

ARRANGEMENTS BRIEF

<p>FUNCTION:</p>	<p>A one-day symposium entitled Climate Change Adaptation in the ACT: Environment, Heritage and Water”. The aim of the symposium is to kickstart the process of development of a climate adaptation framework for the nature by exposing government managers, policymakers and scientists to the cutting-edge research and thinking of the Australian National University (ANU), University of Canberra (UC) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) on climate change adaptation. The focus is on landscape-level adaptation (as distinct from e.g. the urban adaptation focus of the ACT Government’s Living Infrastructure Plan).</p> <p>The symposium has been collaboratively co-convened by:</p> <ul style="list-style-type: none"> • the ACT Government Environment, Planning and Sustainable Development Directorate (EPSDD) • the Centre for Biodiversity Analysis (CBA; a network that brings together researchers from UC, the ANU, and CSIRO, and links them with research users), and • the ANU Institute for Climate, Energy and Disaster Solutions (ANU-ICEDS).
<p>VENUE:</p>	<p>Ann Harding Conference Centre, Building 24, University Drive South, University of Canberra.</p>
<p>HOST:</p>	<p>Name: Rosie Cooney, Conservation Research and Evaluation branch, Environment, Heritage and Water (EHW), EPSDD Mobile: [REDACTED]</p>
<p>DAY:</p>	<p>Friday</p>
<p>DATE:</p>	<p>8th April</p>
<p>TIME:</p>	<p>The symposium commences at 9am and runs until 5pm. Minister Gentleman will be speaking at the opening of the second session of the symposium, which focuses on adaptation in the context of management of Namadgi National Park.</p> <p>This is scheduled to commence at 10:45am (following morning tea).</p>
<p>TIME COMMITMENT:</p>	<p>Minimum time commitment is 15 minutes (arrival, commencement of session, 5-minute speech). The Minister is welcome to stay for as much of the symposium as he would like.</p>
<p>CATERING:</p>	<p>Morning tea will be served 10:30am – 10:45am, preceding the Minister’s talk, and the Minister is welcome to participate.</p>
<p>DRESS CODE:</p>	<p>No set dress code. Business/smart casual would be appropriate.</p>
<p>YOUR ROLE:</p>	<p>A five-minute speech, opening the session of the symposium focused on climate adaptation in Namadgi National Park (Attachment A). A microphone and lectern will be available.</p>
<p>WHERE TO PARK:</p>	<p>A parking spot will be available directly to the right of the entrance of the conference centre.</p>

Mick Gentleman MLA - Arrangements brief

WHO WILL MEET YOU:	Rosie Cooney, Environment, Heritage and Water (EHW) Division.
ADVISOR ATTENDING:	No
AUDIENCE:	A mixture of researchers from ANU, CSIRO and UC (approx. 30-40), and staff from EPSDD (approx. 30-40), across EHW and some other parts of EPSDD.
VIPs:	<ul style="list-style-type: none"> • Rebecca Vassarotti, Minister for the Environment (will be opening the symposium – may still be present). • MLA Jo Clay is expected to attend the full day.
PAST INVOLVEMENT:	None known
SENSITIVITIES:	<p>There are no known funding sensitivities. CBA is not funded by ACT Government, but ACT Government has many collaborative research projects with its member organisations (ANU, CSIRO, UC). This symposium may possibly lead to further collaborative arrangements involving funding, and this is likely to be one of the motivations for the researchers present to participate in this event. However, there are no concrete projects related to this currently in the planning stage.</p> <p>There are no significant policy sensitivities. Climate adaptation broadly is led by CMTEDD and the Climate Change and Energy Division within EPSDD. EHW is closely linked in with both these teams in its work on adaptation.</p>
ORDER OF CEREMONIES	<p>10:30am - 10:45am - Morning tea.</p> <p>10:45am - Pete Cotsell (Parks and Conservation Service) opens the session and introduces the Minister.</p> <p>10:45am -10:50am - Minister Gentleman gives a short speech opening the session.</p> <p>10:50am - Pete Cotsell thanks the Minister and introduces the subsequent speaker.</p> <p>Minister may then stay as long as desired in the symposium.</p>
MEDIA:	No media interaction is anticipated.
SOCIAL MEDIA ACCOUNTS	<p>The Centre for Biodiversity Analysis twitter handle is @biodivaCBA.</p> <p>The ANU Institute for Climate, Energy and Disaster Solutions twitter handle is @ANU_ICEDS.</p>
OUTSTANDING REGULATORY ISSUES	N/A

Environment, Planning and Sustainable Development Directorate

To: Minister for the Environment Tracking No.: 22/02286

CC Minister for Business and Better Regulation

Date: 7 March 2022

From: Executive Group Manager, Environment, Heritage and Water

Subject: Hazardous Materials Environment Protection Policy – finalisation of review

Critical Date: **Routine**

Critical Reason: To allow the ACT to incorporate the Minimata convention in a timely manner.

- DDG, Environment, Water and Emissions Reduction 16/03/22
- EPA, Access Canberra 16/03/2022
- DDG, Access Canberra 16/03/2022

Recommendations

That you:

1. **Note** the outcomes of public consultation on the Hazardous Materials Environment Protection Policy (Attachment C); and

Noted / Please Discuss

2. **Agree** to the finalisation of the revised Hazardous Materials Environment Protection Policy (Attachment A) and its pending notification on the ACT Legislation Register by the Environment Protection Authority under the *Environment Protection Act 1997* (Attachment D).

Agreed / Not Agreed / Please Discuss

Rebecca Vassarotti MLA



20/4/2022

Minister's Office Feedback

Background

1. Environment Protection Policies (EPPs) are made under Part 4 of the [Environment Protection Act 1997](#) (the Act) to help the Environment Protection Authority (EPA) in administering the Act and to help people understand and comply with the legal requirements of the Act, the [Environment Protection Regulation 2005](#) (the Regulation) and the 'general environmental duty' (s. 22 of the Act).
2. There are currently eight EPPs made under the Act: [General](#) (May 2016), [Air](#) (November 1999), [Contaminated Sites](#) (December 2017), [Hazardous Materials](#) (November 2010), [Motorsports Noise](#) (November 2002), [Outdoor Concert Noise](#) (July 2001), [Noise](#) (June 2012) and [Water Quality](#) (June 2012).
3. You agreed to the release of the draft Hazardous Materials (HM) EPP for public consultation on 27 October 2021 (21/85754).

Issues

4. A comprehensive review of the current HM EPP ([Attachment B](#)) was undertaken prior to public consultation, resulting in the HM EPP being revised to align with the current best practice guidance. The draft HM EPP ([Attachment A](#)) was released for public consultation from 4 November 2021 to 4 January 2022.
5. Public consultation attracted five submissions, which are detailed in a Consultation Report ([Attachment C](#)). Submissions were minor in nature, generally supportive and primarily related to formatting, additional information, and administrative corrections. No submissions received expressed opposition to the HM EPP.
6. The draft HM EPP forms part of the ACT's national commitments to implement the [Minamata Convention on Mercury](#) (21/15312), ratified by Australia on [7 December 2021](#), and to facilitate implementation of the [National Standards for Environmental Risk Management of Industrial Chemicals in 2022](#).
7. The revised HM EPP will be notified by the EPA as a finalised policy document ([Attachment D](#)).

Financial Implications

8. There are no financial implications for industry as the HM EPP does not place any additional requirements on industry.

Consultation

Internal

9. Environment, Planning and Sustainable Development Directorate (EPSDD) Communications prepared and reviewed the communications plan that was implemented during public consultation ([Attachment E](#)).
10. EPSDD Legal Policy and Integrity were consulted in preparation of the notifiable instrument advising of the release of the HM EPP as a finalised policy document and revoking previous notifiable instruments relating to the HM EPP.

Cross Directorate

11. The EPA (Access Canberra, Chief Minister, Treasury and Economic Development Directorate), ACT NoWaste (Transport Canberra and City Services Directorate), Health Protection Service (ACT Health) and the Commissioner for Sustainability and the Environment were all consulted during the preparation of the draft HM EPP.

External

12. Part 4 of the Act requires all draft EPPs be made available for public consultation for a period of 40 working days. The community and stakeholders were advised of the draft HM EPP and written submissions were invited through YourSay and Environment Protection Policy email.

13. The draft HM EPP was provided to the Conservation Council ACT Region, the Canberra Business Chamber, the Environmental Defender’s Office, the Commissioner for Sustainability and the Environment and other identified key stakeholders during the public consultation process.

Work Health and Safety

14. The HM EPP provides information to minimise the risk of adverse impacts on human health both within the ACT and elsewhere, from the manufacture, supply, use, storage, transport and disposal of hazardous materials.

15. There are no work health and safety implications associated with the finalisation of the HM EPP.

Benefits/Sensitivities

16. The draft HM EPP reflects current best practice for the management, use and disposal of hazardous material. It is not expected that the finalisation of the draft HM EPP will be perceived as controversial.

Communications, media and engagement implications

17. EPSDD Communications implemented the communications plan during public consultation and will consult your office on the need for a media release announcing the finalisation of the HM EPP review. Alternatively, the EPA could issue a media release which has been the practice previously. The HM EPP will be made available to the public on the Access Canberra website and stakeholders advised.

Signatory Name:	Ian Walker	Phone:	6205 9027
Action Officers:	Daniel Walters	Phone:	6207 6334

Attachments

Attachment	Title
Attachment A	Hazardous Material Environment Protection Policy (2022)
Attachment B	Hazardous Material Environment Protection Policy (2010)
Attachment C	Consultation Report
Attachment D	Notifiable Instrument – finalisation of Hazardous Materials Environment Protection Policy review
Attachment E	Communications Plan

ARRANGEMENTS BRIEF

FUNCTION:	Site Visit to Mugga Mugga, Symonston
VENUE:	Mugga Mugga Cottage, 129 Narrabundah Lane, Symonston
HOST:	Name: Mr Gordon Ramsay, CEO Cultural Facilities Corporation Mobile: [REDACTED]
DAY:	Thursday
DATE:	12 May 2022
TIME:	10.00 am – 11.30 am
TIME COMMITMENT:	45 minutes (plus travel time)
CATERING:	Nil
DRESS CODE:	Please wear appropriate clothing and footwear for outdoors as the visit involves walking over gravel paths, some uneven ground and through grass.
YOUR ROLE:	To inspect the rural setting of Mugga Mugga Cottage and the location of previous subdivision proposals adjacent to the site. Notes to inform the meeting are provided at Attachment A .
WHERE TO PARK:	Visitor Carpark – please see map at Attachment B .
WHO WILL MEET YOU:	Mr Ramsay and Dr Anna Wong, Director ACT Historic Places
ADVISOR ATTENDING:	Michael Liu (Arts Advisor for Minister Cheyne)
AUDIENCE:	Cultural Facilities Corporation: <ul style="list-style-type: none"> • Gordon Ramsay, CEO Cultural Facilities Corporation • Dr Anna Wong, Director, ACT Historic Places
VIPs:	n/a
PAST INVOLVEMENT:	Unknown
SENSITIVITIES:	See notes to inform meeting (Attachment A).
ORDER OF CEREMONIES	<p>10:00am: Minister arrives at Visitor Carpark, met by Mr Ramsay and Dr Wong.</p> <p>10:05am to 10:25am: Walk to Mugga Mugga Cottage and surrounding paddocks to view landscape setting and area of previous proposed subdivision.</p> <p>10:25am to 10:40am: Walk through Mugga Mugga Cottage.</p> <p>10:35am to 10:45am: Walk back to Education Centre carpark.</p> <p>10:45am: Visit concludes. Minister free to leave.</p>

Rebecca Vassarotti MLA - Arrangements brief

MEDIA:	Not required
SOCIAL MEDIA ACCOUNTS	Not required
OUTSTANDING REGULATORY ISSUES	Nil

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Environment, Planning and Sustainable Development Directorate**To:** Minister for the Environment

Tracking No.: 22/21211

To: Minister for Planning and Land Management**Date:** 25 March 2022**From:** Director General, Ben Ponton**Subject:** Environmental Studies for the Western Edge**Critical Date:** **Routine****Critical Reason:** In the normal course of business

- DG 29/03/22
- DDG, Planning and Sustainable Development 25/03/22
- DDG, Environment, Water and Emissions Reduction 25/03/22

RecommendationThat you **note** the information contained in this brief;

Rebecca Vassarotti MLA

**Noted / Please Discuss**

20/4/2022

Minister's Office Feedback

Thank you for this comprehensive brief. [REDACTED]

[REDACTED] I am keen to explore how we can provide information into the public domain, particularly around environmental values in particular areas that are known to provide a context to future decision making process. I also note with interest the work occurring around the biodiversity tool, and the importance of connectivity considerations when considering the impacts of potential development of this type. I am keen to see how these will be integrated into future stages of the process.

