



Andrew Barr MLA

MINISTER FOR EDUCATION AND TRAINING
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR PLANNING
MINISTER FOR TOURISM, SPORT AND RECREATION

MEMBER FOR MOLONGLO



2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
8	Non commercial development applications	Noting that the target of 75% of commercial development applications was not achieved in this year, what was the target for non-commercial DAs, and was this achieved?

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

The target for non-commercial DA's and the result are contained on page 108 of the Annual Report for 2007/08. As the table indicates the variance was -5% from the 85% target.

Approved for circulation to the Member and incorporation in Hansard.

Andrew Barr MLA
Minister for Planning

Date: 18.3.09

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
8	Appeals in the AAT	What were the main areas of appeal in the AAT: - for DAs lodged previous to 28 March 08? - for DAs lodged post 28 March 08?

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

The main areas of appeal in the AAT for DAs lodged prior to 28 March 2008 were:

- 44% related to multi-unit residential developments in RZ2 Suburban Core zones.
- 16% related to DAs for a lease variation.
- 10% related to multi-unit residential developments in either an RZ4 Medium Density Residential zone or CF Community Facilities zone.
- 12% related to DAs for commercial sites.
- 12% related to single residential sites.

For development applications lodged post 28 March 2008 there were no appeals lodged with the AAT up to 30 June 2008.

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2007-2008 Annual Reports Hearings,- Supplementary Questions

Pages	Topic	Questions on Notice
8	New DA requirements	Does the spike in applications in March 08 indicate that the new DA requirements more onerous? Why?

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

No, the 'spike' in applications was the result of applications being submitted under the *Land (Planning and Environment) Act 1991* prior to the commencement of the *Planning and Development Act 2007* on 31 March 2008. Applicants who had been preparing development applications under the previous legislation either wanted to lodge them under the Land Act rather than prepare new applications under the *Planning and Development Act 2007*, or lodge under a system they were more familiar with.

Under the new system there is a greater opportunity for relatively straight forward development proposals to be treated as exempt or code assessable. Whilst industry had not adjusted at the time of the new system being introduced, practitioners have identified, through their use, where improvements to the system can be made.

One of the benefits of the new system is the relative ease in which these improvements have been made possible.

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Date: 18. 3. 07

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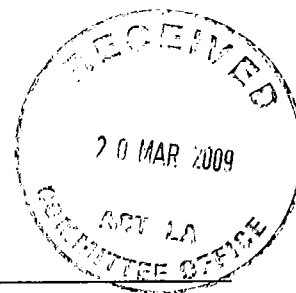
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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
16	Policies on reducing climate change gases	What policies and measures are being developed to reduce our contribution to climate change gases?

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

Within the planning portfolio the Government's Sustainable Future project is a comprehensive program focused on identifying planning measures and practises that will build Canberra's resilience to climate change as well as reducing emissions from the built environment.

The key outcomes from the program are to progressively revise development codes in the Territory Plan and to review the targets and actions in the Spatial Plan. Work has commenced to review the solar access requirements in the residential policies and to give greater emphasis to public transport, cycling and walking in the subdivision code.

ACTPLA continues to be engaged at a national level through forums such as the Planning Officials Group, Australian Building Codes Board and the National Plumbing Regulators Forum where policies and measures are being developed to reduce the impact of the built environment on climate change gases.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
18	Review of Territory Plan	What are the anticipated outcomes of the review of the policy content of the Territory Plan? What will be the process for the review of the policy content of the Territory Plan?

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

Building on the benefits of the new format and structure of the Territory Plan, the review of the policy content aims to achieve a contemporary best practice document for planning requirements in the ACT that meets the recommendations of the national Development Assessment Forum.

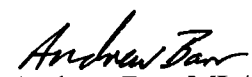
The initial outcomes of the Territory Plan review will be revised Single Dwelling and Multi-Unit Housing Development Codes, a revised and enhanced subdivision code and revisions to the Community and Recreation Facilities Location Guidelines General Code.

The review of the Territory Plan will involve working through its components to identify what policies may need to be amended and what new provisions need to be added to ensure the Territory Plan is a contemporary planning document. This will form part of a Government proposal.

Consultation processes will be undertaken as the components of the Territory Plan are reviewed. Internal workshops have been held for the Single Dwelling and Multi-Unit Codes and industry scoping workshops on these Codes will be held at the end of March 2009. This process scopes the issues to be addressed as part of the review and informs what improvements are appropriate. Consultation with the community as part of the process will allow their ideas to be incorporated into the revised documents.

