# Report On Annual and Financial Reports 2017-2018

Standing Committee on Planning and Urban Renewal

March 2019

Report 8

## The Committee

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### Resolution of appointment

On 13 December 2016 the ACT Legislative Assembly (the Assembly) agreed by resolution to establish legislative and general purpose standing committees to inquire into and report on matters referred to them by the Assembly or matters that are considered by the committees to be of concern to the community, including:

(e) a Standing Committee on Environment and Transport and City Services to examine matters related to city and transport services, public infrastructure, heritage and sport and recreation and matters related to all aspects of climate change policy and programs, water and energy policy and programs, provision of water and energy services, conservation, environment and ecological sustainability.[[1]](#footnote-1)

The Assembly agreed that each committee shall have power to consider and make use of the evidence and records of the relevant standing committees appointed during the previous Assembly.

### Terms of reference

On 25 October 2018, the Assembly referred the annual and financial reports for the calendar year 2017 and the financial year 2017—2018 to Assembly committees for inquiry and report by the last sitting day in March 2019, in accordance with a schedule.[[2]](#footnote-2) The reports were 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 and Urban Renewal were:

* Chief Minister, Treasury and Economic Development Directorate - Architects Board of the ACT
* Environment, Planning and Sustainable Development Directorate - Planning; Loose Fill Asbestos Insulation Eradication Scheme; Public Housing Renewal Taskforce and Affordable Housing; Land Policy;
* City Renewal Authority; and
* Suburban Land Agency.

## Acronyms

|  |  |
| --- | --- |
| ACT | Australian Capital Territory |
| ACTPS | Australian capital Territory Public Service |
| CIT | Canberra Institute of Technology |
| CMTEDD | Chief Minister, Treasury and Economic Development Directorate |
| CRA | City Renewal Authority |
| DA | Development Application |
| ED | Economic Development |
| EPSDD | Environment, Planning and Sustainable Development Directorate |
| LDA | Land Development Agency |
| PHRT | Public Housing Renewal Taskforce |
| SLA | Suburban Land Agency |
| TCCS | Transport Canberra and City Services |

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[Recommendation 2](#_Toc2581040)

[3.34 The Committee recommends that the ACT Government identify the most urgent issues raised by stakeholders and the community during the housing choices consultation and address these through a Territory Plan Variation in 2019.](#_Toc2581041)

[Recommendation 3](#_Toc2581042)

[3.35 The Committee recommends that the ACT Government update submitters, stakeholders and the community in 2019 with an action plan that outlines how the issues raised though housing choices consultation will be addressed.](#_Toc2581043)

[Recommendation 4](#_Toc2581044)

[3.48 The Committee recommends that in developing planning for section 72 the ACT Government addresses the need for community and recreational facilities over the next 10-15 years, given the expected large increase in population in the surrounding suburbs.](#_Toc2581045)

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[3.49 The Committee recommends that the ACT Government provide detailed feedback to the community about how they have, or have not, incorporated the features of section 72 that members of the community desired during public consultation.](#_Toc2581047)

[Recommendation 6](#_Toc2581048)

[3.52 The Committee recommends that the ACT Government provides enough resources for the EPSDD planning area responsibilities, including community consultation, to be delivered in line with community expectations, particularly in relation to master plans and territory plan variations.](#_Toc2581049)

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[3.73 The Committee recommends that the ACT Government continue to work with affected residents who remain in their Mr Fluffy properties to ensure the ongoing safety of the residents, visitors, contractors and other tradespeople.](#_Toc2581051)

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[4.20 The Committee recommends that the ACT Government continue to facilitate and support the Mingle Community Development Program in new and developing suburbs across the ACT.](#_Toc2581057)

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[4.25 The Committee recommends that the Suburban Land Agency consider adopting a sustainability strategy similar in intent to that recently released by the City Renewal Authority.](#_Toc2581059)

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[6.14 The Committee recommends that the ACT Government amends the Territory Plan and its infrastructure design standards to assist the City Renewal Authority to meet the goals and targets in its Sustainability Strategy.](#_Toc2581061)

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[6.21 The Committee recommends that the ACT Government ensure that the publication of City Renewal Authority Board meeting outcomes or ‘Publishable Outcomes’ be completed in a more timely manner.](#_Toc2581063)

## **1**. Introduction

* 1. On 25 October 2018, the Assembly referred the annual and financial reports for the calendar year 2017 and the financial year 2017-2018 to Assembly committees for inquiry and report by the last sitting day in March 2019.
  2. The following annual reports, or sections of annual reports were referred to the Standing Committee on Planning and Urban Renewal (the Committee):
* Chief Minister, Treasury and Economic Development Directorate - Architects Board of the ACT
* Environment, Planning and Sustainable Development Directorate - Planning; Loose Fill Asbestos Insulation Eradication Scheme; Public Housing Renewal Taskforce and Affordable Housing; Land Policy;
* City Renewal Authority; and
* Suburban Land Agency.

### Conduct of the Inquiry

* 1. The Committee held a public hearing on 9 November 2018. At this hearing, the Committee heard evidence from 25 witnesses. Full details of witnesses who appeared are available in Appendix A of this report. Transcripts from the hearings are available at: <http://www.hansard.act.gov.au/hansard/2017/comms/default.htm#planning>
  2. A total of 14 questions were taken on notice during the public hearings and 25 questions were placed on notice after the hearing. Please refer to Appendix B for a list of the questions. Answers to the questions are provided on the inquiry webpage: <https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/inquiry-into-annual-and-financial-reports-2017-2018>

### Structure of the Report

* 1. The report presents a summary of the Committee’s inquiry into the annual reports listed in paragraph 1.2. In developing this report, the Committee has primarily focused on the issues that were raised at public hearings although some additional material has been drawn from annual report documents.
  2. The structure of this report is as follows:
* Chapter 1: Introduction
* Chapter 2: Annual Reporting Requirements
* Chapter 3: Environment, Planning and Sustainable Development Directorate
* Chapter 4: Suburban Land Agency
* Chapter 5: Chief Minister, Treasury and Economic Development Directorate
* Chapter 6: City Renewal Authority
* Chapter 7: Conclusion
  1. The EPSDD is responsible for the policy component of many matters for which the operational component is the responsibility of the CRA or SLA. Please be advised that as questions during the hearings often addressed both policy and operational issues in relation to particular projects or aspects of operation these matters may be discussed in this report either under the EPSDD chapter or in the CRA or SLA chapters.

### Acknowledgements

* 1. The Committee thanks relevant ACT Government Ministers and accompanying directorate officials for providing their time and expertise as witnesses at its annual reports hearings.

## Annual Reporting Requirements

* 1. The *Annual Reports (Government Agencies) Act 2004* sets out the framework for annual reporting across the ACT public sector. In accordance with the *Annual Reports (Government Agencies) Act 2004*, the Annual Reports Directions (the Directions) are issued annually to outline agency reporting requirements.
  2. As specified in the Directions, annual reports are ‘reports from agency heads to their responsible Minister, the Legislative Assembly and the public.’[[3]](#footnote-3) Annual reports enable agencies to provide an account of their performance, through Ministers, to the Legislative Assembly and the wider community.
  3. The Directions state that an effective annual report will:
* provide clear information about the directorate/public sector body's purpose, priorities, outputs and achievements;
* focus on results and outcomes - communicate the success or shortfalls of the directorate/public sector body's activities in pursuing government objectives in the reporting year, while accounting for the resources used in the process and explaining changes in performance over time;
* discuss results against expectations - provide sufficient information and analysis for the Legislative Assembly and community to make a fully informed judgment on a directorate/public sector body's performance;
* clearly identify any changes to structures or functions of the directorate/public sector body in the reporting period;
* report on directorate/public sector body financial and operational performance and clearly link this with budgeted priorities and financial projections as set out in annual Budget Estimate Papers and the entity 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 directorate/public sector body'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 useful to the maximum number of users while maintaining a suitable level of detail; and
* comply with legislative reporting requirements including the Annual Reports (Government Agencies) Act 2004 and the Annual Report Directions. [[4]](#footnote-4)
  1. Annual reports are public documents and available for use by stakeholders, including educational and research institutions, and the broader community. They provide a valuable tool for public reporting, accountability and transparency.

### Timing and Presentation of Reports

* 1. The Directions for 2017-2018 required annual reports to be presented to the responsible Minister before the close of business on 5 October 2018. Unless an extension of time was granted under section 14 of the *Annual Reports (Government Agencies) Act 2004*, annual reports were required to be given to the Speaker’s office by the close of business on 12 October 2018.

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## Environment, Planning and Sustainable Development Directorate

### Introduction

* 1. The Environment, Planning and Sustainable Development Directorate (EPSDD) is responsible for developing and implementing a wide range of policies and programs across city planning and development, climate change and the environment.[[5]](#footnote-5)
  2. Sections of the EPSDD 2017-2018 Annual Report were referred to the Committee for inquiry and report.
  3. The Committee held a public hearing with Ms Rachel Stephen-Smith MLA, Minister for Employment and Workplace Safety; Minister for Urban Renewal on 9 November 2018 to examine the following area of the EPSDD 2017-2018 Annual Report:
* Loose Fill Asbestos Insulation Eradication Scheme; and
* Urban Renewal
  1. The Committee held a public hearing with Mr Mick Gentleman MLA, Minister for Planning and Land Management on 9 November 2018 to examine the following area of the EPSDD 2017-2018 Annual Report:
* Land Policy (now referred to as Land Supply and Policy);
* Planning Delivery; and
* Planning Policy.
  1. The Committee held a public hearing with Ms Yvette Berry MLA, Minister for Housing and Suburban Development on 9 November 2018 to examine the following area of the EPSDD 2017-2018 Annual Report:
* Public Housing Renewal Taskforce and Affordable Housing
  1. Other areas of the EPSDD 2017-2018 Annual Report were considered by other Committees.

### Land Policy

* 1. The Land Supply and Policy Division is responsible for land development projects including affordable housing, land economics, land strategy and policy and building policy.[[6]](#footnote-6)
  2. The Committee discussed the following issues with the Minister and Directorate Officials:
* Commercial Land Release;[[7]](#footnote-7)
* Indicative Land Release Program;[[8]](#footnote-8)
* Standalone v Multi-unit Dwelling Sites;[[9]](#footnote-9)
* Western Edge Study area;[[10]](#footnote-10)and
* Large supermarket sites in developing suburbs.[[11]](#footnote-11)

#### Standalone v Multi Unit Dwelling Sites

* 1. The Committee noted that 432 of the 4,309 residential sites released during the reporting period were for single or standalone dwellings[[12]](#footnote-12) and queried what evidence suggested that 90% of people actually wanted to live in multi-unit dwellings. The Minister indicated that:

I talked earlier on about the workshops for the statement of planning intent. That is where we start to get feedback from the public on how they want to live in the future. Particularly younger people advised us that they want to live in denser opportunities, as long as they have good amenity. When we say “dense” they were talking about apartment-style living. They said they would like to live in those opportunities, as long as we have good amenity and good urban open space with it as well.

Moreover, they did not talk particularly about the size or the height of their building. They told us how they would actually want to live, close to great opportunities for dining, for recreation, close to their friends, close to work if possible, and close to public transport stops. That is where the evidence started to come through about how we change from, as I mentioned earlier, greenfield to urban intensification, if you like.

