



Environment, Planning and Sustainable Development Directorate

To: Chief Minister

Tracking No.: 22/13194

CC: A/g Director-General, Environment, Planning and Sustainable Development

Date: 20 April 2022

From: Chief Executive Officer – City Renewal Authority

Subject: 2021-22 Budget Rollover and forward estimate capital profile

Critical Date: 22 April 2022

Critical Reason: Treasury requires advice on 26 April 2022 for 2021-22 Budget Process

Recommendations

That you:

1. **Note** the City Renewal Authority (the Authority) is forecast to expend the full amount of the 2021-22 capital and recurrent appropriations as per the published budget papers, and nil rollover is requested; and

Noted / Please Discuss

2. **Note** the Authority has prepared the forward estimates capital profile, on a conservative basis, for provision to Treasury.

Noted / Please Discuss

Andrew Barr MLA

20/4/22

Minister's Office Feedback

CABINET

Background

1. Budget Memo 2022/08 (2022-23 Capital Works Program and Recurrent Initiatives, issued 1 April 2022) requested that Agencies commence reviewing profiles of existing capital works projects and recurrent initiatives and seek Ministerial clearance. Treasury has subsequently advised that advice is due to it by 26 April 2022.
2. Capital Budget Appropriation to the Authority is \$17.823 million for 2021-22.
3. Recurrent Budget Appropriation to the Authority is \$13.487 million for 2021-22.

Issues

2. For much of 2021-22 the Authority was forecasting the need to bring forward Capital funding from forward estimates into 2021-22. This was reflected in the Authority's mid-year review advice, with a forecast of \$19.785 million (and additional \$1.962 million). This is no longer expected, due to delays in the program which are primarily a result of procurement outcomes. The Authority now expects to fully utilise the \$17.823 million as appropriated. Any change to that position will be managed within the Authority's existing cash reserves. No rollover of capital appropriation is required.
3. The Authority has reviewed the profile of capital appropriations for the forward estimates. The key change is the transfer of \$1.570 million in appropriations from the Authority to Transport Canberra and City Services Directorate (TCCS) for the delivery of the Sydney and Melbourne Buildings (SMB) Laneways Capital Works.
4. The 2022-23 capital profile includes \$2.393 million for the SMB Façade restoration works. Subject to a separate briefing, the Authority will seek Ministerial endorsement to engage Treasury to re-appropriate this capital funding to recurrent. Treasury has been consulted and supports this approach.
5. The Authority has taken a conservative approach to the revised capital profile and has deferred a portion of expenditure related to the 2022-23 program to the 2023-24 financial year.
6. The impact of lockdowns and COVID related restrictions resulted in the deferral of activation activities until the second half of the 2021-22 financial year. For much of 2021-22 the Authority's expenditure of recurrent appropriations has lagged behind the budgeted profile. The Authority has been managing this very closely and expenditure patterns for the past six weeks are consistent with revised targets. The Authority is confident that recurrent appropriations will be fully utilised in 2021-22 and no rollover of recurrent appropriation is required.

Financial Implications

7. There is nil impact on 2021-22 budgeted appropriations.
8. The revised profile for capital appropriations for the forward estimates is shown in Attachment A. This is summarised below, noting that this does not include Acton Waterfront Parkland delivery (not published).

CABINET

| | 2021-2022 Budgeted Financing (\$'000) | 2022-2023 Budgeted Financing (\$'000) | 2023-2024 Budgeted Financing (\$'000) | 2024-2025 Budgeted Financing (\$'000) | 2025-2026 Budgeted Financing (\$'000) | TOTAL |
|----------------------------|--|--|--|--|--|---------------|
| Published Budget (2021/22) | 17,823 | 16,220 | 5,751 | | | 39,794 |
| Revised profile | 17,823 | 14,385 | 6,016 | | | 38,224 |
| Difference | 0 | (1,835) | 265 | 0 | 0 | (1,570) |
| <i>Made up of:</i> | | | | | | |
| - reappropriation to TCCS | | (1,570) | | | | (1,570) |
| - other program changes | 0 | (265) | 265 | 0 | 0 | 0 |

Consultation

Internal

9. Executive and Management in the Authority has been included in all forecasts and management of the Authority's 2021-22 Budget Appropriations. The Project Advisory Group provides governance over the capital program and has been included in the preparation of this advice.