Policy changes as part of the Territory Plan review will be implemented through variations to the Territory Plan and will follow the statutory processes outlined in the *Planning and Development Act 2007*.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
18	Housing and subdivision codes	What is the progress of the various housing Codes, including the subdivision code revision?

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

The Single Dwelling Housing Development Code, the Multi-unit Housing Development Code and the Subdivision Development Code are currently being reviewed as part of the Territory Plan review process.

Outcomes from the 'Sustainable Communities' program and the solar efficient housing discussion paper will be incorporated into these revised codes, ensuring the provision of more sustainable housing and reducing the impact of the built form on climate change.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
108	Targets for sewage connection audits	Why didn't 100% of the new sewage connections get audited in 2007-2008?

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

100% of sewerage connections were inspected during 2007/2008. Under the *Water and Sewerage Act 2000* work cannot proceed unless it has been inspected.

The reported performance measure relates to a statistical anomaly in which a relatively small number of inspections for the financial year referred to in the report are reported in the following financial year.

For example, an inspection booked for and undertaken on 30 June of a financial year will not be entered in to the database until 1 July of the next financial year.

The gap between the recorded number of inspections and the actual inspections represent less than one week's work for the plumbing inspectorate.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
109	Climate Change Strategy	Could you please update us on progress on Actions 19, 20 and 26 of the Climate Change Strategy? Could we please get more information on the workshop and outcomes of Action 32, 'Assessing climate change impacts on our urban areas'?

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

Could you please update us on progress on Actions 19, 20 and 26 of the Climate Change Strategy?
Action 19 is Pursue Energy Efficiency Ratings for all Buildings

ACTPLA is actively engaged at executive and senior management levels in the work of the National Framework for Energy Efficiency (NFEE). The Territory is committed to working with the Commonwealth and other States and Territories to develop an effective national system for mandatory disclosure of residential and commercial building, as well as increasing the energy efficiency stringency for all classes of buildings.

The NFEE is progressing this work against a new timetable to be agreed by the Council of Australian Governments (COAG) at its next meeting.

Action 20 is Mandate Greenhouse Friendly Options for New Dwellings

The ACT Government is working through the NFEE with the Commonwealth and other States and Territories to develop a consistent national approach to improving energy efficiency options for housing. This work includes the development of new national minimum energy rating tools for appliances. New timetables for progress on these reforms are currently being negotiated within the COAG frameworks.

Action 26 is East Lake to become a showcase urban development

East Lake is intended to be a showcase sustainable urban development. ACTPLA is currently working with the CSIRO to determine sustainability targets prior to the next steps of determining concept design and delivery methods.

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Action 32 Assess Climate Change Impacts on our Urban Area

Whilst this action is the direct responsibility of the Department of Environment, Climate Change, Energy and Water, ACTPLA is actively engaged at a National and local level in examining adaptation for the built environment.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
109	Sustainability committee	What policies and programs has the Sustainability Committee initiated?

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

This is a coordination committee within the ACT Planning and Land Authority. As such the committee does not initiate policy but ensures that across agency inputs are provided to programs and projects such as Sustainable Future, Eastlake, water sensitive urban design and energy efficiency regulations.

The committee also monitors the progress and implementation of ACTPLA's commitments to *Weathering the Change*, the ACT Government's broader climate change strategy.

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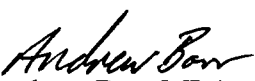
2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
109	ID CC Implementation Group	Who participates in the Interdepartmental Climate Change Implementation Group?

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

The senior officer responsible for providing environmental/sustainable design advice represents ACTPLA on this IDC. This officer also chairs and coordinates the ACTPLA's internal Sustainability Committee to ensure that reporting and input is current.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
110	AccuRate	How many staff are trained in AccuRate? What is process for introducing this to the industry? How will it relate to the ratings done under the Sale of Premises Act?

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

How many staff are trained in AccuRate?

None.

What is process for introducing this to the industry?

AccuRate and other approved rating tools have been used extensively in the building industry for over a decade to determine compliance with the energy efficiency provisions contained within the Building Code of Australia (BCA).

How will it relate to the ratings done under the Sale of Premises Act?

AccuRate is a tool used for compliance with the energy efficiency requirements of the BCA whereas energy ratings for the purpose of the *Civil Law (Sale of Residential Property) Act 2003* use FirstRate as the rating tool.

Both tools are accredited under the National House Energy Rating Scheme (NatHERS) protocols and as such are broadly comparable in outcome.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
111	Affordable housing	What is the progress on institutional investors developing and renting 200-400 private dwellings? How is this monitored?

