



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY  
STANDING COMMITTEE ON PLANNING AND URBAN SERVICES

**Report No.83 August 2001**

**ACTIVITY OF THE STANDING COMMITTEE ON PLANNING AND  
URBAN SERVICES IN 2000-2001**

**Recommendations:**

The committee recommends that the Assembly notes this report and that it be brought to the attention of the successor committee in the next Parliament. In particular, the committee recommends that the entire evidence taken by the committee on two outstanding matters should be made available to this committee's successor. These matters are the inquiry into 'extending the choice of electricity retailer to smaller customers', and the inquiry into Draft Variation No.174 to the Territory Plan for the Hungarian-Australian Club site and Community Facility Land at Section 124 Blocks 2, 3, 14 and 15 Narrabundah.

Also, the committee draws the attention of the House to the likelihood that it will be the ACT's turn to host the national conference of parliamentary public works and environment committees during the term of the Fifth Assembly (most likely in 2003).

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**THE STANDING COMMITTEE ON PLANNING AND URBAN SERVICES**

The Standing Committee on Planning and Urban Services was established on 28/4/98 to inquire into and report on planning and lease management, road and transport services, infrastructure and asset management and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other related matter (*resolution of appointment, as amended on 25/11/99, 7/2/00 and 15/2/01*).

**Committee members:** Mr Harold Hird MLA (Chair), Mr Dave Rugendyke MLA (Deputy Chair), Mr Simon Corbell MLA

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## **I. Background**

1. The Standing Committee on Planning and Urban Services of the 4<sup>th</sup> Assembly held its first meeting on 1 May 1998.<sup>1</sup> On 6 May 1999 the committee presented a written report to parliament on the committee's activity in its first full year of operation.<sup>2</sup> The committee did the same in relation to its activity in its second year.<sup>3</sup> This report covers the final year of committee activity.

2. The committee hopes that the report will interest the public, parliamentarians (in both the Assembly and other Australian parliaments) and interested observers of Territory politics.

3. So far as the committee is aware, the first use of a written report by an Assembly committee on its activity was in 1994 when the (then) Standing Committee on Public Accounts (Mr Kaine MLA, Presiding Member) presented its Report No.9 *Review of Committee Activity during the Second Assembly*.

4. This report by the Standing Committee on Planning and Urban Services follows in the tradition of that report and the two earlier reports by this committee in the current Assembly.

## **II. Performance measures**

5. The committee is aware that there are a number of ways in which parliamentary committees can report on their activity. These include: the number of meetings; whether these meetings involved a public hearing or not; the number of reports presented to the parliament; the time taken to produce the reports; the nature of the inquiries conducted by the committee; the notice that was taken of these inquiries (including the nature of the government's response); and the number of occasions when statutory appointments were considered by the committee. The committee provides succinct information on each of these matters below.

**Table A: Number of meetings**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 46                | 57                 | 75                | 179          |

**Table B: Number of meetings which included a public hearing**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 28                | 31                 | 43                | 102          |

**Table C: Number of reports**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 24                | 25                 | 34                | 83           |

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<sup>1</sup> The committee's title, when established by resolution of the Assembly on 28/4/98, was the Standing Committee on Urban Services.

<sup>2</sup> Report No.24 *Activity in its First Year of Operation* [presented 6/5/99]

<sup>3</sup> Report No.49 *Activity in 1999-2000* [presented 23/5/00]

**Table D: Number of reports dealing with a Variation to the Territory Plan**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 13                | 12                 | 12                | 37           |

**Table E: Number of reports dealing with a Management Plan for Public Land**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 3                 | 1                  | 2                 | 6            |

6. Reports on the above issues (Plan Variations and Management Plans) are statutory obligations required under the provisions of the *Land (Planning and Environment) Act 1991*. Half of the reports produced by the committee involved Plan Variations or Management Plans (43 reports out of a total of 83).

7. There are two other ways in which an inquiry may start. One is by way of a referral by the House itself; the other is for the committee to self-refer a matter. The following table shows the number of reports originating in these two ways, as well as those originating under the statutory provisions of the Land Act (being the total of Tables D and E above).