Noted / Please Discuss

Mick Gentleman MLA



29/4/2022

Minister's Office Feedback

According to this brief, decisions about the Western Edge, whether these relate to development or environmental protection, will require Cabinet and Budget considerations. Early information is therefore likely to be cabinet-in-confidence. Can officials please ensure that Western Edge studies and materials are appropriately marked as cabinet in confidence.

Background

1. Minister Vassarotti's office requested information on environmental studies and values in relation to the Western Edge Investigation area (WEIA) and Denman Prospect Section 1, Block 12, specifically:
 - a. What are the known environmental values for this area?
 - b. For the environmental assessments, what is the scope outlined in the scoping study?
 - c. What inputs from Environment and the Conservator have been provided to date, and what are the next stages at which input will be provided?
 - d. Update on timeframes and processes, noting the previous briefing that was given in 2021.
 - e. How has information from the urban biodiversity tool been input into environmental studies?
 - f. What buffers have been recommended to protect the environmental values above?
2. Roles and responsibilities of Minister Gentleman and Minister Vassarotti are broken down in the following ways:
 - a. Minister Gentleman: oversight of the planning and land management portfolios in EPSDD, which includes responsibility for the WEIA and associated investigations and planning for future recommendations to Government on land use. Additionally, these portfolios include fire management responsibilities and protection of assets (environment, built and cultural) from fire; undertaken by the ACT Parks and Conservation Service.
 - b. Minister Vassarotti: oversight of the environment and heritage portfolios within the Environment, Heritage and Water Division (EHW) in EPSDD, that provide regulatory, policy, planning functions and technical advice and expertise on natural resource management, biosecurity, biodiversity, conservation research, evaluation and heritage conservation along with environment protection policy.
3. The information in this brief is provided in relation to the Western Edge Investigation Area (refer Attachment A) and Section 1, Block 12 Denman Prospect and areas of land in proximity that are often referred to as Bluett's and Blewitt's Blocks (refer Attachment B). The relationship between these two areas is shown in Attachment C.

Issues

Western Investigation Area Work

4. The project work at present is proposed to be undertaken in five phases to get to potential land release identification (should that be an outcome of earlier phases). Funding was provided in the 2019-20 budget and the work has been delayed due to COVID impacts and seasonal requirements for some studies.

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- a. Phase One - preliminary investigations have been completed (refer para 25).
 - b. Phase Two - 2021-22 investigations and procurement. The project has progressed to this phase.
 - c. Phase Three - investigations in 2022-23 may progress to consideration of preliminary land use options and undertaking the further ecological studies (subject to available budget funding of \$230,000 and the outcomes and the recommendations of the 2021-22 studies).
 - d. Phase four - Statutory Processes 2023-24 may involve territory plan variations, an EPBC strategic report, Ecological survey, cultural heritage assessment, infrastructure investigations and National Capital Plan Amendment (if required).
 - e. Phase five – Statutory Approvals 2024-25 and onward - may require EPBC approval, ACT EIS process, capital works investigations commence and targeted studies for specific land release locations.
5. Further budget funding will be required to further progress the Western Edge investigations and undertake further environmental surveys and this will be subject to normal Budget considerations.
6. In relation to the WEIA there are no statutory environmental and planning approval processes within the current three phases, over the next 18 months. Statutory approval processes would occur after 2022-23 (depending on outcomes of work) and would need to be based on sufficient information and evidence.
7. In relation to the deferred area, it is anticipated that a revised request for an exemption from an EIS (as per current planning legislation, noting proposed changes to this process are anticipated in the Planning Bill 2022) for Section 1, Block 12 will be submitted, which will again be reviewed by the Conservator.

Known environmental values of the WEIA (Minister Gentleman portfolio area work)

8. A Preliminary Ecological Review and Assessment of the WEIA was commissioned by EPSDD and undertaken in 2020-21. Known significant ecological values identified in the Ecological Review and Assessment include:
- a. Natural Temperate Grassland, a critically endangered ecological community
 - b. Yellow Box-Blakely's Red Gum Woodland, a critically endangered ecological community
 - c. vegetation maintaining local and regional habitat connectivity
 - d. five threatened flora species
 - e. 47 rare and uncommon flora species
 - f. 12 threatened bird species including 513 hectares (ha) of confirmed Superb Parrot (*Polytelis swainsonii*) breeding habitat, and an additional 423ha of potential breeding habitat

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- g. 16 rare or conservation dependent bird species
- h. Pink-tailed Worm-lizard (*Aprasia parapulchella*), including 617ha of confirmed habitat, and an additional 73ha of potential habitat
- i. Golden Sun Moth (*Synemon plana*), including 105ha of confirmed habitat, and additional potential habitat
- j. Small Ant-blue Butterfly (*Acrodipsas myrmecophila*)
- k. three threatened fish species.

9. The Ecological Review and Assessment recommended:

- a. additional flora and fauna surveys to appropriately identify and describe the significant ecological values that occur in the WEIA;
- b. engaging experts to conduct additional reviews and analysis, particularly with respect to aquatic ecology and habitat connectivity; and
- c. engaging with the relevant groups in Environment Heritage and Water (EHW) within EPSDD to:
 - i. address fundamental issues on the overall impact of urban development on the ecological values that occur in the WEIA; and
 - ii. identify potential conservation / future offset areas.

10. In consultation with EHW it was further recommended, on the basis of the above study, that the following additional studies were required:

- a. significant tree assessment – regarding superb parrot
- b. significant tree assessment – other
- c. survey for birds of conservation concern
- d. survey for hollow-dependent fauna (microbats, gliders, treecreepers)
- e. assessment of functional connectivity (for individuals and populations) - patch size, distance (with respect to key groups) with recommendations from the urban biodiversity tool valuable input into this assessment
- f. assessment of habitat features and function - e.g., surface rock, coarse woody debris, tree regeneration and health, to enable evaluation of habitat quality/suitability
- g. assessment of importance of areas at the Territory and National scale under climate change scenarios for key taxa of conservation concern (e.g. microbats, birds).

11. Recommendation (g) is viewed as critical information for supporting resilience of biodiversity to expected climate change and supporting functional habitat and connectivity into the future.

Known environmental values of Denman Prospect Section 1, Block 12

12. The vegetation of Denman Prospect Section 1 Block 12 is characterised by a relatively intact dry sclerophyll forest of moderate to high diversity on the upper slopes of the ridge, and a highly disturbed open woodland with scattered remnant and regenerating eucalypts in the low-lying areas.

13. None of this vegetation meets the criteria of an endangered ecological community.
14. Attachment B shows known environmental values for Bluetts Block and Blewitts Block, including the deferred area at Section 1, Block 12.
15. The site provides contiguous habitat adjoining what are our only recently recorded native small mammal populations in Canberra Nature Park (outside of Mulligans Flat/ Gorooyaroo). One Common Dunnart record is very close to the boundary, making it unlikely that the area is not used to some extent by this population.
16. More broadly, the site buffers the communities of Blocks 402/403; without this, these blocks will experience greater edge effects related to the urban area (e.g., weeds, off-target rodenticides, recreational impacts, dogs, light pollution, and adverse changes to microclimate).
17. A single Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) plant was recorded during the spring 2021 targeted surveys. This species is listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
18. 14 species of orchid have been found within the block. All are Protected Native Species under the *Nature Conservation Act 2014* (NC Act), and three are considered rare in the ACT.
19. 27 mature remnant trees occur in the area of disturbed woodland. Some of these trees have habitat hollows.
20. Three coconut ant nests have been recorded in remnant woodland trees, which are critical for the survival of the nationally rare Small Ant-blue Butterfly.
21. In addition to many common native birds, several EPBC Act and/or NC Act listed birds, and numerous other species considered conservation dependent in the region, may forage and potentially breed in the study area, including:
 - a. Brown Treecreeper (*Climacteris picumnus victoriae*),
 - b. Varied Sittella (*Daphoenositta chrysoptera*),
 - c. Little Eagle (*Hieraaetus morphnoides*),
 - d. Hooded Robin (*Melanodryas cucullata cucullate*),
 - e. Scarlet Robin (*Petroica boodang*), and
 - f. Superb Parrot.
22. A single record of Pink-tailed Worm-Lizard has been recorded.

Ongoing Investigations

23. Consultants are currently being procured to undertake work in Phase two of the WEIA work including:

- a. Land Use Capability and Suitability Assessment, in broad terms that will consider:
 - i. Undertaking a land capability assessment;
 - ii. Identifying land areas and boundaries and potential uses;
 - iii. Undertaking a land suitability assessment;
 - iv. Developing potential land use scenarios and analysis; and
 - v. Recommendations for next steps and further work.
- b. Aquatic and Riparian Literature Review (desktop study), in broad terms:
 - i. Reviewing and identifying aquatic and riparian values and impacts;
 - ii. Identifying and mapping environmental and ecological values; and
 - iii. Recommending future aquatic and riparian surveys.

24. In addition, it is expected that further studies will be procured this financial year, subject to available funding, as follows:

- a. Environmental surveys (targeted) consistent with best practice methodologies and EPBC criteria.
- b. Cultural Values Assessment.
- c. Aquatic and Riparian Benchmarking Study.

25. The following investigations have been completed as part of Phase 1. Noting these were preliminary and first phase, they have in many cases resulted in recommendations for further investigation:

- a. Preliminary Air Quality Assessment Report
- b. Preliminary Contamination Assessment
- c. Preliminary Geotechnical and Hydrogeological Assessment
- d. Water Values and Environmental Hydrology Assessment
- e. Preliminary Cultural Heritage Assessment
- f. Landscape Character Values and Visual Assessment
- g. Preliminary Bushfire Risk Assessment
- h. Preliminary Ecological Review and Assessment
- i. Preliminary Assessment of Engineering Infrastructure Opportunities and Constraints.

Inputs from Environment Heritage and Water (EHW) and the Conservator of Flora and Fauna – Minister Vassarotti portfolio responsibility

26. While the Western Edge Investigations Project is being led by the Planning portfolio, the detailed work is being shared by Strategic Planning working with EHW. This includes:

- a. EHW representatives on the Western Edge Project Control Group (PCG)
- b. EHW review of and contribution to Western Edge consultancy briefs and provision of comments.

27. EHW will continue to work with Strategic Planning on the detailed work and provide input.

Statutory Processes

28. The Conservator of Flora and Fauna recently provided comment on a request for exemption from an Environmental Impact Statement (EIS) for an Estate Development Plan for the Denman Prospect 2 Estate, located at Section 1, Block 12 (the previously deferred area).

29. The Conservator did not support the application as the proposed works were unclear and the application had not comprehensively considered:

- a. Potential Pink-tailed Worm-lizard habitat
- b. Mitigation measures in relation to impacts on protected orchids; and
- c. Assessment and consideration of impacts beyond the holding lease in relation to bushfire risk mitigation measures.

Utilisation of the Urban Biodiversity Tool

30. The urban biodiversity tool at its current stage of development does not encompass the whole WEIA. The relevant GIS files from preliminary investigations have been provided to guarantee integration with the urban biodiversity tool as it develops and to support future iterations that can inform work on the Western Edge.

31. Input and advice from EHW in respect to urban biodiversity and habitat connectivity will continue to be provided and inform the outcomes of the WEIA project.

Buffers

32. No areas have yet to be determined for land use, change or development, and as such, no buffers have been identified or recommended.

33. These will in part, be informed by the findings of the Land Use Capability and Suitability Assessment and by environmental surveys.

34. There will also be a need for future developers (depending on outcomes of work and land use proposals) to incorporate required bushfire Asset Protection Zones entirely within the development footprint. This is to avoid bushfire fire management activities impacting Blocks 402 and 403 further to that already required for protection of the existing Denman Prospect development.

35. The Parks and Conservation Service in line with requirements of the strategic bushfire management plan undertake works on public land on the western edge and provide advice on fire risks this will include as part of the WEIA.

Financial Implications

36. The current WEIA work is budget funded as noted earlier but continuing phases will require further funding.

Consultation

Internal

37. Conservation Research and Evaluation, Conservator, the Parks and Conservation Service and Strategic Planning across EPSDD contributed to the development of this brief.

Cross Directorate

38. Nil.

External

39. Nil.

Work Health and Safety

40. There are no work health and safety considerations associated with this brief.

Benefits/Sensitivities

41. The Western Edge investigations are in response to an action of the ACT Planning Strategy 2018.

42. The WEIA contains significant ecological values and any development areas proposed would need to be carefully considered.

Communications, media and engagement implications

43. There is significant community interest in Bluetts/Blewitts Block and this is likely to continue as the investigation progresses.