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

The Chief Minister has the primary responsibility for the delivery and monitoring of private rental accommodation through institutional investors. Through its preparation of concept plans, ACTPLA provides the planning framework for all forms of housing, including those for rental accommodation.

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2007-2008 Annual Reports Hearings - Supplementary Questions

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117	DAs - notification period	How often was the public consultation period extended (Planning & Development Act, s.156(3))?

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

The public consultation period under Section 156(3) of the Planning and Development Act has never been extended.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
117	PAs	Why was there such a large increase in preliminary assessments this FY (from 4 to 18)?

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

The number of preliminary assessments reflects the number of development applications that met the triggers under the *Territory Plan 2002* for mandatory Preliminary Assessment. There were 18 such DAs lodged in 2007-2008.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
122	DHCS childcare report	What action is ACTPLA taking on the DHCS needs assessment report on childcare centres?

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

Please note that the *Child Care Needs Assessment* Report was prepared by ACTPLA and not DHCS. Based on the findings of the report ACTPLA advised DHCS on areas where additional child care facilities would be needed and identified sites within relevant policy zones for their consideration.

ACTPLA has also been liaising with the Land Development Agency to facilitate the release of a child care site adjacent to Harrison School in Gungahlin to meet the needs of growing population and provide market opportunities for the provision of child care services.

ACTPLA also ensures that 'child care centre' use is listed as one of the permissible land uses within the lease purpose clauses of appropriate commercial and industrial land to encourage the establishment of child care centres near work places.

ACTPLA is monitoring the supply of child care centres and will update the needs assessment regularly as new data become available such as the population estimates and projections by age and suburb.

Approved for circulation to the Member and incorporation in Hansard.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
126	Territory Plan review	What is the process for prioritising future policy review of the Territory Plan?

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

A Planning Policy Review Steering Committee has been formed within ACTPLA, comprising of senior managers. Additional attendees are invited as appropriate.

The Committee discusses issues that have arisen through the Territory Plan review process, providing recommendations on policy issues and prioritising projects.

Factors considered when prioritising projects include:

- has there been government and/or ministerial commitment?
- has the project been included in the budget?
- is it associated with the land release program?
- is it associated with the capital works program?
- is it a priority of another government agency, industry or the community?
- is it resulting in major issues for development applications?

The advice of the Planning Policies Review Steering Committee is reviewed and endorsed by ACTPLA's Executive Policy committee prior to forwarding to the Minister for his consideration.

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Andrew Barr MLA
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Date: 20.3.09

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
153	Building energy efficiency	How is ACTPLA encouraging new building owners to achieve higher energy efficiency and sustainability standards as per Action 1 in the Climate Change Strategy? How do you propose to require a minimum 6 star rating for new residential housing by 2010?

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

How is ACTPLA encouraging new building owners to achieve higher energy efficiency and sustainability standards as per Action 1 in the Climate Change Strategy?

Action 1 in the climate change strategy relates to actions under the broad headline.
Being Smarter in Our Use of Resources

Whilst the direct responsibility of these is across a range of agencies, and not necessarily that of the ACT Planning and Land Authority, the Government has assisted Canberrans to build and live in more environmentally sustainable homes through a range of measures including the publication of:

- *Building better homes for Canberra's climate* was produced by ACTPLA and provides information about how to best orientate houses for optimal winter warmth and summer cooling. It also advises on how to reduce energy use through use of insulation and glazing and how to minimise water use;
- *Your Home: Renovator's Guide* was produced by the RMIT with funding and support provided by most Australian Governments including the ACT Government. The Guide contains useful checklists that will help people think through their options when renovating their homes;
- *Selecting a Greener, Better House* is a checklist to help people know what to look for in a house they are considering buying or renting.

In relation to ACTPLA's responsibilities under Action 1 the Authority through the Building Act 2004 enforces the requirements of the Building Code of Australia for 5 star energy efficiency and through the Water and Sewerage Act enforces the requirements for maximum flow rates of 9 litres per minute for plumbing fixtures.

ACT LEGISLATIVE ASSEMBLY

How do you propose to require a minimum 6 star rating for new residential housing by 2010?

It is proposed that a minimum of 6 star rating for new residential building will occur through the Building Code of Australia. The capacity of the ABCB to achieve 2010 will be tested as it is still awaiting a COAG decision in respect to the National Strategy for Energy Efficiency.

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2007-2008 Annual Reports Hearings,- Supplementary Questions

Pages	Topic	Questions on Notice
203	ESD indicators	Could we please get some comparative data on energy use for the indicators on page 203? Could the department calculate greenhouse emissions based on energy use?