Cross Directorate

10. MPC has been included in all processes for the forecast, management and governance of the capital program.

External

11. NA

Work Health and Safety

12. NA

Benefits/Sensitivities

13. NA

Communications, media and engagement implications

14. NA

Signatory Name: Malcom Snow

Phone: x51805

Action Officer: David Putt

Phone:

Sch 2.2(a)(ii)

Attachments

| Attachment | Title |
|--------------|--|
| Attachment A | Capital Program Profile (Treasury Collection Template) |

To: Chief Minister

Tracking No.: 22/32215

From: Malcolm Snow, Chief Executive Officer, City Renewal Authority

Date of meeting: Thursday, 5 May 2022

Subject: Attendance at City Renewal Authority Board Meeting 5 May 2022

Purpose of the meeting

To be briefed on the City Renewal Authority Board's recent strategic discussions and to provide feedback on the draft Precinct Plan on a Page and updated 2025 Strategic Plan, prior to the Board finalising the documents.

Recommendations

That you **Note** the possible discussion topics for your meeting with the City Renewal Authority Board at Attachment B.

Noted / Please Discuss

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

Minister's Office Feedback

Signatory Name: Malcolm Snow

Phone: 51878

Action Officer: Fiona Codd

Phone: 73098

UNCLASSIFIED

| | |
|--|---|
| Purpose of the meeting: | <ol style="list-style-type: none"> Attend City Renewal Authority Board Meeting Be briefed by the Chair on the Precinct Plan on a Page and updated Authority 2025 Strategic Plan that responds to priority areas discussed with you in December 2021. Provide any feedback or ask questions of the Board. <p>Talking points for this agenda item are at Attachment A.</p> <p>The Board meeting agenda is at Attachment B.</p> <p>The draft updated Strategic Plan and Precinct Plan on a Page are at Attachments C and D.</p> |
| Attendees: | <p>In-person at Nara House:</p> <p>Ms Christine Covington, Chair Mr Nigel Chamier, Deputy Chair Ms Kate Brennan, Board Member Ms Alison Kimber, Board Member Prof Ken Maher, Board Member Mr Malcolm Snow, CEO Mr Craig Gillman, COO</p> <p>Participating virtually:</p> <p>Ms Gabrielle Trainor, Board Member</p> |
| Directorate representative in attendance: | Malcolm Snow, CEO |
| Who will meet you (include mobile): | Name: Christine Covington, Board Chair Mobile: Sch 2.2(a)(ii) |
| Day / date: | Thursday, 5 May 2022 |
| Time: | 12.00pm-12.30pm |
| Venue: | Either in-person at the Board meeting in the Nara Centre (Level 3 Boardroom) or online via MS Teams. There virtual meeting will be monitored by the Board Secretariat, Ms Fiona Codd. |
| Background: | You meet with the Board 1-2 times per year. The last was 9 December 2021 when you provided guidance and insights on your vision and priorities for the Board's consideration. Internal notes from that discussion that the Board has used as a reference point are at Attachment E . |
| Discussion: | The Board has held two workshops in March to review strategic priorities in response to the government's focus areas. |
| Consultation Internal: | Nil |
| Cross directorate: | Nil |
| External: | Nil |
| Media implications: | A summary of the agenda topics for CRA Board Meetings is published on the CRA website. No media. |

To: Minister for Planning and Land Management

Tracking No.: 22/17152

From: Executive Branch Manager, Planning and Urban Planning

Date of meeting: Monday, 11 April 2022

Subject: Land Release for Community Groups

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

Purpose of the meeting

To discuss with your colleagues Ministers Tara Cheyne MLA and Minister Chris Steel MLA, the concessional leases process and making more land available for community organisations, particularly to Culturally and Linguistically Diverse (CALD) groups.

Recommendations

That you:

- **note** the possible discussion topics for your meeting with Ministers Cheyne and Steel at Attachment A.

Noted / Please Discuss

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

Minister's Office Feedback

Signatory Name: Steven Gianakis

Phone: 71741

Action Officer: Steven Gianakis

Phone: 71741

UNCLASSIFIED

Environment, Planning and Sustainable Development Directorate

| | | |
|-------------------------|---|------------------------|
| To: | Minister for Planning and Land Management | Tracking No.: 22/25694 |
| Date: | 11 March 2022 | |
| From: | Senior Director, Territory Plan – Planning and Urban Policy | |
| Subject: | DV387 – Electric Vehicle Ready Infrastructure | |
| Critical Date: | 25 March 2022 | |
| Critical Reason: | To enable the draft variation to be circulated to agencies as soon as possible. | |

- DG .../.../...
- A/g DDG, Planning and Sustainable Development 16/03/22

Recommendations

That you:

1. Note the information contained in this brief; and

Noted / Please Discuss

2. Agree to Option 1, Option 2 or Option 3 for progressing the addition of electric vehicle charging infrastructure to the Territory Plan.

