, 35 & 38.

Recommendation 8

- 6.75 The Committee recommends that the ACT Government acquire suitable equipment so that it has the capability to assess cycle and pedestrian path surfaces across the network.**

Recommendation 9

- 6.76 The Committee recommends that the ACT Government set a target of 90 per cent of bike paths and footpaths being maintained in good condition, as is done for roads.**
- 6.77 Regarding ParkCare groups, the Committee saw potential for a more productive relationship between different participants in the management of parks and reserves in the Territory.³¹⁷

Recommendation 10

- 6.78 The Committee recommends that PCS and TCCS work together and take ongoing advice from the ParkCare groups to conduct more native plantings in urban areas to produce better habitat and reduce the need for mowing, as has been done at Ginninderry.**
- 6.79 Regarding the Container Deposit Scheme, the Committee appreciates the value and purpose of the scheme and considers that its success could be more readily assessed if materials dealt with under the scheme were measured by weight, in addition to current measures by item, to allow comparison across recycling schemes.³¹⁸

Recommendation 11

- 6.80 The Committee recommends that when reporting on waste and recycling, the ACT Government quote figures for tonnes of waste recovered and waste sent to landfill.**

³¹⁷ Parks in general were referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at pp. 31, 40, 47, 50, 261 & 311, and *2020-21 Budget Statements H*, at pp. 1, 9, 18, 20, 21, 23, 25, 26, 34 & 64.

³¹⁸ Bulky waste was referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at pp. 11, 26, 44, 46 & 69, and *2020-21 Budget Statements H*, at pp. 25 & 28.

Recommendation 12

- 6.81 The Committee recommends that ACT Government use existing surveys and/or other existing means to determine what customers would have done with the material if they had not used the Bulky Waste service and whether the service is increasing waste to landfill.**
- 6.82 Regarding female bus drivers, the Committee considers that although Transport Canberra appeared to welcome the prospect of additional female bus drivers, more systematic measures could be put in place to achieve this.³¹⁹

Recommendation 13

- 6.83 The Committee recommends that Transport Canberra formulate and adopt a policy on hiring further female bus drivers, which includes measures to ensure accessibility of these positions to women, and clear targets.**

Recommendation 14

- 6.84 The Committee recommends that Transport Canberra conduct surveys with women who are bus drivers and women who are not yet in that workforce to find out the barriers to entry.**
- 6.85 Regarding the Flexibus service, the Committee considered that present arrangements were not conducive to take-up of the service, and that further measures should be taken to ensure its usefulness and accessibility.³²⁰

Recommendation 15

- 6.86 The Committee recommends that ACT Government investigate a convenient on-demand app to book on-demand Flexibus services alongside options to call or book online.**

³¹⁹ Bus drivers were referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at pp. 30, 35, 73 & 255, and *2020-21 Budget Statements H*, at pp. 28 & 32.

³²⁰ The Flexibus service was referenced in Transport Canberra and City Services, *Annual Report 2019-20*, at p.30 and *2020-21 Budget Statements H*, at p.9.

7 CHIEF MINISTER

- 7.1 On the afternoon of 4 March 2021, the Chief Minister appeared, as minister responsible, with his officers to answer questions about the City Renewal Authority (CRA). They answered questions about the CRA statement of intent and the Suburban Land Agency statement of intent as it related to declared urban renewal sites.³²¹

SCOPE OR VISION FOR BRADDON

- 7.2 The Committee asked about the role of the CRA in capital works in Braddon. The Chief Minister told the Committee that the CRA was coordinating ‘precinct works’ in Braddon, including improvements to footpaths, street furniture, plantings, lighting and ‘other safety improvements’ in Lonsdale Street. This would include better pedestrian connectivity to Haig Park, in addition to improvements that had improved pedestrian access, lighting, park maintenance and ‘addressing sight lines and other community safety concerns’. There was also a renewal project for an old works depot in Haig Park.³²²
- 7.3 He told the Committee that the Lonsdale Street works would be ‘minor in nature’ so as not to disrupt businesses during the COVID recovery. There would be two pedestrian crossings created north and south of the roundabout on Lonsdale and Elouera streets, and pedestrian connectivity improvements at the north and south end of the street, adjacent to the central business district. There would be improvements to plantings and public-domain footpaths. For private land, developers had been required to bring improve footpaths and ‘the public realm’ to an agreed standard. More works would be undertaken in 2021-22 and CRA was about to conduct further consultation on the fine detail of those plans.³²³

ACTIVE TRAVEL IN BRADDON

- 7.4 The Committee asked to what extent changes to the streetscape in Braddon would accommodate active travel, and suggested that Lonsdale Street, Braddon, was at present hazardous to navigate on foot or by bike.³²⁴ The Committee also asked whether arrangements that had been used elsewhere, such as creating one-way streets and shared-zones on roads,

³²¹ 2020-21 Budget Statements E: Environment, Planning and Sustainable Development Directorate, pp.58-86, 87-111.

