

To: Minister for the Environment

Cabinet No.: **22/502**

Rec'd Minister's Office .../.../...

From: A/g Executive Group Manager, Environment, Heritage and Water

Subject: Final Lodgement of Assembly Business Paper 'Tabling Statement for the Report on the Investigation into the State of the Lakes and Waterways in the ACT'

Critical Date: **27 July 2022**

Critical Reason: The final submission paper must be lodged with Cabinet Office on or before 10am 27 July 2022 for Cabinet consideration.

- DDG, Environment, Water and Emissions Reduction .../.../...

### Purpose

To seek your agreement to lodge the final Assembly Business Paper and associated attachments for Cabinet consideration.

### Recommendations

That you:

1. Agree to lodge by signing the final the Assembly Business Paper 'Tabling Statement for the Report on the Investigation into the State of the Lakes and Waterways in the ACT'.

Signed / Not Signed / Please Discuss

*Mich Gonsky*  
on BEHALF  
Rebecca Vassarotti MLA

*MR*

*27.7.2022*

Minister's Office Feedback

SENSITIVE: CABINET



SENSITIVE: CABINET

## Background

1. In March 2021, you directed the Commissioner for Sustainability and the Environment (the Commissioner) to investigate and report on the state of lakes and waterways in the ACT. Further background on the scope of this investigation and the Commissioner's subsequent *'State of the Lakes and Waterways in the ACT'* report (the Report) is available at 22/273.
2. On 31 May 2022, the Commissioner provided the Report to your Office. In accordance with the legislation, you provided a copy of the report to the Minister for Water, Energy and Emissions Reduction (as the Minister with primary responsibility for water management).
3. The Report proposes several recommendations to the ACT Government. These recommendations relate to responsibilities held by several Directorates and Ministerial portfolios.
4. In June 2022, Cabinet agreed that you would table the Report in the ACT Legislative Assembly (22/273/CAB). You requested a Tabling Statement for this report (Attachment C). The Report is to be tabled on 2 August 2022 in accordance with the *Commissioner for Sustainability and the Environment Act 1993* (the Act). The Tabling Statement will be considered by Cabinet on 1 August 2022.

## Issues

5. The Report is critical of the management of urban water, highlighting key management issues related to governance, coordination and resourcing. The findings of the Report risk supporting a public perception that Canberra's urban lakes and waterways are inadequately managed by the ACT Government.
6. However, the Report does not reflect the important work already underway to address issues of governance and cross-agency coordination within the ACT Government on urban water management. Additionally, activities are already underway that respond to the key management issues identified in the Report. This includes:
  - a. The ACT Government's commitment to a more holistic, coordinated approach to urban water management through the establishment of an Office of Water.
  - b. Increased resourcing and capability to support the structural review and reform of the ACT Environmental Protection Authority.
  - c. Strengthened effective implementation and compliance of the Water Sensitive Urban Design (WSUD) policy through the current Territory Plan reform process.
  - d. Strategic catchment planning, targeted scientific investigation and on-going community education planned for Stage 2 of ACT Healthy Waterways.
  - e. The comprehensive review of the Environmental Protection Guidelines for Land Development and Construction in the ACT to improve guidance on erosion and sediment control.
7. A Tabling Statement for the Report has been prepared (Attachment C) that acknowledges the importance of the Commissioner's investigation, the diverse functions and values held for urban lakes and waterways, key activities already underway across Government and that a full Government Response will be produced.

8. In accordance with the Act, the Government Response will be prepared and presented to the Legislative Assembly within six months (i.e., before 31 November 2022) by the Minister for Water, Energy and Emissions Reduction.

### **Financial Implications**

9. Financial implications will be identified as part of the Government Response to the Report.

### **Consultation**

#### Internal

10. Nil for the purposes of this brief.

#### Cross Directorate

11. Nil for the purposes of this brief. Environment, Heritage and Water Division is engaging with relevant stakeholders across Government to inform the Government Response.

#### External

12. N/A.

### **Benefits/Sensitivities**

13. The Report reflects issues that have been previously reported but considers these matters remaining unresolved. The Report is likely to draw considerable criticism on Government's management of its urban and natural environments.