Option 1 / Option 2 / Option 3 / Please DiscussMick Gentleman MLA  13/3/2022

Minister's Office Feedback

Background

1. The requirement for electric vehicle (EV) infrastructure in new multi-unit residential, commercial and industrial development is not covered under any existing ACT Planning Codes. The installation (retrofitting) of EV charging points is identified as exempt development under Schedule 1 of the Planning and Development Regulation 2008.
2. The Parliamentary and Governing Agreement for the 10th Legislative Assembly of the ACT identifies the desire to enact regulation in conjunction with the Territory Plan Review to require charging infrastructure for new multi-unit residential and commercial buildings and investigate measures to support retrofitting of charging infrastructure in existing buildings (Appendix 1.1.vi).
3. In October 2021 Urbis was engaged to help inform:
 - a. how the Territory Plan, including the Parking and Vehicular Access General Code, could be amended to require all new multi-unit residential and commercial developments to install EV Ready infrastructure;
 - b. recommend minimum required EV ready parking spaces that must be provided per unit and per development type;
 - c. provide advice on the most appropriate form and content of guidance and technical material including guidelines and/or practice notes, to help with the delivery and uptake of EV charging infrastructure in new multi-unit and commercial buildings;
 - d. provide a cost analysis of installing EV charging infrastructure within a new build and a cost analysis of retrofitting EV charging infrastructure in an existing building. This analysis would specifically include the identification of impacts on stakeholders (for example the impact on the cost of providing infrastructure on developers, on pricing, and unit owners); and
 - e. identify and analyse options available to the Territory to encourage the retrofitting of EV chargers (including for hybrid vehicles) in existing buildings.
4. An Executive Summary ([Attachment B](#)) has been prepared by Urbis and reflects the content and findings of the Final Report ([Attachment C](#)), which includes recommended planning controls to guide the delivery of EV infrastructure in new developments.

Issues

5. Concurrent processes related to the Government's broader Zero Emissions Vehicle (ZEV) Policy, and delivery through the ZEV Action Plan, are progressing through Government decision-making processes.
6. The Planning System Review and Reform Project (PSRRP) that is currently underway will be introducing a new Territory Plan in 2023. The requirements proposed by Urbis could be incorporated into the new Territory Plan rather than be progressed as a separate Territory Plan variation (TPV). This could be a quicker process to implement the changes given the time taken to progress and finalise a TPV.
7. Alternatively, a TPV with interim effect would apply the provisions from a stated date (such as the date public consultation starts or a later date). A later date would provide industry more time to plan, prepare, and budget for the inclusion of EV ready

infrastructure in their development proposals. Having immediate effect could have detrimental impacts on active development applications.

8. DV387 Electric Vehicle Ready Infrastructure (Attachment A) has been prepared to demonstrate how the EV infrastructure requirements could be applied to new multi unit and commercial developments.
9. Options for progressing the changes to the Territory Plan to add a requirement for EV infrastructure are:
 - a. Option 1 – progress with DV387 with interim effect
 - b. Option 2 – progress with DV387 without interim effect
 - c. Option 3 – add the DV charging infrastructure requirement to the new Territory Plan as part of the broader PSRRP.
10. If agreed to progress, DV387 will be referred to agencies (including mandatory agencies under the *Planning and Development Act 2007*). Further advice will be sought regarding the legality of applying interim effect to the proposed changes.

Financial Implications

11. Territory Plan variations are covered by base funding. There are no financial implications relating to DV387.

Consultation

Internal

12. This brief reflects relevant comments received from internal stakeholders within EPSDD.

Cross Directorate

13. This brief reflects relevant comments received CMTEDD and TCCS.

External

14. Nil.

Work Health and Safety

15. There are no work health and safety issues arising from this brief.

Benefits/Sensitivities

16. Costs of retrofitting EV charging infrastructure is much higher than the provision of infrastructure during the building process. Knowing that the EV transition is coming, it is prudent to plan for the transition during the building phase of new projects going forward to avoid future retrofitting costs for property owners.
17. There are benefits of being fully EV Ready for consumers, property owners and the community. These include cost savings, value uplift and greenhouse gas emissions reduction.
18. Costs vary with delivering EV charging infrastructure, with retrofitting of building costs potentially being significantly more expensive. Overall cost of EV Ready is on average a small proportion of development costs and building value.
19. DV387 with interim effect will truncate the time that industry will have to plan, prepare, and budget for the inclusion of the requirements for EV ready infrastructure.

Environment, Planning and Sustainable Development Directorate

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|-------------------------|--|------------------------|
| To: | Minister for Planning and Land Management | Tracking No.: 22/33888 |
| Date: | 20 April 2022 | |
| From: | Executive Group Manager, Statutory Planning | |
| Subject: | <i>Planning and Development Act 2007 – Section 242 – Notice of Direct Sale statement for the period 1 January 2022 to 31 March 2022</i> | |
| Critical Date: | 29 April 2022 | |
| Critical Reason: | The statement must be tabled in the Assembly within five sitting days after you receive the statement from the ACT planning and land authority. It is to be tabled in the Assembly during the 3 - 5 May 2022 sitting week. | |

Recommendations

That you:

1. **Agree** to table the statement and copies of the Crown leases at Attachment A in the sitting week of 3 - 5 May 2022.

Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA



29/4/2022

Minister's Office Feedback

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Background

1. Section 242(1)(a) of the *Planning and Development Act 2007* (the Act) requires the planning and land authority (Authority) provide you with a quarterly statement of
 - a. all leases granted by direct sale; and
 - b. the number of single dwelling house leases granted.
2. The Act requires the Authority to forward the statement to you within 10 working days after the end of the quarter. This was not met on this occasion due to the high number of staff on leave at this time of year and high numbers of staff impacted by COVID-19 in April 2022. However, the validity of a single dwelling house lease or other direct sale lease is not affected by a failure to comply with this requirement in relation to the lease.
3. The statement and associated Crown leases must be presented to the Legislative Assembly within five sitting days after you receive the statement from the Authority. It is proposed that the statement be tabled during the 3 - 5 May sitting of the Legislative Assembly.

Issues

4. Details of the relevant Crown leases for the period 1 January 2022 to 31 March 2022 are included in the statement at Attachment A.
5. Block 22 Section 28 Fyshwick was granted to TRANTERET PTY LTD A.C.N. 002 261 752. The Crown lease is to be consolidated with Block 8 Section 28 Fyshwick. The grant relates to the proposed construction and operation of an Integrated Resource Recovery Facility by Hi-Quality ACT Pty Ltd. The facility will receive, process and store a number of materials and waste streams including construction and demolition waste in addition to the continued operation of the existing concrete batching plant.
6. 212 single dwelling direct sale leases were granted during the January to March quarter. There were no Crown leases granted to a former owner of an asbestos affected property on a first right of refusal, or over the counter as a post action sale of an asbestos affected property. There were no Crown leases granted as a single dwelling land rent Crown lease.

Financial Implications

7. There are no financial implications arising from this statement.

Consultation

Internal

8. The information contained within the statement was provided by the Suburban Land Agency, EPSDD Development and Implementation and EPSDD Leasing Services.

Communications, media and engagement implications

9. There are no media issues expected to arise because of the tabling of this statement

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Signatory Name: Jonathan Teasdale Phone: 70316
Action Officer: Aaron Oshyer Phone: 58394

Attachments

| Attachment | Title |
|--------------|---|
| Attachment A | Direct Sales tabling for the quarter 1 January to 31 March 2022 with leases |

ARRANGEMENTS BRIEF

| | |
|---------------------------|---|
| FUNCTION: | Fyshwick Business Association Presentation – Fyshwick Light Rail + Greenline Concept Plan |
| VENUE: | 7 Wiluna Street, Fyshwick (Allbids Premises) |
| HOST: | Name: Rob Evans, President and Sch 2.2(a)(ii), FBA Campaign Manager Mobile: Sch 2.2(a)(ii) |
| DAY: | Tuesday |
| DATE: | 26 April 2022 |
| TIME: | 14:30 – 15:00 |
| TIME COMMITMENT: | 30 Minutes |
| CATERING: | N/A |
| DRESS CODE: | Business – FBA will take the lead of Minister on mask wearing |
| YOUR ROLE: | Audience for presentation of proposal for the future of Fyshwick with a focus primarily on transport infrastructure and urban development in East Canberra. Provide feedback and discuss next steps. |
| WHERE TO PARK: | Parking is available on site. (Google Map Directions: https://goo.gl/maps/rcaVnSWEpH8moQTc9) |
| WHO WILL MEET YOU: | Sch 2.2(a)(ii), FBA Campaign Manager Sch 2.2(a)(ii) |
| ADVISER ATTENDING: | Adviser: EPSDD Official: Ben Ponton |
| AUDIENCE: | Rob Evans, Sch 2.2(a)(ii), Ben Ponton and Sch 2.2(a)(ii) online (Planner in Sydney) |
| VIPs: | N/A |
| PAST INVOLVEMENT: | <u>Fyshwick Business Association (FBA)</u> Formed in 2019, the FBA claims to represent the interests of more than 1,000 business owners and 15,500 workers. FBA advocates for Fyshwick to be a light industrial, creative, recreational, hospitality, commercial, retail and professional precinct. The FBA have strongly advocated for restriction on the development of new waste facilities in Fyshwick and the co-location of waste recycling facilities in the Hume industrial area. FBA have also advocated for a master plan for Fyshwick. <u>Waste Facilities in Fyshwick</u> The <i>Planning and Development Amendment Bill 2021</i> was passed in the Assembly on 11 February 2021. The legislation introduced the concept of a prohibited waste facility development application and |