44. No communications are anticipated at this time.

Signatory Name: Ben Ponton Phone: 6207 8359
Action Officer: Eliza Larson Phone: 6207 7009

Attachments

Attachment	Title
Attachment A	Map – Western Edge Investigation Area
Attachment B	Bluetts and Blewitts Block Values Map
Attachment C	Western Edge Investigation Area and Denman Prospect

Environment, Planning and Sustainable Development Directorate

To: Minister for Heritage

Tracking No.: 22/19985

Date: 10/03/2022

From: Executive Group Manager, Environment, Heritage and Water

Subject: 2022 Canberra and Region Heritage Festival – Independent Review

Critical Date: **18/03/2022**

Critical Reason: To gain advice from the Independent Reviewer and proceed with a 2022 Canberra and Region Heritage Festival campaign, scheduled to launch 24 March 2022.

- DDG, Environment, Water and Emissions Reduction 17/03/22

Recommendations

That you:

1. **Note** the information contained in this brief and attachments; and

Noted / Please Discuss

2. **Sign** the *Approval to Refer Advertising Campaign to the Independent Reviewer* form at Attachment A.

Signed / Not Signed / Please Discuss

Rebecca Vassarotti MLA



21/3/2022

Minister's Office Feedback

Background

1. The 39th Canberra and Region Heritage Festival (the Festival) will be held from 9 April to 1 May 2022 with a theme of 'Curiosity'. The Festival is held by the Environment, Planning and Sustainable Development Directorate (EPSDD) annually to celebrate natural, historic and Aboriginal heritage, including enduring Aboriginal culture, in the ACT and region.
2. The Festival is a way for the ACT Government to raise the profile of, build awareness for and engage the community in conserving heritage in the region.
3. The theme focuses on the foundation of new ideas, creativity, innovation and knowledge in the way we experience heritage.
4. To support engagement in the 2022 Festival, a campaign is proposed to launch following the launch event on 24 March 2022.
5. ACT Government advertising and promotion campaigns with expenditure in excess of \$40,000 must be reviewed by the Independent Reviewer of Campaign Advertising to comply with the [Government Agencies \(Campaign Advertising\) Act 2009](#) (the Act).
6. A package to request a review is at [Attachment A](#) for your approval. The media plan ([Attachment B](#)), Messaging Matrix ([Attachment C](#)) and Creative ([Attachment D](#)) are attached to support this review.

Issues

7. EPSDD is seeking agreement from the Independent Reviewer on the 2022 Festival media plan and supporting communications materials budgeted at \$87,682. Your signature is required on [Attachment A](#).
8. The campaign implementation may involve a phased rollout to ensure effective targeting is in place, and to allow for the additional production timings required for some materials.
9. All advertising will comply with the Act.

Financial Implications

10. The total proposed campaign budget is \$87,682. A budget of \$23,682 has been designated to the production of campaign materials and a budget of \$64,000 has been designated to support campaign promotion through a media plan.
11. The Community Partnerships component of the 2020-21 Heritage Grants Program provides the funding for the Festival.

Consultation

Internal

12. This brief was prepared in consultation with ACT Heritage.

13. Program planning and communications collateral for the Festival have been developed in consultation with ACT Heritage, the ACT Heritage Council, ACT Parks and Conservation Service, and Traditional Custodian Engagement.

Cross Directorate

14. Program planning has been developed in consultation with Chief Minister, Treasury and Economic Development Directorate ACT Historic Places and Transport Canberra City Services.

External

15. Program planning and communications collateral for the Festival have been developed in consultation with the Dhawura Ngunnawal Caring for Country Committee (DNCCC).
16. Two artists were appointed to create concepts for this year's festival – both a local Ngunnawal artist and a local street artist.

Work Health and Safety

17. There is a risk that events are not able to go ahead as planned or that the Festival is cancelled due to the COVID-19 health pandemic. The Festival organisers are keeping informed of current health advice to support adherence to COVID-19 restrictions.
18. All events included within the Festival will be held in a COVID-safe way and will be required to have a COVID safety plan in place ahead of the event progressing. The COVID safety plan will be developed in line with the restrictions in place at the time of the Festival.
19. Organisers are aware that strong communications with key stakeholders, event holders and the community will be crucial in spreading information about the cancellation of the Festival. The Festival coordinator and the communications team will work together to spread word to these key audiences via the communication channels available including social media, direct stakeholder engagement, media and website updates.

Benefits/Sensitivities

Benefits

20. The annual Heritage Festival celebrates our Aboriginal, historic and natural heritage and contributes to a sense of connection and community vital for a positive Wellbeing Index.
21. The Festival is a way for the ACT Government to raise the profile and build awareness of the importance of conserving heritage.
22. The Festival provides an opportunity to promote tourism to the ACT from both interstate and international visitors.

Sensitivities

- 23. Street artist Byrd was selected from a shortlist created through a select Expression of Interest (EOI) process in October 2021. EOIs were sought from a list of Ngunnawal artists provided by the DNCCC, other local Indigenous artists and street artists. The short list included Ngunnawal artists and street artists.
- 24. Following consultation with the DNCCC, the elements of the artwork denoting Ngunnawal cultural heritage were deemed unsuitable.
- 25. Ngunnawal artist Lynnice Church was subsequently approached to work on appropriate Ngunnawal imagery.
- 26. The Ngunnawal artwork has been added to the suite of images for the Festival collateral. The artwork is to be presented in portrait orientation and credited, and will be used in appropriate collateral and promotional elements to ensure this.
- 27. Due to delays experienced in sourcing two artwork creatives, there is a risk certain promotional items will not be ready for launch and the promotional lead up time to the Festival will be minimal.

Communications, media and engagement implications

- 28. The media plan (Attachment B), Creative (Attachment D) and supporting campaign assets (Attachment E) outline the campaign and content approach.
- 29. It is a requirement for many completed ACT Heritage Grants to participate in the program thereby showcasing their project. This will sometimes provide favourable media opportunities for the Minister.

Signatory Name: Ian Walker Phone: 6205 9027
Action Officer: Danielle Forner Phone: 6207 2266

Attachments

Attachment	Title
Attachment A	Cover sheet for Reviewer – Heritage Festival 2022
Attachment B	Media plan
Attachment C	Messaging matrix
Attachment D	Creative assets
Attachment D2	Heritage Festival Supportive Artwork
Attachment E	Supporting campaign assets



ACT
Government

Environment, Planning and
Sustainable Development

EPSDD Ref No.: 22/22373

Response to DLO Request

*** All information provided should be factual.**

EGM clearance email to be saved in the Objective file and forwarded to the EPSDD DLO inbox and copy in the relevant EO.

Subject: Application of noise zone standards to planning

Response:

Land in the ACT is divided into land use zones through the Territory Plan (applied by the ACT Government to most land in the ACT) and the National Capital Plan (applied to designated land by the Australian Government's National Capital Authority). These land use zones classify land by their primary intended land use, such as commercial, industrial, residential, non-urban etc.

Land may also be classified by the urban hierarchy of commercial centres. The highest order centres with the most services are the City Centre and Town Centres (Belconnen, Gungahlin, Tuggeranong, Woden), followed by Group Centres (e.g. Manuka, Casey, Mawson, Chisholm) and Local Centres (located in most residential suburbs).

As the levels of activity and amenity in each land use zone and centre type differ, noise standards reflect the types of activities in each area. The noise standards for the different land use zones in the ACT are detailed in Schedule 2 of the [Environment Protection Regulation 2005](#) (the Regulation) made under the [Environment Protection Act 1997](#) (the Act). There are daytime and night-time standards to reflect higher levels of activity while most people are awake, and most business and recreation activities take place.

Noise from an activity regulated under the Act (see section 8) must comply with the noise standard for the land use at the compliance point, which in most cases is at the lease or unit title boundary.

There are exemptions for certain activities as detailed in Schedule 2, Table 2.3 of the Regulation which permit noise to exceed the noise standards during certain times and for certain periods of time. For example, building works and garden maintenance.



ACT
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Environment, Planning and
Sustainable Development

EPSDD Ref No.: 22/22373

For a person to be affected by noise deemed to causing environmental harm, the person must be in an affected place as defined in the Regulation and the noise must exceed the noise zone standard at that place.

Noise considerations are operationalised in planning through the Territory Plan. The Territory Plan requires a noise management plan (NMP) at development application stage for a range of potentially noisy commercial uses, such as bars, hotels, entertainment facilities and recreation facilities. NMPs must demonstrate how noise impacts on both commercial and residential neighbours can be managed. The Territory Plan also requires NMPs for residential developments in commercial areas, demonstrating how new dwellings will meet strict noise attenuation standards and reduce noise intrusion from external sources on residents. It is the responsibility of the EPA to assess and endorse NMPs as part of the development application process.

ARRANGEMENTS BRIEF

<p>FUNCTION:</p>	<p>A one-day symposium entitled “Climate Change Adaptation in the ACT: Environment, Heritage and Water”.</p> <p>The aim of the symposium is to kickstart the process of development of an adaptation framework for the Environment, Heritage and Water (EHW) Division by exposing government managers, policymakers and scientists to the cutting-edge research and thinking of the Australian National University (ANU), University of Canberra (UC) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO) on climate change adaptation.</p> <p>The focus is on landscape-level adaptation (as distinct from the urban adaptation focus of the ACT Government’s Living Infrastructure Plan). It is not a planning meeting, but a “provocative” symposium aimed at stimulating the ACT Government team to think through what climate change means for their area, what the options are, what are the challenges, and what the planning process may involve.</p> <p>The symposium has been collaboratively co-convened by:</p> <ul style="list-style-type: none"> • the ACT Government Environment, Planning and Sustainable Development Directorate (EPSDD) • the Centre for Biodiversity Analysis (CBA; a network that brings together researchers from UC, the ANU, and CSIRO, and links them with research users), and • the ANU Institute for Climate, Energy and Disaster Solutions (ANU-ICEDS).
<p>VENUE:</p>	<p>Ann Harding Conference Centre, Building 24, University Drive South, University of Canberra.</p>
<p>HOST:</p>	<p>Name: Rosie Cooney, Conservation Research and Evaluation Branch, EHW. Mobile: [REDACTED]</p>
<p>DAY:</p>	<p>Friday</p>
<p>DATE:</p>	<p>8th April</p>
<p>TIME:</p>	<p>8:50am arrival (or from 8:30am if the Minister would like coffee/tea with participants).</p> <p>Symposium starting time is 9am.</p>
<p>TIME COMMITMENT:</p>	<p>Minimum time commitment is 20 minutes. The Minister is welcome to stay for as much of the symposium as she would like.</p>
<p>CATERING:</p>	<p>The symposium will be fully catered, with tea/coffee available at the venue from 8:30am, morning tea 10:30am, lunch, afternoon tea, and social drinks 4:30-5:00pm.</p>
<p>DRESS CODE:</p>	<p>No set dress code. Business/smart casual would be appropriate.</p>

Rebecca Vassarotti MLA - Arrangements brief

YOUR ROLE:	A five-minute opening speech, setting the tone for a day and clarifying the ambitious EHW agenda on climate adaptation (Attachment A). A microphone and lectern will be available.
WHERE TO PARK:	A parking spot will be available directly to the right of the entrance of the conference centre, marked out with witches' hats.
WHO WILL MEET YOU:	Rosie Cooney, Conservation Research and Evaluation.
ADVISOR ATTENDING:	Yes. Paula Sutton and Imogen Ebsworth have RSVP'd to organisers. Should any additional advisors wish to attend they are welcome - no additional arrangements are required.
AUDIENCE:	A mixture of researchers from ANU, CSIRO and UC (approx. 20-25, covering many different disciplines from climate modelling to ecology to parks management to social change); and staff from across EHW (approx. 55-65). A small number of staff from other parts of EPSDD and from Chief Minister, Treasury and Economic Development Directorate (CMTEDD). Minister Gentleman will be attending and providing an opening speech at the second session of the symposium, after morning tea (focused on adaptation in Namadgi National Park).
VIPs:	Jo Clay MLA. Many senior academics are present, but no requirement to acknowledge any individuals.
PAST INVOLVEMENT:	The Minister has met with the CBA to discuss strengthening research cooperation between EPSDD and the CBA and its component institutions. This event is an example of cooperation that is likely to lead to collaborative research opportunities focused on adaptation.
SENSITIVITIES:	There are no known funding sensitivities. CBA is not funded by ACT Government, but ACT Government has many collaborative research projects with its member organisations (ANU, CSIRO, UC). This symposium may possibly lead to further collaborative arrangements involving funding, and this is likely to be one of the motivations for the researchers present to participate in this event. However, there are no concrete projects related to this currently in the planning stage. There are no significant policy sensitivities. Climate adaptation broadly is led by CMTEDD and the Climate Change and Energy Division within EPSDD. EHW is closely linked in with both these teams in its work on adaptation.
ORDER OF CEREMONIES	9:00am - Ian Walker Welcomes participants and introduces Mary Mudford for the Welcome to Country. Ian Walker then introduces the Minister. 9:05am - Minister Vassarotti gives a speech. 9:10am (approx.) - Ian Walker thanks the Minister and hands over to Rosie Cooney to chair the talks and discussion.