### **Media Implications**

14. The Report is due to be released to the public on 2 August 2022. There is expected to be media interest, particularly relating to the more critical recommendations and whether the Government's urban water management actions are well focused. On request, Environment, Planning and Sustainable Development Directorate can work with your Office and the Office for the Minister for Water, Energy and Emission Reduction to develop talking points for likely questions.

Signatory Name: Bren Burkevics  
Action Officer: Ryan Breen

Phone: 6207 8628  
Phone: 6207 8268

### **Summary of Attachments**

1 – Final Assembly Business Paper

A – Table of Comments

B – Open Access Assessment: Cabinet Decision and Wellbeing Impact Assessment summary

C – Tabling Statement

2 – Cabinet Brief



# ASSEMBLY BUSINESS PAPER

22/502

|                                    |                                                                                                                                                                                                                                                                                                        |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Title                              | Tabling Statement for the Report on the Investigation into the State of the Lakes and Waterways in the ACT                                                                                                                                                                                             |
| Meeting type                       | Cabinet                                                                                                                                                                                                                                                                                                |
| Minister                           | Rebecca Vassarotti MLA<br>Minister for the Environment                                                                                                                                                                                                                                                 |
| Cabinet date                       | <b>Monday, 1 August 2022</b>                                                                                                                                                                                                                                                                           |
| Relationship to previous decisions | Decision 22/273/CAB, Investigation into the State of the Lakes and Waterways in the ACT, 6 June 2022.                                                                                                                                                                                                  |
| Purpose                            | For Cabinet to agree to the Tabling Statement before the Report is tabled in the Legislative Assembly.                                                                                                                                                                                                 |
| Category                           | Category 2 – Government Business                                                                                                                                                                                                                                                                       |
| Timing                             | In accordance with the <i>Commissioner for Sustainability and the Environment Act 1993</i> , the Minister must present the Report to the Legislative Assembly within six sittings days after receiving the report. To meet this timeframe, the Report must be tabled in the Assembly by 2 August 2022. |
| Legislative change                 | No - change to legislation not required                                                                                                                                                                                                                                                                |
| Wellbeing Impact Assessment        | No (exemption request approved)<br><br>Environment and climate                                                                                                                                                                                                                                         |

## RECOMMENDATIONS

- 1) Further to Cabinet Decision No. 22/273/CAB of 6 June 2022, I recommend Cabinet agree to the Tabling Statement (Attachment C) for the Office of the Commissioner for Sustainability and Environment's report '*State of the Lakes and Waterways in the ACT*'.
- 2) I recommend Cabinet note the advice to the Chief Minister on the release of the Cabinet Decision Summary (Attachment B) as required under Section 23 of the *Freedom of Information Act 2016* with the following summary to be released:
  - i. Cabinet agreed to the Tabling Statement ahead of presentation in the Legislative Assembly.

## SUPPORTING ARGUMENT

### BACKGROUND

- 1) In March 2021, I directed the Commissioner for Sustainability and the Environment (the Commissioner) to investigate and report on the state of lakes and waterways in the ACT.
- 2) The Office of the Commissioner for Sustainability and the Environment (OCSE) was required to consider:
  - a. the condition of Canberra's urban lakes and waterways including trends in water quality and ecological condition;
  - b. the effectiveness of key ACT Government water management actions and strategies;
  - c. the ACT Government's monitoring, evaluation and reporting processes relevant to Canberra's lakes and waterways; and
  - d. the role of community and stakeholders in managing water quality and ecological health.
- 3) OCSE completed an investigation report, *'State of the Lakes and Waterways in the ACT'* (the Report), which was transmitted by the Commissioner to the Office of the Minister for the Environment on 31 May 2022.
- 4) The Report proposes 12 recommendations to the ACT Government relating to strategic planning, the Water Abstraction Charge, data monitoring and reporting, Ngunnawal knowledge, management, governance and mitigating emerging issues. These recommendations relate to responsibilities held by several Directorates and Ministerial portfolios.
- 5) The *Commissioner for Sustainability and the Environment Act 1993* (the Act) requires that the Report be tabled in the Legislative Assembly within six sitting days of receipt (i.e. by 2 August 2022). Cabinet agreed that the Minister for the Environment would table the Report in the ACT Legislative Assembly in the August sitting period (22/273/CAB).

