

STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES

Report on Annual and Financial Reports 2008-2009

MARCH 2010

Committee Membership

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Resolution of Appointment

On 9 December 2008, the ACT Legislative Assembly agreed by resolution to establish general purpose standing committees to inquire into and report on matters referred to it by the Assembly or considered by the committee to be of concern to the community, including:

(e) a Standing Committee on Planning, Public Works and Territory and Municipal Services to examine matters related to planning, land management, proposed capital works projects in the public sector, including works undertaken by territory owned corporations, municipal transport services, heritage and sport and recreation.

The Assembly agreed that each standing committee can consider and make use of the evidence and records of the relevant standing committee appointed during the previous Assembly.¹

Terms of Reference

On 13 October 2009 the ACT Legislative Assembly referred the annual and financial reports for the calendar year 2009 and the financial year 2008–2009 to Assembly standing committees, in accordance with a schedule. The reports had been presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004*.

The reports, and parts of reports, referred to the Standing Committee on Planning Public Works and Territory and Municipal Services were:²

Annual Report	Reporting area	Ministerial Portfolio
ACT Planning and Land Authority		Minister for Planning
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services
Department of Territory and Municipal Services		Minister for Territory and Municipal Services
	Heritage Council	Minister for the Arts and Heritage
	Animal Welfare Authority	Minister for Territory and Municipal Services
Land Development Agency		Chief Minister

¹ Legislative Assembly for the ACT, Minutes of Proceedings No. 2, 9 December 2008, pp14–18, accessible at <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/08MoP02.pdf>>

² Legislative Assembly for the ACT, Minutes of Proceedings No. 36, 13 October 2009, pp396–9, accessible at <<http://www.parliament.act.gov.au/downloads/minutes-of-proceedings/09MoP36.pdf>>

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RECOMMENDATIONS

RECOMMENDATION 1

2.8 The Committee recommends that the Land Development Agency comply with the *Chief Minister's 2007-2010 Annual Report Directions* with regard to the reporting of Legislative Assembly Committee Inquiries and Reports.

RECOMMENDATION 2

3.9 The Committee recommends that the Annual Report for the Land Development Agency includes the procurement type for each contract listed.

RECOMMENDATION 3

3.13 The Committee recommends that the *Chief Minister's Annual Report Directions* for 2011 onward be updated to reflect the 2009 changes to *Government Procurement Regulation 2007* public tender threshold, so agencies report on the reason for use of Select Tender procurement process, if applicable, for contracts of a value greater than \$200 000.

RECOMMENDATION 4

4.6 The Committee recommends that planning for the provision of ACTION services for the Molonglo region and other new residential areas be anticipated from the beginning of settlement in those areas.

RECOMMENDATION 5

4.15 The Committee recommends that future planning for major road projects should include a consideration of likely changes to greenhouse gas emissions generated from traffic.

RECOMMENDATION 6

4.22 The Committee recommends that the ACT Government examine the published literature on the environmental impacts of the different end-of-life options including cremation, lawn burials and natural burials.

RECOMMENDATION 7

4.26 The Committee recommends that the Department of Territory and Municipal Services provide information in the 2009/2010 Annual Report on the progress of, and the process used to address, the backlog of heritage nominations.

RECOMMENDATION 8

4.29 The Committee recommends that the Namadgi National Park Plan of Management is released as soon as possible.

RECOMMENDATION 9

4.33 The Committee recommends that the Department of Territory and Municipal Services and the ACT Planning and Land Authority coordinate their public consultation processes where an obvious cross over exists.

RECOMMENDATION 10

4.34 The Committee recommends that, given that Green Square is, in effect, the backyard for many unit dwellers in Kingston, the ACT Government should maintain grass there.

RECOMMENDATION 11

4.35 The Committee recommends that the ACT Government consider the recreation needs of multi-unit dwellers when deciding what landscaping to maintain or improve.

RECOMMENDATION 12

4.37 The Committee recommends that the ACT Government clearly articulate its policy on watering public spaces, including grassed areas.

RECOMMENDATION 13

5.5 The Committee recommends that the ACT Government release for discussion the draft amendments to the Territory Plan, outlining enhanced solar orientation and solar access rights, as soon as possible to enable better future development.

RECOMMENDATION 14

5.14 The Committee recommends that the ACT Government do all it can to ensure that all new developments have high speed broadband connections.

1 INTRODUCTION

- 1.1 On 13 October 2009, the ACT Government's annual and financial reports for 2008–2009 were tabled in the ACT Legislative Assembly and referred to standing committees for inquiry and report. The Standing Committee on Planning, Public Works and Territory and Municipal Services had the following reports referred to it:
- Department of Territory and Municipal Services (including the Heritage Council, ACTION and Animal Welfare);
 - Land Development Agency;
 - ACT Planning and Land Authority; and
 - ACT Public Cemeteries Authority
- 1.2 The inquiry process provides an opportunity for Assembly Members to seek clarification about issues raised in annual reports.
- 1.3 This report focuses on the issues raised and assessed during the Committee's public hearings for this inquiry. Full transcripts of the evidence taken by the Committee can be accessed via the Legislative Assembly's website.³

Conduct of the inquiry

- 1.4 To assist with the assessment process, and to clarify issues, the Committee held public hearings on 24 November 2009, 11 December 2009 and 5 February 2010. A list of those who participated in the hearings is at Appendix A.
- 1.5 Following the hearings, a total of 83 supplementary questions were forwarded to the respective Ministers, many with multiple component questions. The Committee received responses to all questions and a list is provided at Appendix B, 'Supplementary Questions'. A list of questions taken on notice is provided at Appendix C. Responses to supplementary questions and questions

³ <<http://www.hansard.act.gov.au/hansard/2009/comms/default.htm>>

taken on notice are published on the inquiry website.⁴

Purpose and Intent of Annual Reports

- 1.6 Agency reporting requirements are set out in the *Annual Report (Government Agencies) Notice 2009 (No 1)*.⁵ This Notice includes the Chief Minister's Annual Reports Directions (the Directions) which are issued under the *Annual Reports (Government Agencies) Act 2004*. As key accountability documents concerning management performance, annual reports reflect on the year's performance, achievements and outcomes. They are also a concise way of accounting for the expenditure of public monies.
- 1.7 Agencies account for management performance through Ministers to the Legislative Assembly and the wider community. Since annual reports are tabled in the Assembly, they are historical documents on the public record, and are available for use by stakeholders, including educational and research institutions, the media and the public. Annual reports are also key reference documents, and documents for internal management.
- 1.8 As specified in the Directions, annual reports should be 'an objective account, primarily to the Legislative Assembly, of how the entity has performed during the reporting year'.⁶
- 1.9 The Directions also specify that an effective annual report will:
- provide a clear picture of the agency's purpose, priorities, outputs and achievements;
 - focus on results and outcomes – communicate the success or otherwise, including shortfalls, of the agency's activities in achieving government policy outcomes in the reporting year, while accounting for the resources used in the process;
 - discuss results against expectations – provide sufficient

⁴ Responses to supplementary questions and Questions Taken on Notice can be accessed at: <http://www.parliament.act.gov.au/committees/index1.asp?committee=113&inquiry=850>

⁵ Accessible at: <http://www.legislation.act.gov.au/ni/2009-283/default.asp> as at 10 March 2010

⁶ *Annual Report (Government Agencies) Notice 2009*, p7.

information and analysis for the Assembly and community to make a fully informed judgement on agency performance;

- clearly identify any changes to structures or functions of the agency in the reporting period and explain changes in performance over time;
- report on agency financial and operational performance and clearly link with budgeted priorities and financial projections as set out in annual Budget Estimate Papers and the agency Statement of Intent and Corporate Plan;
- provide performance information that is complete and informative, linking costs and results to provide evidence of value for money;
- discuss risks and environmental factors affecting the agency's ability to achieve objectives including any strategies employed to manage these factors, and forecast future needs and expectations;
- recognise the diverse needs and backgrounds of stakeholder groups and present information in a manner that is responsive to the maximum number of users while maintaining a suitable level of detail;
- comply with any specific legislative reporting requirement; and
- comply with the *Annual Reports (Government Agencies) Act 2004* and the Chief Minister's Annual Report Directions.