Rebecca Vassarotti MLA - Arrangements brief

MEDIA:	No media interaction is anticipated.
SOCIAL MEDIA ACCOUNTS	The Centre for Biodiversity Analysis twitter handle is @biodivaCBA. The ANU Institute for Climate, Energy and Disaster Solutions twitter handle is @ANU_ICEDS.
OUTSTANDING REGULATORY ISSUES	N/A

ARRANGEMENTS BRIEF

FUNCTION:	Launch of the 2021 Waterwatch Catchment Health Indicator Program (CHIP) report A copy of the report is at Attachment D .
VENUE:	Holder Wetland
HOST:	Name: Woo O'Reilly Mobile: [REDACTED]
DAY:	Tuesday
DATE:	22 March 2022
TIME:	9:30am
TIME COMMITMENT:	30 minutes
CATERING:	Yes – coffee and pastries will be provided
DRESS CODE:	Casual
YOUR ROLE:	A short speech to officially launch the report. Speaking notes are at Attachment B .
WHERE TO PARK:	Off Dixon Drive, Holder (see map in Attachment A)
WHO WILL MEET YOU:	Ian Walker (Executive Group Manager, Environment, Heritage and Water Division, EPSDD) and Woo O'Reilly (Waterwatch Coordinator, EPSDD)
ADVISOR ATTENDING:	Lachlan Roberts/ Anna McGuire (TBC with your office).
AUDIENCE:	Waterwatch volunteers as well as the broader Waterwatch network. This includes members of the three community-based Catchment Groups (Molonglo, Ginninderra and Southern ACT) who partner with the ACT Government to implement the program. Icon Water representatives are also invited as co-funders of the Waterwatch program.
VIPs:	Nil.
PAST INVOLVEMENT:	The Minister launched the report last year at the Gungahlin Scout Hall.
SENSITIVITIES:	The report mentions issues with sediment runoff associated with development sites, both within the ACT (lower Molonglo River) and in Queanbeyan. Water quality issues associated with Icon Water operations (such as the Lower Molonglo Water Quality Control Centre) are also mentioned.
ORDER OF CEREMONIES	Name of Master of Ceremonies – Ian Walker

Shane Rattenbury MLA - Arrangements brief

	<p>9:00am: Arrive and be greeted by Ian Walker and chat with volunteers.</p> <p>9:10am: Ian Walker introduces the Minister.</p> <p>9:15am: Minister Rattenbury speaks, officially launching the 2021 CHIP report.</p> <p>9:20am: Ian Walker thanks everyone for attending and invites all present to stay for coffee and pastries and look at the waterbugs plus some information displays about the CHIP report.</p> <p>9:30am: Minister departs.</p>
MEDIA:	Yes, a Media Release is at <u>Attachment C</u> .
SOCIAL MEDIA ACCOUNTS	Facebook: ACT Landcare and Waterwatch @ACTlandwater Southern ACT Catchment Group @SACTCG Ginninderra Catchment Group @GinninderraCatchmentGroup Molonglo Conservation Group @Molonglo Conservation Twitter: @ACTlandwater
OUTSTANDING REGULATORY ISSUES	Nil.

OFFICIAL

Environment, Planning and Sustainable Development Directorate**To:** Minister for Water, Energy and Emissions
Reduction

Tracking No.: 22/25401

Date: 6 April 2022**From:** Executive Group Manager – Environment, Heritage and Water**Subject:** Funding Agreement – Implementing water reforms in the Murray-Darling
Basin**Critical Date:** Routine**Critical Reason:** To identify the implementation risks to the ACT related to the Australian
Government's funding schedule Implementing Water Reforms in the
Murray-Darling Basin.

- A/g DDG, Environment, Water and Emissions Reduction 07/04/2022

Recommendations

That you **note** the information contained in this brief in relation to the signed Murray-Darling
Basin funding Schedule (22/17018)

Shane Rattenbury MLA


Noted / Please Discuss

17/7/22

Minister's Office Feedback

Background

1. The Australian Government's Water Minister wrote to you on 15 February 2022 seeking your agreement to a funding schedule for implementing water reforms in the Murray-Darling Basin (22/17018). The funding Schedule is for the period 1 July 2021 to 30 June 2024.
2. Negotiation of the funding Schedule has been prolonged by the Australian Government.
 - a. A brief was provided to you in September 2021 with what was understood to be a final Schedule (21/89028). The brief provides a background to the Murray-Darling Basin funding Schedule and implementation risks.
 - b. The Australian Government's newly appointed Water Minister Pitt subsequently proposed amendments to the funding Schedule that were not supported by Basin jurisdictions. The agreed milestones reflect a negotiated outcome in the interests of the ACT.
 - c. The funding Schedule was originally planned for agreement by September 2021.
3. In response to the correspondence from Minister Pitt, you have agreed the terms of the funding Schedule (21/17018). This information brief provides an outline of the basis for the funding milestones/key performance indicators (KPIs), and the risks to implementation and the ACT Government.

Issues

4. The funding Schedule sets out a funding commitment by the Australian Government for a minimum of \$2.5 million to be paid to the ACT Government on delivery of the agreed KPIs.
5. \$5 million has been reserved from the total allocated funding to be assigned towards activities for implementing water market reforms.
 - a. The reduction in funding, and the apportionment of the reserved funding, is based on a set formula. The ACT is expected to receive a portion of the reserved funding.
 - b. The roadmap for the water market reforms is due to be provided to Basin Water Ministers before June 2022. A separate brief will be provided to you on this matter.
6. Activities of specific interest to the ACT within the Schedule include:
 - a. meeting the ACT's Shared Reduction Amount (SRA) and contribution to water efficiency measures
 - b. establishing water trading between the ACT and New South Wales (NSW)
 - c. improved water metering and compliance arrangements
 - d. review of environmental flow requirements for the Upper Murrumbidgee River.
7. Activities of particular interest to the Australian Government include:
 - a. finalising water recovery
 - b. water market reforms
 - c. strengthened water compliance
 - d. monitoring and reporting to demonstrate the overall performance of the Basin Plan reforms
 - e. Sustainable Diversion Limit Adjustment Mechanism.
8. Delivery of and reporting against the KPIs will be managed through the Environment, Planning and Sustainable Development (EPSDD) Water Policy Section. Recruitment is in

progress to assemble the team for delivering the activities.

Assessment of implementation

9. Assessment of performance against the funding KPIs will be conducted by the Commonwealth Department of Agriculture, Water and the Environment (DAWE) with advice from the Inspector General Water Compliance, Murray-Darling Basin Authority (MDBA) and Commonwealth Environmental Water Office.
 - a. EPSDD has requested assessment guidance to be developed by the Australian Government to provide consistency in the assessment approach taken by agencies.
10. The Schedule includes an additional term that requires the assessment to be made on reasonable endeavours, such that a Basin jurisdiction will not be penalized for action or inaction by another party; specifically, where delivery of a KPI is directly dependent on an activity that is the responsibility of another, including the Australian Government.
11. The first annual report on implementation was submitted to the MDBA on 22 March 2022. In 2022, the report was due before the Schedule had been executed by the Australian Government.
12. ACT implementation of Year 1 activities has been directly impacted by the uncertainty created by the negotiation approach taken by the Australian Government. This uncertainty in funding resulted in the suspension of recruitment activity and procurement associated with water compliance and water trade activities. These issues have been noted in the 2022 report. Progress has been made against all other KPIs.
13. Activities requiring focused effort in 2022-24 to meet KPIs include:
 - a. finalise the ACT SRA of 4.9 GL of water recovery
 - b. ACT-NSW water trading arrangements
 - c. implement water metering and compliance compact commitments
 - d. negotiate administrative arrangements for the operation of the Inspector General of Water Compliance
 - e. deliver monitoring and evaluation activities to meet Basin Plan reporting requirements (Basin Plan, Schedule 12)
 - f. revise the ACT Environmental Flow Guidelines to align with the requirements of the Long Term Watering Plan (Basin Plan, Chapter 8)
 - g. review the ACT Sustainable Diversion Limit settings to support negotiations on the Basin Plan Review
 - h. revision of the ACT Water Resource Plan (2024).

Financial Implications

14. As of 6 April 2022, the Australian Government has not executed the funding Schedule. This will need to be signed prior to the announcement of the Federal election if funding is to be received by the ACT to reconcile our 2021-22 budget.
15. Payment of funding is based on delivery of activities against each individual KPI. Non-delivery of any KPI will result in a partial reduction in the funding received.
 - a. The Australian Government has assigned a financial value to each KPI that could be withdrawn with non-delivery. For the ACT, the financial implications range from \$38,420 to \$76,350 per KPI.

- b. The assignment of funding to a specific KPI is a new feature of the funding Schedule. This was introduced on recommendation from the Australian National Audit Office in review of the previous National Partnership Agreement. The Australian Government is expected to exercise this provision under the advisement of an assertive Inspector General of Water Compliance.

16. Detailed costing analysis by EPSDD indicates that the Commonwealth investment is not at a scale that allows full delivery of the water reforms within the ACT. Activities to meet the Schedule milestones will be rationalised to fit within budget. Resources allocated to meet commitments under the Schedule will need to be dedicated to this specific purpose.

Consultation

Cross Directorate

17. EPSDD is working closely with the Environment Protection Authority in the planned implementation of KPIs as it relates to the Compliance Compact and the Inspector General of Water Compliance.

External

18. The ACT has engaged in the negotiation of the funding Schedule through the Basin Officials Committee (BOC) and BOC Alternates.

Work Health and Safety

19. There are no work health and safety issues associated with matters in this brief.

Benefits/Sensitivities

20. There is a medium risk that the activities of the ACT to act within the funding assignment will not accord with the expectations of the Australian Government.

- a. EPSDD is progressing agreements with the Australian Government agencies on the minimum deliverables and expectations on participation on matters of limited relevance to the ACT.

21. Reputation risk for the ACT Government is assessed as medium related to failure to meet the SRA and implement compliance compact commitments and water trading. Dedicated resources and skilled staff are being assigned to these activities to treat this risk.

Communications, media and engagement implications

22. No media, communications or engagement activities are planned at this stage. Opportunities for announcements will be provided to you as key deliverables are finalised.

Signatory Name: Ian Walker

Phone: 6205 9027

Action Officer: Ryan Breen

Phone: 6207 8268

Attachments

Nil.

OFFICIAL Sensitive

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management Tracking No.: 22-24946

Minister for Water, Energy and Emissions Reduction

CC: Minister for Housing and Suburban Development

Date: 15 March 2022

From: Executive Group Manager, Climate Change and Energy

Subject: Transfer of no new gas connections initiatives in Parliamentary and Governing Agreement to the Water, Energy and Emissions Portfolio

Critical Date: **31 March 2022**

Critical Reason: To transfer initiatives in the Parliamentary and Governing Agreement prior to the next Cabinet date for consideration.

- DDG, Planning and Sustainable Development 28/03/22
- Ag/DDG, Environment, Water and Emissions Reduction 25/03/22

Recommendations – Minister for Planning and Land Management

That you:

1. **Agree** to seek the transfer of initiatives Appendix 1-A.(vii) and Appendix 1-A.(viii) in the Parliamentary and Governing Agreement for the 10th Legislative Assembly from the Planning and Land Management portfolio to the Water, Energy and Emissions Reduction portfolio; and

Agreed / Not Agreed / Please Discuss

2. If agreed, **sign** the letter at Attachment A to the Chief Minister seeking his agreement.

Signed / Not Signed / Please DiscussMick Gentleman MLA  15/3/2022

Minister's Office Feedback

Recommendations – Minister for Water, Energy and Emissions Reduction

That you:

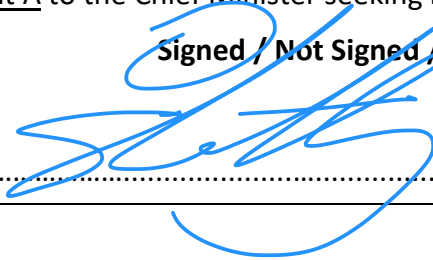
1. **Agree** to seek the transfer of initiatives Appendix 1-A.(vii) and Appendix 1-A.(viii) in the Parliamentary Agreement and Governing for the 10th Legislative Assembly from the Planning and Land Management portfolio to the Water, Energy and Emissions Reduction portfolio; and

Agreed / Not Agreed / Please Discuss

2. If agreed, **sign** the letter at Attachment A to the Chief Minister seeking his agreement.

Signed / Not Signed / Please Discuss

Shane Rattenbury MLA



8/4/22

Minister's Office Feedback

Background

1. The Parliamentary and Governing Agreement for the 10th Legislative Assembly (PaGA) includes several initiatives, that while identified in the Minister for Planning and Land Management portfolio, require extensive collaboration and coordination across ministerial portfolios to deliver. These include the following items from Appendix 1 Part A, Item 1, relating to the phase out of fossil-fuel-gas in the ACT:

Initiative (vii)

"Legislate to prevent new gas mains network connections to future stages of greenfield residential development in the ACT in 2021-22. Future stages of Jacka and Whitlam will be all-electric".