³²² Mr Andrew Barr MLA, *Proof Transcript of Evidence*, 4 March 2021, p.130.

³²³ Mr Andrew Barr MLA, *Proof Transcript of Evidence*, 4 March 2021, p.130.

³²⁴ *Proof Transcript of Evidence*, 4 March 2021, pp.134, 135.

and the introduction of lower speeds, signage and markings on roads -- as in Civic -- had been considered for Braddon.³²⁵

- 7.5 The Chief Executive Officer, City Renewal Authority (CRA), told the Committee that he believed that one-way streets were 'counterintuitive to creating great streets'.³²⁶ He noted that speed limits in Civic had been reduced to 40 km/h, and told the Committee that:

if we can get speed limits down and we encourage a different behaviour by drivers, particularly car drivers, there is no reason why the available carriageway width cannot accommodate cars, cyclists and pedestrians.³²⁷

- 7.6 He told the Committee that this was 'the experience from similar treatments in other cities', and that the CRA was 'confident that that design solution will achieve the better balance between the different travel modes that are important to that precinct'.³²⁸

- 7.7 The Chief Executive Officer told the Committee that he did not think it necessary to 'paint things on the pavement', because it was possible to change driver behaviour and achieve a balance by slowing cars down and 'introducing physical changes which change the psychology of people using the street'. He thought it 'really important' to keep a role for cars, 'as long as they are managed well', because 'cars and access to kerbside parking [were] a really important part of the ongoing success of that part of the city centre'.³²⁹

- 7.8 In response to further questions, the Chief Minister told the Committee, among other things, that the principles being applied in Braddon would set lower speeds for cars and provide 'safe passage for pedestrians'. Two further pedestrian crossings would be introduced. In addition, more bicycle parking would be added, and a 'trunk cycling route' would be created in Mort Street, rather than Lonsdale Street, as there was 'more room' and it connected more effectively to the 'existing city network'.³³⁰

³²⁵ *Proof Transcript of Evidence*, 4 March 2021, p.134.

³²⁶ Mr Malcolm Snow, *Proof Transcript of Evidence*, 4 March 2021, p.134.

³²⁷ Mr Malcolm Snow, *Proof Transcript of Evidence*, 4 March 2021, p.134.

³²⁸ Mr Malcolm Snow, *Proof Transcript of Evidence*, 4 March 2021, p.134.

³²⁹ Mr Malcolm Snow, *Proof Transcript of Evidence*, 4 March 2021, pp.134-135.

³³⁰ Mr Andrew Barr MLA, *Proof Transcript of Evidence*, 4 March 2021, pp.139-140.

OTHER ACT GOVERNMENT LAND ASSETS UNDER CRA RESPONSIBILITY

- 7.9 The Committee asked about other ACT Government land assets that were under the responsibility of the CRA.³³¹
- 7.10 The Chief Executive Officer of the CRA told the Committee that the CRA had a number of ACT government land assets under its care and responsibility. Some of those were managed by other directorates, such as large surface car parks around London Circuit, which were managed by TCCS. At some point, he told the Committee, those would become development sites, and one, 'the large surface car park next to the courts opposite the Melbourne Building', had been put out to market in an expressions of interest process. Other CRA property assets were acquired through the Indicative Land Release Program: not all, 'but certainly those that are in the forward years'.³³²
- 7.11 He told the Committee that another property under the CRA's responsibility was a two-hectare site 'immediately adjoining the site reserved for the UNSW in Reid'. Acton waterfront, a 'significant site that will be a major catalyst for renewal in the city centre', was also administered by the CRA, but there would be 'no initial development there ... until at least the middle of the decade'.³³³

SALE OF THE CITY WEST BUS LAYOVER FACILITY TO ANU

- 7.12 The Committee asked about the sale, by the CRA, of the city west bus layover facility to the Australian National University (ANU).³³⁴
- 7.13 The Chief Executive Officer of the CRA told the Committee that settlement what was called 'the ANU exchange site agreement' would take place on 22 April 2021. He told the Committee that this included 'a very prominent corner site', and two other smaller sites, for which the agreement with the ANU provided that it would, 'with reasonable haste', develop the site. There was an agreement that 'in the interim', once settlement had taken place, the site be made into a temporary urban park at ANU's cost, until the site was developed.³³⁵