**Table F: Number of reports by origin of inquiry**

|               | <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|---------------|-------------------|--------------------|-------------------|--------------|
| By statute    | 16                | 13                 | 14                | 43           |
| By Assembly   | 8                 | 7                  | 12                | 27           |
| Self-referral | 2                 | 4                  | 7                 | 13           |

8. As well as reports, the committee presented one major statement to the House during the past year. This statement was considered by the committee in exactly the same way as a report is considered.<sup>4</sup>

9. The length of time taken to produce reports has varied considerably, depending on the complexity of the inquiry, its timing (especially in relation to school holidays, which can affect the advertising of committee inquiries), the competing pressures upon members, and the resources available to serve the committee.

10. The following table summarises the time taken to produce reports, where a 'short' time-period is considered to be three months or less, a 'medium' time period is seen as between three and six months, and a 'long' time period is in excess of six months. Readers should bear in mind that when a parliamentary committee invites public input, then a minimum of three/four weeks is needed to give people a chance to prepare written material and to submit it.

**Table G: Time taken to produce reports**

| <i>Time</i> | <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------|-------------------|--------------------|-------------------|--------------|
| Short       | 15                | 13                 | 12                | 40           |
| Medium      | 9                 | 5                  | 7                 | 21           |
| Long        | 0                 | 7                  | 15                | 22           |

<sup>4</sup> See statement in response to correspondence from 'Save the Ridge' about Gungahlin Drive extension [presented on 15/6/01]

11. Table G shows that about half of the reports were produced in under six months. The remainder were evenly split in the time they took (between three to six months; and over six months).

12. The shortest time taken to produce a report was five days.<sup>5</sup> The longest time was 28 months for a report which emerged out of a monitoring-type inquiry<sup>6</sup> which also involved two statements to the House.<sup>7</sup> The next longest report took 27 months in total though two reports were produced in this period, the first being called an 'interim' report.<sup>8</sup> The next longest was the report on proposals to extend Gungahlin Drive, which took 23 months.<sup>9</sup>

13. In terms of how long it took to report on Plan Variations in the past year, four reports took less than three months, three took three to six months, and six took longer than six months.

14. The committee has regularly had ten inquiries underway at the one time. At times, the number has risen to 15. The management of so many inquiries has been a constant challenge which the committee has been able to meet only by hard work, some adaptation of its procedures, and the occasional use of an officer seconded from elsewhere in the public service to handle one specific inquiry.

15. Over the last year, the committee has utilised the services of four seconded officers.

16. In line with a change to the Assembly's practise affecting all standing committees, the committee was directed to examine both the Annual Reports of the department which the committee 'mirrors' (the Department of Urban Services) along with the Draft Budget of that department.<sup>10</sup>

17. The committee has tried to produce reports on its attendance at conferences because these serve to inform members (and public servants as well as the public generally) of what was discussed at the conferences and what might be particularly relevant to the ACT's circumstances.

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<sup>5</sup> Report No.50 Draft Variation No.144 to the Territory Plan – Molonglo River Corridor: the Defence Force Collocated Staff Colleges site including other land within this area of Weston Creek [released on 22/5/00]

<sup>6</sup> Report No.58 *Monitoring the Implementation of Variation No.64 to the Territory Plan: Latham Shops* [presented on 28/11/00]

<sup>7</sup> Statements on Implementation of Variation No.64 to the Territory Plan [27/8/98 and 10/12/98]

<sup>8</sup> Report No.15 *Interim Report on Draft Variation to the Territory Plan No.89-Murrumbidgee and Lower Molonglo Rivers: River Corridors Land Use Policy – Public Land Categories; and Other Minor Changes* [8/12/98]

Report No.62 *Revised Draft Variation to the Territory Plan No.89-Murrumbidgee and Lower Molonglo Rivers: River Corridors Land Use Policy – Public Land Categories; and Other Minor Changes* [28/11/00]

<sup>9</sup> Report No. 67 *Proposals for the Gungahlin Drive Extension (John Dedman Parkway)* [presented on 8/3/01]

<sup>10</sup> See:

- Report No.63 *1999-00 Annual Report of the Department of Urban Services* [13/2/01]
- Report No.68 *The 2001-02 Draft Budget Initiatives and the 2001-02 Draft Capital Works Program for the Department of Urban Services* [23/3/01]

18. The committee has particularly valued its attendance at the annual conference of Parliamentary Public Works Committees and the annual conference of Parliamentary Environment Committees. These are extremely useful occasions for parliamentarians around Australia to learn and discuss what other parliamentary committees are doing. The ACT has participated enthusiastically in these conferences. In 1996 we initiated the practise of holding both conferences in the one venue and at the same time (when we hosted the two national conferences in our Assembly Chamber).<sup>11</sup>

19. This year the conferences were split, though both were held at Parliament House in Canberra. Again, the conferences were extremely useful (see later in this report). The committee draws the House's attention to the likelihood that it will be the ACT's turn to again host the conferences during the course of the next Assembly.