Initiative (viii)

"Commence a transition project, working with industry and other stakeholders, to advance all-electric infill developments, with a goal of no new gas mains network connections to future infill developments from 2023".

2. These initiatives have been assigned to the Minister for Planning and Land Management to lead, and Environment, Planning and Sustainable Development Directorate (EPSDD) to deliver.
3. EPSDD provided an update on PaGA gas connections policy commitments and National Gas Law conflicts in February 2022 (21/151340), which impacts delivery of these two initiatives, and is led by the Minister for Water, Energy and Emissions Reduction with EPSDD's Climate

Change and Energy Division progressing this work.

4. EPSDD proposes these two initiatives be formally transferred to reflect the work program, as follows:
 - Transfer lead portfolio from the Minister for Planning and Land Management to the Minister for Water, Energy and Emissions Reduction, with Minister for Planning and Land Management to remain as supporting portfolio.
 - Transfer the lead division from EPSDD Planning and Urban Policy to EPSDD Climate Change and Energy.

Issues

5. Your agreement is sought for the transfer of these initiatives to the Water, Energy and Emissions Reduction portfolio as lead and noting that EPSDD responsibilities will move to the Climate Change and Energy division.
6. This transfer is proposed on the grounds that the implementation of PaGA initiatives (vii) and (viii) are directly linked to the Gas Transition Plan and specifically to National Gas Law, National Energy Retail Law and associated national gas and energy retail laws and the actions that will be required to derogate from national law requirements and make enforceable instruments to prevent future gas connections. This is being led by the Minister for Water, Energy and Emissions Reduction.
7. Should you agree to the proposed transfer, a joint letter has been prepared for you to send to the Chief Minister requesting the transfer ([Attachment A](#)).
8. The PaGA also includes the following additional phasing out of fossil-fuel-gas initiative:

Initiative (vi)

“Develop the Molonglo Commercial Centre as an all-electric commercial centre (no new connections to gas mains network, but allow transition gas arrangements such as tanks), in partnership with expert stakeholders, and use lessons from this project to assist the phase out of fossil-fuel gas in the ACT, and demonstrate national best practice.”

9. This initiative is assigned to the Minister for Planning and Land Management and is not proposed to be transferred to the Minister for Water, Energy and Emissions Reduction. It is noted that the implementation of this initiative is also directly linked to the Gas Transition Plan.

Financial Implications

10. The delivery of these PaGA initiatives is linked to the Gas Transition Plan subject to future budget funding.
11. The Gas Transition budget bid due for consideration at Expenditure Review Committee on 13 April 2022, notes the resourcing required for successful consultation around Gas Transition communications. The consultation required for successful engagement with developers, builders, and licensed trades required to implement the PaGA commitments

To: Minister for Planning and Land Management

Tracking No.: 22/30155

From: Executive Group Manager, Planning and Urban Policy

Date of meeting: Thursday, 31 March 2022

Subject: Government Position of Gungahlin Town Centre Planning

- DG .../.../...
- DDG, Planning and Sustainable Development .../.../...

Purpose of the meeting

The Gungahlin Community Council have requested a meeting to discuss a number of matters relating to the future planning for Gungahlin including the town centre.

Recommendations

That you:

Note the possible discussion topics for your meeting with the Gungahlin Community Council at Attachment A.

Noted / Please Discuss

Mick Gentleman MLA/...../.....

Minister's Office Feedback

Action Officer: Steven Gianakis

Phone: 71741

UNCLASSIFIED

Purpose of the meeting:	To discuss future planning for Gungahlin. Information on each discussion item is at <u>Attachment A</u> .
Attendees:	Peter Elford and members of the Gungahlin Community Council executive
Directorate representative in attendance:	Ben Green, Executive Group Manager, Development and Implementation
Day / date:	Thursday, 31 March 2022
Time:	3.00pm to 3.30pm
Venue:	Minister's Office – via Teams meeting
Background:	On the 13 October 2021, you attended the Gungahlin Community Council (GCC) meeting with Ben Ponton and other Executives from Environment, Planning and Sustainable Development Directorate (EPSDD) and discussed Gungahlin planning matters.
Discussion:	<p>In response to the Gungahlin Town Centre planning refresh (2018) and Draft Variation to the Territory Plan No. 364 (Gungahlin Town Centre), the following events have occurred:</p> <ul style="list-style-type: none"> • Two Legislative Assembly resolutions on planning in the town centre (February and June 2021) and a Government response (November 2021); • An e-petition on planning in the Gungahlin Town Centre (August 2021) and your response (November 2021); • Standing Committee on Planning, Transport and City Services report on its Inquiry into Draft Variation to the Territory Plan 364 and the Government's response to the committee's recommendations (February 2022); • Approval of Variation 364 and pending Tabling in the Assembly for Disallowance; and • A Gungahlin Community Needs Assessment by EPSDD.
Consultation Internal:	The meeting brief was prepared with input from Development and Implementation Division and Planning System Review and Reform Project team.
Cross directorate:	The meeting brief was prepared with input from the Suburban Land Agency.
External:	No external consultation was undertaken in preparing the meeting brief.
Media implications:	It is not expected that there will be any media as a direct result of the meeting.

UNCLASSIFIED

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management Tracking No.: 21/118197

Date: 9 March 2022

From: Senior Director, Territory Plan – Planning and Urban Policy

Subject: Variation 369 Living Infrastructure in Residential Zones – next steps

Critical Date: 16 March 2022

Critical Reason: To seek agreement on the commencement arrangements for DV369 prior to its approval and tabling in the Assembly.

- DG/.../...
- A/g DDG, Planning and Sustainable Development 15/03/22

Recommendations

That you:

1. Note the advice of the Standing Committee for Planning, Transport and City Services at Attachment A, that they will not undertake an inquiry into DV369;
Noted / Please Discuss
2. Agree to Option 1, 2, 3 or 4 for the commencement of DV369;
Option 1 / Option 2 / Option 3 / Option 4 / Please Discuss
3. Depending on the agreed recommendation from this brief, agree to the media release at Attachment D going out as soon as possible to inform industry and community stakeholders of the anticipated commencement date for DV369; and
Agreed / Not Agreed / Please Discuss
4. Note that a direction letter and the approval instrument for DV369 will be provided to you in a separate brief, depending on the agreed recommendation from this brief.
Noted / Please Discuss

Mick Gentleman MLA/...../.....

Minister's Office Feedback

Background

1. Draft Variation 369 Living Infrastructure in Residential Areas (DV369) was prepared to incorporate living infrastructure provisions into the Territory Plan. Changes are proposed to the Single Dwelling Housing Development Code (SDHDC) and Multi Unit Housing Development Code (MUHDC) in relation to site coverage, private open space and tree planting requirements, amends the definitions in relation to site coverage and planting area controls, and introduces a new definition for deep soil zone.
2. DV369 responds to recommendations in the ACT Planning Strategy 2018 and Canberra's Living Infrastructure Plan in regard to living infrastructure and the 30% tree canopy and 30% permeable surfaces targets. It is also consistent with the recommendation in the Urban Forest Strategy to amend planning regulations to ensure suitable protection of existing trees and the establishment of new trees when planning infrastructure in new suburbs and in urban densification areas.
3. Information sessions were held for industry members on 22, 23, 24 and 28 February and on 1 March 2022. Information about these sessions was sent to the ACT branches of the Australian Institute of Architects (AIA), Australian Institute of Landscape Architects (AILA), Planning Institute of Australia (PIA), Building Designers Association (BDA), Master Builders Association (MBA), Housing Industry Association (HIA) and the Property Council of Australia (PCA).
4. The aim of these sessions was to provide a smooth transition to the amended Territory Plan requirements delivered through DV369. They also provided practitioners an opportunity to ask any questions about the implementation of the new provisions for trees and site coverage in residential areas.
5. Key issues raised during the information sessions related to:
 - a. Are trees and landscaping required at the time of the final inspection by the certifier?
 - b. How will the changes impact on blocks already sold?
 - c. How will the changes impact on blocks in estates already approved?
 - d. Can the requirements be considered at an estate level rather than per block?
 - e. Can a 1N application be used to relax the site coverage and tree planting requirements?
 - f. What if the tree dies or is removed? How will this be monitored?
 - g. Can DV369 be stopped and introduced with the new Territory Plan or when the estate development requirements are reviewed?

As these matters were also raised during the public consultation process, responses to them are included in the report on consultation for DV369 ([Attachment B](#)).

6. Discussions have also been held with stakeholders such as the MBA, HIA and PCA, as well as the Riverview Group, regarding the impact the changes proposed with DV369 will have on the development of new houses. Of particular concern was single dwellings on compact blocks (blocks under 250m²) that have been bought but not yet developed.
7. A letter from the Riverview Group ([Attachment C](#)) was also sent to MLAs on 3 March 2022 outlining their ongoing concerns regarding the introduction of DV369 draft variation 369.

This included a request to postpone the introduction of DV369 until after work on the Estate Development Code and associated TCCS standards as part of the Planning System Review and Reform Project has been completed.

Issues

8. The Standing Committee (the Committee) advised on 19 November 2021 that no inquiry into DV369 would be held (Attachment A). The Committee noted that there is considerable community interest in the draft variation, in particular matters relating to implementation. The Committee agreed that it will conduct an inquiry 12-18 months after DV369 has been implemented to review how it is working on the ground.
9. As noted above, concerns have been raised by some industry groups regarding the impact of the DV369 changes on the development of housing, particularly exempt single dwelling housing in new estates. Despite the changes made to DV369 following public consultation to improve the developability of compact blocks (specifically front loaded compact blocks), there is still concern that new houses will have to be smaller or larger blocks required to accommodate the house designs desired by purchasers (or envisaged by estate developers).
10. DV369 will change the way housing is designed on blocks, particularly in new estates. This was a deliberate decision to implement the ACT Government's policy in regard to living infrastructure (as recommended in the Planning Strategy and Living Infrastructure Plan) to improve the outcomes we are seeing with new developments (both in greenfield and infill areas) in the ACT.

Matters for consideration

11. In regard to the overarching policy intent for DV369, the changes to the SDHDC and the MUHDC are the first stage in implementing improved living infrastructure provisions, with later stages looking at appropriate provisions for non-residential zones and estate development. Introducing DV369 as stage 1 enables improved outcomes for living infrastructure to be realised on residential blocks as soon as possible.
12. When other similar variations (V306 - introduced new residential codes and V346 - amended solar access requirements) commenced they applied to:
 - a. Development applications (DAs) lodged for completeness check on or after the commencement date (i.e. did not apply to DAs already in the system)
 - b. Building approvals (BAs) where the determination that the development is exempt from development approval is made on or after the commencement date. Approved DAs were not required to be amended at building approval stage to comply with the changes.
13. If prospective home builders were unable to submit their proposal for building approval (as exempt development) prior to the commencement date, they could decide whether to submit their proposal as a merit track application or redesign it to remain as exempt development.
14. Adding a clause stating that the provisions do not apply to blocks approved in a subdivision before the commencement date would mean the provisions would not apply in established areas. The intent of the policy change is to improve living infrastructure in both established and new areas.

15. Following the estate development plan (EDP) process, ongoing provisions that apply to particular blocks can be added to the suburb precinct code via a technical amendment. This can include rules that override standard provisions in the SDHDC. An estate developer has the option to lodge an amendment to the EDP that sought the original approval for the blocks.
16. It is worth noting that none of the provisions in DV369 are mandatory, except for the tree canopy coverage requirement for multi unit development in the RZ1 and RZ2 zones. This means that any encroachments into the requirements stated in the rules can be considered on their merits against the criteria through a merit application process.

Options for progressing DV369

17. Noting the comments received regarding the impacts of DV369, the following options are available for the draft variation:

Option 1

18. DV369 is approved and tabled on 22 March 2022. The commencement date is 1 July 2022 and would apply to:
 - a. DAs lodged for completeness check on or after 1 July 2022
 - b. BAs determined on or after 1 July 2022
 - c. The changes would apply to new blocks in estates, though the estate developer could apply for an amendment to the EDP to relax the provisions.
 - i. The amendment could identify any ongoing provisions to apply to blocks that will enable an appropriately sized house to be developed while being consistent with the policy intent of DV369.
 - ii. Once the EDP is approved, the ongoing provisions would be added to the relevant suburb precinct code via a technical amendment.
 - iii. This option is available to an estate even if the future urban area (FUA) overlay has been uplifted. However the amendment would not be able to adjust the block boundaries if the area is no longer in an FUA.

This option would bring in the policy changes (reflecting the recommendations in the Planning Strategy and Living Infrastructure Plan) as soon as possible while still providing a transition time for developments in the pipeline.