Mick Gentleman MLA - Arrangements brief

| | |
|--------------------------------------|---|
| | <p>provides that the planning and land authority must not accept a prohibited waste facility development application. This gives effect to banning the establishment of new waste facilities in Fyshwick and prevents an increase in the amount of waste handled at an existing facility.</p> <p>Through the Waste to Energy Policy 2020-25, the ACT Government has already put a moratorium on waste to energy in the ACT. This policy was a result of the Government consulting with the community and led to a ban on waste incineration.</p> <p><u>Light Rail + Greenline Concept Plan</u></p> <p>Rob Evans has indicated that FBA have presented to the Concept Plan to staff from the Chief Minister's Office, Tara Cheyne MLA and Chris Steel MLA.</p> |
| SENSITIVITIES: | |
| ORDER OF CEREMONIES | <p>Name of Master of Ceremonies -</p> <p>14:20: Minister Gentleman arrives at the venue</p> <p>14:25: [REDACTED] shows the Minister to his seat in the board room</p> <p>14:30: Fyshwick Business Association deliver presentation</p> <p>15:00: Minister provides his feedback and engages in discussion</p> <p>15:10: Event concludes, Minister departs</p> |
| MEDIA: | <p>FBA have engaged consultants Stewart Architecture to complete the scoping study and the Light Rail + Greenline Concept Plan. It is expected that the report or other materials will be released to the public in the future to support previous calls from the FBA's calls for a Master Plan for a Fyshwick Precinct.</p> <p>No immediate media implications have been identified.</p> |
| SOCIAL MEDIA ACCOUNTS | N/A |
| OUTSTANDING REGULATORY ISSUES | N/A |

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management,
Minister for the Environment

Tracking No.: 22/51288

Date: 07/05/2022

From: Executive Group Manager; Environment, Heritage and Water

Subject: Mulligans Flat Woodland Sanctuary Strategy and Governance Reform

Critical Date: 20 May 2022

Critical Reason: The opening of the Mulligans Flat Learning Centre is scheduled for late May 2022

- DDG, Environment, Water and Emissions Reduction 7/5/22

Recommendations – Minister for Planning and Land Management

That you:

1. **Agree** to the launch of the final Mulligans Flat Woodland Sanctuary Strategy (Attachment A) to align with the opening of the Mulligans Flat Learning Centre; and

Agreed / Not Agreed / Please Discuss

2. **Note** the update on the work to reform the governance arrangements of the Woodlands and Wetlands Trust.

Noted / Please Discuss

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

Minister's Office Feedback

Recommendations – Minister for the Environment

That you:

1. **Agree** to the launch of the final Mulligans Flat Woodland Sanctuary Strategy (Attachment A) to align with the opening of the Mulligans Flat Learning Centre; and

Agreed / Not Agreed / Please Discuss

2. **Note** the update on the work to reform the governance arrangements of the Woodlands and Wetlands Trust.

Noted / Please Discuss

Rebecca Vassarotti MLA  20./5./2022

Minister's Office Feedback

Background

1. The Mulligans Flat Woodland Sanctuary is managed by a partnership between the ACT Government, the Woodlands and Wetlands Trust (Trust), and the Australian National University (ANU).
2. The partnership has delivered several strategic initiatives including the construction of the Mulligans Flat Learning Centre (Wildbark), the development of a draft Strategy for the Mulligans Flat Woodland Sanctuary, and the initiation of a review into the existing governance framework that supports the management of the reserve.
3. Over the past two years, the partners developed a 30-year Mulligans Flat Woodland Sanctuary Strategy (Strategy) for the Sanctuary to set a new direction and tone for a new phase of engagement, marked by a shared vision, clear objectives, stronger community engagement, enhanced management of natural and cultural heritage, and strengthening Ngunnawal people's connection to country.
4. The draft Strategy was open for public comment and you approved the YourSay 'what we heard report' earlier in April 2022 (21/40092).

Issues


Strategy

5. The proposed final Strategy for public release is at Attachment A. A signatory page will be included covering the individuals identified at point 7 below in addition to Ministers.
6. The launch of the Strategy is proposed to align with the opening of Wildbark which is currently scheduled for late May. The arrangements for the launch will be settled with your respective offices in coming weeks. A ceremonial signing of the strategy is being considered.
7. Invitees to the launch are expected to include:
 - a. Caroline Hughes, Co-Chair Dhawura Ngunnawal Caring for Country Committee
 - b. Wally Bell, Member Dhawura Ngunnawal Caring for Country Committee
 - c. Roslyn Brown, Co-Chair United Ngunnawal Elders Council
 - d. Fred Monaghan, Co-Chair United Ngunnawal Elders Council
 - e. Alison Russell-French, President, Woodlands and Wetlands Trust
 - f. Ian Walker, ACT Conservator Flora and Fauna
 - g. Brian Schmidt, Vice-Chancellor and President, Australian National University.