20. The committee's inquiries generated a great deal of interest by the community. In the past year, the greatest degree of interest was taken in the committee's examination of the proposals to extend Gungahlin Drive.<sup>12</sup> But other controversial inquiries included those into Draft Variations to the Territory Plan Nos.158 and 163 (dealing with Group Centre Policies and Kippax Group Centre, respectively), Tuggeranong Lakeshore Master Plan, and proposals for the establishment of a new landuse category of 'rural residential'.<sup>13</sup>

21. The committee points out that even a 'small' inquiry (meaning, an inquiry that does not gather a great media interest or involve a great number of people) is important to the particular persons affected by the matter under examination. Thus, an inquiry such as that into the Draft Management Plan for the Lower Molonglo River Corridor is particularly important to rural lessees in the Corridor as well as to those people in our community who might wish to ride horses in the area, to picnic there or to conserve the natural beauty of the area.

22. Nearly all of the committee's reports received a government response. In the case of Plan Variations, the government's response was indicated by its decision on the Draft Plan Variation which is tabled in the House and can be the subject of debate by members.

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<sup>11</sup> See the following reports by this committee's predecessor, the Standing Committee on Planning and Environment:

- Report No.16 *Organisation of the 1996 National Conferences of Australian Parliamentary Public Works and Environment Committees* [26/9/96]
- Report No.17 *Issues raised at the 1996 National Conference of Australian Parliamentary Environment Committees* [26/9/96]
- Report No.18 *Issues raised at the 1996 National Conference of Australian Parliamentary Public Works Committees* [statement made 26/9/96, report presented on 21/11/96]

<sup>12</sup> See Report No. 67 *Proposals for the Gungahlin Drive Extension (John Dedman Parkway)* [presented on 8/3/01]

<sup>13</sup> See:

- Report No.72 *Draft Variations to the Territory Plan: No.158 Commercial B2C land use policies – Proposed Changes to Group Centre Policies; and No.163 Kippax Group Centre – Proposed Expansion of Retail Core* [13/6/01]
- Report No.60 *Tuggeranong Lakeshore Master Plan* [30/11/00]
- Report No.57 *Proposals for the Establishment of Rural Residential Development as a Land Use* [28/11/00].

23. The committee (like other standing committees) is consulted about proposed statutory appointments—relevant information is set out in the following Table.

**Table H: Number of occasions when the committee considered statutory appointments**

| <i>First year</i> | <i>Second year</i> | <i>Third year</i> | <i>TOTAL</i> |
|-------------------|--------------------|-------------------|--------------|
| 10                | 13                 | 20                | 44           |

### **III. Specific features of the committee's activity**

24. The committee is aware that performance measures such as those outlined in the preceding section do not cover all aspects of a committee's activity. The following matters are of interest to members of the committee and, we believe, to members generally (as well as to the public).

25. Procedural issues affected the work of the committee in the past year. These involved the interpretation of Standing Orders relating to the publication of evidence (Standing Order 243) and the right of witnesses to 'representation' (Standing Order 246).

26. A matter of privilege was brought to the committee's attention during the year and required examination.<sup>14</sup> Arising out of this inquiry, the committee initiated the practise of requesting witnesses to read a card—before they give their oral testimony—drawing attention to their responsibility to give truthful evidence to a parliamentary committee. This has been a useful initiative.

27. The way in which the committee handled the occasions when a member of the committee expressed disagreement with one or more recommendations in a report varied. Two reports in the past year contained a written dissent.<sup>15</sup> Two other reports drew attention to the fact that one member of the committee dissented from the (majority) report though no separate written dissent was prepared.<sup>16</sup> On only one occasion during the past year was a formal 'division' requested by members in order to resolve an issue.