The land release has shown support for that move most recently. You have seen a take up in accommodation of that style. It is not just younger people that are picking it up, either. There are a lot of other people picking it up, particularly older persons that want to downsize. You will see that in some of the suburbs, too; not particularly apartment accommodation. But certainly where older persons want to age in place, they have taken up opportunities to have a denser lifestyle, if you like.[[13]](#footnote-13)

* 1. The Directorate further stated that the quoted figures had been affected by the asset recycling initiative:

I just add, minister, that in relation to that particular year, keep in mind that we had the asset recycling initiative that contributed significantly to the larger number of apartments, particularly within the city renewal precinct where we had sites in Braddon, Turner and Reid that totalled 1,243 dwellings in that locality. So I would not expect, in terms of that 90 per cent—the figure that you mentioned—you would be seeing that every year.

Certainly in terms of the current policy, it is 50/50 greenfield, urban renewal. The feedback from the community, as the minister said, is looking at something greater in terms of the urban infill. But importantly in terms of that particular year, we need to keep in mind that there were a number of sites that contributed significantly to the apartment mix.[[14]](#footnote-14)

* 1. During the ongoing discussion the Committee referred to the Winton Housing Choices Survey (Winton Sustainable Research Strategies Survey) and queried the how the percentage of land released for single, stand-alone dwellings correlated with this survey figure of 91% of people wanting to move into a detached house. In response the Directorate stated:

I know the survey figures have been quoted often. In that survey it is important to keep in mind that you cannot take the response to a particular question in isolation. For example, in terms of those people who wanted to live in a detached home, the figure was quite high. The nature of that particular question was: if there were no other considerations, what is your ideal home? People were saying, “Yes, we would like a detached home.”

But then you ask them to start weighing up other considerations such as: do you want the city to spread; are you okay with the environmental impacts that that might have; are you okay with the social costs and the environmental costs of that? As people started to filter that through, the results started to shift in terms of, “Well, yes, we would like a detached home but we are also okay with medium and high-density if that means we can protect other important values.”

I do not think we should just selectively quote particular points out of that survey. We commissioned that work. We asked the question intentionally to understand what is people’s preferred housing choice. But then we wanted them to start thinking about what that means for the city. Once you get them to think about what it means for the city, their attitudes start to shift.[[15]](#footnote-15)

* 1. The Committee continued to express concern that the number of blocks available for purchase (as single residential blocks), 119 blocks available as at 30 June 2018,[[16]](#footnote-16) was not enough to meet demand. The Directorate sought to clarify this number stating that it did not include Mr Fluffy blocks which were believed to number ‘about 80 blocks on the market today.’[[17]](#footnote-17)
  2. The Minister also stated:

If you look at new blocks in that particular time frame, you look at the demand from people who want to buy new blocks. But if you look overarchingly at the number of people who are purchasing stand-alone homes across the ACT, where we have movement now, and we have quite a lot of movement, since we are moving to reduce stamp duty. In particular, older people who want to downsize into smaller accommodation pay no stamp duty if they do not have an income. You see a lot more movement where younger families want to purchase a single stand-alone home. It may be in a residential suburb that is already completed, for example. So these add to the mix of opportunity. As to whether it is enough, we test that by looking at the market and what people are asking us.[[18]](#footnote-18)

### Land Policy - Affordable Housing

* 1. The EPSDD is a significant contributor ACT Housing Strategy and the provision of safe, affordable and appropriate homes for all Canberrans.[[19]](#footnote-19)
  2. The Committee discussed the following matters with the Minister and Directorate officials:
* Affordable Housing Targets;[[20]](#footnote-20)
* Affordable Housing Advisory Group;[[21]](#footnote-21)
* Sale of Affordable Housing Sites;[[22]](#footnote-22)
* Land Release for Community Sector;[[23]](#footnote-23)
* ACT Housing Strategy;[[24]](#footnote-24)
* Consultation and Engagement process for development of ACT Housing Strategy;[[25]](#footnote-25)
* Adaptable/Accessible Housing;[[26]](#footnote-26)and
* Alternative Housing Models.[[27]](#footnote-27)

#### Land Release for Community Sector

* 1. The Committee noted that the current government policy splits social and affordable housing targets into affordable housing which is for affordable purchase, community housing for affordable rental, and public housing.[[28]](#footnote-28) In a discussion on the current aim to dedicate 15% of all land release to such housing through infill and greenfields the Committee asked a number of questions in relation to the sites that will be available for community housing.
  2. In this context the Committee queried how the community housing sites were going to be sold to community housing providers. In response the Directorate stated that:

With the community housing site targets, none of those sites have yet been released to the community housing sector, but we are intending to release those through an expression of interest process.[[29]](#footnote-29)

* 1. The Directorate also indicated that any prospectus of what land release is likely in this capacity would be ‘incorporated into the four-year land release or indicative land release program’[[30]](#footnote-30) and noted that:

we have done some analysis on the numbers which showed that, under the old 20 per cent of greenfield target, the policy was delivering approximately 400 affording dwellings per year. Under the new 15 per cent target, we will be looking at a number closer to about 630 dwellings a year for the three categories.[[31]](#footnote-31)

* 1. The Directorate went on to inform the Committee that:

The intention is to release those through an expression of interest process. We have started having conversations with the community housing sector about things like their capacity to grow, their ability to finance and develop those sites, what their capacity to pay for them might be and the rest of their financial modelling that might help inform our decision about how we release those. Because the sites have not yet been released, we have not yet released what the expression of interest criteria will be. There has been no firm decision about what price those sites will be released for at this stage.[[32]](#footnote-32)

* 1. The Committee asked about the pricing model that may be applied to such sites and were informed by the Directorate that:

In terms of what the sites might go for, it is important to note that, because it is housing, it would need to be at market value; otherwise it would be a concessional lease. Let me come back to what market value is. It would need to be a market value lease. Importantly, when we talk about a market value lease, that is what the market is prepared to pay for the particular site. When we go to market, by ensuring that we have criteria that deal with the typical issues around who the provider might be and what the provider needs to include in the development of the site, that then dictates what the market is. That would bring down the price.[[33]](#footnote-33)

* 1. The Committee noted that the market value of a site that has a requirement to have a certain percentage of units as affordable purchase or rental would be less than if such criteria did not apply. The Directorate stated that they agreed with this assessment.[[34]](#footnote-34)

Recommendation 1

The Committee recommends that the ACT Government issue the expected selection criteria and lease conditions for future community housing sites as soon as possible so that community housing providers can prepare for their release.

#### Alternative Housing Models

* 1. It was noted during the hearing that the ACT Housing Strategy implementation plan had committed to an investigation into alternative forms of housing[[35]](#footnote-35) and detail was sought as to what had been planned in this regard. The Directorate informed the Committee that:

There are two housing projects in the ACT. ECHO and Smart Urban Villages were provided $45,000 to look at their innovative designs and the sustainable living opportunities that they provide or might think about but also to consider, given that it was a significant part of the feedback that we heard during the consultation period, particularly homes like the Nightingale model, which is in Melbourne. I am not sure if there are any others in Australia at the moment, but something similar to that kind of community-style housing as well. There is work already happening around investigating that type of model.[[36]](#footnote-36)

* 1. The Directorate also referred to how, in addition to the innovation fund they were also progressing demonstration housing:

Importantly, what we are wanting to do here is make sure that all our policy work and our delivery work is connected across portfolios. While the housing strategy and the innovation fund do provide for opportunities in terms of building the capability of these providers, we are also then wanting to provide opportunities for them to build examples of this type of housing so that people can see, touch, feel, walk through and understand exactly what opportunities exist through co-housing models like the ones that we have just mentioned.[[37]](#footnote-37)

* 1. The Directorate then explained why they were progressing these options as well as looking at completing a report:

we are looking at a range of different options here. We could have just run with the report, seen what came out of the report and then looked at strategies beyond that. We could have just looked at the innovation fund and providing opportunities for those two providers to develop their ideas or we could have just done the demonstration projects. What we are trying to do here is make sure that we get the momentum, having a number of prongs in getting these opportunities moving.[[38]](#footnote-38)

the reporting part is also about following up on those two projects that the minister referred to so that we can understand whether they can deliver co-housing, what are the impediments. With all the implementation actions on the strategy, there is a certain amount of monitoring that we will do to inform the next raft of policies that we might suggest to continue with the supply of housing. That is part of that reporting, working with them and through all the projects on the innovation fund and the demonstration project to see what we can learn to better inform policy and the future delivery.[[39]](#footnote-39)

* 1. The Committee asked when the report would be completed and were informed that:

The funding has only just been allocated. We will monitor that over the next year or so to see how that is progressing. And we did include in the implementation strategy that we will monitor annually and report publicly on the website how we are progressing on the actions.[[40]](#footnote-40)

### Planning Delivery, Planning Policy and Urban Renewal

* 1. The Planning Delivery Division is responsible for administrating development assessment processes in the Territory, including environmental impact assessments and administration of deed and leasehold systems. This Division also includes the Office of the Surveyor-General.[[41]](#footnote-41)
  2. The Planning Policy Division is responsible for the Territory Plan (which provides the policy framework for the administration of planning in the ACT), strategic planning, civil infrastructure planning and major projects.[[42]](#footnote-42)
  3. The Urban Renewal Division is responsible for driving the ACT Government’s urban renewal agenda by supporting major projects that aim to improve the liveability of our city and through the delivery of the Public Housing Renewal Program, Asset Recycling Initiative and Loose-fill Asbestos Insulation Eradication Scheme.[[43]](#footnote-43)
  4. The Committee discussed the following issues with the Ministers and Directorate Officials:
* Sheds on Residential Properties;[[44]](#footnote-44)
* Shipping Containers on Residential Properties;[[45]](#footnote-45)
* Coombs Shops;[[46]](#footnote-46)
* McKellar Shops;[[47]](#footnote-47)
* Kama Nature Reserve/Whitlam/Molonglo Stage 3;[[48]](#footnote-48)
* Housing Choices;[[49]](#footnote-49)
* Territory Plan Review;[[50]](#footnote-50)
* Curtin Master Plan and Territory Plan Variation;[[51]](#footnote-51)
* Eastern Broadacre Strategic Assessment (including leases);[[52]](#footnote-52)
* National Capital Design Review Panel;[[53]](#footnote-53)
* Integrated Plan re Red Hill Nature Reserve and Surrounds;[[54]](#footnote-54)
* Ministerial Responsibilities;[[55]](#footnote-55)
* ACT Housing Strategy;[[56]](#footnote-56)
* Demonstration Housing;[[57]](#footnote-57)
* Town Teams (outside of CRA responsibilities);[[58]](#footnote-58)
* Sustainability Measures;[[59]](#footnote-59)
* Kingston Arts Precinct;[[60]](#footnote-60)
* Asset Recycling Sites;[[61]](#footnote-61)and
* S74 and s76 Watson.[[62]](#footnote-62)

#### Housing Choices

* 1. The Committee noted the progress of the developing policy on Housing Choices, making particular reference to the consultation process that had been undertaken, including the Collaboration Hub. The Minister indicated to the Committee that:

I think that it is quite an exciting opportunity for Canberra in looking at the future of being able to choose how to live in a residential area. As you are aware, we have done quite a bit of work with the community. We had the particular panel that I think worked very well. In fact, I want to congratulate the people who facilitated the housing choices collaboration hub. I think that it was a really good result. In relation to the recommendations from that, we accepted all of those recommendations. I think we are moving forward with those now.[[63]](#footnote-63)

* 1. In this context the Committee asked the Directorate what the next steps in the project would be. In response the Directorate indicated that:

The next steps I have announced. I think I mentioned in this place before that in 2019, once we complete the planning strategy refresh, which I hope will be very soon, we will be launching into a Territory Plan review. I would expect that much of what we learned through the engagement activities will find its way into the Territory Plan review. But there are some aspects of that work that may be the subject of a separate Territory Plan variation.[[64]](#footnote-64)

#### Committee Comment

* 1. The Committee notes that during 2017 there was substantial community input into the housing choices project as well as high interest in the Collaboration Hub. The majority of the Committee is concerned that much of this community effort may be put on hold for the Territory Plan Review, which may take several years to complete.