4 **STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES**

2 LEGISLATIVE ASSEMBLY COMMITTEE INQUIRIES AND REPORTS

Department of Territory and Municipal Services (TaMS)

- 2.1 The Committee commends TaMS on its clear reporting of Legislative Assembly Committee Inquiries and Reports. The Committee notes that the *Department of Territory and Municipal Services, Annual Report, 2008-09, Volume 1* lists all relevant committee reports and indicates where the Government Response is yet to be completed. By reporting in this manner TaMS demonstrates that it is aware of the inquiries that relate to the operations of the agency, despite not being in a position to provide details on the implementation of individual recommendations.
- 2.2 The TaMS report also provided details on the implementation of recommendations of Assembly Committees that have been accepted by the Government of the day.

Land Development Agency (LDA)

- 2.3 The Committee notes that in reporting on Legislative Assembly Committee Inquiries and Reports, the *Land Development Agency, Annual Report, 2008-2009* states that “there were no Legislative Assembly Committee inquiries into or reports on the LDA in 2008-09”. The Committee is concerned that this statement is incorrect.
- 2.4 The Committee is aware of at least two recommendations relating to the operations to the LDA made by a committee of the Legislative Assembly during the 2008-09 financial year. The report on the Appropriation Bill 2009-2010 made a recommendation relating to the operations of the LDA:

Recommendation 38

4.69 The Committee recommends that the Land Development Agency maximise solar orientation consistent with topographical orientation and yield requirements.⁷

Government Response: Agreed.⁸

- 2.5 The Committee believes that this report should have been listed under the requirements of section B.3 of the *Chief Minister's 2007-2010 Annual Report Directions*, including details on the implementation of the recommendation as the Government of the day accepted the recommendation.
- 2.6 Additionally, the Standing Committee on Planning, Public Works and Territory and Municipal Services *Report on Annual and Financial Reports 2007-08* recommended in May 2009 that:

Recommendation 4

4.15 The Committee recommends that the Land Development Agency consider implementing a variety of additional methods to consult the community on future land release programs.⁹

- 2.7 The Government Response to that report was not released until the 2009-10 financial year; however the Committee believes that this inquiry should still have been listed under the requirements of section B.3 of the *Chief Minister's 2007-2010 Annual Report Directions*.

RECOMMENDATION 1

- 2.8 **The Committee recommends that the Land Development Agency comply with the *Chief Minister's 2007-2010 Annual Report Directions* with regard to the reporting of Legislative Assembly Committee Inquiries and Reports.**

⁷ *Inquiry into the Appropriation Bill 2009-2010*, June 2009, p49.

⁸ *Government Response to the Report of the Select Committee on Estimates 2009-2010 on the inquiry into the Appropriation Bill 2009-2010*, June 2009, p23.

⁹ *Report on Annual and Financial Reports 2007-08*, May 2009, p36.

3 GOVERNMENT CONTRACTING

- 3.1 The Committee examined details for all agencies about the use of select tender processes and notes that there is inconsistency in their reporting and that they did not meet the requirement to provide reasons for the use of select tender as set out in the *Chief Minister's 2007-2010 Annual Report Directions (the Directions)*.

Department of Territory and Municipal Services

- 3.2 The Committee inquired into the use of single select tendering for a number of TaMS procurements and noted that the *Department of Territory and Municipal Services, Annual Report, 2008-09, Volume 1* refers to the review of procurement activity 'by an Approved Procurement Unit (APU) as required by the *Government Procurement (APU) Guideline 2002*'.¹⁰ The Committee notes that the 2002 guideline was repealed in October 2007 and therefore would not apply to the 2008-09 financial year.
- 3.3 The Committee also notes that section C14 of *the Directions* require that entities:
1. Provide a narrative assessment of expenditure on contractors for works or services (i.e. external sources of labour and services), including strategic partnerships, by theme or type of service, to provide a clear view to what extent funds are being expended on particular types of services or functions...
 2. Information to be reported is to include for each contract (or group of contracts):
 - description and reason for contract;
 - total expenditure (GST exclusive) in the financial year;
 - procurement type – either open tender, select tender, single select, or standing offer arrangements (either common use arrangements e.g. NSW Department of Commerce contracts, or whole of government panel);

¹⁰ TaMS Annual Report, Volume 1, p175

- date contract let; and
- reason for use of Select Tender procurement process, if applicable, for contracts of value greater than \$100 000.¹¹

3.4 The Committee notes that the *Department of Territory and Municipal Services, Annual Report, 2008-09, Volume 1* does not include a reason for the use of Select Tender.¹²

ACT Planning and Land Authority

3.5 The Committee acknowledges that the ACT Planning and Land Authority (ACTPLA) improved its reporting of Government Contracting since its 2007-08 Annual Report.

3.6 The Committee notes, however, that the *ACT Planning and Land Authority Annual Report 2008-09* does not include a reason for the use of Select Tender for contracts. The report does include a note¹³ which appears to offer a reason for the use of Select Tendering, however the note appears to refer to multiple contracts and there is no indication of which particular contracts it applies to. The Committee considers that is not adequate reporting on the use of select tendering processes. This issue was also highlighted by the Committee in regards to the *ACTPLA 2007-08 Annual Report* and the Committee is concerned that this has only been partly rectified.

Land Development Agency

3.7 The Committee inquired as to why a single select contract process was used for certain services instead of a public tender process.¹⁴ Advice was provided that in those instances the Chief Executive Officer of LDA was satisfied that, on reasonable grounds, the benefits of using a single select process outweighed the benefits of a public tender process. The definition of 'reasonable grounds' was not provided.¹⁵

¹¹ *Chief Minister's 2007-2010 Annual Report Directions*, pp31-32.

¹² TaMS Annual Report p175

¹³ ACTPLA, *Annual Report 2008-09*, p198

¹⁴ LDA Annual Report, p83

¹⁵ Standing Committee on Planning, Public Works and Territory and Municipal Services, *Response to*

- 3.8 The Committee notes that the *Land Development Agency (LDA) Annual Report 2008-09* does not include a Procurement Type for each contract. Whilst the report identifies Single Select Contracts, the report does not identify where a Select Tender process was used or the reason for the use of Select Tender and Single Select as required by the *Directions*.¹⁶

RECOMMENDATION 2

- 3.9 **The Committee recommends that the Annual Report for the Land Development Agency includes the procurement type for each contract listed.**

Chief Minister's Annual Report Directions

- 3.10 As noted above, agencies' Annual Reports did not adequately report on the reasons for the use of select tender for contract valued greater than \$100 000 as required at C14 (2) of the *Directions*. It is clear to the Committee that there is ambiguity about the threshold reporting amount and that this ambiguity needs to be resolved for future annual reports.
- 3.11 As pointed out at 3.3, the *Directions* currently require agencies to report on the reason for use for Select Tender procurement processes for contracts valued over \$100 000. The Committee presumes the rationale for the reporting threshold was to align with the exiting public tender threshold (under the now repealed *Government Procurement (Quotation and Tender Thresholds) Guideline 2003 (No 1)*, thus requiring agencies to report on procurements over \$100 000 which were not procured in accordance with the threshold. The Committee is aware, however, that procurements of goods, services or works over a threshold of \$200 000 are now required to undergo a public tender process.