### ISSUES & OPTIONS

- 6) The Report is critical of urban water management, with the key issues summarised as:
  - e. Ineffective governance arrangements requiring strategic planning, institutional reforms, environmental monitoring and reporting.
  - f. Deficiencies in the planning, delivery and management of Water Sensitive Urban Design (WSUD) infrastructure and stormwater management.
  - g. Lack of capacity (resourcing) and erosion of capability across the ACT Government impacting compliance in the operation and maintenance of Water Sensitive Urban Design (WSUD) assets.
- 7) The findings of the Report risk supporting a public perception that Canberra's urban lakes and waterways are inadequately managed by the ACT Government.

## CABINET

- 8) The ACT Government is committed to achieving its vision for water management which sees a community working together, managing water wisely to support a vibrant, sustainable and thriving region (ACT Water Strategy 2014-44: Striking the Balance).
- 9) Several activities are already underway across Government that respond to key management issues identified in the Report. This includes:
  - h. The ACT Government's commitment to a more holistic, coordinated approach to urban water management through the establishment of an Office for Water.
  - i. Increased resourcing and capability to support the structural review and reform of the ACT's Environmental Protection Authority.
  - j. Strengthened effective implementation and compliance of the WSUD policy through the current Territory Plan reform process.
  - k. Strategic catchment planning, targeted scientific investigation and on-going community education planned for Stage 2 of ACT Healthy Waterways.
- 10) Additionally, the ACT Government is working to improve guidance on erosion and sediment control through a comprehensive review of the Environmental Protection Guidelines for Land Development and Construction in the ACT.
- 11) A Tabling Statement for the Report has been prepared (Attachment C) that acknowledges:
  - l. the importance of the Commissioner's investigation;
  - m. the diverse functions and values held for urban lakes and waterways;
  - n. the activities already underway across ACT Government (see paragraph 9); and
  - o. that a full Government Response will be produced.
- 12) In accordance with the Act, a formal Government Response to the Report will be prepared and presented to the Legislative Assembly within six months of receipt (i.e. before 31 November 2022). The Government Response will be prepared by the Minister for Water, Energy and Emissions Reduction.

## FINANCIAL IMPACT

- 13) The purpose of this Assembly Business Paper (ABP) is for Cabinet to agree to the Tabling Statement. There is no financial impact associated with this ABP. Further financial implications will be considered with the ACT Government's formal response to the Report.

## WELLBEING IMPACT SUMMARY

- 14) N/A.

## CABINET



# CABINET

## CONSULTATION

### External stakeholders

- 15) No external consultation was required for the drafting of this Tabling Statement.
- 16) Environment, Planning and Sustainable Development Directorate will engage with relevant stakeholders to inform the Government's response to the Report.

### ACT Government agencies

- 17) A Whole-of-Government approach will be undertaken to inform the Government's response to the Report.

## MEDIA/COMMUNICATIONS

- 18) Nil.

Minister's signature



Date 27 / 7 / 2022

ATTACHMENTS

|   |                                                                                  |
|---|----------------------------------------------------------------------------------|
| A | Table of Comments                                                                |
| B | Open Access Assessment: Cabinet Decision and Wellbeing Impact Assessment summary |
| C | Tabling Statement                                                                |



# ASSEMBLY BUSINESS PAPER

22/502

|                                    |                                                                                                                                                                                                                                                                                                        |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
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| Meeting type                       | Cabinet                                                                                                                                                                                                                                                                                                |
| Minister                           | Rebecca Vassarotti MLA<br>Minister for the Environment                                                                                                                                                                                                                                                 |
| Cabinet date                       | <b>Monday, 1 August 2022</b>                                                                                                                                                                                                                                                                           |
| Relationship to previous decisions | Decision 22/273/CAB, Investigation into the State of the Lakes and Waterways in the ACT, 6 June 2022.                                                                                                                                                                                                  |
| Purpose                            | For Cabinet to agree to the Tabling Statement before the Report is tabled in the Legislative Assembly.                                                                                                                                                                                                 |
| Category                           | Category 2 – Government Business                                                                                                                                                                                                                                                                       |
| Timing                             | In accordance with the <i>Commissioner for Sustainability and the Environment Act 1993</i> , the Minister must present the Report to the Legislative Assembly within six sittings days after receiving the report. To meet this timeframe, the Report must be tabled in the Assembly by 2 August 2022. |
| Legislative change                 | No - change to legislation not required                                                                                                                                                                                                                                                                |
| Wellbeing Impact Assessment        | No (exemption request approved)<br><br>Environment and climate                                                                                                                                                                                                                                         |