Recommendation 2

The Committee recommends that the ACT Government identify the most urgent issues raised by stakeholders and the community during the housing choices consultation and address these through a Territory Plan Variation in 2019.

Recommendation 3

The Committee recommends that the ACT Government update submitters, stakeholders and the community in 2019 with an action plan that outlines how the issues raised though housing choices consultation will be addressed.

#### Demonstration Housing (managed by the SLA)

* 1. The Committee made reference to the 18 demonstration housing projects that had made it to the second stage of assessment and asked for detail on the next stage of the process. The Directorate indicated that there was a variety of proposals:

As you said, 18 have got through. We have been really surprised in that they are all demonstration housing projects but they are the sort of thing that is happening elsewhere. Nightingale co-housing is an easy one to talk about. Liam Wallis, the CEO of Nightingale, came here and did a half-day workshop not just with us but all the other proponents to learn about that. At the end of the day he said, “I wish the Victorian state government could run something like this demonstration housing project process,” because he thought that it really listened to industry and got both community and industry proponents involved.

We have seen a couple of proposals for co-housing, build-to-rent schemes and townhouses. Townhouses as a typology are not particularly innovative but these are townhouses specifically designed for ageing in place or ageing in the community. That is also interesting because when we talk about ageing in place, some people talk about ageing in place as adaptable housing and a house they can live in forever. But when you talk to people in the community they see ageing in place as downsizing but not leaving their suburb. In some suburbs where there is not townhouse or adaptable use housing, even just townhouses in those areas would be considered new for us.

A manor house was put forward, so multiple bedrooms in a manor house, and also micro apartments. We are working with the proponents of the micro apartments to work out whether micro apartments would be both deliverable and then livable, that is, if the inside space is tiny, what are we doing for the outdoors to make sure it is a livable alternative.[[65]](#footnote-65)

* 1. The Directorate further informed the Committee that as each proponent was at a different stage, in the next phase they expected the proposals to offer up examples of ‘design and build quality excellence and the environmental standards excellence.’[[66]](#footnote-66) They indicated that:

Our assessment criteria for the stage 2 RFP includes design quality and build quality and also the criteria from the Assembly resolution. Along with the national capital design review panel we will be looking at the successful proposals and basically locking them in through a delivery deed to deliver what we have assessed in their proposal.[[67]](#footnote-67)

We are not asking for a change to the rules or anything; we are just asking them to come forward with their best. We will assess those because we want to see that they are demonstrably better than what is current. But, as I said, we will use the design review panel including the Government Architect. For the environmental standards we have a level of expertise both within the directorate and external as required to assess whether or not they meet those.[[68]](#footnote-68)

* 1. The Directorate then detailed some of the steps that would follow:

The next part is we are dividing those into projects that are being proposed where they already have identified a site and they are pretty ready to go and those that have a new type but they need access to land. So we are splitting the two proposals in that way.

We will go out for a request for a proposal. We have talked to all the proponents. We are mindful it will be over Christmas, so we will go out for a longer period of time. The proponents are comfortable with us going out over Christmas for that request for a proposal. We expect those back probably early February next year and then we will do the assessment.

I should say that each of the proponents is at a very different stage. Some, if they have land, they have holding costs. They might decide to pull out and pursue something else if it is not perfect. But I would like to think that by May or June, the end of this financial year, we will have some DAs in the system. Then we might see some action on the ground by the end of the next calendar year.

I think I mentioned this when we talked about this at estimates: some of them are talking about planning regulations they would like to change: RZ2 and RZ1. But the one that keeps coming up is, “Can we rid third-party appeal rights for these projects?” That always raises concerns. So those are some of the things we have seen the proponents come through with, all for consideration further down the track.[[69]](#footnote-69)

* 1. In further discussion it was acknowledged by the Directorate that some of the development applications for the projects may require Territory Plan Variations the nature of which would not be known until the proposals were received:

Some might require a site-specific variation, some might be just minor difficult amendments and some would have flow-on effects. A Territory Plan variation would depend on the variation, the response from the community and the response from this committee. That is where the holding costs for some of those proponents will come into play. We have been very up-front; we have talked through the time frames and kept them up to date with the time frames but, as I say, some of those that already have land might decide not to pursue this process and go with something less innovative because they have large holding costs.[[70]](#footnote-70)

We would have to consider them when we get the proposals. We will get the proposals in February and then we will see what requirements against the Territory Plan are needed.[[71]](#footnote-71)

#### Kingston Arts Precinct

* 1. The Committee asked the Directorate what stage the development of the Kingston Arts Precinct was at, and were informed that:

It is still within its preferred tenderer negotiations in Stage 2 of the Kingston Arts Precinct, which is essentially the tendering stage. We hope to have the negotiations complete by the first quarter of next calendar year.[[72]](#footnote-72)

* 1. The Committee then made additional queries as to the possible start date for construction and were informed by the Directorate that:

I do not know if it is something that you could define, other than as to what a normal developer would naturally do. You would conclude the negotiation process. One would assume that that could be successful. Then they would have to go through a DA process, which may take a number of months. It could take eight to 12 months, possibly, and then you have a construction stage from there. As John alluded to, we would hope to conclude those negotiations around the first quarter of next year, and so you could look at 12 months or so before construction would commence.[[73]](#footnote-73)

* 1. In an answer to a Question Taken on Notice the Directorate further informed the Committee that:

The Kingston Arts Precinct was released to the market in a two stage land sale process, first stage being a Request for Proposal (RFP) and second being a Request for Tender (RFT).

The proponents and subsequently invited tenderers were required to demonstrate that they can provide at least the minimum number of publicly available car parking spaces on weekdays (500 spaces) and on weekends (800 spaces). These numbers have been determined by balancing the existing site demands, expected uses for the land into the future and the ability of the site to utilise car parking across a week with varying uses.

Publicly available car parking is a separate requirement to parking provisions for the future residential and commercial developments within the site area.

The preferred tenderer's development proposal meets this requirement.[[74]](#footnote-74)

* 1. Upon further questioning the Directorate acknowledged that the delay between the announcements of the project and the current tendering stage was ‘frustrating’ and that the reasons for the delay was:

a paradigm shift in our governance model. For decisions that the new board are required to make, it is important that we ensure that every step of the process before that decision is made has been appropriately governed and has been done appropriately and well. When the new board joined, this process had been in train for a year or two. Then, as part of the new board joining and as part of our briefing of the new board, we have taken the time to ensure that probity is appropriate, our business case is appropriate and everything is in line to ensure that when we make a recommendation to go ahead with the preferred tenderer we are 100 per cent sure that it is appropriate.[[75]](#footnote-75)

#### Section 72 Dickson

* 1. The Committee asked a number of questions about Section 72, Dickson, particularly in relation to the relationship between the previous and current community consultation processes. In responding to these questions the Directorate first acknowledged the previous consultation processes but also highlighted that there was a new focus:

We absolutely understand that the community is frustrated because it has been going for a long time. If you look at our ‘your say’ website, you will see that it was the baseline. The very first thing that we took back to the community was, “This is what you told us in 2014 and 2015,” but we also know a lot of things have changed. We are putting this out there to say, “Is this still current?” For some people it is current.[[76]](#footnote-76)

One of the things that the team have tried to make clear is a high level of consciousness around the fact that there have been a number of previous consultations in relation to Dickson section 72. The information provided to the community has tried to take on board the feedback from those previous consultations and to be clear that that is part of the work for this. But, to some extent, some of those previous consultations had a slightly different focus.[[77]](#footnote-77)

* 1. In the continuing discussion the Directorate went on to detail what had occurred since the earlier consultation process:

During the very first stage we did a social pinpoint exercise. It was online, and it was a matter of saying, “Go and tell us where you think the problems are and what ideas you have for section 72.” We started to see a whole new range of ideas coming forward that were not part of the original conversations. Some of those original conversations were very much focused on what happened where the Northside Community Service Majura community centre is.

Obviously, this is a much more integrated approach. Also, other sites on section 72 really were not part of that original conversation. The approach we are taking is to say that that has to be a good baseline. Before we even started the public consultation, we invited in three members of the community: the chair of the North Canberra Community Council, as well as two other members of the community from Dickson who had been quite vocal and very well engaged in that and in previous engagements in Dickson.

We had a meeting with them to say, “We know the community is going to be cynical. I guess this is a bit like Red Hill; we’re at the same starting point. We know that you might be suspicious of what is going on, but we really want to try to start with a clean slate, take everything we have learnt and build a more collaborative approach to understanding what the future of section 72 needs to be, now that we know that there is a quickly changing demographic and different needs emerging within the inner north community.”

We met again with the three representatives. We gave them the opportunity to go back and talk with the people they have been representing. I think pretty well everything that they suggested that we add to the engagement was added: about pulling in the Dickson pool and taking advantage of the summer period, and doing things like walk shops.

We are trying lots of different ways to make sure that there is a really open spread of input coming back to us around section 72. We also made sure that it was clearly in the context of the engagements on Watson, for the Academy of Interactive Entertainment, the city gateway work that was going on, and the work that was going on with public housing.

People say, “You’re talking too much and we’re getting confused.” We said, “Let’s make sure people understand how it all fits together.” Section 72 is not just for people on the other side of the stormwater channel, and it is not just for people on the other side of Antill Street. It is actually for all of Dickson, Downer, Watson and Hackett— all of the surrounding suburbs.[[78]](#footnote-78)

* 1. The Directorate explained that this all meant that they were effectively only halfway through the community engagement process and that there were some key milestones yet to come:

We are about to put out the report on ‘your say’, hopefully next week, to summarise the second stage of the engagement. We had an open house to show people the scenarios. We went to the North Canberra Community Council. We said, “These are not scenarios for all residential; we haven’t even assigned what the possible uses may be, let alone what the possible zonings may be. This is how you could break up this site in different ways.”

We are reflecting back, both in the first stage report which you will see on your say and in the second stage report that, as I said, hopefully will be out next week, and we are hearing very clearly that the community wants particular attention paid to the green spaces. We are also hearing, which was not quite so strongly stated four years ago, that you really should have some level of mixed use which includes residential. Another message is that social housing, community housing, is another thing that people want to see. We have had a very clear message that they do not want it to be all private residential, and I do not think that any of us have suggested that as something that would be an option.