28. The local government role of the committee was important throughout the course of the past year. Members are aware that many residents see this committee as the one that is most directly relevant to their local concerns, whether it be in relation to town planning, roadworks, the preparation of a master plan for a specific area, or whatever. Several times in the past year the committee initiated inquiries at the request of local residents concerned about government activity in their area—examples include the inquires into the duplication of Fairbairn Avenue, section master planning in Turner, and planning for a community precinct in Amaroo.<sup>17</sup> In all these cases, the local residents expressed their appreciation for the fact

<sup>14</sup> Report No.59 *Examination of Allegations of Possible Improper Influence of a Witness* [18/10/00]

<sup>15</sup> See:

- Report No.61 *Draft Variation to the Territory Plan No.140 Existing Produce Market Sites – Greenway Section 2 Block 5 and Belconnen Section 31 Block 5* [28/11/00]
- Report No.67 *Proposals for the Gungahlin Drive Extension (John Dedman Parkway)* [presented on 8/3/01]

<sup>16</sup> Report No.58 *Monitoring the Implementation of Variation No.64 to the Territory Plan: Latham Shops* [28/11/00]

Report No.77 *Draft Variation No.138 to the Territory Plan-Gungahlin Drive Extension* (9/8/01)

<sup>17</sup> See:

that an Assembly committee had taken up their concerns and organised public hearings at which their evidence can be put to members along with the evidence of relevant government agencies.

29. The committee deeply respects the fact that local residents wish to use the committee to access their parliamentarians in a formal setting in order to get their views heard.

30. The committee adopted the policy of broadcasting all of its public hearings (in line with the Assembly's procedures) so as to maximise the opportunity for public knowledge of what the committee was doing. For the same reason, the committee authorised the publication of nearly all evidence presented to it.

31. The committee travelled interstate on three occasions in the past year. In June 2000 the committee travelled to Perth to obtain information about the regulation of utilities in that state. This information was relevant to the committee's report on the ACT Utilities Bill.<sup>18</sup> In July 2000 the committee attended the Annual Conference of Parliamentary Public Works and Environment Committees at Parliament House in Darwin.<sup>19</sup> In June 2001 the committee travelled to Brisbane and Darwin in relation to its inquiries into a central land administration information system and the regulation of hire cars.

32. The format of committee reports has varied throughout the year, reflecting our efforts to improve efficiency and to draw members' attention to the key issues of an inquiry. The size of the committee's reports has varied from a one page report on a Draft Variation to a report that was over 60,000 words in length on the Gungahlin Drive extension.

33. The committee produced one report on what started as two separate inquiries when it decided that two Plan Variations overlapped in their content and should be treated concurrently.<sup>20</sup>

#### **IV. Public works issues**

34. The committee takes the opportunity provided by this report to comment on three issues involving the way that governments—and parliaments—address public works issues. Our comments reflect matters discussed at the annual meetings of members of Public Works committees.

35. The first issue is the increasing trend away from direct government ownership and construction of public works. This development makes parliamentary scrutiny by Public Works committees more difficult than it used to be—and it is even possible that such committees could be marginalised.

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- Report No.79 *Proposals to Duplicate Fairbairn Avenue* (9/8/01)
  - Report No.75 *Section Master Planning for Turner Sections 46, 47, 48 & 62* (23/8/01)
  - Report No.73 *The Proposed Amaroo Community Precinct* (13/6/01)

<sup>18</sup> See Report No.51 *Utilities Bill 2000* (25/7/00)

<sup>19</sup> See Report No.53 *Conference of Parliamentary Public Works and Environment Committees at Parliament House, Darwin, July 2000* (29/8/00)

<sup>20</sup> Report No.72 *Draft Variations to the Territory Plan: No.158 Commercial B2C land use policies – Proposed Changes to Group Centre Policies; and No.163 Kippax Group Centre – Proposed Expansion of Retail Core* (13/6/01)

36. The second issue is the reduction in governments' capability (and that of parliaments) to assess the technical (as distinct to financial) aspects of proposed capital works. In the case of the ACT, this technical expertise resided in DUS until some years ago when it moved to Totalcare. Then there developed a situation where no central body (with a whole of government perspective) monitored developments affecting tender evaluation, whole-of-life costings and changing methods of project delivery. It is hoped that this situation will improve with the recent establishment of a central Procurement Unit within Treasury.