Governance Reform

8. The partnership has been successful over the last decade. However, during that time, the Sanctuary has expanded, financial commitments and contributions of partners have

increased, and the partners have jointly invested in a major visitor infrastructure program.

9. The continuation of current governance arrangements is no longer ideal and carries a degree of risk. A move to a more equitable partnership arrangement that has a long-term focus to deliver the Strategy and create greater certainty for partners will be required. This approach is also likely to attract greater financial investment.
10. The Partnership has commenced a governance reform process and an options paper has been completed. Several case studies were developed and analysed to provide insights including Zealandia, Ginninderry Conservation Trust, Phillip Island and Wild Deserts. The options paper recommended that a reconstituted Woodlands and Wetlands Trust be the longer-term governance model.
11. A consultant has been engaged to conduct the detailed design for a reconstituted Trust. This consultancy will develop a draft governance framework and business model for Mulligans Flat. Following partnership agreement, it is proposed to submit the  governance framework and business model to Cabinet for consideration in 2022. You will be briefed in further detail on the work of the consultant in due course.
12. During the development of the draft governance framework for Mulligans Flat, key stakeholders across the Directorate, partner organisations, the Dhawura Ngunnawal Caring for Country Committee and conservation groups will be consulted.

Financial Implications

13. There are no immediate financial implications in finalising the Strategy. However, additional financial investment will be required to deliver the vision and this will be sought through partnership channels and future Government budget processes.
14. The governance reform consultancy is jointly funded by the Directorate and Woodlands and Wetlands Trust for a total of \$70,000.

Consultation

Internal

15. Staff across the Environment, Heritage and Water Division, EPSDD Legal and EPSDD Communications have been consulted.

Cross Directorate

16. Nil.

External

17. The Woodlands Wetlands Trust, Australian National University and the Dhawura Ngunnawal Caring for Country Committee informed the Strategy and are continuing to be consulted to progress governance reform.

Work Health and Safety

18. Nil.

Benefits/Sensitivities

- 19. The 2018-19 ACT Government Budget allocated \$1.584 million to support the Woodlands and Wetlands Trust by contributing to the construction of Wildbark.
- 20. In July 2018, the Trust purchased, via Direct Sale, land in Throsby adjacent to the Sanctuary for the new Centre. Odonata, a private investment group dedicated to supporting nation leading conservation initiatives, have partnered with the Trust and have committed to match the ACT Government’s funding in Wildbark.

Communications, media and engagement implications

- 21. The communication arrangements about the opening of Wildbark and the associated launch of the Strategy is anticipated to be in late May 2022. Arrangements for these matters will be settled with your office in coming weeks.

Signatory Name: Ian Walker Phone: 6205 9027

Action Officer: Stuart Jeffress Phone: Sch 2.2(a)(ii)

Attachments

| Attachment | Title |
|--------------|---|
| Attachment A | Flourishing Nature; Flourishing Culture. Mulligans Flat Woodland Sanctuary Strategy to 2050 |

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management Tracking No.: 21/112873

Date: 22 March 2022

From: Executive Group Manager, Planning and Urban Policy

Subject: Consultation Report and Recommended Draft Variation 357 – End-of-Trip Facilities General Code

Critical Date: 2 May 2022

Critical Reason: To enable DV357 to be referred to the Standing Committee on Planning, Transport and City Services.

- DDG, Planning and Sustainable Development 26/04/22

Recommendations

That you:

1. **Agree** to the recommended version of DV357 at Attachment A including the Consultation Report at Attachment B;
Agreed / Not Agreed / Please Discuss
2. **Agree** to refer DV357 to the Standing Committee on Planning, Transport and City Services; and
Agreed / Not Agreed / Please Discuss
3. **Agree** to the Public Availability Notice (PAN) being notified.
Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA  26/5/2022

Minister's Office Feedback

Background

1. Draft variation 357 (DV357) was prepared to replace the existing Bicycle Parking General Code in the Territory Plan with a new End-of-Trip Facilities General Code to provide end-of-trip facilities for bicycle riders and other active travel users.
2. The purpose of the code is to require the provision of adequate facilities for bicycle riders and other active travel users at either end of a trip (either origin or destination). These facilities include bicycle parking, showers, change rooms, lockers, and drying areas.
3. The code aims to encourage greater uptake of active travel modes of transport and physical activity. To support active travel, end-of-trip facilities are required to meet existing demand and foreseeable increases, without incurring an unreasonable burden on building developers, owners and managers.