That is what we are going back to the community with next Thursday. We will have one more workshop and we will say, “Show us physically how you think this should work.” We are sitting down with members of the community. They again reiterated issues around building height, about the open space and about wanting to make sure that they connect.

One of the other big issues that has come out of it is that it is about what happens at the ground level. You might have residential above, but a building with residential is not necessarily all residential. There are possibilities for community use and there are possibilities for commercial. They are all sending a pretty strong message: not retail. They do not want to take over from Dickson. We need Dickson group centre to work.

That is also why, with the town team that was mentioned this morning, we are looking to hook up with them and say, “Clearly, we want this to integrate with Dickson. We’re really happy for you to help us talk to the community, including looking at ideas of activating, within section 72, with the town team,” because we know that the community trusts the town team. We know that the community does not particularly trust us; that is okay. It is a bit like a dog with mange: you know it is there; let’s feel sorry for it, but we’d rather you not be there. That is the reality of being an engagement officer in planning in Canberra. That is okay; we can live with that.

I think we are at an exciting point now. Next Thursday we come back for the second workshop, and that is where we say, “Based on what you’ve told us about the open space, the balance between the open space and the built form and the heights and the importance of the connection along the green spine of the current stormwater drain, this is what it might look like.”

The community gets to come back and tell us again whether or not we heard them correctly. If they say, “We’re kind of happy with this baseline,” we have then got to go back again and design an estate development plan and then do pre-development application consultation. The thing I want to stress is that we are actually only halfway through the consultation with the community.[[79]](#footnote-79)

* 1. The Committee made additional queries as to the possible estate development plans, development applications and territory plan variations and were informed that although consultants are on board the process was still in consultation phase:

I am saying I am making no assumptions about it and nobody here is either, because you do not know what variation you may or may not need until you know what you want to put into the overall site. There is also a difference between a zone and a use. People talk about, “We want community uses.” That does not necessarily mean it has to be zoned CFZ. At the moment we need to accept that there is a likelihood that there will be some type of variation, but as to what that looks like, we are still in the middle of consultation.[[80]](#footnote-80)

We certainly have some rough goals for being able to start talking with the community about the estate development plan in the first half of next year. Obviously, there is also alignment with Common Ground, because that is a very clearly stated government commitment. It is about having these two processes working together and the engagement working together.

I would expect some of the outcomes that you are seeking answers to are going to be happening over the next 12 months. With the exact timing, there are two processes working together, and we have a number of stages of engagement that we have to go through. Certainly, we are indicating in the listening report that we are talking about some of those major milestones being met next year, as in calendar year.[[81]](#footnote-81)

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| Recommendation 4  The Committee recommends that in developing planning for section 72 the ACT Government addresses the need for community and recreational facilities over the next 10-15 years, given the expected large increase in population in the surrounding suburbs.  Recommendation 5  The Committee recommends that the ACT Government provide detailed feedback to the community about how they have, or have not, incorporated the features of section 72 that members of the community desired during public consultation. |

#### Curtin Master Plan and Territory Plan Variation

* 1. The Committee asked the Directorate what the current status was in relation to the Curtin Master Plan and any associated territory plan variations and were informed that:

We are currently settling the master plan to refer to the minister for his consideration. I expect he will have that in a matter of days. I would expect the Territory Plan variation to follow soon after. You might recall, Ms Le Couteur, that we incorporated with the draft master plan a draft variation, so people could see how that might translate. That work is done, so we will be ready to go out fairly soon. Having said that, of course there is the Christmas-New Year period. So, realistically, the TPV might not be until early in the new year simply because by the time it is considered by the minister and the government and released we would not want to notify in December, I would expect. I think most people would rather we wait. But if you have a different view on that—that the community would be happy with consultation over the December-January period—I am happy to receive that view. And the DA is currently under assessment.[[82]](#footnote-82)

#### Committee Comment

* 1. The Committee notes that it has made numerous recommendations in previous reports about improving the timeliness of completing master plans and territory plan variations.

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| Recommendation 6  The Committee recommends that the ACT Government provides enough resources for the EPSDD planning area responsibilities, including community consultation, to be delivered in line with community expectations, particularly in relation to master plans and territory plan variations. |

### Urban Renewal - Public Housing Renewal Taskforce

* 1. The EPSDD is responsible for the coordination of the Asset Recycling Initiative and the Public Housing Renewal programs.[[83]](#footnote-83)
  2. The Committee discussed the following matters with the Minister and Directorate officials:
* Asset Recycling;[[84]](#footnote-84)
* Public Housing Renewal Taskforce – Costs;[[85]](#footnote-85)
* Public Housing Renewal Taskforce – Numbers;[[86]](#footnote-86)
* Public Housing Renewal Taskforce – Community Concerns;[[87]](#footnote-87)
* Public Housing Renewal Taskforce – end of program;[[88]](#footnote-88)
* Public Housing Renewal approach under ACT Housing Strategy;[[89]](#footnote-89)
* Chapman Public Housing Site;[[90]](#footnote-90) and
* Invoice Fraud Matter;[[91]](#footnote-91)

#### Public Housing Renewal Taskforce - Numbers

* 1. The Committee was informed by the Directorate that the current public housing renewal program was due to finish in June 2018 and that it had ‘been for the most part, very positively received by the community’ and had achieved ‘newer and more sustainable homes for our community’ which ‘have made a significant change in people’s lives.’[[92]](#footnote-92)
  2. The Committee then made a number of queries as to how the program had been tracking and were informed by the Directorate that:

We are proud to say that we have secured sites and buildings for all 1,288 replacements. Some of those will be privately bought within existing dwellings; some of them are new builds, as we have seen.

As the minister said, we have faced some challenges with some areas of the community. That has been a difficult time for us. It means that on most of our sites we have dropped the number of dwellings, in response to community concerns, which means we need to purchase more dwellings. What it has shown is that we have been really responsive to the community. We have thought a lot about traffic concerns, the bulk and the scale. Often we have taken two, three or four designs back to the community before we have landed on a product that we think suits the community and their needs, addressing all of those issues.

We are on track for completion, with 1,288 to be delivered by June or July next year. Obviously, there are ACAT appeals, and we have had those. I think we are in really good shape. We have built a team of expert capital delivery people that are used to dealing with the community on what are sometimes seen as sensitive projects.[[93]](#footnote-93)

* 1. The Directorate further informed the Committee that:

As at November, as of last week, 861 dwellings had already been delivered. We expect to deliver another 81 in this calendar year. We are building 304 dwellings across Canberra. They will be in Denman Prospect, Greenway, Holt, Throsby, Taylor and Monash. With the program of 1,288, the figures are 772 dwellings constructed and 516 purchased.[[94]](#footnote-94)

#### Invoice Fraud Matter

* 1. The Committee raised the matter of fraudulent invoicing, involving the Public Housing Renewal Taskforce, that had been reported in the Canberra Times on 7 November 2018 and asked the Directorate whether the matter had been resolved. In their response the Directorate informed the Committee the circumstances surrounding the incident:

In relation to the matter itself, I might just talk a bit about what happened in the particular circumstances. When we receive an invoice, there is a process that we go through in making payment for that invoice. What appears to have happened is that a very sophisticated operator made contact using an email address that was a recognised email address for that particular provider. The email included details of the previous bank accounts and the authorised person’s name, saying that they had recently sent an invoice, saying that they had changed their bank account details, and asking us to please provide the funds to that new bank account.

Our officer at the time went through it. Everything looked legitimate; they made the change and the money was deposited. Very soon after, fortunately, the actual person made contact to ask where the payment was. We were able to say, “We have made that payment.” Very quickly, we were able to recover the moneys. We identified, as I recall, that the bank account was at Melbourne Airport, I think, a branch at Melbourne Airport.

The money was recovered with assistance from the bank, very quickly. But, importantly, the point I am wanting to make here is that it was quite sophisticated. Whoever did this had the details of the directors of the company, they had their email addresses and they were able to get an address that essentially was exactly the same. So for all intents and purposes, we were dealing with the authorised person.[[95]](#footnote-95)

* 1. The Directorate then indicated that:

There is absolutely no suggestion that it is an ACT government employee, and possibly it is not even an Australian resident, that set up this scheme, if you will. If one was to speculate, one would say that it would be an overseas-based scam. The other thing that I will say is that, just from talking to other people and having this raised, I dare say we are not the only capital works company in Canberra who have been done by this scheme.[[96]](#footnote-96)

It was very sophisticated. From both the initial investigation and the internal audit, it was crystal clear that there was no internal malice; no-one within the task force or the ACT government was set up to benefit from this.[[97]](#footnote-97)

* 1. The Committee also queried as to if all the monies that were paid had been recovered and were informed that:

As I said, we were very lucky to secure the money back very quickly. I think that within hours a freeze had been put on that particular bank account and we were able to get the funds back through the bank.[[98]](#footnote-98)

We recovered all the moneys that were paid. All the moneys were recovered. And in terms of the payment itself, it was a progress payment towards construction.[[99]](#footnote-99)

* 1. The Committee then sought details of the measures would be put in place to prevent such an issue from reoccurring and were informed by the Directorate that:

from our perspective, what we have since done is undertake an internal audit to better understand what we could have done differently or better to make sure that these sorts of fraudulent attempts are not made—or, if they are made, that we do not succumb to them. We have received that audit report and implemented all the recommendations from that audit.[[100]](#footnote-100)

This is clearly a highly sophisticated scheme. What we have done as a result of the audits—and nothing is foolproof in this modern criminal world—is work with Shared Services, who now seek an additional authorisation when contractors change their bank accounts.[[101]](#footnote-101)

### Urban Renewal - Loose Fill Asbestos Insulation Eradication Scheme

* 1. The EPSDD is responsible, through the Asbestos Response Taskforce, for delivering the Loose Fill Asbestos Insulation Eradication Scheme.
  2. The Committee discussed the following issues with the Minister and Directorate Officials:
* Plot ratios on Mr Fluffy blocks;[[102]](#footnote-102)
* Current status of demolitions;[[103]](#footnote-103)
* Current costs;[[104]](#footnote-104)
* Workforce expertise;[[105]](#footnote-105)
* Updates to Register;[[106]](#footnote-106)
* Properties where residents are choosing to remain;[[107]](#footnote-107)
* Compliance with Asbestos Management Plans;[[108]](#footnote-108)
* Complex Properties;[[109]](#footnote-109)
* Asbestos at Harrison School;[[110]](#footnote-110)and
* Dual Occupancy rights.[[111]](#footnote-111)

#### Current Status of Demolitions

* 1. The Committee asked about the current status of the loose-fill asbestos eradication scheme and were informed by the Directorate that:

I think we are progressing well. We see ourselves as well ahead of where we predicted we would be at this stage and that is due to both efficiencies of the market and efficiencies that we have gained in contracting. As you know, individual residents were able to nominate a surrender date, and some of those have brought it forward.

Where do we think we are? Nine hundred and fifty-seven of the 1,023 affected properties have now been demolished. Of those 957 demolished, 954 have been removed from the affected residential premises register. Of those, 809 have been sold. Forty-five went back to the original owner through the first right of refusal, 759 have been public sales and five have been sold to another government agency, obviously Housing ACT. I do not need to say that.