³³¹ *Proof Transcript of Evidence, 4 March 2021, p.132.*

³³² Mr Malcolm Snow, *Proof Transcript of Evidence, 4 March 2021, p.132.*

³³³ Mr Malcolm Snow, *Proof Transcript of Evidence, 4 March 2021, p.132.*

³³⁴ *Proof Transcript of Evidence, 3 March 2021, p.132.*

³³⁵ Mr Malcolm Snow, *Proof Transcript of Evidence, 4 March 2021, p.132.*

- 7.14 When asked about uses anticipated for the land, the Chief Executive Officer told the Committee that they would be ‘primarily university uses’, with potential for a residential component. ANU had also discussed ‘a number of other university-related uses’ that could be accommodated on the site. He told the Committee that a lease condition required the ANU to develop the site within five years of settlement.³³⁶

CRA CONTRACTORS

- 7.15 The Committee asked how much the CRA had spent on contractors in the past financial year.³³⁷
- 7.16 The Chief Operating Officer told the Committee that it had spent about \$4 million, most of all on design-related consultancies by Hames Sharley for Acton waterfront and Oxigen for City Walk. When asked whether consultants were engaged after open tender processes, he told the Committee that ‘typically’ they were, but if the value of services was less than \$25,000 they could be ‘direct-sourced’ without tender. The CRA had followed these guidelines, he told the Committee, in all but two instances, which were approved by the CEO under the Government Procurement Act 2001 (ACT).³³⁸
- 7.17 In a later answer to a Question Taken on Notice, the Minister advised the Committee of the two exceptions. One was for ‘Case Studies – Public Space Investment’ by Deloitte Access Economics, valued at \$25,000, where a ‘single quote was sought from a firm with a specialist in data and research capability in the economics of place and place renewal’, in the context of this being ‘a niche area’. The second exception was for a ‘Permanent Placement Fee – Director Design and Place’, paid to Bespoke Career Management, valued at \$33,203, where a ‘single quote was sought from a firm experienced in specialised recruitment of architects, landscape architects and design specialists’, in the context of this being ‘a specialist field’ and ‘deep experience and expertise’ were required for this ‘key role’.³³⁹
- 7.18 The Minister advised the Committee that:

Under the *Government Procurement Regulation 2007*, the Chief Executive Officer may approve direct sourcing, as an example, in the case of a supplier’s specialist knowledge. Both procurements were approved by the CRA Chief Executive. The awarding of the

³³⁶ Mr Malcolm Snow, *Proof Transcript of Evidence*, 4 March 2021, p.132.

³³⁷ *Proof Transcript of Evidence*, 4 March 2021, p.133.

³³⁸ Mr Craig Gillman, *Proof Transcript of Evidence*, 4 March 2021, p.133, referring to *Government Procurement Regulation 2007* at ss 5, 6, 9 and 10.

³³⁹ Mr Andrew Barr MLA, Answer to Question Taken on Notice No 19.

above contracts was consistent with the Regulation, and reported in the CRA 2019-20 Annual Report.³⁴⁰

MATTERS SETTLED

7.19 The Committee asked whether there were legal matters which the Suburban Land Agency had settled, either in court or the ACAT (the ACT Civil & Administrative Tribunal), or out of court.³⁴¹

7.20 The Minister later advised the Committee in an answer to a Question Taken on Notice:

The 2019-20 Annual Report disclosed a contingent liability of \$5.865 million and no claims were settled in the 2019-20 financial year.³⁴²

7.21 He advised the Committee:

Since end of the 2019-20 financial year two claims against the Suburban Land Agency have been finalised. The first was settled after taking advice from the ACT Government Solicitor's Office and the second was dismissed in accordance with orders from the Supreme Court of the ACT. The settlement amount for the first matter was \$4,600,574.65 and legal fees were \$84,601.54. The Suburban Land Agency was indemnified by ACTIA in respect of the second matter and accordingly the legal costs were paid by ACTIA.³⁴³

COMMITTEE COMMENT

7.22 The Committee considers it important that new streetscapes and other changes in Braddon support safe, active travel.³⁴⁴

Recommendation 16

7.23 The Committee recommends that that future works in Braddon incorporate best practice cyclist and pedestrian safety.

³⁴⁰ Mr Andrew Barr MLA, Answer to Question Taken on Notice No 19.

³⁴¹ *Proof Transcript of Evidence, 4 March 2021*, p.142.

³⁴² Mr Andrew Barr MLA, Answer to Question Taken on Notice No 22.

³⁴³ Mr Andrew Barr MLA, Answer to Question Taken on Notice No 22.

³⁴⁴ The works at Braddon were referenced in Environment Planning and Sustainable Development Directorate, *Annual Report*, at p.357 and *2020-21 Budget Statements E*, at pp. 61, 62, 67, 69, 70, 72 & 75.