Option 2

19. DV369 is approved and tabled on 22 March 2022. The commencement date is 1 October 2022 and would apply to:
 - a. DAs lodged for completeness check on or after 1 October 2022
 - b. BAs determined on or after 1 October 2022
 - c. EDP amendments seeking a relaxation of provisions would be possible. The additional time would also enable active EDP DAs to be amended to demonstrate that new housing would be capable of meeting the DV369 changes.

This option would give more time for new dwellings (particularly those in house and land packages – assuming they have a lease) to go through the DA or BA process, though would delay the introduction of the living infrastructure requirements.

Option 3

20. DV369 is amended via Ministerial Direction to not apply DV369 changes to blocks approved on or after 1 January 2020 (or another appropriate date). The amended variation is approved and tabled on 22 March 2022 or 5 April 2022. The commencement date is 1 July 2022 and would apply to DAs lodged and BAs determined on or after 1 July 2022 (as per option 1 above):
- a. This would apply the changes to established areas and ‘older’ new estates.
 - b. The delayed commencement date would allow those blocks in ‘older’ new estates to finalise their development proposals.
 - c. Would not apply to estates approved recently or in the time before DV369 takes effect.
 - d. Enables other living infrastructure work being undertaken, particularly at the estate level, to be considered in the development of the provisions for new estates.
 - e. Has the potential to ‘miss the boat’ in applying provisions to developments in new estates approved over the next 12 months.

Option 4

21. DV369 is withdrawn and incorporated into the new Territory Plan. This would enable the new requirements to take effect at the same time the new estate development controls take effect. These new estate controls will consider how living infrastructure is considered at the estate level, not just at the block level. However, the new estate controls would only apply to new EDPs lodged and not apply retrospectively, therefore the living infrastructure requirements will still apply to already approved blocks. This option
- a. Gives more time for blocks to be developed.
 - b. Would not apply to estates approved recently or in the time before DV369 takes effect.
 - c. Enables other living infrastructure work being undertaken to be considered in the development of the provisions.
 - d. Has the potential to ‘miss the boat’ in applying provisions to developments approved over the next 12 months.

Supporting work

22. The Territory Plan Section within EPSDD is working with building certifiers to establish an appropriate compliance process that can make sure the requirements of DV369 (such as the requirement to plant a tree) are implemented on site without significant disruption to the building approval and certification process. A practice note is proposed to outline the agreed approach and be made available to building certifiers.
23. An information sheet is also being prepared to provide a list of tree species that are suitable for Canberra gardens to assist home owners, designers, builders and building

certifiers. The provisions to be introduced with DV369 include the planting of a small, medium or large tree depending on the size of the block. The Territory Plan codes will contain the dimensions the particular tree needs to meet and the information sheet provides examples of tree species that meet those dimension requirements, particularly those suitable for Canberra and highlighting preferred species (for biodiversity etc).

24. The information guide is being developed in conjunction with TCCS and SLA, as well as with the Climate Change and Environment areas within EPSDD. The guide utilises information already prepared by these areas on climate wise gardens and appropriate trees for the Canberra climate.

Financial Implications

25. Territory Plan variations are covered by base funding. There are no financial implications relating to DV369.

Consultation

Internal

26. Not applicable.

Cross Directorate

27. TCCS were consulted on the preparation of the DV as part of the standard statutory processes, with discussions continuing through the development of the tree species information sheet. Discussions have also been held with SLA regarding the impacts of DV369 on future land release and sales, as well as providing information on climate wise gardens.

External

28. Not applicable.

Work Health and Safety

29. Not applicable.

Benefits/Sensitivities

30. The implementation of DV369 has generated concerns from industry representatives regarding the impact of the changes on new single dwellings, particularly those in recently approved estates. The options for progressing DV369 above outline approaches for addressing these concerns.
31. A later commencement date would give more time for development proposals (including exempt single dwellings) that are in the final stages of preparation to be finalised without the need to be redesigned. Such redesigns would add to the cost of preparing development plans and delay the commencement of construction work.
32. However, a later commencement date would delay the implementation of the living infrastructure provisions, leading to a delay in seeing increased permeability and tree canopy coverage on the ground.
1. Irrespective of the commencement date set, given the nature of the changes in DV369 it is anticipated there may be an influx of DAs lodged prior to the commencement date.

Communications, media and engagement implications

33. A draft media release on the anticipated commencement date is at Attachment D.

To: Chief Minister

Tracking No.: 22/28563

From: Executive Group Manager, Statutory Planning

Date of meeting: Friday, 25 March 2022

Subject: Meeting with Scentre Group regarding Woden and Belconnen Westfield

- DDG, Planning and Sustainable Development .../.../...

Purpose of the meeting

To discuss Woden Westfield and Belconnen Mall Westfield redevelopment plans and highlight significant investments being made in both Town Centres.

Recommendations

That you:

Note the possible discussion topics for your meeting with Roy Gruenpeter and Adam Achterstraat from Scentre Group at Attachment A and Attachment B.

Noted / Please Discuss

Andrew Barr MLA/...../.....

Minister's Office Feedback

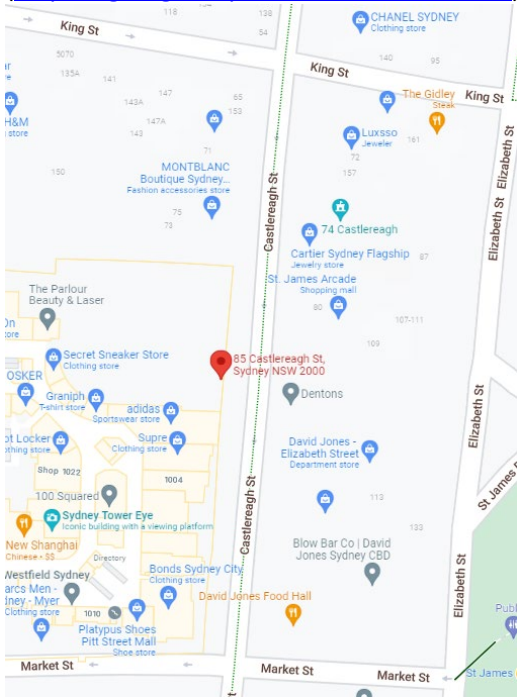
Signatory Name: George Cilliers

Phone: 76804

Action Officer: Kieran Ives

Phone: 59095

UNCLASSIFIED

<p>Purpose of the meeting:</p>	<p>Scentre Group Discussion: Woden Westfield and Belconnen Westfield redevelopment plans.</p> <p>Possible discussion points and background information on each discussion point is at <u>Attachment A</u> and <u>Attachment B</u>.</p>
<p>Attendees:</p>	<p>Roy Gruenpeter – General Manager, Development & Strategic Asset Management Adam Achterstraat – Development Executive</p> <p>Familiarisation picture and short biography of attendees at <u>Attachment C</u>.</p>
<p>Directorate representative in attendance:</p>	<p>Nil.</p>
<p>Who will meet you (include mobile):</p>	<p>Chief Minister is to come to the Scentre Group Reception, check-in in the Sky Lobby. He will then be escorted up to the level 30 Boardroom.</p> <p>Adam Achterstraat – Development Executive (0408 328 772)</p>
<p>Day / date:</p>	<p>Friday 25 March, 2022</p>
<p>Time:</p>	<p>9:00am</p>
<p>Venue:</p>	<p>Level 30, 85 Castlereagh Street, Sydney 2000 https://goo.gl/maps/zxcd5h1QaS3Wiz7</p>  <p>Chief Minister is to come to the Scentre Group Reception in the Sky Lobby, and will be directed to the meeting room.</p>
<p>Transport arrangements:</p>	<p>MO to advise.</p>
<p>Where to park:</p>	<p>No parking arrangements have been made to support your attendance at this meeting.</p>

	<p>There is limited publicly accessible parking available in the Sydney CBD.</p>
<p>Background:</p>	<p>It is not known when the Chief Minister previously met with Scentre Group.</p> <p>Minister Gentleman met with Scentre Group 23 May 2019, to discuss Scentre Group the outcome of Territory Plan Variation No 342 for Belconnen Town Centre (V342). Scentre Group have since commenced work on a Planning Study to support EPSDD consideration of a draft Territory Plan variation to increase building heights at Westfield Belconnen site.</p>
<p>Discussion:</p>	<p>Your office has sought a meeting with a representative of Scentre Group about Westfield Woden Plaza and Westfield Belconnen Mall redevelopment plans. Scentre Group are the owners and managers of Belconnen Mall and Woden Plaza.</p> <p>You may like to highlight investment (Government and non-government) around both Westfield Woden and Westfield Belconnen to encourage further improvements to the two centres.</p> <p>Matters you may wish to discuss in relation to Woden Town Centre include:</p> <ul style="list-style-type: none"> • Scentre Group’s investment in Bradley Street • Potential Redevelopment of Bonner House (3 Neptune Street, Phillip) • Significant Government investment in the Town Centre including: <ul style="list-style-type: none"> ○ A new CIT (bringing about 6,500 students) and ○ passenger-friendly public transport interchange (providing for about 10,000 daily commuters). • Significant private sector residential mixed-use development occurring to the East, North and West of the Plaza and the land release of Section 7 Phillip in 2022-23. <p>Matters you may wish to discuss in relation to Belconnen Town Centre include:</p> <ul style="list-style-type: none"> • Scentre Group’s anticipated Planning Report regarding a potential Territory Plan variation to increase building heights at Westfield Belconnen. • Land releases that will bring continued investment to the Belconnen Town Centre identified on the ACT Indicative Land Release Program including: <ul style="list-style-type: none"> ○ the Recent sale of Block 17, Section 152 Belconnen on Swanson Court / Chandler Street providing for 550 dwellings and a variety of uses including hotels, serviced apartments and shops;

UNCLASSIFIED

	<ul style="list-style-type: none"> ○ in 2021-22, the release of Block 2, Section 151 Belconnen (the ‘Circus Sites’) providing for 500 dwellings on Emu Bank on the northern side of the Belconnen Mall; and ○ In 2022-23, the release of Sections 185, 21, 22, 23 Belconnen (the Lathlain Street emergency services sites) providing for 500 dwellings and commercial development opportunities. This release will also provide for improvements to pedestrian amenity along Lathlain Street. <p>An overview of the topics likely to be raised in relation to:</p> <ul style="list-style-type: none"> ● Woden Town Centre are at <u>Attachment A</u>; and ● Belconnen Town Centre are at <u>Attachment B</u>.
Consultation Internal:	EPSDD, Development and Implementation, Statutory Planning and Planning and Urban Policy have contributed to the development of this brief.
Media implications:	This is a private meeting and no media implications have been identified.



RECORD OF CONTACT/CONVERSATION

Conversation time: 9 March 2022 - 1:55pm

- Called back at 2.15 pm
- Called back at 3.25 pm and left a message.

CONVERSATION WITH: [REDACTED]

CONTACT PHONE: [REDACTED]

SUBJECT DISCUSSED: Corner Blocks (Setback requirements for exempt development)

Following a formal introduction 'My name is Kym and I work in the Gateway Team...'

Property in Narrabundah.

[REDACTED] lives on a corner block in Narrabundah. He wants to put a double garage on one side of his block. As the location of the garage will not meet the requirements for an exemption (see below), he understands that he is bound to seek development approval for the proposed garage as it will not be 15m back from the block boundary. [REDACTED] feels that corner blocks are unnecessarily penalised by this rule. [REDACTED] feels that his proposed garage has less impact on others that standard blocks as corner blocks only face neighbours on two sides.

[REDACTED] said that he is grateful for the call back.

While [REDACTED] commented that there may be a rational behind this rule, he wanted to provide feedback for future consideration of planning rules.

'the building plan area is not more than 10m² and behind the building line OR if the building plan area is more than 10m² and behind the building line, it is at least 15 metres from the block's front boundary' (DA self-check EPSDD website)

Advice provided

- I introduced myself and clarified that I had been asked by the Ministers office to call noting that community feedback is valuable, important and thanked [REDACTED] for his call.
- I advised [REDACTED] that I understood the interpretation of the rule to be correct but would seek clarification and call him back. I also noted he could also provide feedback thorough 'have your say' when opportunities arise.
- Called [REDACTED] back twice and left a message clarifying that the interpretation of the rules is correct and that his valuable feedback had been recorded.
- I provided [REDACTED] with the Gateway team phone number 6205 2888 should he have any further questions or feedback.
- I contacted TPU to seek advice on any opportunities for public feedback re: planning refresh. The noted that they will get back to me.

**Electronic approval at the Director/Executive Director level required. Place the approval email in the Objective file.*

Environment, Planning and Sustainable Development Directorate**To:** Minister for Planning and Land Management

Tracking No.: 22/21513

Date: 21 March 2022**From:** a/g Executive Group Manager, Statutory Planning**Subject:** DA Finder+ app launch**Critical Date:** **11 April 2022****Critical Reason:** To permit the timely release of the DA Finder+ App in early 2022, as was stated during public consultation.