- 3.12 In May 2009, the tendering thresholds in the *Government Procurement Regulation 2007* were amended so that public tenders must be invited for the procurement of goods, services or works if the total estimated value of the procurement is \$200 000 or more. The Committee considers that, based on the revised tendering thresholds, it would be appropriate for agencies to report annually on the 'reason for use of Select Tender procurement processes, if applicable, for a contract of value greater than \$200 000', not \$100 000. This would ensure reporting requirements are consistent with the legislative procurement requirements and resolve the current ambiguity.

RECOMMENDATION 3

- 3.13 **The Committee recommends that the *Chief Minister's Annual Report Directions* for 2011 onward be updated to reflect the 2009 changes to *Government Procurement Regulation 2007* public tender threshold, so agencies report on the reason for use of Select Tender procurement process, if applicable, for contracts of a value greater than \$200 000.**

4 DEPARTMENT OF TERRITORY AND MUNICIPAL SERVICES

- 4.1 TaMS is responsible for managing community events; developing transport and road safety policies; managing sporting programs; building and maintaining government infrastructure including roads, paths and bridges; the upkeep of public facilities; and the preservation of heritage and wildlife.
- 4.2 TaMS manages parks and reserves, urban open space and local sportsgrounds and is responsible for a number of commercial operations including Territory Venues and Events, EPIC, ACTION buses, Capital Linen services, Yarralumla Nursery, Australian Capital Tourism and the Canberra Cemetery Trust.
- 4.3 TaMS is also responsible for providing Territory services including public transport, libraries, government shopfronts and Canberra Connect services, ranger services and recycling services.
- 4.4 TaMS also provides internal support to ACT Government agencies through the Shared Services Network including information and communications technology, procurement, publishing, records services, human resources and financial services.

Transport and Infrastructure

ACTION

Transport Planning and High Frequency Buses

- 4.5 The Committee asked about the planning for public transport in future suburbs, particularly in Molonglo, and was advised that ACTION assess the critical mass in new suburbs by looking 'at how many people have actually moved in'¹⁷, for which there is no formula at the moment. That decision is

¹⁷ *Transcript of Evidence*, 5 February 2010, p114.

chiefly based on feedback from residents.¹⁸ The Committee heard that new suburbs such as Forde and West Macgregor will be addressed in the next network changes. The Committee heard that the suburb of Casey is not scheduled to be included in that assessment.¹⁹

RECOMMENDATION 4

- 4.6 The Committee recommends that planning for the provision of ACTION services for the Molonglo region and other new residential areas be anticipated from the beginning of settlement in those areas.**

Network Changes

- 4.7** The Committee was advised that ACTION anticipates creating two network changes during the next financial year, the first of which will accommodate the stop changes from the opening of the Cohen Street extension and the Belconnen and Westfield development around October 2010. More major network changes will then be implemented in early 2011 to 'reposition' the core transit route which reinforces the rapid and high-frequency transit corridors.²⁰ Those corridors are also aligning with the land use program by ACTPLA, where medium density housing is being increased along transport corridors.²¹
- 4.8** The Committee heard that the new ticketing system, also anticipated to be ready in October 2010,²² will enable journey times and patronage data to be collected and help improve the overall timetabling of services.

Smart Cards and Gold Cards

- 4.9** The Committee inquired about the Gold Card scheme for people aged 75 and over, as well as the incoming Smart Card ticketing system. Ms Clarke, Acting General Manager of ACTION, advised that the Gold Card scheme experiences a high level of uptake with around 1,400 Gold Card holders boarding per day

¹⁸ *Transcript of Evidence*, 5 February 2010, p114.

¹⁹ *Transcript of Evidence*, 5 February 2010, p 115.

²⁰ *Transcript of Evidence*, 5 February 2010, pp115-6.

²¹ *Transcript of Evidence*, 5 February 2010, p116.

²² *Transcript of Evidence*, 5 February 2010, p119.

(around 5.6 per cent of daily boards).²³ ACTION is considering a Smart Card to replace the Gold Card and, as part of the new ticketing system, possibly integrated into an ACT senior's card.²⁴

Redex

- 4.10 The Committee heard that the Redex trial has been very successful and has positively tested 'the principle that if you build frequency around a particular core transit area, patronage will result from it'.²⁵ The Redex route will continue and will be integrated into the next network change.²⁶
- 4.11 The Committee was advised that planning is under way for a park-and-ride facility in proximity to Gungahlin and adjacent to major transit routes, for example north Mitchell could be a potential site. However, land availability will also be a deciding factor.
- 4.12 The Committee was interested in the procurement process for the fleet management inventory control software and heard that the system is complete and Stage 1 has been introduced. Ms Clarke advised that the system, which cost around \$200 000, would provide efficiencies with the workshop spare parts and improved reporting for managing the fleet.²⁷

Roads ACT

Inner North traffic issues

- 4.13 The Committee sought an update on what actions were being taken to fix traffic problems in the inner north, particularly Hackett and Watson, and was advised that the use of residential streets as bypasses was a problem not only confined to those suburbs. The Committee heard that Roads ACT have been liaising with the Hackett Residents Association and the North Canberra Community Council regarding the traffic problems on Madigan and Maitland

²³ *Transcript of Evidence*, 5 February 2010, p108.

²⁴ *Transcript of Evidence*, 5 February 2010, p113.

²⁵ *Transcript of Evidence*, 5 February 2010, p109.

²⁶ *Transcript of Evidence*, 5 February 2010, p110.

²⁷ *Transcript of Evidence*, 5 February 2010, p118.

Streets. Roads ACT are considering improvements to the intersection of Phillip Avenue and Majura Avenue to assist traffic management in that area. The Committee was advised that the Hackett area ranked highly in the assessment process and would be included with a range of other improvement programs in a funding proposal this year.²⁸

Majura Parkway

- 4.14 The Committee enquired about how the Majura Parkway will meet the claims published on the parkway website that the project will reduce greenhouse gas emissions. Mr Tony Gill, Director of Roads ACT in TaMS, advised that in comparison to the current road type 'carrying large volumes of traffic very slowly, stop-start...a high standard road where traffic is travelling at speeds in the order of 70 to 80 kilometres an hour' would result in a reduction in greenhouse gases.²⁹

RECOMMENDATION 5

- 4.15 **The Committee recommends that future planning for major road projects should include a consideration of likely changes to greenhouse gas emissions generated from traffic.**

Canberra Connect

- 4.16 The Committee noted that Canberra Connect has doubled the number of concierge positions in government shopfronts and was advised that there are now two concierges in each shopfront, with three in Dickson. Paid at a higher level than the customer service operators, the concierges greet all customers when they enter a shopfront and confirm people have the correct paperwork to complete their transaction before they even join the queue to see a customer service operator. The Committee heard that people without the correct paperwork save time as they don't need to queue and those that are queued are able to be served faster.³⁰

²⁸ *Transcript of Evidence*, 5 February 2010, pp126-7.

²⁹ *Transcript of Evidence*, 5 February 2010, pp130-1.

³⁰ *Transcript of Evidence*, 5 February 2010, pp121-2.

- 4.17 The Committee was also advised that Canberra Connect maintains data on public feedback across government, such as compliments, complaints, notifications and requests for service.³¹ The majority of contacts with Canberra Connect were through the telephone or web environments.

Land Management and Planning Division

Cemeteries

- 4.18 The Committee heard that Canberra Cemeteries are responsible for all burials in public cemeteries in the ACT.³²
- 4.19 In regards to the second discussion paper on the southern cemetery, the Committee was interested in the possibility of natural burials and comparing the carbon footprint of different burial options. The Committee was advised that, when the new cemetery is being planned, the range of options will be considered and put to additional public consultation.³³
- 4.20 The Committee was advised that Canberra Cemeteries will be conducting additional consultation on the discussion paper and submissions are invited until 16 March 2010. That will conclude the consultation 'in relation to the decision-making process about whether or not to establish an additional cemetery and where to establish it'.³⁴ The Committee heard that the planning and development application processes would involve more consultation.
- 4.21 Additionally, the Committee expressed an interest in the environmental impacts of the available end-of-life options. The Committee was advised that little research has been done on the environmental impacts of end-of-life options, mostly due to the associated costs.³⁵ The Committee would like to draw the attention of Canberra Cemeteries to the sixty-second report of the Local Government Association of South Australia's Environment, Resources

³¹ *Transcript of Evidence*, 5 February 2010, p120.