## RECOMMENDATIONS

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### ISSUES & OPTIONS

- 6) The Report is critical of urban water management, with the key issues summarised as:
  - a. Ineffective governance arrangements requiring strategic planning, institutional reforms, environmental monitoring and reporting.
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- 7) The findings of the Report risk supporting a public perception that Canberra's urban lakes and waterways are inadequately managed by the ACT Government.

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### MEDIA/COMMUNICATIONS

- 18) Nil.

Minister's signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**ATTACHMENTS**

|   |                                                                                  |
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|                      |                                                                                                                   |
|----------------------|-------------------------------------------------------------------------------------------------------------------|
| Title                | <b>Tabling Statement for the Report on the Investigation into the State of the Lakes and Waterways in the ACT</b> |
| Minister             | Rebecca Vassarotti MLA<br>Minister for the Environment                                                            |
| Cabinet date         | Monday, 1 August 2022                                                                                             |
| Recommended position | SUPPORT                                                                                                           |

---

### Submission recommendations

The Submission recommends that Cabinet **agree** to the Tabling Statement ([Attachment C](#)) for tabling the report by the Office of the Commissioner for Sustainability and Environment on the '*State of the Lakes and Waterways in the ACT*' (the Report) in the Legislative Assembly.

Cabinet previously agreed that you would table the report in the August sitting week (22/273/CAB). It is recommended that you support the Submission.

### Issues/comment

The findings of the Report risk supporting a public perception that Canberra's urban lakes and waterways are inadequately managed by the ACT Government. Associated risks include erosion of public confidence, Government reputation, public health and amenity, and environmental degradation.

The Report includes recommendations for addressing issues impacting effective urban water, including recommendations for improved governance arrangements. This aligns with the Government's commitment in the Parliamentary and Governing Agreement to consider the best administrative arrangements to manage new water programs and provide holistic and coordinated approach to water programs and policy. Additionally, other activities are already underway across Government that respond to key management issues identified in the Report, including:

- increased resourcing and capability to support the structural review and reform of the ACT's Environmental Protection Authority; and
- a comprehensive review of the Environmental Protection Guidelines for Land Development and Construction in the ACT providing clearer guidance on erosion and sediment control.

### Context and consultation

In March 2021, you directed the Commissioner for Sustainability and the Environment (the Commissioner) to investigate and report on the state of the lakes and waterways in the ACT. The Commissioner submitted the Report on 31 May 2022. The *Commissioner for Sustainability and the Environment Act 1993* (the Act) requires that the Report be tabled in the Legislative Assembly within six sitting days (i.e. by 2 August 2022). The Act also requires a formal Government Response to be tabled within six months (i.e. by 31 November 2022). The Minister for Water, Energy and Emissions Reduction, as Minister with primary responsibility for water management within the Territory, will table the Government's response. A Whole-of-Government approach will be undertaken to inform the response.

|                      |                                                                                                                   |
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## EXPOSURE DRAFT COMMENTS – 22/XXX

**Exposure circulation undertaken:** Bypassed exposure circulation

**Reason for exception:** NA

**Dates circulated:** NA

| Directorate                   | Comment                             | Response                                   |
|-------------------------------|-------------------------------------|--------------------------------------------|
| CMTEDD                        | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| JACS                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| HD                            | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| CHS                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| EDU                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| TCCS                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| CSD                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| EPSD                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| MPC                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| Statutory<br>Office<br>Holder | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |

