

2020

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

**GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON
ENVIRONMENT AND TRANSPORT AND CITY SERVICES
Report 11 – Inquiry into the supply of water to the Tharwa
community**

August 2020

**Presented by
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Minister for Planning and Land Management**

Introduction

On 24 October 2019, the ACT Legislative Assembly passed the following resolution:

- I. the Standing Committee on Environment and Transport and City Services inquire into and report on the supply of water to the Tharwa community, with particular reference to:
 - a) the direction and progress of the “Non-Potable Water Supply at Tharwa for Firefighting project”;
 - b) the recommendations of the 2018 Tharwa Village Plan;
 - c) the historic issues surrounding the supply of potable and non-potable water to Tharwa Village;
 - d) the projected growth of Tharwa Village; and
 - e) any other relevant matter; and
- II. the inquiry reports to the Assembly on the matter no later than the conclusion of the March 2020 sitting week.

In response to the inquiry, the Standing Committee received 22 submissions and conducted a public hearing in Tharwa on 4 December 2019.

On 31 March 2020, the Standing Committee tabled Report No. 11 Inquiry into the supply of water to the Tharwa Community (SC Report) in the ACT Legislative Assembly. The SC Report made five recommendations.

Previously on 15 February 2012, the ACT Legislative Assembly passed a motion noting “the significance of the village of Tharwa to the overall planning of Tuggeranong, in terms of the tourist and recreational values which are added to Tuggeranong, and that a master plan for Tharwa will be undertaken”.

The draft Tharwa Village Plan was released for public consultation in August 2017. The draft Plan was informed by a range of studies including infrastructure capacity and heritage significance, together with community and key stakeholder engagement.

Thirty-two written submissions were received during the consultation process. The key messages included:

- strong support for retaining and protecting Tharwa’s rural village character and identity;
- strong support for continued maintenance and improvement of the River Corridor and Tharwa Bridge Reserve, including the introduction of new facilities at the Village Green (such as barbeques, a nature-based playground or fitness equipment);
- strong support for the upgrade of the Tharwa Explorer Track and the development of wider regional path connections;
- strong support for the continued use of the Tharwa School as a community facility and educational hub;

- support for the provision of improved pedestrian and cycle connections within Tharwa, but concern about the proposed route;
- mixed views about the proposed residential land release, with concern about potential impacts on the village character;
- concern about inadequate infrastructure including water supply, telecommunications (mobile phone and internet) and sewerage; and
- a preference to retain the established community facilities uses and to not rezone the existing Public Hall and tennis courts.

All the submissions were considered in the preparation of the final Tharwa Village Plan.

The Tharwa Village Plan set out a range of strategies and actions focused on the village core, the Cuppacumbalong precinct and the river corridor. These strategies and actions address challenges and opportunities for the village identified through public engagement. It recommended:

- the release of five existing vacant residential blocks within the village; and
- upgrades to non-potable firefighting water supply, supports upgrade of telecommunications infrastructure and recommends best-practice, off-grid sewerage infrastructure for residential development. The Village Plan also supports future road upgrades, including improved safety for cyclists and safe crossing points for livestock on roads to and from Tharwa.

To formally implement the final Plan, a Variation to the Territory Plan was required. Draft Variation to the Territory Plan No. 359 (Changes to the Territory Plan map and the Tharwa Precinct Map and Code to incorporate the outcomes and recommendations of the Tharwa Village Plan) (DV359) was released for public consultation during September and October 2018. No written submissions were received.

In accordance with the requirements of the *Planning and Development Act 2007*, the Recommended Draft Variation was referred by the Minister for Planning and Land Management to the Legislative Assembly's Standing Committee on Planning and Urban Services for consideration. On 12 December 2018, the Chair of the Standing Committee advised the Minister for Planning and Land Management that the Committee will not undertake an inquiry into DV359.

Variation to the Territory Plan No. 359 subsequently commenced on 1 March 2019.

Four of the five vacant residential blocks identified in the Tharwa Village Plan were recently sold by the Suburban Land Agency.

The Government welcomes the opportunity to address the recommendations of the Environment and Transport and City Services Standing Committee in this Response. The Government will continue to progress the provision of non-potable water firefighting infrastructure with the Tharwa community.

Government Response

Recommendation 1

The Committee recommends, if the ACT Government proceeds with the non-potable water supply infrastructure for firefighting project, that the Environment, Planning and Sustainable Development Directorate and Transport Canberra and City Services conduct a co-design consultation process with the Tharwa community and other stakeholders, including firefighting agencies, to inform a new development application and any other plans for the construction, giving consideration to:

- the impact of installing water supply infrastructure on North Street, particularly the impact on traffic, pedestrian safety, the pre-school and the village's overarching character and aesthetical value (as per the Tharwa Village Plan September 2018);
- the feasibility of buying, leasing or entering into a licence agreement to acquire or access a portion of land where the existing poly-plastic tanks are located (uphill from North Street) as a possible site for the development and maintenance of new non-potable water supply infrastructure;
- the operational requirements; and
- bushfire preparedness.

Government Position – **Agreed** – The Government will continue to work with the Tharwa community and other stakeholders, including firefighting agencies, to ensure the supply of non-potable water for firefighting purposes.