³² *Transcript of Evidence*, 5 February 2010, pp90-91.

³³ *Transcript of Evidence*, 5 February 2010, p90.

³⁴ *Transcript of Evidence*, 5 February 2010, p92.

³⁵ *Transcript of Evidence*, 5 February 2010, p90

and Development Committee *Natural Burial Grounds*.³⁶

RECOMMENDATION 6

- 4.22 **The Committee recommends that the ACT Government examine the published literature on the environmental impacts of the different end-of-life options including cremation, lawn burials and natural burials.**
- 4.23 The Committee was also interested in the possibility of community education strategies on funeral options. Most people only consider funeral options during times of stress so aiming to educate the community prior to these situations would be welcomed by the Committee.³⁷

Heritage and ACT Heritage Council

Backlog of Nomination

- 4.24 The Committee enquired about the backlog of heritage nominations and how long they would take to be cleared. Mr Zatschler, Manager of Heritage in TaMS, advised that the backlog included around 240 nominations with between 20 to 30 processed each year.³⁸ The Committee heard that some of the original nominations were light on detail and required a lot of research before being able to be reviewed and that the section was 'looking at ways of expediting that'.³⁹ Mr Zatschler also provided the Committee with an update on a number of specific heritage nominations including Northbourne Avenue flats, Couranga Tralee, Gold Creek Homestead and Flynn and Giralang Primary Schools.
- 4.25 The Committee considers that it will take approximately 10 years to clear the

³⁶ Local Government Association of South Australian, Environment, Resources and Development Committee, *Natural Burial Grounds*, September 2008
<http://www.parliament.sa.gov.au/San/public/%7BCCFA7C3C-5F2D-46A7-8A03-F2FE576171E4%7D/62ReportNaturalBurialGrounds/62ReportNaturalBurialGrounds/html/62ReportNaturalBurialGrounds_1.htm?gInitialPosX=10px&gInitialPosY=10px&gZoomValue=100> at 15 March 2010

³⁷ *Transcript of Evidence*, 5 February 2010, pp89-90.

³⁸ *Transcript of Evidence*, 5 February 2010, pp92-3.

³⁹ *Transcript of Evidence*, 5 February 2010, p93; 98.

backlog of nominations. This would appear to be an unacceptably long time.

RECOMMENDATION 7

- 4.26 **The Committee recommends that the Department of Territory and Municipal Services provide information in the 2009/2010 Annual Report on the progress of, and the process used to address, the backlog of heritage nominations.**

Parks, Conservation and Lands

Namadgi

- 4.27 The Committee asked about the progress of the Namadgi National Park Plan of Management and was advised that the final version is waiting for release.⁴⁰
- 4.28 The Committee was also advised that large-scale events in Namadgi will be assessed on a case-by-case basis and no cap on large scale events will be implemented.⁴¹

RECOMMENDATION 8

- 4.29 **The Committee recommends that the Namadgi National Park Plan of Management is released as soon as possible.**

Green Square - Kingston

- 4.30 The Committee heard that work on landscaping Green Square has been contracted and would be commencing in February 2010. Mr Watkinson advised that the ACTPLA master planning process did not impact on the final design for Green Square as TaMS had undertaken a separate consultation process for the Square's detailed design including input from local traders and residents.⁴² The final design does not include grass but will include low ground covers to maintain the green look of the square, create sitting-out areas and play space for children. The final design was selected 'to avoid the

⁴⁰ *Transcript of Evidence*, 5 February 2010, pp100-1.

⁴¹ *Transcript of Evidence*, 5 February 2010, p100.

⁴² *Transcript of Evidence*, 5 February 2010, p104.

excessive maintenance costs and use of water which we have had there in the past'.⁴³

4.31 The Committee is aware that ACTPLA's consultation in late 2009 covered the Green Square area and that many people expressed a desire to maintain lawn in Green Square.⁴⁴ The majority of Committee members expressed concern that part of the ACTPLA consultation could be regarded as sham consultation because the decision had already been made by TaMS.⁴⁵

4.32 The Committee believes that TaMS should have coordinated its public consultation process with that undertaken for the ACTPLA master planning process as many of the issues would have been relevant to both processes.

RECOMMENDATION 9

4.33 **The Committee recommends that the Department of Territory and Municipal Services and the ACT Planning and Land Authority coordinate their public consultation processes where an obvious cross over exists.**

RECOMMENDATION 10

4.34 **The Committee recommends that, given that Green Square is, in effect, the backyard for many unit dwellers in Kingston, the ACT Government should maintain grass there.**⁴⁶

RECOMMENDATION 11

4.35 **The Committee recommends that the ACT Government consider the recreation needs of multi-unit dwellers when deciding what landscaping to maintain or improve.**⁴⁷

4.36 The Committee was advised that grass in Green Square would not be funded by the ACT Government as it was not 'consistent with the government's policy

⁴³ *Transcript of Evidence*, 5 February 2010, p104.

⁴⁴ *Transcript of Evidence*, 5 February 2010, p105.

⁴⁵ Ms Mary Porter AM MLA does not support the comments that ACTPLA's consultation was a sham.

⁴⁶ Ms Mary Porter AM MLA does not support this recommendation.

⁴⁷ Ms Mary Porter AM MLA does not support this recommendation.

in relation to sustainability and water use'.⁴⁸ Mr Stanhope advised that Kingston retailers and shop owners had turned down a proposal to fund the provision of grass themselves, under a similar arrangement to the Civic 'City Heart' levy.⁴⁹

RECOMMENDATION 12

- 4.37 **The Committee recommends that the ACT Government clearly articulate its policy on watering public spaces, including grassed areas.**

Territory Services Division

ACT Library and Information Services

Kingston Library

- 4.38 The Committee heard that the new Kingston Library receives approximately 250 - 450 'people through the door' a day and issued about 12 000 loans in the January period. The loan levels are close to those in Gungahlin and patrons have been interested in trying the e-books available at Kingston. The Committee heard that the library's opening hours are being reviewed.⁵⁰

Security

- 4.39 The Committee also enquired about security issues in some libraries and the possibility of security guards being engaged. Ms Little, Director of ACT Library and Information Services, advised that security issues were mostly arising after school hours from young people rather than late into the night and security guards were not TaMS' preferred approach to the problem, as they 'send a message to the rest of the community that the place is unsafe' and 'gives the kids a challenge'.⁵¹ Instead, the department has provided staff with

⁴⁸ *Transcript of Evidence*, 5 February 2010, p105.

⁴⁹ *Transcript of Evidence*, 5 February 2010, p107.

⁵⁰ *Transcript of Evidence*, 5 February 2010, p132.

⁵¹ *Transcript of Evidence*, 5 February 2010, pp132-3

extensive security training and is working with local youth centres to create programs and activities to better engage young people.