**CABINET**

**FINAL COMMENTS - 22/XXX**

**Final circulation undertaken: 2 day final circulation**

**Reason for exception: NA**

**Dates circulated: Provide dates circulated**

| Directorate                   | Comment                             | Response                                   |
|-------------------------------|-------------------------------------|--------------------------------------------|
| CMTEDD                        | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| JACS                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| HD                            | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| CHS                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| EDU                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| TCCS                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| CSD                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| EPSD                          | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| MPC                           | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |
| Statutory<br>Office<br>Holder | Choose an item. [Provide comments.] | [Drafting directorate to provide response] |

**CABINET**

## OPEN ACCESS ASSESSMENT: CABINET DECISION AND WELLBEING IMPACT ASSESSMENT SUMMARY

The Chief Minister must proactively release the information described in section 23 of the *Freedom of Information Act 2016* (the FOI Act) unless the information is contrary to the public interest in accordance with sections 16 and 17, and schedules 1 and 2 of the FOI Act. Please refer to the [Cabinet Sharepoint Site](#) for further guidance on what is within the scope of Open Access requirements.

If you believe that release of this information is within the scope of Open Access requirements and would be contrary to the public interest, please complete Part B.

### PART A: Release proposed

**Number and title of decision:** **22/XXX** - Tabling Statement for the Report on the Investigation into the State of the Lakes and Waterways in the ACT

#### Proposed summary of the decision for public release

Cabinet agreed to the Tabling Statement ahead of presentation in the Legislative Assembly.

**Proposed summary of the Wellbeing Impact Assessment for public release:** N/A.

#### Attachments for release

Nil.

| Summary of the decision                                                                                                                                               | Release through the Open Access website?                                                         | Release by Directorate? |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------|
| Summary of the decision                                                                                                                                               | Yes                                                                                              | No                      |
| Has the proposed bill been identified as a 'significant bill'? (for legislation only – please refer to the <a href="#">Cabinet Handbook</a> for further information)) | N/A                                                                                              |                         |
| <u>Attachment A</u><br>Table of final agency comments                                                                                                                 |                                                                                                  |                         |
| <u>Attachment B</u><br>Open Access Assessment – Decision Summary                                                                                                      |                                                                                                  |                         |
| <u>Attachment C</u><br>Tabling Statement                                                                                                                              | No<br><br>Statement will be presented in the Legislative Assembly and available through Hansard. | No                      |

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**Tabling Statement**

**Report on The State of the Lakes and Waterways in the ACT**

**Presented by  
Rebecca Vassarotti MLA  
Minister for the Environment  
02 August 2022**

Madam Speaker, I am pleased to table the investigation report on the *State of the Lakes and Waterways in the ACT* recently completed by the Commissioner for Sustainability and the Environment.

In March 2021, as the ACT Minister for the Environment, I directed the Commissioner to undertake an investigation on the state of Canberra's urban lakes and waterways. The investigation was to consider water quality and ecological health, the effectiveness of monitoring and management practices and the role of the community and other stakeholders.

I am tabling this report today as the Minister responsible for investigations undertaken by the Commissioner.

### **The importance of Canberra's urban lakes and waterways**

Madam Speaker, I commissioned this report because Canberra's urban lakes and waterways play a vital role in the function of our city, and the health and wellbeing of our community. The last review was conducted ten years ago, and it was time to inquire again – it was a recommendation in the 2019 State of the Environment report and was an election commitment of the ACT Greens.

The review was timely as we know a lot of good work has been done since that time to improve our waterways – particularly through our Health Waterways investments but there is more to be done.

We know that as a community we have had changing expectations around the functions of our urban lakes and waterways – as well as serving specific functions to control pollution, they are also places that we love – where we recreate, where we enjoy nature and enjoy our neighbourhood amenity.

Through commissioning this inquiry, we gain an independent perspective on the work that still needs to be done to protect and enhance our urban lakes and waterways, and to test proposed approaches in relation to water governance, compliance and policy responses. I thank the Commissioner for comprehensively

engaging with these issues, and providing recommendations that will assist us in the work ahead.

Our urban lakes and waterways trap and control pollution, assist with flood mitigation, provide habitat for fauna and flora and offer recreational opportunities. They form a central aesthetic component of Canberra's urban design. We know our urban lakes and waterways are under increasing pressure – from climate change, increased urbanisation and a growing population.