- DG .../.../...
- DDG, Planning and Sustainable Development .../.../...

Recommendations

That you:

1. **Note** the DA Finder+ App is nearly ready for public release;

Noted / Please Discuss

2. **Note** the Communications and Engagement Plan provided at Attachment A; and

Noted / Please Discuss

3. **Agree** to announce the launch of DA Finder+ App, as outlined in the media release at Attachment B.

Agreed / Not Agreed / Please DiscussMick Gentleman MLA  15/3/2022

Minister's Office Feedback

Background

1. The DA Finder App (the App) is a key tool that provides Canberrans with Development Application (DA) information via mobile and tablet devices. The App is free and has been widely used since 2014, with over 4,500 downloads.
2. Since its inception in 2014, the App has had ongoing data sourcing issues that has contributed to instabilities and data inconsistencies. In the 2019-20 budget, the App received funding for significant upgrades (to version 3) primarily to address these issues, but also to expand its features and functionality.
3. In April 2020, the Standing Committee on Planning and Urban Renewal put forward 66 recommendations in *Report 12 - Inquiry into Engagement with Development Application Processes in the ACT*, of which the Government agreed or agreed in principle to 47. A number of these recommendations related to the DA Finder App and planning website, including that:
 - the upgrades to version 3 of the App be expedited;
 - a range of factsheets, additional information and contact details are added to the website and the App; and
 - historical DAs, plans and notice of decisions are available on the website and the App for a period of five years.
4. Since 2020, work has been underway to develop version 3 of the App (DA Finder+) in addition to significant updates to the planning website.
5. As outlined in 21/83371, a beta version of DA Finder+ was released for targeted stakeholder testing between November 2021 and January 2022.

Issues

6. As outlined in 21/83371, stakeholder testing of DA Finder+ was scheduled to occur over a four-week period between 11 November and 10 December 2021; however, due to low participation numbers during this time, the testing period was extended for a further four weeks. Stakeholder testing formally closed on 10 January 2022.
7. A total of two questionnaire responses were received during the eight-week testing period. The two responses heavily contrasted with one providing positive feedback and the other providing negative feedback. Neither responder provided specific comments or suggestions for improvements.
8. Since, the project group consisting of EPSDD, Access Canberra and Digital, Data and Technology Solutions have worked with the app developers and are close to producing a version of DA Finder+ that is suitable for public release.

Financial Implications

9. The DA Finder App upgrade has approved project funding for \$160,000 in the non-employee operating expenses for the Statutory Planning budget. Notionally, this included funding for the App upgrade, ongoing maintenance and support, and communications and marketing.

10. \$10,000 of this funding is available to support a communications campaign to launch and advertise the updated version of the App.

Consultation

Internal

11. The project working group consists of numerous EPSDD representatives, including Digital Solutions, Statutory Planning, and Communications and Engagement.
12. Members of the project group have participated in user testing DA Finder+ and in the preparation of this brief and all associated communications collateral.

Cross Directorate

13. The project working group also consists of members from Access Canberra Customer Coordination and Digital, Data and Technology Solutions who have also been consulted in the development of this brief and all associated communications collateral.
14. As Access Canberra Customer Coordination have formed a key part of the project working group, you may wish to brief Minister Cheyne as the Minister for Business and Better Regulation.

External

15. Stripy Sock Pty Ltd have been contracted to develop DA Finder+ and is in regular contact with the project team.
16. As highlighted in the Communications and Engagement Plan (Attachment A) and above, targeted external consultation with key community and industry organisations was undertaken over a period of eight-weeks.

Work Health and Safety

17. Nil.

Benefits/Sensitivities

18. The current App has experienced failures due to data sourcing and system crashes and, at times, did not accurately reflect the location details of DA's, Territory Plan Variations, and Environmental Impact Assessments on the map. This has impacted the reputation of the App as a reliable information source.
19. DA Finder+ no longer skims data from the web, and instead uses direct data feeds from a database. This will eliminate these issues and crashes, and DA Finder+ will be the 'go to' tool should the DA webpages experience outages.
20. DA Finder+ introduces a new notification system and 'watched' function that will allow users to watch a designated area for any new DA's and the progress of a particular application as it moves through the relevant assessment process.
21. The upgrades to the App will provide access to notice of decision and plans for all development applications decided after its release. Basic information such as the application number and location will be displayed for applications finalised in the five years

prior to the upgrade due to system limitations.

- 22. DA Finder+ will assist in the delivery of a key administrative reform of the 10th Legislative Assembly, to increase open and transparent access to government information thereby reducing the need for Freedom of Information Act requests.

Communications, media and engagement implications

- 23. A beta version of DA Finder+ was released for targeted stakeholder consultation on an invitation only YourSay webpage. The consultation period commenced on 11 November 2021 following presentation to the Environment and Planning Forum and concluded 10 January 2022.
- 24. Following completion of the consultation period, final updates to DA Finder+ were made, and the App is ready for public release.
- 25. To support the launch of the upgraded app, a draft media release (Attachment B) has been prepared for your agreement.
- 26. As outlined in the Communications and Engagement Plan (Attachment A), it is intended that the upgraded app will also be communicated through amendments to DA signage for new development proposals, the ACT planning website, a social media post and emails to key internal and external stakeholders. A full package containing these changes can be provided to your office, if required.
- 27. It is likely there will be limited media interest in the launch of the upgraded app.

Signatory Name: George Cilliers Phone: x76804
Action Officer: Brad Maxwell / Bala Radhakrishnan Phone: x57670 / x76503

Attachments

Attachment	Title
Attachment A	Communications and Engagement Plan
Attachment B	Draft media release

ARRANGEMENTS BRIEF

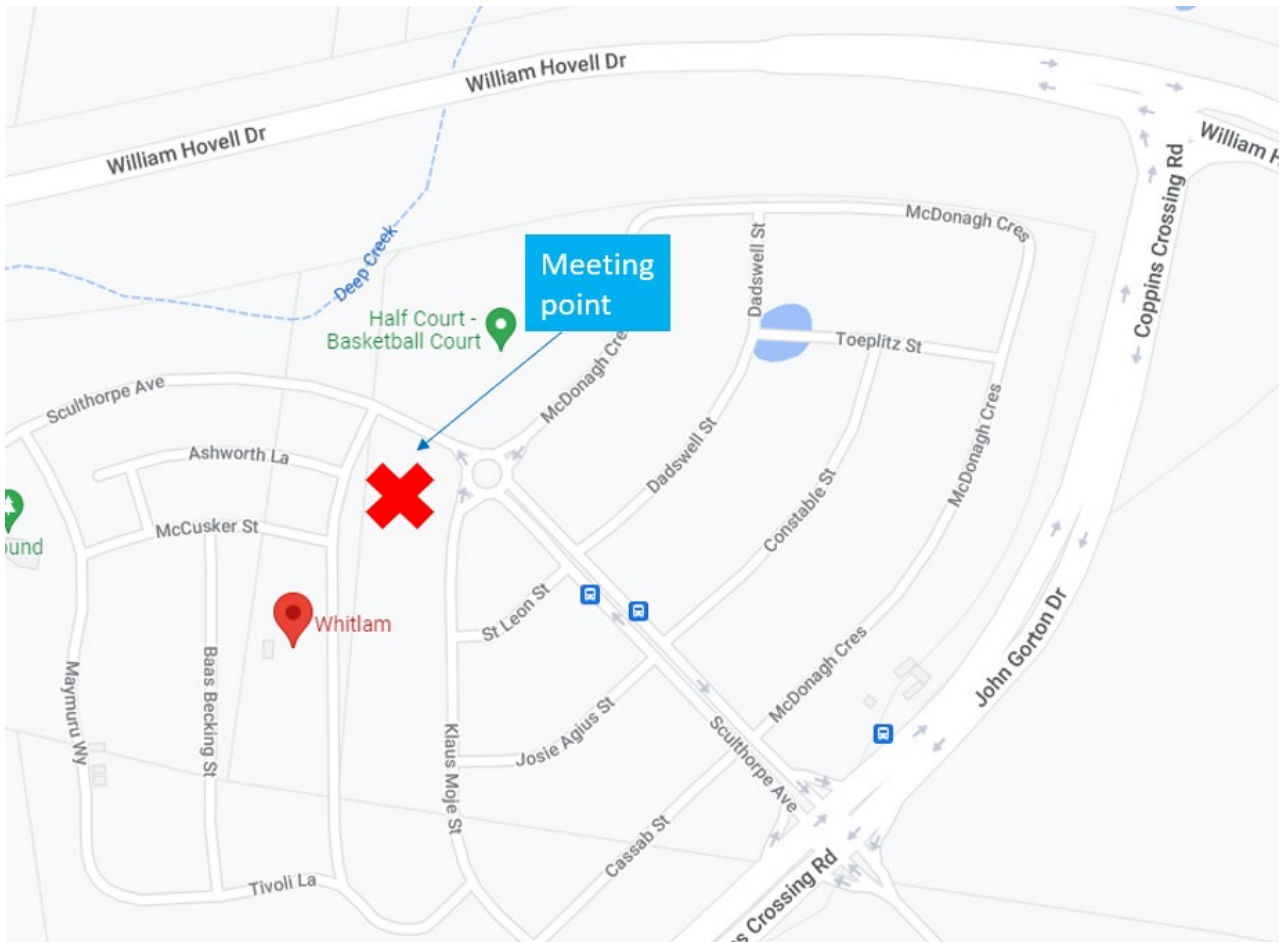
FUNCTION:	Minister Berry tour of Whitlam (internal SLA staff only)
VENUE:	SLA Innovation Hub car park - Sculthorpe Avenue, Whitlam
HOST:	Name: Mayumi Piper Mobile: [REDACTED]
DAY:	Friday
DATE:	25 March 2022
TIME:	Midday – 1.00pm
TIME COMMITMENT:	One hour
DRESS CODE:	Neat casual. Please wear closed, flat shoes.
YOUR ROLE:	To participate in the informal tour hosted by SLA staff.
WHERE TO PARK:	Sealed car park off the roundabout at Sculthorpe Avenue and Klaus Moje Street opposite roundabout (see map at Attachment A)
WHO WILL MEET YOU:	SLA CEO, John Dietz
ADVISOR ATTENDING:	Harini Walthati Louise Momber
AUDIENCE:	SLA staff attending (<i>in alphabetical order</i>) <ul style="list-style-type: none"> • Jon Barnes (Built Form) • Simon Cox (Molonglo Development Team) • John Dietz (CEO) • Matthew Keighley (Sustainability) • Josie Khng (Marketing) • Petra Oswald (Built Form) • Sophie Peer (Mingle) • Nicola Plunkett-Cole (Placemaking) • Simon Tennent (Molonglo Development Team)
VIPs:	n/a
PAST INVOLVEMENT:	The Deputy Chief Minister previously attended Whitlam in a formal capacity in November 2020 to officially open the suburb
SENSITIVITIES:	n/a
ORDER OF CEREMONIES	Minister's tour will include Whitlam areas of interest: <ul style="list-style-type: none"> • Molonglo Valley/Whitlam development delivery outline • Whitlam Display village – our ambition and various elements

Yvette Berry MLA - Arrangements brief

	<ul style="list-style-type: none">• Heartbeat Café• Tour of Innovation Hub comprising sales suite, climate wise garden, Mingle space and multi-generational dwellings• Estate development progress including playground• Place activation, place management and sustainability
MEDIA:	No, information presented is not for an external audience
SOCIAL MEDIA ACCOUNTS	n/a

Yvette Berry MLA - Arrangements brief

Attachment A - Map





NATIONAL MEETING BRIEF

To: Minister for Sustainable Building and Construction

Tracking No.: 22/21469

From: Executive Branch Manager, Planning and Urban Policy

Date of meeting: Monday, 28 March 2022

Subject: Building Ministers' Meeting (BMM)

Recommendations

That you:

- 1. **Note** the possible discussion topics and recommended ACT position for the Building Ministers' Meeting at Attachment A.

Noted / Please Discuss

Rebecca Vassarotti MLA/...../.....