No Waste

- 4.40 The Committee enquired about the recently awarded contract for e-waste removal and how the ACT Government satisfies itself that the waste was not turned into hazardous waste once shipped to Asia. The Committee was advised that the required Basel permit, which enables the company to ship e-waste from Australia, also requires the waste to be processed in a sound manner.⁵²
- 4.41 The Committee was also interested in any plan for household collection of green waste via a third bin or collection of 'hard waste or solids from the kerb'. Mr Ware, Senior Manager of ACT NoWaste, advised the Committee that the current free drop-off facility for garden waste has achieved a 95 per cent rate of uptake 'in the context of the amount that is diverted from landfill'.⁵³
- 4.42 The Committee heard that a budget initiative in relation to bulky waste was not successful last year and will be put forward again this year.
- 4.43 With regards to a third bin for household organic waste such as kitchen scraps, the Committee heard that it is 'a very small proportion of what goes into the residential waste bin' and a third bin would be an inefficient way of capturing such a small waste stream.⁵⁴ The Committee would like to draw the Government's attention to the findings of two reports on domestic organic waste. As highlighted by the Commissioner for Sustainability in the 2007 ACT State of the Environment Report, the 2007 *Domestic Waste Audit for Thiess Services and ACT NoWaste* reported that 48.5% of the domestic waste is organic 'and provides a clear target for the next significant reduction in waste to landfill'.⁵⁵ Similarly, the Report on *Household Organic Material Collection Trial, Chifley August 2000 - June 2001* reported that 'In the ACT, the composition of

⁵² *Transcript of Evidence*, 5 February 2010, p134.

⁵³ *Transcript of Evidence*, 5 February 2010, pp134-5.

⁵⁴ *Transcript of Evidence*, 5 February 2010, pp136.

⁵⁵ Office of the Commissioner for Sustainability and the Environment, *ACT State of the Environment 2007*, available: <<http://www.environmentcommissioner.act.gov.au/publications/soe/2007actreport/indicators/solidwaste07>> at 15 March 2010 APC, *Domestic Waste Audit for Thiess Services and ACT NoWaste*, November 2007, p25. available: <http://www.tams.act.gov.au/__data/assets/pdf_file/0003/136740/Canberra_Audit_Report_1_2007.pdf>, at March 2010.

domestic garbage bins includes 52% (23 450 tonnes) of food and kitchen wastes.⁵⁶

Sport and Recreation Services

Crawford Independent Review on Sport

- 4.44 The Committee enquired about the results of the Crawford independent review on sport and was advised that the findings ‘sparked intense debate across the country in relation to support for elite level sport versus community based sport.’⁵⁷
- 4.45 The Committee heard that the review made recommendations for the Federal Government to become more actively involved in support for States, Territories and local councils in the delivery of local sporting infrastructure. The Committee was advised that sports ministers are engaged in ongoing discussions about the relationship between state and territory academies of sport and the Australian Institute of Sport (AIS), and are reviewing the role of the Australian Sports Commission.⁵⁸

Brumbies oval and redevelopment plans

- 4.46 The Committee enquired about the impetus for the proposed redevelopment of the Griffith ovals used by the Brumbies and what community access may be maintained if the plan went ahead.
- 4.47 The Minister for Tourism, Sport and Recreation, Mr Andrew Barr MLA, highlighted the limited funding base for the Brumbies and the challenges they face including quality training facilities to ‘attract high-quality players’ and in turn their capacity to perform well in international competitions. All these factors influence their financial viability. The Committee heard that some work to upgrade the oval provided under a licence agreement to the Brumbies has been funded including a picket fence ‘to indicate that that is a higher level of

⁵⁶ ACT No Waste, *Household Organic Material Collection Trial, Chifley August 2000 - June 2001*, pp.

⁵⁷ *Transcript of Evidence*, 24 November 2009, pp14-15

⁵⁸ *Transcript of Evidence*, 24 November 2009, pp14-15

facility than a suburban oval'⁵⁹ and returfing. It is likely that the Brumbies will seek rezoning of the oval to a restricted access recreation facility, although if that were to be approved, the second oval would remain public access.⁶⁰

- 4.48 Any proposed change to the Territory Plan zoning of the ovals or the adjacent 'clubhouse' block will need to be considered by this Committee and 'require the support of the majority of members of the Assembly'.⁶¹

Territory Venues and Events

- 4.49 The Committee heard that master planning processes have been commenced for the three major ACT venues, Canberra Stadium, Manuka Oval and Stromlo Forest Park, looking at the needs of the elite and community user groups and the future potential of those facilities.⁶²
- 4.50 A number of major events were hosted at the facilities during the 2008-09 financial year including an Asian qualifier soccer match, a Rugby test match and the mountain bike world championships and world cup. TVE are continuing with FFA, ARU and Cricket Australia to bring more events to the Territory⁶³ and are also in discussions at the COAG level about the ACT's role in the Australian bid for the football World Cup.⁶⁴
- 4.51 The Committee was advised that both Canberra Stadium and Manuka Oval require upgrades to extend their useful life. Manuka oval requires enhanced media facilities and needs to be resurfaced to level the ground, particularly if the relationships with Greater Western Sydney AFL and Cricket Australia bring more first-class matches to the Territory.⁶⁵ The Committee also heard that Canberra Stadium would be redundant by about 2030, requiring 'either a complete rebuild or a new stadium'.⁶⁶ The timing and nature of such an

⁵⁹ *Transcript of Evidence*, 24 November 2009, p5.

⁶⁰ *Transcript of Evidence*, 24 November 2009, pp4-5

⁶¹ *Transcript of Evidence*, 24 November 2009, p5

⁶² *Transcript of Evidence*, 24 November 2009, p2

⁶³ *Transcript of Evidence*, 24 November 2009, pp2-4.

⁶⁴ *Transcript of Evidence*, 24 November 2009, 8-11.

⁶⁵ *Transcript of Evidence*, 24 November 2009, pp11-12

⁶⁶ *Transcript of Evidence*, 24 November 2009, pp11-12

upgrade is contingent on the bid for the football World Cup, possible A-league AFT, through Greater Western Sydney and cricket opportunities but the issue needs further examination.⁶⁷ Catering options for all three venues is also being reviewed.

- 4.52 The Minister for Tourism, Sport and Recreation also advised the Committee that the long-term lease and ownership arrangements for Canberra Stadium are under negotiation with the Federal Government through the Australian Sports Commission. The ACT Government is considering either extending on a long-term lease or taking ownership of the stadium.⁶⁸

ACT Property Group

- 4.53 The Committee notes that the ACT Property Group is now a part of the Department of Land and Property Services (LAPS). LAPS is responsible for land development, land release, major property development, project facilitation, Government accommodation and property services.
- 4.54 The Committee enquired about the initiatives taken to improve energy efficiency in TaMS-occupied buildings and was advised that ACT Property is in the process of installing smart meters in Macarthur House 'to identify where there are opportunities to reduce energy consumption'.⁶⁹ The Committee heard that ACT Property Group are also in the process of getting a NABERS rating assessment of all ACT Government buildings.⁷⁰
- 4.55 The Committee also enquired about benchmarking of sustainability including utilisation and vacancy rates of office space. The current rate is around 16.5 square meters⁷¹ for officers working down to a target of 15 square meters, which is the nationally set target. The Committee heard that the vacancy rate is around one or two percent which is necessary for some churn in the event of

⁶⁷ *Transcript of Evidence*, 24 November 2009, p12.

⁶⁸ *Transcript of Evidence*, 24 November 2009, p7-8

⁶⁹ *Transcript of Evidence*, 5 February 2010, pp83-4.

⁷⁰ *Transcript of Evidence*, 5 February 2010, p84.

⁷¹ Standing Committee on Planning, Public Works and Territory and Municipal Services, *Response to Question Taken on Notice No. 2 to the Minister for Territory and Municipal Services, Inquiry into Annual and Financial Reports 2008-2009*

emergency.⁷² The Committee was also advised that the improvement in office space utilisation rates stemmed from the Whole of Government Accommodation Strategy.