Issues

4. The draft variation was open for public comment on 7 August 2021. The final closing date for comments was 29 October 2021, after the statutory public consultation was formally extended once.
5. A total of six written submissions were received. These included three submissions from individuals, two submissions from community organisations (being ACT Pedal Power and the Conservation Council) and one submission from a property developer.
6. A report on consultation has been prepared in response to comments raised in public submissions ([Attachment B](#)), which are summarised in the table below in terms of key issues including the number of submitters that raised the issue:

| Issue | # of Submissions |
|--|------------------|
| Support for the intent of the draft variation | 3 |
| Provision of adequate locker space needed | 3 |
| Greater ambition needed to drive significant shift from car use to active travel | 2 |
| Rapid implementation of end-of-trip facilities needed | 2 |
| Other measures to support uptake of active travel needed | 2 |
| Code should also be applicable to Government facilities | 2 |
| Code should clarify responsibilities within type of development | 2 |
| Existing buildings need to be addressed | 2 |
| Provision rates should accommodate future growth | 2 |
| Bicycle parking needs to accommodate variety | 2 |
| End-of-trip facilities must support broad participation (gender diversity) | 2 |
| Associated companion guide needed | 2 |
| Code needs a statement of purpose / objective | 1 |

| | |
|---|---|
| Definition of 'gross floor area' needs revising | 1 |
| Definition of 'end-of-trip facilities' needs revising | 1 |
| Umbrella term 'SHOP' is excluded from tables in the code | 1 |
| Code should apply to more specific uses such as cafes and retail use | 1 |
| Carparking should be offset with active travel facilities | 1 |
| 'Outdoor recreation' would fit better under Table 3 | 1 |
| Short stay rates should be increased for some uses | 1 |
| Provisions for proximity to destination and the cycling network need to be reconsidered | 1 |
| Long-stay parking should be sufficiently secure | 1 |

7. Changes were made to the draft variation considering the comments received during public consultation, primarily to clarify the policy intent. However, a key change made to the proposed general code in response to issues raised on consultation relates to gender-neutral facilities. Gender-neutral facilities were not included in the consultation version of DV357 and examples of how gender-neutral facilities are included in other planning systems could not be found.
8. Following consultation with the Office of LGBTIQ+ Affairs regarding best practice for providing gender-neutral facilities into the code, a criterion has been added to the general code to require gender neutral facilities to be provided where possible. This will trigger the matter to be considered at the design and development application stage.
9. After the commencement of DV357, further work and discussion will be undertaken with stakeholders and advocacy groups to determine the threshold rates for how gender-neutral facilities can be mandated in the code. Once determined, these threshold rates can be added to the general code in the drafting of the new Territory Plan.
10. For ease of reference, the following table summarises the changes that have been made to the draft variation following and responding to consultation insights:

| Topic | Changes made in recommended version |
|-----------------------------------|---|
| Gross floor area (GFA) definition | The definition has been re-ordered to clarify that end of trip facilities are excluded from GFA, regardless of where they are in the basement or another floor of a building. |
| Introduction – Purpose of Code | Two new paragraphs have been inserted into the 'Introduction' section of the new code to explain the purpose of the code and what types of development it applies to. |
| 'Outdoor recreation facility' | 'Outdoor recreation facility' has been moved from Table 2 to Table 3 – as it is more appropriately located under development subject to individual assessment for end-of-trip facilities. |
| 'SHOP' | 'SHOP' has been added to Tables 2 and 4 to include all other retail land uses not specifically listed and provide a set rate of end-of-trip facilities. |

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|---------------------------|--|
| Security | Security considerations have been added to criteria C5 and C6 for bicycle parking location and accessibility. |
| Wording | Criteria C10 and C11 have been adjusted to replace 'should' with 'must'. |
| Visibility | Rule R10b) has been amended to make sure that bicycle parking facilities are also clearly visible for short-stay users. |
| Connectivity | Rule R10 has been amended to be consistent with Rule R11 to include a requirement that the pedestrian and bicycle access paths associated with the bicycle parking facilities must feed into and provide connections to existing path networks. |
| Short stay users | Rule R11b) ii) has been amended to include a requirement that for short stay users, bicycle parking, if located near the main building, is not more than 15m from the main building and is clearly visible and easily accessible with an appropriate level of surveillance, safety and is sheltered. This is to be consistent with requirements for bicycle parking for short stay users in Rule 10b) ii). |
| Storage | Criterion C19 has been amended to include an additional requirement, being the provision of a minimum 'Security Level C' bicycle parking facility, so that general storage areas in residential development to be counted as bicycle parking Typos have also been rectified in C19. |
| Gender-neutral facilities | A new criterion C26 has been added to require gender neutral facilities to be provided where possible. |
| Lockers | A new rule R27 and criterion C27 has been added to require personal storage facilities to be provided as part of end-of-trip facilities. |