Minister's Office Feedback

Signatory Name: Bethel Sendaba

Phone: 6205 0030

Action Officer: Alison Kemp

Phone: 6205 7891

OFFICIAL Sensitive

Purpose of the meeting:	A meeting of the Building Ministers' Meeting (BMM) including an Industry Forum. The agenda, associated papers and the recommended ACT position for agenda items are at <u>Attachment A</u> .
Attendees:	The list of attendees for the Industry Forum can be found within the Forum agenda at <u>Attachment A item 01</u> . Attendees of the BMM Cwlth Chair – Senator the Hon Jonathon Duniam, Assistant Minister for Industry Development NSW – The Hon Kevin Anderson MP, Minister for Better Regulation and Innovation NT – The Hon Eva Lawler MLA, Minister for Infrastructure, Planning and Logistics QLD – The Hon Mick de Brenni MP, Minister for Public Works and Procurement TAS – The Hon Elise Archer MP, Attorney General and Minister for Workplace Safety and Consumer Affairs VIC – The Hon Richard Wynne MP, Minister for Planning (maybe an apology due to Cabinet commitments) WA – The Hon Amber-Jade Sanderson MLA, Minister for Environment, Climate Action and Commerce (will be an apology for a portion of the meeting. Will be presented by Saj Khan) SA – TBC
Directorate representative in attendance:	Ben Ponton, Director General, Environment Planning and Sustainable Development Directorate (EPSDD) Bethel Sendaba, Executive Branch Manager, Planning and Urban Policy, EPSDD Alison Kemp, Senior Director, Building Reform, EPSDD (TBC)
Day / date:	Monday 28 March 2022
Time:	2:30pm to 3:15pm – Industry Forum 3:20pm to 5pm - BMM
Venue:	The meeting will be held via videoconference A room has been booked at 220 NBA.
Background:	The last BMM meeting was held on 26 November 2021.
Consultation Internal:	N/A
Cross directorate:	N/A
External:	A meeting of the Senior Officials' Meeting (SOM) took place on 22 March 2022 to discuss the agenda for the BMM. Advice on the discussion at the SOM and jurisdictional positions on each item are provided in the agenda item briefs at <u>Attachment A</u> .
Media implications:	A communique will be released following the meeting. A draft of the communique can be found at <u>Attachment A item 0.8</u> . The final version will be discussed at the BMM and if required will be settled shortly following the meeting before being released. Communiqués released by the BMM have previously been the subject of media reports. You released a media release ahead of the BMM on energy efficient homes.

Summary of Attachment A

- 0.1 Agenda – Industry Forum and Building Ministers’ Meeting
- 0.2 Industry Forum – Brief
- 0.3 BMM Agenda
- 0.4 BMM Agenda item 2 – Energy Efficiency
- 0.5 BMM Agenda item 2 – Brief
- 0.6 BMM Agenda item 3 – ABCB Strategic Plan 2022-2027
- 0.7 BMM Agenda item 3 – Brief
- 0.8 BMM Agenda item 4 - Communique



Response to DLO Request

*** All information provided should be factual.**

EGM clearance email to be saved in the Objective file and forwarded to the EPSDD DLO inbox and copy in the relevant EO.

Subject:

Meeting with [REDACTED] on 30 March 2022 to discuss matters related to their home extension/renovation in particular issues related to the Master Builders Association (MBA) Fidelity Fund (the Fund).

Background:

Following a meeting with you on 7 December 2021 [REDACTED] wrote to Minister Rattenbury on 21 December 2021 (**Attachment 1 and 1.1**). In this correspondence [REDACTED] noted that they were writing to Minister Rattenbury as the Minister responsible for Fair Trading and also noted that they had made a complaint to the Commissioner for Fair Trading posing the following 3 questions:

1. Is the deed a requirement of, and supported by, the Commissioner?
2. What is the Commissioner's position on families having to sign a restrictive deed before receiving any payment from the Fidelity Fund?
3. Is there a legislative or ACT Government requirement to sign the deed?

The correspondence to Minister Rattenbury and the Complaint to the Commissioner of Fair Trading were both transferred to the Building Reform Team, Environment, Planning and Sustainable Development Directorate (EPSDD) for replay as overall policy responsibility for the Fun sits within the Building and Sustainable Construction portfolio. [REDACTED] were advised of this. A draft response (**Attachment 2**) has been prepared by Building Reform EPSDD and has been sent to EPSDD Legal Policy Team for advice/review before being finalised and provided to you.

[REDACTED] wrote your office on 19 March (**Attachment 3 and 3.1**) and sought a meeting with you. In this request to meet they have raised the following matter 3 matters:

1. Response to the complaint to the Commissioner for Fair Trading – a representative for the Commissioner should be present. This was submitted before Christmas 2021.
2. Response to The FOI's submitted by both [REDACTED] – if they are extended for the third time.



3. Legislation Changes – see attachment (**Attachment 3.1**). This is a high-level summary, and a more detailed document will be provided during the meeting.

Advice in relation to each of these matters is outlined below:

1. As noted above the complaint referenced by [REDACTED] to the Commissioner was also included in correspondence provided to Minister Rattenbury and both were subsequently referred to Building Reform EPSDD for response as the issues fall within the Building and Sustainable Construction portfolio. An initial response has been drafted and will be provided to you once it has been reviewed by EPSDD Legal. In speaking with [REDACTED], I gave them an initial indication of what the response was likely to say and noted specifically that it was important that they seek their own independent legal advice as neither officials nor the Minister were able to advise them.

It would appear that regardless of this information [REDACTED] are seeking the personal views of the Commissioner/Minister as to the fairness of the deed document. [REDACTED]

[REDACTED] As [REDACTED] were advised in the meeting of 7 December 2021, both the directorate and you were more than happy to receive feedback on the operation of the scheme that could inform any future policy review and legislative changes, but these would not be retrospective and would not change the rules that currently apply in their situation.

2. [REDACTED] have made two FOI requests, initially made to CMTEDD and subsequently transferred to EPSDD for response. One, requested a range of administrative documents regarding the operation of the Fund, was completed yesterday by the information officer and a notification of the outcome provided to [REDACTED]. The second request, related to annual and financial reports is due to be decided by the information officer today and a notification provided to [REDACTED] shortly after (sometimes it takes until the next day for the notice to be sent). Decision letters on FOI requests provide information on review process should the applicant be dissatisfied by the response (the ACT Ombudsman).
3. [REDACTED] have provided a range of suggested legislative and policy changes (**Attachment 3.1**). The changes relate primarily the Fund and a suggestion has also been made that certifiers are required to provide reports to the owners not just the Construction Occupations Registrar. With respect to suggestions relating to the Fund. You advised [REDACTED] at the meeting on 7 December 2021 that the Government had already committed to reviewing the amount payable under the Fund, you could reiterate today the following key points:
 - The ACT Government is committed to ensuring that the scheme continues to operate to protect consumers in a viable manner in the long term and as such has committed to:



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- reviewing provisions relating to fidelity funds in the *Building Act 2004*;
- undertaking public consultation in relation to potential changes to the overall insurance and fidelity fund system that could be made while keeping the system viable in the long term, such as potential increases in the minimum amounts policy and certificate fund holders may be entitled to; and

clarifying in the legislation the treatment of claims for common areas by owners corporations and/or methods for determining the amount the owners corporation is entitled to.

The suggestions [REDACTED] have made can be considered through the above work.

Regarding the requirement for certifiers to provide documents to owners in addition to the Construction Occupations Registrar. Owners are already able to access these documents as the party that engages the certifier. Further consideration will be given to the need for a legislative requirement or if better information and education for consumers and homeowners is the more appropriate avenue.

ARRANGEMENTS BRIEF

FUNCTION:	Media stand-up to launch awareness about start of consultation for the draft Planning Bill
VENUE:	Courtyard outside 480 Northbourne Avenue (ACTPS Dickson office building) Wet weather option: in the atrium of 480 Northbourne Avenue
HOST:	Name: Ben Ponton Mobile: [REDACTED]
DAY:	Wednesday
DATE:	16 March, 2022
TIME:	12:30–1:15pm (Louise Crossman to confirm)
TIME COMMITMENT:	1 hour (with travel)
CATERING:	NA
DRESS CODE:	Business
YOUR ROLE:	Minister to introduce the new Bill and announce consultation prior to Ben going into more detail on the Bill.
WHERE TO PARK:	Parking is available under the building. Entrance off Challis Street.
WHO WILL MEET YOU:	Ben Ponton and Erin Brady
ADVISOR ATTENDING:	The Minister’s planning and media advisors are aware of the event and will accompany the minister as required.
AUDIENCE:	ACT media outlets
VIPs:	Third party spokesperson – Rolf Fenner former president of the Planning Institute of Australia.
PAST INVOLVEMENT:	NA
SENSITIVITIES:	NA
ORDER OF CEREMONIES	Time to be confirmed (Alex/Louise) 12:30pm: Minister speaks 12:35pm: Ben Ponton speaks 12:40pm: Rolf Fenner, Vice President PIA ACT, speaks 12:45pm: Photo opportunity, media interviews 1pm+: Event concludes
MEDIA:	Media release has been prepared and is with media advisor. Draft attached.

Mick Gentleman MLA - Arrangements brief

SOCIAL MEDIA ACCOUNTS	EPSDD will post after the media event. CMTEDD has been requested to share on ACT channels.
OUTSTANDING REGULATORY ISSUES	NA

Environment, Planning and Sustainable Development Directorate

To: Minister for Water, Energy and Emissions Reduction

Tracking No.: 22/30116

Date: 25/03/2022

CC: Minister for Climate Action

From: Executive Branch Manager, Communications, Engagement and Media

Subject: Rebranding of Actsmart into Everyday Climate Choices

Critical Date: 30/03/2022

Critical Reason: To gain approval on the proposed Everyday Climate Choices brand name structure to be applied across all climate action programs, services and assets (formerly Actsmart).

- DDG - Environment Water and Emissions Reduction 28/3/22
- CG – Climate Action 28/3/22

That you:

1. **Note** the information contained in this brief and attachments; and

Noted / Please Discuss

2. **Agree** to the rebrand approach outlined in this brief.

Agree / Not Agreed / Please Discuss

Shane Rattenbury MLA

8/4/22

Minister's Office Feedback

Background

1. In late 2021, the ACT Government launched a new brand and website called 'Everyday Climate Choices'. This is an overarching Climate Action brand that encapsulates new and current ACT Government climate action programs. The brand consolidates and streamlines information from ACT Government platforms and presents information that is user-centered that supports and empowers the ACT community to take steps towards achieving our goal of net zero emissions by 2045.
2. The ACT Government's One Government, One Voice approach has been applied to the creation of a Climate Action brand; the Whole of Government narrative; and a simple, unified and customer focussed digital experience through a customer centred website and social media presence.
3. As part of the next phase of the brand project, Environment, Planning and Sustainable Development Directorate (EPSDD) and Chief Minister, Treasury and Economic Development Directorate (CMTEDD) will consolidate and highlight Actsmart programs and services under the Everyday Climate Choices brand. This will help build brand equity and create a single source of truth for the community. Name actions such as awards, accreditations and challenges will reinforce the overall brand proposition and encourage the community to participate.
4. The naming structure proposes that:
 - a. awards, accreditation and challenges names lead with 'Climate Choices' to build brand equity (e.g. Climate Choices Business Awards); and
 - b. refer to sectors such as school, businesses and households as Sustainable Schools, Sustainable Businesses, and Sustainable Homes in line with the programs and services offers.
5. The Everyday Climate Choices naming structure brand presentation ([Attachment A](#)) has been included for review. Three examples of how the naming structure will be applied in practice are also available:
 - a. Example Only Climate Choices Business Award ([Attachment B](#))
 - b. Example Only Sustainable Home Advice program poster ([Attachment C](#)).

Issues

6. This project also aligns with EPSDD's work continuing to consolidate information on the Actsmart and Environment websites under the new Everyday Climate Choice website. Following approval, the naming structure will be considered as part of work to review, rewrite and move across the remaining content from these websites, with a final objective to archive the Actsmart website.
7. The Climate Change and Energy Division is currently preparing for the Business Awards event, currently scheduled for 16 May 2022. This event offers opportunity for

businesses to showcase their sustainability actions and be recognised as a sustainability leader. Approval of the naming structure is required to allow the team to prepare communication materials for the event.

Financial Implications

- 8. There will be a significant financial implication for EPSDD to implement the Everyday Climate Choices brand across all climate action programs, services and assets (formerly Actsmart). Funding for some elements, including the migration of the existing website information, has been funded through the Everyday Climate Choices budget initiative (2021).
- 9. Following the approval of the Everyday Climate Choices brand name structure, EPSDD will create an implementation project plan using a risk-based approach whilst taking into consideration the available budget.

Consultation

- 10. EPSDD and CMTEDD Communications have been working in partnership with the Climate Change and Energy Division to deliver the proposed name structure and continue the evolution of the Everyday Climate Choices brand.

Work Health and Safety

- 11. Nil

Benefits/Sensitivities

- 12. Nil

Communications, media and engagement implications

- 13. EPSDD and CMTEDD Communications will continue to work in partnership with the Climate Change and Energy Division to apply the brand across EPSDD programs, services and assets.
- 14. To support the transition and implementation of the new brand, EPSDD in consultation with CMTEDD will develop a Communications On A Page (COAP).

Signatory Name: Alexandra Magee Phone: x72136

Action Officer: Megan Baker Phone: x54518

Attachments

Attachment	Title
Attachment A	Everyday Climate Choices naming structure brand presentation
Attachment B	Example Only Climate Choices Business Award
Attachment C	Example Only Sustainable Home Advice program poster