Other Issues

4.56 Other issues discussed at the TaMS hearing included:

- Record passenger numbers
- On road cycle lanes
- Stormwater sites and community consultation
- Hot bitumen versus emulsion
- Tharwa bridge
- Lyneham community paths – bike trunk route priority
- Hindmarsh Drive and Melrose Drive intersection
- Frangible road furniture
- 40km/h zones around shopping centres
- Heritage Act Review
- Yarralumla Nurseries
- Hazard reduction burns
- Subregional bushfire management plan
- Hazard reduction burns
- Animal Welfare Act – animal transportation
- RFID library system
- Inclusiveness framework
- ACTAS Scholarships
- Civic Pool
- ACT motor sports
- National Green leasing policy
- Whole of Government temperature range for buildings
- Graffiti Removal by the ACT Property Group

⁷² *Transcript of Evidence*, 5 February 2010, p86.

5 ACT PLANNING AND LAND AUTHORITY

- 5.1 ACTPLA is responsible for planning for the future development and growth of the ACT. Its key functions includes preparing, administering and reviewing the Territory Plan; advising the Government on land, planning and building policy; assessing development applications; building regulation; leasing administration; providing community engagement opportunities in planning decisions; and maintaining land information.⁷³
- 5.2 The Committee generally focused its inquiry on sustainability including solar access and solar orientation in Greenfield development and urban infill, Molonglo sustainability features, the East Lake development, the national strategy for energy efficiency and 'no-build' zones.

Sustainability

Solar Access in Greenfield and infill developments

- 5.3 The Committee enquired about solar access and solar orientation considerations in ACTPLA's design policy and was informed that those considerations are being incorporated into the residential codes and the new subdivision code. ACTPLA is confident that a methodology has been developed that will work in most greenfield scenarios, including changing land topography as well as varying sized blocks. Around 85 per cent of all blocks in new subdivisions will have suitable solar orientation, compared to the current minimum of 75 per cent, once the code is amended.⁷⁴ The changes to the subdivision code are expected to be launched as a draft variation to the Territory Plan in May 2010.⁷⁵

⁷³ ACTPLA, *Annual Report 2008-09*, p8.

⁷⁴ *Transcript of Evidence*, 11 December 2009, p52.

⁷⁵ Advice provided by ACTPLA to the Committee Office, 11 March 2010.

- 5.4 A methodology for solar access conditions in infill development is proving more difficult and is still in the early stages of conception.⁷⁶ The Committee notes that good solar orientation is sometimes difficult to achieve because of the aspect of the established blocks and surrounding houses.⁷⁷

RECOMMENDATION 13

- 5.5 **The Committee recommends that the ACT Government release for discussion the draft amendments to the Territory Plan, outlining enhanced solar orientation and solar access rights, as soon as possible to enable better future development.**

Molonglo

- 5.6 The Committee was advised that sustainability measures for Molonglo will also 'overlap with the new subdivision code' as the codes are being revised to capture the TaMS engineering standards.⁷⁸ In addition Molonglo will incorporate projects such as using non-potable water sources on sporting facilities⁷⁹, a third pipeline to reduce potable water use and perhaps even distributed energy systems. The Committee heard that the area will include a mix of development and housing types, with higher density development along the transport corridor, and the group centre and ACTPLA aim to plan the future group centre to allow for local employment opportunities.⁸⁰
- 5.7 The Committee was advised that there are no plans for a transport hub such as a bus interchange in Molonglo but a significant bus station would be established at the group centre.⁸¹

⁷⁶ *Transcript of Evidence*, 11 December 2009, p38.

⁷⁷ *Transcript of Evidence*, 11 December 2009, p38-39.

⁷⁸ *Transcript of Evidence*, 11 December 2009, p60.

⁷⁹ *Transcript of Evidence*, 11 December 2009, p43.

⁸⁰ *Transcript of Evidence*, 11 December 2009, p44-5.

⁸¹ *Transcript of Evidence*, 11 December 2009, p50.

East Lake

- 5.8 The Chief Planning Executive advised the Committee that the CSIRO is currently developing performance measures to use as the basis for contractual agreements with the eventual land developers of East Lake. The measures include areas like sustainability, 'adaptability, community services or community needs, environmental leadership [and] prosperity, which includes economic performance.'⁸² The CSIRO are also preparing a development assessment tool so the development assessment officers can be satisfied that the above performance measures can be achieved by the development proposals submitted to ACTPLA.⁸³ The Committee was advised that the CSIRO is also undertaking a wetlands interface study to review opportunities for the wetlands to integrate into the development, including reinstating natural creek systems.⁸⁴
- 5.9 The East Lake project still encompasses a zero emission target for construction and operation.⁸⁵

National Strategy for Energy Efficiency

- 5.10 The Committee was advised that the National Strategy for Energy Efficiency is a body of work being undertaken through the Council of Australian Governments (COAG). The ACT is primarily involved in work on the Building Code of Australia (BCA), heating, ventilation and air conditioning (HVAC) systems, the hot-water strategy, the six star energy rating for residential development and other commercial performance measures for 2010 as well as the mandatory disclosure of energy ratings.⁸⁶ The Committee heard that by the end of 2011, the BCA will include an alternative methodology for measuring energy efficiency, concentrating on regulating performance measures and outcomes, rather than star ratings, in order to enable industry to use

⁸² *Transcript of Evidence*, 11 December 2009, p43.

⁸³ *Transcript of Evidence*, 11 December 2009, p44.

⁸⁴ *Transcript of Evidence*, 11 December 2009, p44.

⁸⁵ *Transcript of Evidence*, 11 December 2009, p48.

⁸⁶ *Transcript of Evidence*, 11 December 2009, p45-6.

innovative ways to achieve the performance levels.⁸⁷

Tree protection zones

- 5.11 The Committee was interested in 'tree protection zones' in the ACT and how they operated. Mr Savery and Mr Ponton advised the Committee that no-build zones were specified in the lease and development conditions for specific leases.
- 5.12 The Committee heard that generally, even if a tree was legally removed from a no-build zone the no-build zone would remain in force because they were 'originally intended to protect remanent vegetation..., if those trees were to die, you would keep a corridor of open space behind the home so that the trees could regenerate'.⁸⁸

Services and Infrastructure to Greenfield Developments

- 5.13 The Committee enquired about the process to ensure that greenfields developments are provided with adequate infrastructure and services including the ability to access broadband internet and child care services.⁸⁹ The Committee was advised that due to the Commonwealth Government's announcement of the National Broadband Network (NBN), 'there is discussion happening now at a national level through the planning official's group on how planning systems or planning processes can assist in the facilitation of the delivery of the NBN'.⁹⁰

RECOMMENDATION 14

- 5.14 **The Committee recommends that the ACT Government do all it can to ensure that all new developments have high speed broadband connections.**

⁸⁷ *Transcript of Evidence*, 11 December 2009, p45.

⁸⁸ *Transcript of Evidence*, 11 December 2009, p81.

⁸⁹ *Transcript of Evidence*, 11 December 2009, p53-4; p70

⁹⁰ *Transcript of Evidence*, 11 December 2009, p54.

- 5.15 With regards to child care services, the Committee was advised that ACTPLA's responsibility in this area was to ensure that sufficient land is zoned for the purpose and in the locations that those service providers want it.⁹¹

Other Issues

- 5.16 Other issues discussed at the ACTPLA hearing included:
- E Development system and training of users, satisfaction of customers
 - General improvements to service delivery: ACTPLA, Chief Operating Officer, Director of Construction Services, Territory Plan review
 - Supermarket review, Business Regulation and Competition Working Group
 - Sustainable Futures workshops
 - Energy and future climate modelling, building adaption
 - FOI requests
 - Planning ready land and Estate Development.
 - Service station sites, disused service stations, take up the waiver of fee, Page service station.
 - Planning economists
 - Australian and New Zealand Land Information Council, GPS data and land information
 - Bushfire plan
 - Graduate program, CIT and UC courses
 - Superannuation
 - Energy rating assessors and national process for regulating, Building, certifiers, Asbestos assessors
 - Wells station drive.