Where we are now: we think we will have probably one last auction in the current form, probably in December this year, and that I think will be the last large auction that we will see. The remaining properties will take either a little more time to come forward to demolition time or be deferred for some time and they will be single, one-offs. Where we were doing multiple demolitions every week we are now doing one a fortnight. They are the numbers that we are looking at. Therefore the sales program will be very different from now on.[[112]](#footnote-112)

#### Properties where Residents are Choosing to Remain

* 1. The Committee asked the Directorate what the current plan was for asbestos affected homes that were not participating in the buyback scheme. The Minister indicated that

I guess the first thing to say is that the government’s position remains that properties affected by loose-fill asbestos insulation should be vacated as soon as possible and that the only way to remove the physical, financial and social risks is through demolition. Geoffrey noted that a number of participants are choosing to bring forward their surrender date. This year we have seen seven of those. Additionally, there was one self-funded private demolition in 2018 and there are a further four that are being considered or are underway. The task force continues to expect movement in surrender dates and private demolitions. Given the changes in the market and the way that that is evolving, our current position is that it is premature to determine what the best course of action will be when the number and circumstances of those remaining is not fully known.[[113]](#footnote-113)

* 1. The Directorate went on to explain the necessity for these properties to have an asbestos management plan:

All residents affected by this need to have their asbestos management plan in place. We will keep reminding residents of that and work with our colleagues at WorkSafe to remind people of that so that with those not participating in the scheme or those who have not undertaken their own private demolition, visitors, contractors or tradesmen who come onto their site are aware of the presence of loose-fill asbestos.[[114]](#footnote-114)

* 1. When pressed further by the Committee as to whether these residents would be forced out of their homes the Minister reiterated that:

…it is premature at the moment to determine the best course of action now, when the number and the circumstances of those remaining is not known at this time, and the market continues to change and people’s circumstances continue to change.[[115]](#footnote-115)

#### Compliance with Asbestos Management Plans

* 1. The Committee raised concerns about compliance with asbestos management plans and were informed by the Directorate that there:

are currently 48 houses that are still occupied that have been identified as having loose-fill asbestos. Of those 48 houses, there are a total of 23 properties now that are fully compliant with the legislative requirements about having an asbestos assessment done, having asbestos management plans and having any recommendations by the licensed asbestos assessors in terms of modifications such as sealing of certain areas of their house done. There are four houses out of that 48 that are partially compliant, meaning that they have an asbestos management plan and they are in the process of fully complying with those management plans. At this stage, there are 21 properties which are not compliant with the current legislation.[[116]](#footnote-116)

* 1. The Directorate went on the explain that they were continuing to communicate with the owners of the houses that were still occupied:

I have written to all of the owners with their various levels of compliance, emphasising the need to comply with the legislation in terms of meeting their safety responsibilities to visitors and tradespersons who may enter the house. There are a number of places which we continue to liaise with, with a dedicated officer, to educate in terms of the necessity for taking that responsibility and meeting the regulatory requirements of the legislation.[[117]](#footnote-117)

* 1. When questioned by the Committee as to what options were available to the government to rectify situations where the owners did not meet the regulatory requirements. The Directorate indicated that:

There are a number of remedies. Our preference is to continue to liaise with those households and to make sure that they are fully aware of those responsibilities. If, ultimately, education and engagement do not lead to them meeting the legislative requirements, there are potentially a number of regulatory options that could be pursued in terms of making sure that those households are safe to other people, including tradespeople who may visit and other people who must enter those properties, such as people working for Evoenergy doing meter readings, and generally meeting those responsibilities. There are a number of regulatory options available which we would look at, ultimately, on a case-by-case basis.[[118]](#footnote-118)

We prefer to engage with each household. Each household has their own range of reasons why they may or may not be compliant. They are individually based; there is not one set collective view. We are very conscious of that and we will continue to liaise with each household, with their particular circumstances, to ensure that they fully appreciate the responsibilities and the obligations under the legislation.[[119]](#footnote-119)

* 1. When pressed further as to whether these households would be forced out of their homes the Directorate stated:

Certainly not by WorkSafe under current dangerous substances legislation. It is making sure that everyone undertakes their responsibilities. Protecting the community—those who visit their property: as well as themselves, their families, friends and anyone else who enters that property—is our primary objective.[[120]](#footnote-120)

* 1. The Minister went on to clarify that this answer was not in relation to people being able to stay in their homes outside of the buyback period but was given in the context of:

enforcement action around whether or not someone has an asbestos management plan today. I interpreted Mr Parton’s question as a question to Mr Jones about whether he could require them to leave their house in that context.[[121]](#footnote-121)

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| Recommendation 7  The Committee recommends that the ACT Government continue to work with affected residents who remain in their Mr Fluffy properties to ensure the ongoing safety of the residents, visitors, contractors and other tradespeople. |  |

#### Complex Properties

* 1. During discussion as to the complexity of many of the remaining properties, the Directorate was asked what the current status was with the 53 remaining ‘complex’ properties and informed the Committee that:

As at 7 November, yesterday, 25 complex properties have now been demolished. Twenty-one of those were affected and four of those were impacted. We continue to work through those.[[122]](#footnote-122)

* 1. In answer to a Question Taken on Notice the Directorate informed the Committee that:

There are 53 complex properties in total across 33 sites. As at 14 November 2018, 25 have been demolished across 19 sites, leaving 28 properties across 14 sites still to be demolished.

A breakdown of demolition progress as at 14 November 2018, per electorate is below (noting that there are no complex properties in Yerrabi):[[123]](#footnote-123)

|  |  |  |  |
| --- | --- | --- | --- |
| ELECTORATE | Properties | Demolished | Remaining |
| **Total** | **Total** | **Total** |
| Brindabella | 1 | 1 | 0 |
| Ginninderra | 15 | 5 | 10 |
| Kurrajong | 22 | 11 | 11 |
| Murrumbidgee | 15 | 8 | 7 |
| **TOTAL** | **53** | **25** | **28** |

## Suburban Land Agency

### Introduction

* 1. The Suburban Land Agency (SLA) was established as a statutory authority under the *City Renewal Authority and Suburban Land Agency Act 2017.*
  2. The SLA is responsible for developing and releasing suburban land, encouraging and promoting urban renewal outside of declared urban renewal precincts, contributing to the growth and diversification of the Territory’s economy, and social and environmental sustainability.[[124]](#footnote-124)
  3. The key functions of the SLA as outlined in the *City Renewal Authority and Suburban Land Agency Act 2017* are:
* buying and selling leases of land on behalf of the Territory;
* ensuring a mixture of public and private housing in new suburbs
* increasing the supply of affordable and community housing;
* meeting housing targets;
* carrying out development of land in a manner that is environmentally sustainable;
* exercising our functions in a way that supports statutory greenhouse gas emissions targets and delivers environmentally sustainable development; and
* following and supporting Whole of Government (WhoG) strategies.[[125]](#footnote-125)
  1. The Committee held a public hearing with Ms Yvette Berry MLA, Minister for Housing and Suburban Development on 9 November 2018 to examine the Suburban Land Agency 2017-2018 Annual Report.
  2. The Committee held a public hearing with Ms Rachel Stephen-Smith MLA, Minister for Urban Renewal on 9 November 2018 to examine the Suburban Land Agency 2017-2018 Annual Report – as relates to Urban Renewal Sites.
  3. The Committee discussed the following matters with the Minister’s and SLA officials:
* Revenue Targets not being met;[[126]](#footnote-126)
* Coombs – Block 3 Section 12;[[127]](#footnote-127)
* Relationship between Director-General EPSDD and SLA;[[128]](#footnote-128)
* Water Police Site;[[129]](#footnote-129)
* Remand Centre Site;[[130]](#footnote-130)
* Long and Mid-range forecasts for target sale prices for land;[[131]](#footnote-131)
* Social Policy for Land Supply;[[132]](#footnote-132)
* 15% target for social and affordable housing (in ACT Housing Strategy) - impact on prices and revenue estimates;[[133]](#footnote-133)
* Kama Nature Reserve/Whitlam;[[134]](#footnote-134)
* Sustainability Targets;[[135]](#footnote-135)
* Mingle Program;[[136]](#footnote-136)
* Riverview and Ginninderry;[[137]](#footnote-137)
* Developers and knowledge of Lease Variations;[[138]](#footnote-138)
* Development Applications approved that have involved significant increase in the number of dwellings;[[139]](#footnote-139)
* Lease Variation Charges imposed on Development Applications that have been approved that have involved significant increase in the number of dwellings;[[140]](#footnote-140)and
* Control of Land Prices.[[141]](#footnote-141)

### Coombs – Block 3 Section 12

* 1. The Committee asked a number of questions in relation to Coombs block 3, section 12, particularly in relation to the increase in the number of potential unit dwellings from 44 prior to the sale of the site, to over 200 units at the time a lease variation was sought and a Development Application submitted. The Directorate indicated that:

I might comment first in relation to how the numbers are set. They are essentially set through the estate development planning process, and Mr Gordon may talk a little more about that particular process. I might then jump to the latter part about how we get to the point of an application that has been made through the DA process, because, presumably, you are also interested in that component.

As I said, the estate development plan is the process that establishes and looks at road networks. It looks at community needs analysis, it looks at a mix of housing tithes and it also looks to establish the zoning, when you uplift the future urban area. As we work through all that, there is work done to determine what is the best mix of housing and yield for particular blocks of land. Once the site is then sold with that—and in this case I think it was 44 units—the Planning and Development Act does provide an opportunity for lessees to apply to vary the lease. That does happen from time to time. There was a period quite a number of years ago where you could not vary the lease for a period of five years after it had been purchased.

There was a change made—and I cannot tell you exactly when, but it was to that five-year mark—that meant you could vary the lease. This was because the feedback that we were getting was that it was too restrictive and that people were just sitting on the land for five years and not doing anything with it until it got to a point where they could seek to vary the lease. There were circumstances where there were very good reasons for that. In the current circumstance, in the event that the lease variation and development application were approved, the difference would be that they would need to pay 100 per cent of the lease variation charge, as opposed to 75 per cent, which is the norm after the five years.[[142]](#footnote-142)

* 1. The SLA further indicated that:

The estate development plan sets out the range of dwellings allowed on a parcel of land, and that is on the basis of the structure planning and the precinct concept planning for the site. That then develops into an estate development plan and is circulated within government agencies, where they look at things like, as Mr Ponton mentioned, the community needs, the road network, the volume of traffic that might be on that road and the availability of suburban parks and schools. Those sorts of things come into play when they are looking at the estate development plan. That goes through a whole-of-government agency review and then goes into the process of a DA approval. Within that, it has a planning control plan that looks at the minimum and maximum numbers of dwellings that should be on a site, and then it goes through and gets approved. Those dwelling numbers then get lifted up into the Territory Plan, I think as a planning control that is related to the EDP, and when a developer comes in that is fundamentally what they would be allowed under the lease that they get issued. But, as was described, there is an opportunity for a lease variation.[[143]](#footnote-143)

* 1. The Committee then queried the adequacy of the consultation with the community on this matter and were informed that:

I think the important thing with this particular proposal, and what it highlighted for me as chief planner, was that I would have expected that, in the particular circumstances, there would have been a degree of pre-DA consultation. The proponent bought the land and they determined that they wanted to do something different from what the lease purpose clause provided. Ordinarily—and I think I have made my position fairly clear to the development industry—in such circumstances I would want to see that they would engage very early with their local communities.