37. The third issue is the use that might be made of the 'alliance' method of project delivery as used at the National Museum. The recent conference of Public Works committees received useful briefings on this subject by the chairman of the Council of the Museum (the Hon. Tony Staley), the Director of the Museum (Ms Dawn Casey) and the Managing Director of one of the construction companies. All spoke enthusiastically of the benefits of the alliance method which essentially provides for a single project delivery team with incentives for the achievement of specified benchmarks (relating to quality, time, control of costs, design integrity, safety, etc). The method is said to focus attention on innovation, the implementation of ESD principles, and the control of recurrent costs. The method particularly suits large and complex government projects (costing over \$30m) such as hospitals and prisons. It seems sensible to examine the alliance method of project delivery in the context of planning for the new ACT gaol.

## **V. Appreciation**

38. The committee wishes to thank all of the people who have contacted it in the past year, especially the members of the public who have made written submissions and/or appeared before the committee to give oral testimony in relation to the committee's inquiries.

39. The committee also thanks the Minister for Urban Services (Mr Brendan Smyth MLA) for his co-operation. Also, we thank the many public servants who have provided professional and courteous advice, especially Mr Alan Thompson (Chief Executive, DUS), Mr Lincoln Hawkins (Executive Director, PALM), Dr Maxine Cooper (Director, Territory Planning Branch, PALM) and Mr Garrick Calnan (Manager, Territory Planning Coordination Section, PALM). The latter officer, in particular, helped the committee work through the challenging task of understanding the technical aspects of planning in the ACT.

40. We wish to thank the seconded officers who worked on particular inquiries: Mr Mark Ransom (who brought specialist engineering knowledge), Mr David James, Ms Margaret Jones and Mr Matt Gamble (who provided valuable legal expertise).

41. The committee has been well served by the staff of the Committee Office, Ms Kim Blackburn and Ms Judy Moutia. Also, the committee has been well served by the staff of Hansard under Mr Keith Ryder and, in particular, we have enormously benefited from the professionalism and helpfulness of Hansard's Technical Officer, Mr Ray Blundell.

42. We particularly thank our sole permanent officer, Mr Rod Power, for his courtesy, attention to detail, thoughtful advice and patience in handling the committee's challenging tasks. Rod has met all deadlines set by the committee in tabling reports. He has liaised in a highly professional and courteous manner with senior staff and members of the public on all aspects of the committee's many inquiries over the past three and a half years.

## **VI. Outstanding matters**

43. The committee regrets that it was unable to bring in a report on two matters still before it at the time this report is presented to the House. One is a report on ‘extending the choice of electricity retailer to smaller customers’. This inquiry commenced on 18/5/01 and the committee has held one public hearing to date. The second matter still before the committee is Draft Variation No.174 to the Territory Plan for the Hungarian-Australian Club site and Community Facility Land at Section 124 Blocks 2, 3, 14 and 15 Narrabundah. The committee received 18 submissions on this matter and has conducted two public hearings.

44. The committee considers that the entire evidence taken by the committee on both matters should be made available to this committee’s successor in the Fifth Assembly and a recommendation to this effect appears at the head of this report.

45. The committee is aware that its successor will have to conduct an inquiry into an important and controversial Draft Variation to the Territory Plan, viz the amended Draft Variation No.125 dealing with the proposed ACT Code for Residential Development.

46. In terms of the likely workload upon this committee’s successor, we draw the attention of members to the growing extent and use of Master Plans for various parts of Canberra (including for individual Group Centres, sections within residential areas, and lakes or lakeshores). Some of these Master Plans are likely to be brought before the relevant planning committee of the Assembly—the Belconnen Town Centre Master Plan is one such possibility.

47. Also, it is likely that our successor will continue to wish to monitor the manner in which Plan Variation No.64 is implemented. This Variation widens the range of uses permitted in Local Centres in an effort to enhance their viability. The application of Variation No.64 to particular Local Centres generates considerable local interest, as was demonstrated during this committee’s inquiry into proposals to redevelop Latham shops.<sup>21</sup>

48. Finally, the committee notes that it has recommended that Draft Variation No.155 dealing with Part A of the Territory Plan should be resubmitted to this committee’s predecessor at the same time as the amended Draft Variation No.125 dealing with the new ACT Code for Residential Development—this too will increase the workload of our successor.<sup>22</sup>

Harold Hird MLA  
Chair

29 August 2001

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<sup>21</sup> Report No.58 *Monitoring the Implementation of Variation No.64 to the Territory Plan: Latham Shops* [28/11/00]

<sup>22</sup> Report No.76 *Draft Variation to the Territory Plan No.155 Territory Plan Review Part A (General Principles and Policies)* [23/8/01]