⁹¹ *Transcript of Evidence*, 11 December 2009, p70.

6 LAND DEVELOPMENT AGENCY

- 6.1 LDA is a statutory authority responsible for development and release of ACT Government owned land for residential, commercial, industrial and community purposes. The LDA contributes to policies and strategies for land release, development and housing affordability. It provides land for development and serviced sites for private sector developers, builders, households and businesses.⁹²
- 6.2 Key issues discussed at the hearing included the new Department of Land and Property Services (LAPS), housing affordability and choice, land release programs and auction negotiation, community consultation and sustainable communities.

Land and Property Services

- 6.3 The Committee heard that the LDA will be closely integrated with the newly formed LAPS which brings together the Facilitation and Strategic Projects division from the Chief Minister's Department and ACT Property Services from TaMS.
- 6.4 The Chief Minister advised that LAPS will 'provide a closer synergy among those officers within the ACT government that are charged with providing policy advice...on issues on land supply and on determining an appropriate level of supply..., and [on] the nature of the relationship between those within government providing the facilitation role and function, and those within the LDA...'⁹³
- 6.5 LAPS will also potentially provide some corporate-service type functions for the LDA, however the LDA will retain its statutory independence. The Committee was advised that the department will aim to operate without any additional funding.⁹⁴

⁹² LDA Annual Report, p2.

⁹³ *Transcript of Evidence*, 24 November 2009, p28.

⁹⁴ *Transcript of Evidence*, 24 November 2009, p29.

Housing Choice/Affordable housing

- 6.6 The Committee heard that LDA is involved in implementing a number of the affordable housing action plan initiatives including the Own Place program. Own Place is designed to 'provide affordable house and land packages' by working with industry, and 239 blocks have been made available so far under the program with additional blocks in Bonner to be released during the next year.⁹⁵ The LDA also has more than 100 blocks in the land rent program.⁹⁶ The deed requirements for englobo releases also require 15 per cent of those blocks to go towards affordable housing.⁹⁷
- 6.7 The Committee also heard about the Institutional Investor program which 'will deliver 400 rental properties over the next couple of years...which will go a way to easing pressure on the rental market'.⁹⁸

Public and Community housing

- 6.8 The Committee was advised that LDA regularly makes a number of blocks available to Community Housing Canberra for affordable housing, with a commitment to offer sites for 120 dwellings each year. The Forde joint venture also includes some community housing developments.⁹⁹
- 6.9 The Committee noted that 15 percent of new dwellings in residential estates need to be 'affordable'. The Committee also asked about the statement in sales documentation that there would be no public housing in Crace and was advised by the Chief Minister that he was 'still awaiting advice and briefing' on the question.¹⁰⁰ The Committee was advised that LDA consults with ACT Housing, who has responsibility for public housing, and makes land available

⁹⁵ *Transcript of Evidence*, 24 November 2009, p17.

⁹⁶ *Transcript of Evidence*, 24 November 2009, p18; Supplementary Question 29.

⁹⁷ *Transcript of Evidence*, 24 November 2009, p18.

⁹⁸ *Transcript of Evidence*, 24 November 2009, p19.

⁹⁹ *Transcript of Evidence*, 24 November 2009, p18; Supplementary Question 11 & 12.

¹⁰⁰ *Transcript of Evidence*, 24 November 2009, p19. (This question had been previously put to the Chief Minister as a question without notice in the Assembly chamber and will be answered via that process).

when required.¹⁰¹ LDA confirmed that it operates on the definition of 'affordable housing' as a house and land package with a total combined contract price that does not exceed \$300,000.¹⁰²

Land Auctions

- 6.10 The Committee enquired about the process for negotiation over land that is passed in at auction where the reserve price had not been reached. The Chief Executive Officer of the LDA advised the Committee that, in cases where the reserve is not reached, the LDA negotiates with the highest bidder until the reserve is reached. Reserve prices are determined from advice from a number of private sector valuers and LDA does not negotiate on that price.¹⁰³ LDA does, however, negotiate on conditions such as settlement periods.¹⁰⁴

Community Consultation

- 6.11 The Committee asked about changes to LDA's community consultation mechanisms, following recommendations made in the Committee's *Report on Annual and Financial Reports 2007-2008*. The Committee was advised that LDA's consultation practices have evolved considerably since March 2009 and the circumstances for each development site are considered.¹⁰⁵
- 6.12 The Committee notes that the Government Response to the *Report on Annual and Financial Reports 2007-2008* stated that the LDA 'has been developing an enhanced consultation strategy to identify the range of consultation activities

¹⁰¹ Standing Committee on Planning, Public Works and Territory and Municipal Services, *Response to Question on Notice No. 7 to the Minister for Land and Property Services, Inquiry into Annual and Financial Reports 2008-2009*

¹⁰² Standing Committee on Planning, Public Works and Territory and Municipal Services, *Response to Question on Notice No. 27g to the Minister for Land and Property Services, Inquiry into Annual and Financial Reports 2008-2009*; As defined in the Duties (Affordable House and Land Packages) Declaration 2007 (No. 1) Disallowable Instrument DI2007-249

¹⁰³ *Transcript of Evidence*, 24 November 2009, pp20-1.

¹⁰⁴ Further information on negotiable conditions is to be provided by LDA to the Committee in response to a Question Taken on Notice. The information was not available at the time of finalising this report.

¹⁰⁵ *Transcript of Evidence*, 24 November 2009, p23.

that would be appropriate for a particular future land release'.¹⁰⁶

- 6.13 The Committee heard that LDA will also undertake community engagement to build the social capital in Bonner and Forde, similar to the initiatives undertaken in Franklin, particularly to ensure residents 'have an understanding of the environmentally sensitive areas that surround them.'¹⁰⁷

Other Issues

- 6.14 Other issues discussed at the LDA hearing included:

- Town Centre redevelopments and supermarket policy
- Joint venture and englobo development
- Cat containment
- FOI
- Services and infrastructure in new suburbs
- Community land release
- Take up of the Land Rent Scheme
- LDA Staffing levels
- LDA Age profile of staff

¹⁰⁶ *Government Response to Standing Committee on Planning, Public Works and Territory and Municipal Services: Report 1 – Report on Annual and Financial Reports 2007-2008*, p4.

¹⁰⁷ *Transcript of Evidence*, 24 November 2009, p22.

7 CONCLUSIONS

- 7.1 The Committee believes that the Land Development Agency, the Department of Territory and Municipal Services and the ACT Planning and Land Authority need to improve annual reporting on Government Contracts, as discussed in chapter 3 of this report. The Committee recommended it would be appropriate for the *Chief Minister's Annual Report Directions* for 2011 onward to be amended to reflect changes to the Government procurement regulations.
- 7.2 The Land Development Agency also needs to improve its reporting of Legislative Assembly Committee Inquiries and Reports.
- 7.3 Lastly, the Committee highlighted concerns about the delay in processing Heritage nominations within TaMS and the lack of coordination between TaMS and ACTPLA when conducting public consultation regarding public spaces.
- 7.4 The Committee thanks the ACT Government Ministers, departmental agency officers, and members of governing boards, for assisting the Committee in its inquiry and for providing their time and expertise as witnesses at public hearings.

Mary Porter AM MLA

Chair

March 2010

Appendix A List of Witnesses

24 November 2009

Department of Territory and Municipal Services

The following witnesses attended and responded to Members' questions:

- Mr Andrew Barr, Minister Tourism, Sport and Recreation
- Mr Neale Guthrie, Group General Manager, Territory Venues and Events, Territory Services Division

Land Development Agency

- Mr Jon Stanhope, Chief Minister
- Mr David Dawes, Deputy Chief Executive, Chief Minister's Department
- Mr John Robertson, Chief Executive Officer, Land Development Agency
- Mr Matthew Kelly, Chief Financial Officer, Land Development Agency.