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

ACTPLA's principal business location is Dame Pattie Menzies House, 16 Challis Street Dickson. The Authority occupies six of the eight lettable floors, while ACT Procurement Solutions occupies the remaining two floors.

Energy usage has been calculated by dividing the total building energy usage data by the total number of building occupants (full time equivalent staff for both agencies at the end of the respective financial year) and the usable office space of 6976 square meters (energy usage in megajoules).

	Total FTE	Electricity used per		Gas used per	
		FTE	Office Space m ²	FTE	Office Space m ²
2006-07	345.3	12999.05	643.43	1481.65	73.34
2007-08	342.6	8623.27	423.45	2103.27	103.28

ACTPLA obtains energy usage data from ACT Property Group. Greenhouse emission data is not presently available for either 2006-07 or 2007-08.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
204	ESD indicators	Is reducing the energy use of computers and related hardware (green IT) part of the energy reduction management strategy?

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

Yes.

Computers used by ACTPLA are supplied and managed by InTACT. InTACT pre-sets power saving features on computers to reduce the power consumed during the day. Staff are required to apply InTACT policies for switching off computers at the end of the day, by shutting down the computer and manually switching off the monitor. Computers remain switched on at the wall overnight to allow security patches and updates to be applied.

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2007-2008 Annual Reports Hearings - Supplementary Questions

Pages	Topic	Questions on Notice
	Capital payments for the 2007-08 financial year	(1) On how many occasions were invoices paid without evidence of having been approved; (2) What was the value of the invoices paid on each occasion; (3) On what basis were these invoices paid without evidence of approval; (4) What level was the officer making the payments; What due diligence has ACTPLA done to ensure these payments were valid and properly related to its operations; (5) What disciplinary action was taken against officers in relation to these payments; (6) What reforms have ACTPLA implemented to ensure that invoices aren't paid without evidence of approval.

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

- (1) The only invoices found to have been paid without evidence of having been approved were the three instances identified by the Audit Office.
- (2) \$340,000, \$160,000, \$130,000.
- (3) The invoices were reimbursements to ACT Procurement Solutions in accordance with executed contracts for capital works. They were paid without evidence of approval because of an oversight following the formal review and update of delegations.
- (4) Senior Officer Grade A. Each of the invoices has been formally reviewed, confirmed as proper and valid payments and formally approved by an authorised delegate.
- (5) An informal review of processes concluded that disciplinary action was not appropriate. The transactions were processed in good faith.
- (6) Delegates and accounting staff have been reminded of their obligations. A further review of delegations is currently being undertaken and further advice will be provided to all staff about their responsibilities. This element of accounts processing is also now regularly reviewed at meetings of the finance team, as well as included in on-the-job training.

Approved for circulation to the Committee and incorporation in Hansard.


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Page	Topic	Questions on Notice
	Delegations Capital payments for the 2007-08 financial year	(1) How often were delegation limits exceeded in 2007-08; (2) What was the value of each occasion of the payment on which the limit was breached; (3) What level was the officer or officer who breached the delegations; (4) What were the reasons for the breaches of delegation limits; (5) What disciplinary action was taken against the officer or officers concerned; (6) What due diligence has ACTPLA done to ensure these payments were valid and properly related to its operations; and (7) What actions has ACTPLA taken to ensure that delegation limits aren't breached in the future?

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

- (1) The only invoices found to have been paid without evidence of having been approved were five instances identified in the report of the Audit Office.
- (2) \$86,420, \$81,438, \$76,734, \$68,150, \$57,963.
- (3) Senior Officer Grade A.
- (4) The breaches were the result of errors made by a staff member new to the position.
- (5) An informal review of processes concluded that disciplinary action was not appropriate. The errors had been made in good faith and separate checks had validated the payments as correct and for the purpose intended. It was also accepted that the delegation limit then applying was inappropriate and has subsequently been significantly increased.
- (6) Each payment was reviewed and reconfirmed as proper and appropriate, with formal approval by an authorised delegate applied.
- (7) Delegates and accounting staff have been reminded of their obligations. A further review of delegations is currently being undertaken and further advice will be provided to all staff about their responsibilities. This element of accounts processing is also now regularly reviewed at meetings of the finance team, as well as included in on-the-job training.

Approved for circulation to the Committee and incorporation in Hansard.


Andrew Barr MLA
Minister for Planning

Date: 18.3.09

ACT LEGISLATIVE ASSEMBLY