Sadly, that did not happen on this occasion. We have challenged the proponent in this particular circumstance as to why they did not do that and, quite rightly, they have pointed out that under the pre-DA consultation guidelines that were released about a year ago, greenfields areas—and this is considered a greenfields area—have been excluded. That was quite an eye-opener for me.

After talking with the minister for planning and Minister Berry as part of the 12- month review of those guidelines, which is currently underway, I will be looking to remove that exemption from undertaking pre-DA consultation guidelines, because you are absolutely right. People buy into an area, it is new, they expect a certain outcome on other parcels of land, based on the estate development plan. The current legislation does allow for the lease to be varied. But, as I said, as an absolute minimum, I would expect that pre-DA consultation to occur. Mr Parton, you mentioned the 222, or thereabouts, units that are proposed. I just need to highlight that that particular application is currently under assessment and we ought not to assume that it will be approved in that form.[[144]](#footnote-144)

* 1. The Directorate further emphasised that the development application process in relation to this matter was not concluded and no assumptions as to the outcome should be made:

In some of the public commentary I have heard and seen—I know I am generalising—there appears to be an assumption that, because the application has been made, that is what will be approved. We need to carefully consider the submissions that have been received. We will also need to consider the advice from other referral entities. We will need to undertake an assessment against the relevant precinct codes and the broader provisions of the Territory Plan and the legislation and then determine what is appropriate for that particular site. Until that assessment is complete I cannot say that 222 units is an appropriate outcome for that site. But it is a live application, so we need to see what comes out of that assessment.[[145]](#footnote-145)

Recommendation 8

The Committee recommends that the ACT Government change the pre-DA consultation guidelines to remove the current exemption for greenfield sites.

Recommendation 9

The Committee recommends that if the number of units proposed for a site is varied that the ACT Government consider the cumulative impact of this variation on issues such as traffic and local amenity as part of the Development Application process.

### Mingle Program

* 1. During a discussion on the Mingle Community Development Program (Mingle Program) the SLA informed the Committee how the Mingle Program changes its focus as a suburb develops:

With the Suburban Land Agency’s mingle program we are working with local residents as they move in. We initiate local resident groups, we initiate a local Facebook page and we also work with them to do a mentoring program. Initially, probably in the first 12 to 18 months, we establish a program of activities and events which is also endorsed by the local residents. As we move through the program, depending on whether it is a three or five-year program, we then work with those residents so that those events can become more sustainable.

We mentor them, we work alongside them and we show them how to do event approvals. We also show them how to do Facebook messaging and how to communicate with each other—we help them with communications. We also help them to connect with each other and put out calls for local skills in the community. Where we find that there are local musicians, local school groups, or whatever it might be, that do this work for free, or volunteer their services, we find that those events become more sustainable.

It is about really getting that core group of residents that become our champions in each community, and we educate them and work alongside them. As the Suburban Land Agency’s program removes itself after a number of years and transitions out of the suburb, we know that those residents are geared up to be able to run the program themselves.[[146]](#footnote-146)

* 1. In this context the Committee asked as to the status of the Mingle Program in Moncrieff, in the electorate of Yerrabi, and was informed that:

We launched Moncrieff last December, when we opened the Moncrieff recreation park. Since then we have established a resident group. We meet with them bi-monthly. This year alone we have initiated a group that is delivering the Diwali festival of lights event on Sunday, and that is really resident led. It is completely resident driven but we support them in that journey. We are almost a step ahead in Moncrieff, which is great to see. On 2 December we are also delivering a Christmas event, which again is about celebrating those local traditions that people want to see. In addition to that we are seeing that the entertainment, the communications and all the messaging around that is being driven by the residents.

We support by way of some of that initial funding, but ultimately a lot of these services are volunteered, to the point where the residents on a Sunday night are cooking some of the food, and it is all about sharing a plate and bringing the community together.[[147]](#footnote-147)

* 1. The SLA then went on to inform the Committee about the progress of a the Mingle Program in a number of other suburbs in the Yerrabi electorate, beginning with Throsby:

Throsby launched earlier this year. Since then we have established a Facebook page and a quarterly newsletter, and we have had a couple of introduction events. We have had a brekkie in the park, and a treasure trek, where we have encouraged people to walk around the suburb. As you would be aware, we launched the kangaroos a few weeks ago. We are trying to establish a group of residents who will become those resident champions. We probably do not quite have the population there at the moment, but as we go through the next six months, a lot of that will be occurring. Particularly with Throsby, as it does not at the moment have any community facilities, we are working quite closely with the Mulligans Flat team, as well as Harrison School, which is the local feeder school for that suburb.[[148]](#footnote-148)

* 1. In relation to Lawson the Directorate made note of the new partnership with the Canberra Institute of Technology (CIT) and told the Committee that:

A whole class, on community development, are running the program for us this year. Part of that is educating them and mentoring them. Next Saturday night we are delivering a local twilight movie night, and the students are being brought on that journey. We have also just started a program where one of those students in that class is working in our team, for one day a week at the moment, to get an insight into community development. Lawson has only just commenced, and it will go for a maximum of 18 months.[[149]](#footnote-149)

* 1. The Directorate also informed the Committee that the Mingle Program in Taylor was to start in 2019:

We know that the school is due to open in February. We have held some introduction conversations. The first of the potential students for next year met the principal this week. We were very heavily promoting that and involved in that. We would hope to initiate the Taylor program early next year. Part of that initiation is understanding the community— putting out surveys, knowing who they are and what skills we need to produce and gaps we need to fill as part of that program. That program will then run for five years in Taylor.[[150]](#footnote-150)

* 1. In terms of future developments in the Yerrabi Directorate, the Committee was informed that ‘the next stage of Jacka does meet the threshold for the community program.’[[151]](#footnote-151)
  2. Outside of the Yerrabi electorate, several aspects of the Molonglo Mingle Program were highlighted to the Committee by the Directorate, including Stromlo Cottage; book boxes and a local seniors group:

The Molonglo mingle has been going really well as well, with Stromlo Cottage, and some of the things that the community has picked up and run with down there. They are being facilitated and encouraged.[[152]](#footnote-152)

We have established a book box in Wright and Coombs. The first one was in Coombs, next to the school. It is amazing to see. It is filled with books each week. We have had no vandalism. It was completely resident led. Part of the difference in this program is that we make sure that these things are driven by the community and owned by the community. We work with them to deliver that, so that, hopefully, it is there forever. The other great thing about Molonglo is that we have started a local seniors group which meets each week. It started with two people and it now regularly has 17 people. Those people were not connected to their neighbours probably two years ago, and now put each other’s bins in when they are away. They are the small wins that we get out of that local program.[[153]](#footnote-153)

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| Recommendation 10  The Committee recommends that the ACT Government continue to facilitate and support the Mingle Community Development Program in new and developing suburbs across the ACT. |

### Sustainability Targets

* 1. The SLA were asked a number of questions by the Committee in relation to environmental and sustainability measures and were informed that:

We are working with our board to have a sustainability strategy for both environmental and social sustainability. We have identified living infrastructure as one of the areas where we look to ensure we have an appropriate strategy in play. We are working with EPSDD and other parts of government to ensure that the strategy we put forward is appropriate within the policy context, and then also working with TCCS to ensure that it is maintainable. We have definitely identified that as an area that we are looking at and will be focusing on. We do not yet have a number which is the goal for a new suburb as to what we want the tree canopy to do. The reason for that is that we are working with other parts of government to ensure that it is consistent with policy and maintainability.[[154]](#footnote-154)

* 1. Whilst the establishment of targets was not yet finalised the Committee were informed that there was already a focus on sustainability in terms of the optimal orientation of buildings to maximise solar access:

Part of our strategy is to improve people’s awareness of how to build a more sustainable home. We have a lot of knowledge within the group that we would like to ensure is appropriately passed through to the community. The main idea is to provide a bunch of guidelines which essentially say, “For these particular lots and this particular orientation, this is the type of house you would most appropriately build for a sustainable outcome.”[[155]](#footnote-155)

* 1. In this context the Directorate also made mention of efforts they were making in terms of living infrastructure:

We do work closely with, and do have an initiative at the moment with TCCS to start a working group to see how we can ensure that we are providing better living infrastructure in our newer suburbs, to understand things like how much verge area we have to plant, with an appropriately deep band of trees. We work with TCCS then to ensure that what we do is appropriately maintainable through the whole of life of particular infrastructure.[[156]](#footnote-156)

#### Committee Comment

* 1. In considering the excellent targets and goals set out in the City Renewal Authority sustainability strategy the Committee feels that the same targets and goals should be applied more widely, to the work of the Suburban Land Authority, in both urban renewal and greenfield areas.

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| Recommendation 11  The Committee recommends that the Suburban Land Agency consider adopting a sustainability strategy similar in intent to that recently released by the City Renewal Authority. |

## Chief Minister

### Introduction

* 1. The Chief Minister, Treasury and Economic Development Directorate (CMTEDD) leads the public sector and works collaboratively both within government and with the community to achieve positive outcomes.[[157]](#footnote-157)
  2. As a central agency, CMTEDD provides strategic advice and support to the Chief Minister, the directorate’s Ministers and the Cabinet on policy, economic and financial matters, service delivery, whole‐of‐government (WHoG) issues and intergovernmental relations.[[158]](#footnote-158)
  3. The annexed Annual Report of the ACT Architects Board was referred to the Committee for inquiry and report.
  4. The Committee held a public hearing with Mr Gordon Ramsay MLA, Minister for Building Quality Improvement on 9 November 2018 to examine the 2017-2018 Annual Report of the ACT Architects Board.
  5. Other areas of the CMTEDD 2017-2018 Annual Report were considered by other committees.

### Architects Board of the ACT

* 1. The ACT Architects Board (the Board) is established under the *Architects Act 2004*. Its role is to ensure registered architects provide services to the public in a professional and competent manner.[[159]](#footnote-159)
  2. The ACT Architects Board's functions are to:
* register architects;
* investigate complaints given to the Board about registered people and people who have been registered;
* consider whether it is necessary to take disciplinary action against registered people and people who have been registered and, if it is, to take the necessary action;
* consider and report to the Minister about issues referred to the Board by the Minister for advice;
* advise the Minister in relation to the practice of architecture, for example, about codes of professional conduct;
* further a common and harmonious approach to the administration of legislation about architects by cooperation with local jurisdictions;
* accredit courses of study in architecture; and
* provide general advice to consumers about the professional conduct and standards of competence expected of registered architects.[[160]](#footnote-160)
  1. The Committee discussed the following matters with the Minister and Board officials:
* Update on Board activities;[[161]](#footnote-161)
* Issues referred to Board;[[162]](#footnote-162)
* Nature of complaints to the Board;[[163]](#footnote-163)
* Registration and Accreditation;[[164]](#footnote-164)
* Budget;[[165]](#footnote-165)and
* Access Canberra supports.[[166]](#footnote-166)

### Nature of Complaints

* 1. The Committee queried that nature of complaints that had been received by the Board during the reporting period. In response the Directorate indicated that:

The board received two complaints. If I recall correctly one related to an architect or a person representing to be an architect who was not a registered architect, and the board has written to them…The other complaint related to allegations that the architect had engaged in behaviour in relation to a development proposal. That was not something the Architects Board regulated so no further action was taken in relation to that complaint.[[167]](#footnote-167)

### Registration and Accreditation

* 1. The Committee queried the process for registering as architect in the ACT and were informed by the Directorate that:

The architect registration process is a national process. As I mentioned earlier, part of that is a three-part examination with the first part being an individual obtaining a qualification. In the ACT and across the country that is a masters in architecture. The ACT has one architecture school, and the role of the board in its remit is to approve courses of study of architecture. UC’s course is one that is approved by the board.