11 December 2009

ACT Planning and Land Authority

The following witnesses attended and responded to Members' questions:

- Mr Andrew Barr, Minister for Planning
- Mr Neil Saver, Chief Planning Executive
- Mr Ben Ponton, Director Development Services
- Mr Craig Simmons, Director Construction Services
- Mr Kelvin Walsh, Director, Planning Services
- Mr John Meyer, Chief Operating Officer, Client Services
- Mr Adrian Walsh, Manager, Corporate and Human Services, Client Services.
- Mr Peter Wurfel, Chief Financial Officer, Corporate and Human Services, Client Services.

5 February 2010

Department of Territory and Municipal Services

The following witnesses attended and responded to Members' questions:

- Mr Jon Stanhope, Minister for Territory and Municipal Services
- Mr Gary Byles, Chief Executive
- Mr Stephen Ryan, ACT Property Group (Land and Planning Services)
- Mr Hamish Horne, General Manager, Cemeteries
- Mr Gerhard Zatschler, Manager, Heritage
- Mr Michael Kidd, Manager, Yarralumla Nursery
- Mr Russell Watkinson, Director, Parks Conservation and Lands
- Mr Neil Cooper, Manager, Fire Management, PCL
- Mr Rod West, Manager, Licensing and Compliance
- Ms Liz Clarke, A/g General Manager, ACTION
- Mr Tom Elliott, Executive Director, Transport and Infrastructure Division
- Mr Anthony Polinelli, Director, Canberra Connect
- Mr Tony Gill, Director, Roads ACT
- Ms Vanessa Little, Director, ACT Library and Information Services
- Mr Chris Ware, Senior Manager, ACT NoWaste.

Appendix B Supplementary Questions

Question No	To	Subject
1	Minister for Planning	Review of the Spatial Plan
2	Minister for Planning	Eastern Broadacre Study
3	Minister for Planning	Affordable housing options
4	Minister for Planning	Status of plans
5	Minister for Planning	Ernst and Young review
6	Minister for Planning	COLA regulation – EER assessors
7	Minister for Planning	Leasing and DAs
8	Minister for Planning	NCA Interdepartmental Committee
9	Minister for Planning	Canberra City Master Plan
10	Minister for Planning	LAPS
11	Minister for Planning	Tune Up Canberra
12	Minister for Planning	Beard
13	Minister for Planning	Reduction change of use charge
14	Minister for Planning	COAG - NSEE
15	Minister for Planning	Weathering the change
16	Minister for Planning	Spatial plan, compact city
17	Minister for Planning	DA Appeals
18	Minister for Planning	Review of leasing procedures and processes
19	Minister for Planning	EIS exemptions
20	Minister for Planning	Industrial Estate Plan
21	Minister for Planning	Attendant's cottage – Weston
22	Minister for Planning	Licensed club report

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TERRITORY AND MUNICIPAL SERVICES

Question No	To	Subject
23	Minister for Planning	Employment Location paper
24	Minister for Planning	Rail access at Eastlake
25	Minister for Planning	Cat containment in North Watson
26	Minister for Planning	Conservation leases
27	Minister for Planning	Raptor surveys
28	Minister for Planning	Woodland protection and offsets
29	Minister for Planning	COLA disciplinary action
30	Minister for Planning	Apartment design
31	Minister for Planning	Costs – Advertising, Travel, Professional Development
32	Minister for Planning	Greenfield Developments
33	Minister for Planning	Consultation
34	Minister for Planning	Staff
35	Minister for Planning	Contracts
36	Minister for Planning	Sponsorship
37	Minister for Planning	Waste Paper
1	Minister for Land and Property Services	Town centre developments
2	Minister for Land and Property Services	Commercial land release
3	Minister for Land and Property Services	Planning and Design Division
4	Minister for Land and Property Services	Wells Station
5	Minister for Land and Property Services	Industrial Land
6	Minister for Land and Property Services	Industrial Land - East Fyshwick
7	Minister for Land and Property Services	Public housing
8	Minister for Land and Property Services	Molonglo land release
9	Minister for Land and Property Services	Molonglo land – englobo
10	Minister for Land and Property Services	North Weston

Question No	To	Subject
11	Minister for Land and Property Services	LDA/CHC MOU
12	Minister for Land and Property Services	Stimulus package
13	Minister for Land and Property Services	Causeway
14	Minister for Land and Property Services	Joint ventures
15	Minister for Land and Property Services	Residential land release
16	Minister for Land and Property Services	Triple Bottom Line reporting as part of the land sale process
17	Minister for Land and Property Services	CC vulnerability
18	Minister for Land and Property Services	Bonner display village
19	Minister for Land and Property Services	Hot water rebates for Bonner
20	Minister for Land and Property Services	Cat containment
21	Minister for Land and Property Services	Kingston Foreshore cycle path
22	Minister for Land and Property Services	Community consultation process
23	Minister for Land and Property Services	FOI
24	Minister for Land and Property Services	Energy use
25	Minister for Land and Property Services	Joint ventures
26	Minister for Land and Property Services	Bonner display village
27	Minister for Land and Property Services	General – land value, housing market, LDA land available, land release
28	Minister for Land and Property Services	General – Infrastructure, community facility land
29	Minister for Land and Property Services	Land Rent Scheme
30	Minister for Land and Property Services	Kingston Foreshore Development
31	Minister for Land and Property Services	Supermarket Policy
32	Minister for Land and Property Services	Staff
33	Minister for Land and Property Services	Land release
1	Minister for TAMS	Urban Forest Renewal

44 STANDING COMMITTEE ON PLANNING, PUBLIC WORKS AND
TERRITORY AND MUNICIPAL SERVICES

Question No	To	Subject
2	Minister for TAMS	Jerrabomberra wetlands management plan
3	Minister for TAMS	Rangers - general
4	Minister for TAMS	Feral Animals in Nature Parks
5	Minister for TAMS	Footpaths
6	Minister for TAMS	Waste – street level recycling
7	Minister for TAMS	Waste – commercial waste/
8	Minister for TAMS	Waste - tyres
9	Minister for TAMS	Waste – waste to landfill
10	Minister for TAMS	ACTION
11	Minister for TAMS	Aboriginal Heritage Taskforce
12	Minister for TAMS	Gungaharra Homestead
13	Minister for TAMS	Albert Hall

Appendix C Questions Taken on Notice

Question No	To	Subject
1	Minister for Planning	Employee Expenses
2	Minister for Planning	Page property change of hands
3	Minister for Planning	FOI requests and costs
4	Minister for Planning	Wells Station Drive
1	Minister for Tourism, Sport and Recreation	Inclusiveness framework
2	Minister for Tourism, Sport and Recreation	Crawford report
3	Minister for Tourism, Sport and Recreation	Annual Report errors on contract approval date.
1	Minister for TAMS	Heating and Cooling regimes in TAMS offices
2	Minister for TAMS	Office space utilisation rate
3	Minister for TAMS	Southern Cemeteries public meeting
4	Minister for TAMS	Cost of ACTION fleet management inventory control software
5	Minister for TAMS	Ticket supplies for ACTION
6	Minister for TAMS	Canberra Connect feedback
7	Minister for TAMS	Emulsion and Hot Bitumen
1	Minister for Land and Property Services	Land Auctions negotiation on conditions
2	Minister for Land and Property Services	Legal proceedings and compensation for contaminated sites
3	Minister for Land and Property Services	Cost of Kingston foreshore harbour projects
4	Minister for Land and Property Services	Compulsory acquisition of land in Molonglo and land management transition
5	Minister for Land and Property Services	LDA board notification of creation of LAPS