We also know that the values that we hold for our lakes are not necessarily complementary. For example, when a lake effectively traps pollution and prevents contamination from reaching waterways downstream, it may impact that lake's aesthetic value or interfere with recreational use. Balancing these competing priorities is understandably complex for our management agencies.

## **Scope of the report**

To help inform our management practices, this investigation considers waters that are within, or flow through the Canberra urban environment. A significant portion of the report is dedicated to the state of Canberra's three lakes – Lake Burley Griffin, Lake Ginninderra and Lake Tuggeranong – and the various pressures impacting these lakes.

I would like to acknowledge the work of agencies, across government portfolios, for delivering policy, planning, programs and compliance that support our urban environments. This work is multi-faceted, at the forefront of the available science and we are responding to legacies and emerging challenges. These challenges are not easy to address. Importantly, we have dedicated professionals that exhibit strong commitment to their work.

Reviews conducted by the Commissioner for Sustainability and the Environment are important for providing us with a reality check on what we are doing well, and



where we really need to improve. They are a critical piece of information to help us better manage our urban and natural environments, and this report will help us further improve the management of our lakes and waterways.

## **Issues and response**

The Commissioner draws attention to key management issues related to governance, coordination and resourcing, and this government is responding. This report has reaffirmed the need for specific investments and work over the next few years that will ensure our urban lakes and waterways continue to serve their functions in an evolving city and with changing climatic pressures.

The report acknowledges significant investment that has been undertaken to ensure the health of our waterways. The Healthy Waterways program is one of the cornerstone initiatives being supported by the Government for delivering tangible on-ground improvements in water quality.

The focus of the Healthy Waterways program is to address pollution from its source through strategic catchment planning, targeted scientific investigation and ongoing community education. The investment in this program has been significant, and is continuing.

In February 2021, the ACT Government committed \$1.5 million to begin planning for a broader program of work in Stage 2 of the program. This was further supported with \$5 million in October 2021 for ongoing staffing and construction, and a further \$14 m in March 22 for additional preservation and restoration work across our city.

New assets are being planned for construction, to target known areas of storm water pollution in the catchments of Village Creek, Fadden Pond, Tuggeranong Creek, Kippax Creek and Emu Creek. The report provides important reflection on water governance arrangements, that align with the Government's perspectives on how we can improve them and highlights the importance of the Government's

commitment to establish the Office for Water. The new Office will help to deliver a holistic, coordinated and community-focused approach to water issues. My colleague, Minister Rattenbury, recently announced \$4.2m funding to establish the Office of Water as part of this budget.

The Commissioner's report also highlights that ensuring our waterways and lakes are clean and healthy is integral to delivering a healthy environment for all Canberrans, and underscores the need to do more to protect them from human sources of pollution.

This government agrees, and Minister Cheyne and I are working in partnership to deliver two important initiatives. The first is work to enshrine a right to a healthy environment in the ACT Human Rights Act. This important reform recognises that our health and the health of our environment, including our lakes and waterways are intertwined.

We also recognise we need to act to review and boost our environmental protections and settings. That is why Minister Cheyne and I in this budget have also funded a review of the Environmental Protection Authority, to ensure that we have a fit for purpose EPA that reflects that right to a healthy environment in its structure, reporting, enforcement and compliance activities.

While that review is underway, we have in this budget also boosted the number of on-ground EPA staff carrying out enforcement and compliance activities so that we can better prevent and respond to pollution incidents that impact our waterways and lakes. In total this budget provides \$700,000 to review and boost the on-ground capability of the EPA.

Water Sensitive Urban Design is another key policy this government has invested in heavily to protect and improve the health of our waterways and lakes. The Commissioner has provided a rigorous evaluation of the effectiveness of our water sensitive urban design policies and projects to date for improving water quality. The findings give cause for reflection and renewed focus. Recommendations have

relevance across multiple agencies covering responsibilities for policy refinement, strategic planning, urban design, construction and establishment, compliance, and operation and maintenance. The Territory Plan reforms currently underway will help to strengthen the effective implementation and compliance of the Water Sensitive Urban Design policy.