In terms of an individual, they need to have demonstrated skills and experience. There is a set of national competency standards that apply right across the country where individuals need to demonstrate their experience at an executive level. That means that they have done the work unsupervised for a large portion of the education requirements they need to demonstrate. That, coupled with a statement of their experience aligning to those national standards of competency, is required to be submitted, and that is part one of the assessment for registration.

The second part of the assessment, as I mentioned earlier, is an examination testing the knowledge and experience of an architect prior to them entering into practice. That covers some of those national competency areas such as understanding and applying legislation and understanding and administering contracts in terms of engagement with clients.

The third part is the interview that is undertaken by peers within the industry. The ACT Architects Board coordinates that examination process on behalf of the AACA. Like many other jurisdictions, the ACT has a high pass rate and we see that the process that exists provides that stepping stone and a clear pathway for registration as an architect in the ACT.[[168]](#footnote-168)

## City Renewal Authority

### Introduction

* 1. The City Renewal Authority (CRA) is a Territory Authority established under the *City Renewal Authority and Suburban Land Agency Act 2017.*
  2. As defined in the *City Renewal Authority and Suburban Land Agency Act 2017*, the CRA’s role is to:
* Encourage and promote a vibrant city through the delivery of design-led, people focussed urban renewal;
* Encourage and promote social and environmental sustainability; and
* Operate effectively with sound risk management practices to ensure value for money.[[169]](#footnote-169)
  1. The Committee held a public hearing with Mr Andrew Barr MLA, Chief Minister on 9 November 2018 to examine the City Renewal Authority 2017-2018 Annual Report.
  2. The Committee discussed the following matters with the Minister and CRA officials:
* Dickson Town Team / Town Team Concept;[[170]](#footnote-170)
* CRA Sustainability Strategy – aims and targets;[[171]](#footnote-171)
* CRA Sustainability Strategy – relationship to EPSDD Planning strategies;[[172]](#footnote-172)
* CRA Sustainability Strategy – climate change;[[173]](#footnote-173)
* CRA Sustainability Strategy – connections with other agencies;[[174]](#footnote-174)
* Sustainability Measures external to CRA;[[175]](#footnote-175)
* Internal Audit Program;[[176]](#footnote-176)
* Visual Identity Strategy;[[177]](#footnote-177)
* Henry Roland Park;[[178]](#footnote-178)
* ACT Government relationship with NCA – negotiations involving City to the Lake, Embassy placements and other associated riders;[[179]](#footnote-179)
* Achieving Code + 1 – Active Travel;[[180]](#footnote-180)
* Achieving Code + 1 – Energy efficiency measures;[[181]](#footnote-181)
* Achieving Code + 1 – 3 bedroom dwellings;[[182]](#footnote-182)
* Achieving Code + 1 – Liveability and urban design (including green space, tree cover, water saving measures);[[183]](#footnote-183)
* City Activation v Planning;[[184]](#footnote-184)
* City Activation Strategy;[[185]](#footnote-185)
* City Activation interim measures (including pick and mix tables; deck chairs; poet corner; winter festival; children’s playground);[[186]](#footnote-186)
* Levy;[[187]](#footnote-187)
* CRA Board Meeting Minutes;[[188]](#footnote-188)
* Live Music Venues/Entertainment precincts;[[189]](#footnote-189)and
* Sydney and Melbourne Buildings – Waste Enclosures.[[190]](#footnote-190)

### Dickson Town Team / Town Team Concept

* 1. The Committee asked a number of questions in relation to the town team concept which the CRA had implemented in Dickson. The CRA explained that:

The town team is a not-for-profit organisation that originated out of Western Australia. It does exist overseas in other locations. It is very much about the idea of bringing those three groups together, particularly residents, community and businesses, to have a view as to how they might enliven and renew their local town centre. It is predominantly based on that model of bringing those three groups together to form a cohesive view.[[191]](#footnote-191)

Town team is an approach to the way in which the authority wants to go about its place-making program across the precinct…Dickson was a prime example of a location within a precinct where we recognised that it was important we form or strengthen resilience within that community to take responsibility for the way in which Dickson emerges as a really competitive and appealing place.[[192]](#footnote-192)

* 1. The CRA indicated that the ACT government was not a member of the voluntary association, which it described as ‘an alliance of traders, residents in the community and the City Renewal Authority around a shared set of objectives in urban renewal’ [[193]](#footnote-193) but when asked to whether any funding was provided indicated that:

We have funded the work associated with the place planning work that we have been doing in Dickson. A component of that work was to explore the appetite within the group that Andy has just referred to for forming this type of group. The consultant that we used in preparing that place plan had direct experience—indeed, had people on their team who had been associated with the formation of town teams in other jurisdictions as part of their consultancy work. I guess that it was really as a result of being able to talk to the Dickson interests and stakeholders about the benefits that other similar communities have enjoyed through that approach that got this idea across the line. It is really a point where we say, “We have done our bit. It is over to you now to take the responsibility to help gather up the interest that we have created through that process.” It is for them to drive it. So government steps back, but we obviously keep close lines of communication with them about any follow-up work we will be doing, particularly capital improvements.[[194]](#footnote-194)

* 1. Whilst a future levy was not discounted by the Chief Minister he indicated that it was not ‘imminent’ but could be ‘something that may transpire in the future’ depending ‘on local interest and a perceived benefit.’[[195]](#footnote-195)
  2. When asked by the Committee as to whether the town team concept would be rolled out in other areas of Canberra the Chief Minister indicated that it would not be a CRA responsibility:

There would be no problem with that, should there be interest. It is not something that I think you can force on an area. But should there be that desire, we have a working example in the city of how it can operate. We would be very comfortable to share those experiences, should there be interest in other parts of Canberra to work with local stakeholders to facilitate just such an outcome. I would say in the context of the city model that you have large and small players involved. I think that is helpful, beneficial to the overall success of such a program. It is not just your large shopping mall anchor; it is also a very significant buy-in from small and medium enterprise, as well as the property owners within the different precincts. The point I could certainly make about the arrangements within the CRA precinct is that there are different areas. We have sort of sub-areas within the broader program. That allows for even more localised responses within a precinct program.[[196]](#footnote-196)

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| CRA Sustainability Strategy  * 1. The Committee asked the CRA about their recently release sustainability strategy and were informed that:   Sustainability is a core strategic goal of the CRA. You can trace the importance of that goal right back to what the act that established the authority was talking about. Our concept of sustainability is one of multiple sustainability, of promoting and supporting sustainable development as part of the renewal program. We have done that in a way that acknowledges the different elements of sustainability, particularly social sustainability.  You can imagine that the renewal effort and, again, that people-centred approach that is a core foundation of our work are quite important in the way in which we go about our renewal program. The basis of our strategy was not to reinvent the wheel. It was to go back and look at pre-existing, already approved strategies that have already been implemented around climate change and around other intersections with our work. The lens through which we have looked at our needs, in terms of sustainability strategies, is about renewal: our contribution to improving building performance, particularly making them more thermally higher performing; our contribution to dealing with the heat island effects that we have in our city; and promotion, for example, of electric vehicle charging. A whole series of performance indicators are articulated within that strategy.  My board is very keen to ensure that we just do not accept current practice. Many of the indicators are in fact about code plus one, which is an approach to say, “Yes, that is what might happen in the mainstream, but if we are serious about real achievement in the sustainability space we need to be setting stretch targets.” The sustainability strategy which was released today clearly articulates what those targets are and that we will be monitoring the performance of our work and the way in which we act both as a referral agency and, indeed, through our own projects as we take sites to market. We should be leading by example, so we have a great opportunity through our work as a land developer also to be demonstrating best practice, next practice approaches to sustainability.[[197]](#footnote-197)   * 1. The Committee then asked for details about the targets set out in the strategy and were informed that:   The targets for 2025 include improving housing choices for families by lifting the number of three-bedroom dwellings within the renewal precinct. We want to promote and support a greater level of active travel within the precinct. To do that we are targeting what is called a walk score, which is a measure of the walkability attractiveness and the means by which people, other than in cars, can access different places within the precinct, whether that be cycling or walking but, in particular, walking. Having access to facilities means their dependency on cars is reduced.  As I said a moment ago, we also want to promote and achieve much higher levels of efficient energy performance in any of the new developments and even in the adaptive re-use of buildings within the precinct. We see real scope particularly for non-residential buildings to be achieving energy performance targets that are at least 25 per cent above the current codes. When I talk about those stretch targets I think we can do that particularly in building performance and building management.[[198]](#footnote-198)   * 1. In discussing the targets articulated in the strategy the Committee asked the CRA to explain how they were going to reach the noted 25% energy performance target and were informed that:   The code is the base Australian standard or the recognised standard which all developments need to achieve, so the code plus one is obviously the next level up. If our ambition is to achieve a code plus one rating on energy performance, it means those developers delivering that building stock need to consider the energy and thermal capacity of the building, they need to design it to a higher standard, they need to orientate the building in a way to achieve access to natural daylight and things of that nature. They are the kinds of things the development industry needs to achieve in delivering those outcomes for the community.[[199]](#footnote-199)   * 1. When it was noted that the CRA did not have the statutory power to enforce such measures they indicated that:   Everything we do is about encouraging those outcomes. We are also the mandatory referral authority for developments that sit within the CRA area, so every development application comes across our desk. We have very deep and meaningful conversations with applicants as they apply for a development approval. I can count dozens of examples of conversations with developers around improving their energy and thermal capacity performance and basic things like access to daylight. We have rejected many applications because apartments do not get enough access to daylight. Those things affect thermal capacity, for residents to actually have a decent life. We have those discussions all the time and we have the capacity to not recommend a development application.[[200]](#footnote-200)  The statutory levers we can pull are quite limited. That is why we are talking to our colleagues in the environment and planning directorate about how the strategic plan refresh and, following that, the Territory Plan review might help strengthen our ability—particularly if we are a referral agency—to say that these are the requirements of the statutory instrument of a plan.  If that were to occur it would give us the teeth, as it were. As Andy has just said, much of what we have been able to achieve is by encouraging potential applicants and current applicants for new developments to adopt the kinds of standards we are setting. In most cases we find that, as Andy has said, we have developers who are quite receptive to that because they understand that consumers are becoming much more savvy about the performance of the buildings they want to be taken to market.[[201]](#footnote-201) Committee Comment  * 1. The Committee commends the City Renewal Authority on the excellent targets and goals set out in its sustainability strategy.  |  | | --- | | Recommendation 12  The Committee recommends that the ACT Government amends the Territory Plan and its infrastructure design standards to assist the City Renewal Authority to meet the goals and targets in its Sustainability Strategy. |  CRA Board Meeting Minutes  * 1. The CRA was asked a number of questions in relation to the meetings of its board and how they were accounted for. In particular the Committee asked about the number of meetings actually held in 2018 (nine) versus the number of meetings mentioned in the website (three).[[202]](#footnote-202) In response the CRA stated that:   We have a backlog regarding reporting the outcome of those meetings. We would be in a position fairly soon to make sure that the balance of the minutes and the outcomes of those board meetings are reported publicly, and we are working through those.[[203]](#footnote-203)   * 1. This backlog was explained to the Committee as not being due to any disputes but simply due to gaining the approvals necessary:   There is a process we have to go through with the chair and the board itself to make sure that the minutes accurately and correctly reflect the outcome of the meetings. We go through that process and make sure that, once those have been signed off and approved, they are then loaded up onto the public portal.[[204]](#footnote-204)  There are no disputes. It is simply so that the board has the opportunity, quite correctly and appropriately in a governance sense, to make sure that the minutes reflect the decisions that are taken.[[205]](#footnote-205)   * 1. When further questioned on this matter by the Committee the CRA further indicated:   What I have said to you is that there is a backlog in publishing those meeting outcomes. I accept that there has been too long a gap between those meetings and the publication of them, and we are doing everything we need to do to make sure that those outcomes are up on the website and that the community, under the open access arrangements, of course, have access to those outcomes.[[206]](#footnote-206)  It is important that we are absolutely transparent in our work as a public agency. The agency has now been operating for a month. The governance arrangements, the business operational arrangements, are now bedding down. I can assure you that if the agency has been slow to make sure that that information which is publishable is being made available, we will be making sure that, in a very timely way, those outcomes are published within the shortest possible time frame, with the support and cooperation of the board.[[207]](#footnote-207)   * 1. This was also supported by the Chief Minister who indicated that whilst he was ‘satisfied with the governance arrangements’ he was ‘not satisfied that there has been a delay in posting this information on the website.’[[208]](#footnote-208)   2. When asked if there was a legislative requirement for the minutes to be published the CRA responded that the relevant legislation ‘requires us to make sure that the proceedings, the outcomes of those meetings, are published,’[[209]](#footnote-209) however in response to a Question Taken on Notice the Committee was informed that:   There is no legislative requirement for the City Renewal Authority to publish the minutes of its Board's meetings online.  The Authority's Chair has chosen to publish, on the Authority's website, a list of the headings of matters considered at each Board meeting. These documents are known as 'Publishable Outcomes'. This publication is done once the minutes are approved by the Board, and within available staff resources. The Authority is currently working to update the Publishable Outcomes on its website as soon as possible.[[210]](#footnote-210)   * 1. When asked if any board minutes had been removed from the website the Committee was informed in an answer to a Question Taken on Notice that ‘no board minutes or Publishable Outcomes have been removed from the Authority’s website’.[[211]](#footnote-211)  |  | | --- | | Recommendation 13  The Committee recommends that the ACT Government ensure that the publication of City Renewal Authority Board meeting outcomes or ‘Publishable Outcomes’ be completed in a more timely manner. | |