To this end, the Transport Canberra and City Services Directorate will undertake further consultation with the Tharwa community and other key stakeholders regarding the development of non-potable water supply infrastructure for firefighting purposes. Due consideration would be given to community values, particularly to retaining and enhancing the existing village character articulated in the Tharwa Village Plan, however, these will need to be balanced against the operational and maintenance requirements of the firefighting infrastructure.

Recommendation 2

The Committee recommends that, if a new development application is lodged, the ACT Government extends the consultation process beyond the usual timeframe.

Government Position – **Agreed in-principle** – Timeframes for public notification of development applications are specified in the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008*. Under Section 156(3) of the Act, the planning and land authority has discretion to extend the public notification timeframe.

The planning and land authority regularly extends public notification timeframes for complex development applications or applications with significant public interest. However, such an extension cannot exceed the statutory due date to decide a development application.

Recommendation 3

The Committee recommends that the ACT Government, in conjunction with ACT Fire and Rescue and the ACT Rural Fire Service — and through discussions with the Tharwa community — reassesses Tharwa residents' firefighting capabilities in line with the ACT's Strategic Bushfire Management Plan and Tharwa's projected growth, taking into account the distance of the village from the nearest fire station, the increasing bushfire risk in the region and the future needs of the community.

Government Position – Agreed – The Government has undertaken a reassessment of Tharwa residents' firefighting capabilities and are satisfied with the current arrangements.

Specifically, the ACT Emergency Services Agency is satisfied with the current arrangements in place for responding to any structural fires within the Tharwa Village. Under the business rules, ACT Fire & Rescue (ACTF&R) and ACT Rural Fire Service (ACTRFS) appliances are activated collectively for suppression activities and bulk water supply, to support any operations in Tharwa. Additional water tanks installed in past years have increased water supply to Tharwa Village and these tanks can also be used for firefighting operations if required.

The bushfire risk to Tharwa is managed through engagement with surrounding rural landholders (Farm Firewise), Environment, Planning and Sustainable Development Directorate Bushfire Operational Plans, and bushfire management zones identified in the Strategic Bushfire Management Plan (SBMP). There are no actions under the SBMP that relate to water supply.

Any new development within the village of Tharwa will require dwellings to be constructed to bushfire building standard AS-3959. All development applications for the Tharwa Village would be assessed by ACTF&R and ACTRFS.

Recommendation 4

The Committee recommends that, ideally at the same time as it begins the co-design consultation process at Recommendation 1, that the ACT Government:

- examines Tharwa's potable and non-potable water security now and in the future, including the existing, privately-run non-potable water supply infrastructure, given concerns about its deterioration and life expectancy;

- revisits the original business case (prepared in January 2017) for the development of non-potable water supply infrastructure in Tharwa with a view to updating it and its costings in light of the Tharwa Village Plan September 2018;
- considers the cost and feasibility of connecting Tharwa to existing potable and non-potable water infrastructure in southern Tuggeranong; and/or
- considers the cost and feasibility of connecting Tharwa residents to the non-potable water supply infrastructure for firefighting purposes and consider whether this infrastructure's purpose could be expanded.

Government Position – **Noted** – The Government is committed to supporting the long-term viability of the village of Tharwa, for both the local and the broader ACT community.

As developed from community feedback, the Tharwa Village Plan sets a vision of Tharwa village “...as a welcoming and inclusive meeting place for the community where people can get closer to nature and experience the special qualities of a rural village lifestyle”. This vision captures what is valued about the village, the lifestyle and sets out what the village could be in the future.

Based on the Tharwa Village Plan, Tharwa will continue into the future as a rural village with very limited potential to grow in size. With the recent sale by the Suburban Land Agency of four of the five additional vacant residential blocks, the total number of dwellings in the village once constructed will be approximately 40. This makes consideration of any possible extension of Canberra's urban water supply not economically feasible, although technically a connection is achievable. There would be significant capital cost associated with the construction and maintenance of the approximately five to six kilometre pipeline and the associated necessary infrastructure. This would also result in a higher water supply cost per capita than other ACT consumers.

In relation to the 4th sub-recommendation above, that consideration should be given to permitting Tharwa residents to connect to the proposed firefighting non-potable water supply infrastructure, this will be considered further as part of the future continuing engagement (by TCCS) with the local community to deliver the 2017-18 ACT Budget firefighting infrastructure initiative. However, consideration will need to give the highest priority to supporting the operational and maintenance needs and integrity of the infrastructure for emergency services use.

Recommendation 5

The Committee recommends that the ACT Government considers the feasibility of using profits from the release and sale of land in Tharwa, as outlined in the Tharwa Village Plan September 2018, to partially or wholly fund the development of water supply infrastructure in the Village for residents and/or firefighting purposes.

Government Position – **Noted** – The Government does not normally undertake a practice to hypothecate revenue from land sales in order to fund directly a specific infrastructure investment. Hypothetically, the costs associated with developing any water supply infrastructure could be considered to be offset, to some degree, by the sale of land. However, in Tharwa's case, the limited scale of potential future land sales (i.e. five blocks) would not support this approach in practice.