Climate change is identified by the Commissioner as one of the most significant environmental challenges facing urban water management. The ACT Government has long been a leader in addressing the challenges of climate change and it is important that we continue to carry this forward into our water management and urban design.

### **A way forward**

The Commissioner has provided 12 recommendations for the ACT Government to address the issues outlined within the Report. These recommendations relate to improvements in governance arrangements, cross-agency coordination, strategic planning, Water Sensitive Urban Design and resourcing.

Responsibility for these broad sweeping recommendations extend across multiple agencies. Developing a management response that addresses the recommendations will require a coordinated response. A full Government response to the recommendations will be prepared and presented to the Assembly at a later date.

I thank the Commissioner for her important contribution to the adaptive management of our urban environment and the on-going improvement that will aid our response to the emerging threat of climate change.

Madam Speaker, I commend this report to the Assembly.

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**Tabling Statement**

**State of the Lakes and Waterways in the ACT**

**Presented by  
Rebecca Vassarotti MLA  
Minister for the Environment  
02 August 2022**

Madam Speaker, I am pleased to table the investigation report on the *State of the Lakes and Waterways in the ACT* recently completed by the Commissioner for Sustainability and the Environment.

In March 2021, as the ACT Minister for the Environment, I directed the Commissioner to undertake an investigation on the state of Canberra's urban lakes and waterways. The investigation was to consider water quality and ecological health, the effectiveness of monitoring and management practices and the role of the community and other stakeholders.

I am tabling this report today as the Minister responsible for investigations undertaken by the Commissioner.

### **The importance of Canberra's urban lakes and waterways**

Madam Speaker, I commissioned this report because Canberra's urban lakes and waterways play a vital role in the function of our city, and the health and wellbeing of our community. The last review was conducted ten years ago, and it was time to inquire again – it was a recommendation in the 2019 State of the Environment report and was an election commitment of the ACT Greens.

The review was timely as we know a lot of good work has been done since that time to improve our waterways – particularly through our Health Waterways investments but there is more to be done.

We know that as a community we have had changing expectations around the functions of our urban lakes and waterways – as well as serving specific functions to control pollution, they are also places that we love – where we recreate, where we enjoy nature and enjoy our neighbourhood amenity.

Through commissioning this inquiry, we gain an independent perspective on the work that still needs to be done to protect and enhance our urban lakes and waterways, and to test proposed approaches in relation to water governance, compliance and policy responses. I thank the Commissioner for comprehensively engaging with these issues, and providing recommendations that will assist us in the work ahead.

Our urban lakes and waterways trap and control pollution, assist with flood mitigation, provide habitat for fauna and flora and offer recreational opportunities. They form a central aesthetic component of Canberra's urban design. We know our urban lakes and waterways are under increasing pressure – from climate change, increased urbanisation and a growing population.

We also know that the values that we hold for our lakes are not necessarily complementary. For example, when a lake effectively traps pollution and prevents contamination from reaching waterways downstream, it may impact that lake's aesthetic value or interfere with recreational use. Balancing these competing priorities is understandably complex for our management agencies.

### **Scope of the report**

To help inform our management practices, this investigation considers waters that are within, or flow through the Canberra urban environment. A significant portion of the report is dedicated to the state of Canberra's three lakes – Lake Burley Griffin, Lake Ginninderra and Lake Tuggeranong – and the various pressures impacting these lakes.

I would like to acknowledge the work of agencies, across government portfolios, for delivering policy, planning, programs and compliance that support our urban environments. This work is multi-faceted, at the forefront of the available science and we are responding to legacies and emerging challenges. These challenges are not easy to address. Importantly, we have dedicated professionals that exhibit strong commitment to their work.

Reviews conducted by the Commissioner for Sustainability and the Environment are important for providing us with a reality check on what we are doing well, and where we really need to improve. They are a critical piece of information to help us better manage our urban and natural environments, and this report will help us further improve the management of our lakes and waterways.

### **Issues and response**

The Commissioner draws attention to key management issues related to governance, coordination and resourcing, and this government is responding. This report has reaffirmed the need for specific investments and work over the next few years that will ensure our urban lakes and waterways continue to serve their functions in an evolving city and with changing climatic pressures.

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