## Conclusion

* 1. The Committee has made 13 recommendations in this report relating to a broad range of topics.
  2. The Committee would like to thank ACT Government Ministers and directorate officials for their contribution this this inquiry.

Ms Caroline Le Couteur MLA

Chair

6 March 2019

## Appendix A - Witnesses

### 9 November 2018

* ***Ms Yvette Berry MLA, Minister for Housing and Suburban Development***
* ***Mr Andrew Barr MLA, Chief Minister***
* ***Ms Stephen Smith MLA, Minister for Urban Renewal***
* ***Mr Mick Gentleman MLA, Minister for Planning and Land Management***
* ***Mr Gordon Ramsay MLA, Minister for Building Quality Improvement***
* *Mr Ben Ponton, Director-General, EPSDD*
* *Mr Geoffrey Rutledge, Deputy Director-General, Sustainability and the Built Environment, EPSDD*
* *Mr Craig Simmons, Chief Operating Officer, EPSDD*
* *Ms Elizabeth Howell, Senior Manager, Affordable Housing, EPSDD*
* *Ms Deb Foulcher, Director, Strategy and Viability, Housing ACT*
* *Mr Malcolm Snow, Chief Executive Officer, City Renewal Authority*
* *Mr Andy Sharp, Director Design and Place Strategy, City Renewal Authority*
* *Mr Joey Lee, Chief Financial Officer, Suburban Land Agency & City Renewal Authority,*
* *Mr John Dietz, Chief Executive Officer, Suburban Land Agency*
* *Mr Tom Gordon, Executive Director, Development Delivery, Suburban Land Agency*
* *Ms Jody Gleeson, Corporate Marketing, Suburban Land Agency*
* *Ms Chloe Howorth, Director, Urban Renewal, EPSDD*
* *Ms Karen Wilden, Director, Engagement and Executive Support, EPSDD*
* *Mr Bruce Fitzgerald, Executive Director, Urban Renewal, EPSDD*
* *Mr Greg Jones, Director, Workplace Protection, CMTEDD*
* *Dr Erin Brady, Deputy Director-General, Land Strategy and Environment, EPSDD*
* *Mr George Cilliers, Director, Development Assessment, EPSDD*
* *Mr Alex Nockels, Acting Director, Land Development Projects, EPSDD*
* *Ms Kathy Cusack, Executive Director, Planning Policy, EPSDD*
* *Mr Ben Green, A/g Director, Regulatory, Solutions and Compliance, Access Canberra, CMTEDD*

## Appendix B – Questions taken on Notice/ Questions on Notice

Questions taken on Notice – 9 November 2018

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
| 1 | 9 November 2018 | Le Couteur | EPSDD | Cost to date for PHRT Program | 27/11 |
| 2 | 9 November 2018 | Coe | CRA | WSD in last 12 months | 19/11 |
| 3 | 9 November 2018 | Coe | CRA | Minutes not on web from CRA Board meetings – possible breach of requirements | 19/11 |
| 4 | 9 November 2018 | Coe | CRA | Have any CRA Board Minutes been removed from the web | 19/11 |
| 5 | 9 November 2018 | Coe | SLA | Information on Lease Variations where DA has been approved and the LVC that applied in each of these DAs | 22/11 |
| 6 | 9 November 2018 | Le Couteur | SLA | Active travel location in North Wright | 22/11 |
| 7 | 9 November 2018 | Parton | SLA – Urban Renewal | Size of proposed carpark in Kingston Arts Precinct | 19/11 |
| 8 | 9 November 2018 | Cheyne | EPSDD – Loose Fill Asbestos Eradication Scheme | How many complex properties remaining – broken down by region/electorate | 20/11 |
| 9 | 9 November 2018 | Coe | EPSDD – Loose Fill Asbestos Eradication Scheme / Access Canberra | Harrison School   * When was the testing conducted relative to the asbestos concern being raised; * what day was access to the site (esp children) restricted * when is Worksafe supposed to be advised in such circumstances (according to legislation) | 20/11 |
| 10 | 9 November 2018 | Parton | EPSDD | Lease length of greyhound racing club | 21/11 |
| 11 | 9 November 2018 | Cheyne | EPSDD | When was the shipping container complaints – comparison of 2017-2018 number of complaints with previous years. | 16/11 |
| 12 | 9 November 2018 | Cheyne | EPSDD | When was the shipping container section of the planning regulations last updated. | 21/11 |
| 13 | 9 November 2018 | Coe | EPSDD | What contact has been made between government agencies and the developer of the Coombs shops | 21/11 |
| 14 | 9 November 2018 | Cheyne | EPSDD/Access Canberra | What have been the number of complaints about sheds – financial year | 16/11 |

Questions on Notice - related to hearings of 9 November 2018

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No. | Hearing date | Asked by | Directorate/ Portfolio | Subject | Answer date |
| 1 | 9 November 2018 | Cody | SLA | Staffing breakdown and demographics in SLA | 4/12 |
| 2 | 9 November 2018 | Cody | CRA | Staffing breakdown and demographics in CRA | 28/11 |
| 3 | 9 November 2018 | Parton | EPSDD | Development Applications – boundaries (see also p34 Annual Report) | 11/12 |
| 4 | 9 November 2018 | Le Couteur | EPSDD/SLA – Urban Renewal | Yarralumla Brickworks and Land Release in Eastlake | 11/12 |
| 5 | 9 November 2018 | Le Couteur | SLA | Status of Rural Leases as per Auditor-General’s Report 8/2018 | 4/12 |
| 6 | 9 November 2018 | Le Couteur | EPSDD/SLA – Urban Renewal | Future Brownfields Land Releases – EPIC | 5/12 |
| 7 | 9 November 2018 | Le Couteur | CRA | Zero Emissions Targets and Urban Heat Island issues | 28/11 |
| 8 | 9 November 2018 | Le Couteur | SLA | Sustainability Goals – SLA as compared to CRA | 4/12 |
| 9 | 9 November 2018 | Le Couteur | SLA | Coombs Development | 4/12 |
| 10 | 9 November 2018 | Le Couteur | SLA | Release of sites for supermarkets in Coombs | 4/12 |
| 11 | 9 November 2018 | Coe | EPSDD | Land Release Policy – Asset Recycling Initiative (see also p32 Annual Report EPSDD) | 28/11 |
| 12 | 9 November 2018 | Coe | CRA | West Basin and Henry Rolland park | 28/11 |
| 13 | 9 November 2018 | Coe | CRA | Haig Park improvements – implementation and budgeting | 28/11 |
| 14 | 9 November 2018 | Coe | CRA | City Centre Marketing and Improvement Levy | 28/11 |
| 15 | 9 November 2018 | Coe | EPSDD (asbestos) | Sales of Mr Fluffy Blocks | 28/11 |
| 16 | 9 November 2018 | Coe | EPSDD (asbestos) | Complaints re: remediation and non-compliance with asbestos management plants | 12/12 |
| 17 | 9 November 2018 | Coe | EPSDD/SLA | Residential Shortfall (see also p168 SLA Annual Report) | 4/12 |
| 18 | 9 November 2018 | Coe | EPSDD/SLA | Mixed Use Land Release (see also p168 SLA Annual Report) | 4/12 |
| 19 | 9 November 2018 | Coe | EPSDD/SLA | Community Land Release (see also p169 SLA Annual Report) |  |
| 20 | 9 November 2018 | Coe | SLA | Publication of Board Meeting Outcomes | 4/12 |
| 21 | 9 November 2018 | Coe | EPSDD/SLA | Strathnairn Land Release (see also p 169 SLA Annual Report) | 4/12 |
| 22 | 9 November 2018 | Coe | EPSDD | Land Release Policy – Residential Dwelling Breakdown | 29/11 |
| 23 | 9 November 2018 | Coe | EPSDD | Land and Property Report (see also p 88 EPSDD Annual Report) | 29/11 |
| 24 | 9 November 2018 | Coe | EPSDD | Land Release Policy – Commercial Land Release (see also p 32 EPSD Annual Report) | 29/11 |
| 25 | 9 November 2018 | Coe | EPSDD | Land Release Policy - Detached Residential Block Sales | 29/11 |

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