Jo Clay MLA
Chair

Appendix A Witnesses

25 February 2021

Mr Mick Gentleman MLA, Minister for Planning and Land Management

- Mr Ben Ponton, Director-General, Environment, Planning and Sustainable Development Directorate (EPSDD)
- Dr Erin Brady, Deputy Director-General, Planning and Sustainable Development, EPSDD
- Mr Geoffrey Rutledge, Deputy Director-General, Environment, Water and Emissions Reduction, EPSDD
- Ms Lesley Cameron, Executive General Manager, Planning and Urban Policy, EPSDD
- Mr Brett Phillips, Executive General Manager, Statutory Planning, EPSDD
- Mr Bruce Fitzgerald, Executive General Manager, Development and Implementation, EPSDD
- Mr Daniel Iglesias, Executive Branch Manager, ACT Parks and Conservation Service, EPSDD
- Ms Bethel Sendaba, Executive Branch Manager, Building Reform, EPSDD

Access Canberra:

- Mr David Pryce, Deputy Director-General, Access Canberra, Chief Minister, Treasury and Economic Development Directorate.
- Mr Ben Green, Executive Branch Manager, Construction, Utilities and Environment Protection Branch, Access Canberra, Chief Minister, Treasury and Economic Development Directorate - Statutory Office Holder: Construction Occupations Registrar and Architects Registrar

Ms Rebecca Vassarotti MLA, Minister for Sustainable Building and Construction

- Mr Ben Ponton, Director-General, Environment, Planning and Sustainable Development Directorate (EPSDD)
- Dr Erin Brady, Deputy Director-General, Planning and Sustainable Development, EPSDD
- Mr Geoffrey Rutledge, Deputy Director-General, Environment, Water and Emissions Reduction, EPSDD
- Ms Bethel Sendaba, Executive Branch Manager, Building Reform, EPSDD
- Mr Bruce Fitzgerald, Executive General Manager, Development and Implementation, EPSDD

- Mr David Pryce, Deputy Director-General, Access Canberra
- Mr Ben Green, ACT Construction Occupations Registrar/Executive Branch Manager Construction, Utilities and Environment Protection, Access Canberra
- Mr Duncan Edghill, Chief Projects Officer, Major Projects Canberra
- Mr Adrian Piani, Executive Group Manager Infrastructure Delivery Partners and Chief Engineer, Major Projects Canberra
- Ms Di Stewart, Project Director, Cladding, Major Projects Canberra

3 March 2021

Ms Yvette Berry MLA, Minister for Housing and Suburban Development, Minister for Sport and Recreation and Minister for Women

Environment, Planning and Sustainable Development Directorate:

- Mr Ben Ponton, Director-General
- Dr Erin Brady, Deputy Director-General, Land Strategy and Environment
- Mr Geoffrey Rutledge, Deputy Director-General, Environment, Water and Emissions Reduction
- Ms Bethel Sendaba, Executive Branch Manager, Building Reform

Suburban Land Agency:

- Mr John Dietz, Chief Executive Officer
- Mr Neil Bulless, Deputy Chief Executive Officer
- Mr Tom Gordon, Executive Director, Development Delivery
- Mr Nicholas Holt, Executive Director, Built Form and Divestment
- Ms Caitlin Westropp, Senior Project Manager

4 March 2021

Mr Chris Steel MLA, Minister for Transport and City Services,

Transport Canberra and City Services:

- Ms Alison Playford, Director-General, Transport Canberra and City Services
- Mr Ben McHugh, Acting Deputy Director-General, Transport Canberra and Business Services
- Mr Anthony Haraldson, Acting Executive Branch Manager, ACT NoWaste, City Services

- Ms Shelly Fraser, Acting Executive Branch Manager, Roads ACT, City Services
- Mr Jeremy Smith, Executive Branch Manager, Infrastructure Delivery
- Ms Vanessa Little, Executive Branch Manager, Libraries ACT, Transport Canberra and Business Services
- Mr Stephen Alegria, Executive Branch Manager, City Presentation, City Services
- Ms Judith Sturman, Executive Group Manager, Transport Canberra
- Mr Ian McGlinn, Executive Branch Manager, Bus Operations, Transport Canberra
- Mr John Bowdery, Executive Branch Manager, Strategic Policy and Customer
- Mr Duncan Edghill, Chief Projects Officer, Major Projects Canberra
- Mr Ashley Cahif, Project Director, Light Rail, Major Projects Canberra
- Ms Jo Dawson, Executive Branch Manager, Light Rail Operations

Mr Andrew Barr, Chief Minister, Treasurer, Minister for Climate Action, Minister for Economic Development and Minister for Tourism

City Renewal Authority:

- Mr Malcolm Snow, Chief Executive Officer
- Mr Craig Gillman, Chief Operating Officer

Suburban Land Agency:

- Mr John Dietz, Chief Executive Officer