11. The recommended version of DV357 is at Attachment A.

Process for Public Availability Notice and referral to Standing Committee

12. Under section 70 of the *Planning and Development Act 2007* (the Act) the planning and land authority must prepare a Public Availability Notice (a PAN) advising that the documents given to the Minister are available for public inspection. EPSDD will advise when the PAN is notified on the Legislation Register. A PAN is a notifiable instrument.
13. Once the PAN has been published the draft variation must be referred to the Standing Committee on Planning, Transport and City Services within five working days. The Committee has 20 working days from the day after the draft plan variation is referred to the Committee to advise the Minister whether or not it will prepare a report (undertake an inquiry) on DV357.
14. A referral letter to the Chair of the Standing Committee has been prepared and is at Attachment C for your signature once the PAN is notified, which provides the Committee with copies of the recommended draft variation and the report on consultation.

Financial Implications

15. Costs for the preparation of draft variations are covered by base funding.

ConsultationInternal

16. The Territory Plan Section consulted with the Statutory Planning Division within EPSDD regarding matters to do with interpretation and implementation of the provisions in the code.

Cross Directorate

17. The Territory Plan Section consulted with the Strategic Transport Policy and Active Travel team in TCCS regarding matters to do with Active Travel policy.

External

18. The draft variation was released for public comment between 7 August 2021 and 29 October 2021. This brief reports on the results of that consultation.

Work Health and Safety

19. No work health and safety issues were identified.

Benefits/Sensitivities

20. The requirements for the provision of end-of-trip facilities contained in the Code will assist in achieving active living outcomes and encourage a transport mode shift to active travel.
21. A number of submissions comment on the need for lockers to be included in the code, as an essential component of end-of-trip facilities. Requirements for lockers have been included in the recommended version as it is acknowledged that desired active travel participation rates may not be achieved without the provision of lockers as part of end-of-trip facilities.
22. Although gender-neutral facilities are not specifically mandated in the code, a criterion requiring the provision of gender-neutral facilities where possible has been added (in response to submissions received). Further work and discussion will be undertaken with stakeholders and advocacy groups to determine the threshold rates for how gender-neutral facilities can be mandated in the code as part of the new Territory Plan.

Communications, media and engagement implications

23. A media release can be prepared in consultation with your office if required.

| | | | |
|-----------------|-----------------|--------|----------|
| Signatory Name: | Alix Kaucz | Phone: | 62050864 |
| Action Officer: | Janine Ridsdale | Phone: | 62054060 |

Attachments

| Attachment | Title |
|--------------|--|
| Attachment A | Recommended draft variation 357 |
| Attachment B | DV357 Report on Consultation |
| Attachment C | Letter of Referral of DV357 to Standing Committee on Planning, Transport and City Services |

**Environment, Planning and Sustainable
Development Directorate**

To: Minister for Sustainable Building and
Construction

Tracking No.: 22/13073

Date: 11/04/2022

From: Executive Branch Manager, Planning and Urban Policy

Subject: 2016 NCC Amendment – Combustible Cladding

- DDG, Planning and Sustainable Development 12/04/22

Background

1. Your office requested a brief “covering the nature of the 2016 National Construction Code (NCC) amendment that prohibited the use of combustible cladding and why Class 1/1a buildings were not included as other building classes are, as you would like to understand the thinking at the time and the rationale”.

The National Construction Code

2. The NCC sets the minimum standard of safety, health, amenity, accessibility, and sustainability for buildings across Australia. The NCC is a performance-based code this means that a building, plumbing or drainage solution will comply with the NCC if it satisfies the relevant Performance Requirements. The NCC’s Performance Requirements can be met three ways: using a Deemed-to-Satisfy Solution; a Performance Solution or a combination of both.
3. NCC Volume One, primarily, contains technical design and construction requirements for all Class 2 to 9 buildings (multi-residential, commercial, industrial, and public assembly buildings) and their associated structures. NCC Volume Two, primarily, contains technical design and construction requirements for all Class 1 and 10 buildings. Class 1a buildings are either detached houses or townhouses and Class 10 buildings are non-habitable buildings including sheds, carports, and private garages.

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4. Within the NCC Volume One buildings are further categorised into three types of construction A, B and C. Type A is an apartment building with a rise in storeys of 3 or more, or an office building with a rise in storeys of 4 or more. Type B is an apartment building with a rise in storeys of no more than 2, or an office building with a rise in storeys of no more than 3. The type of construction generally determines how much a building is expected to be resistant to a fire. The NCC classifies construction into three types; as Type A, Type B and Type C in descending order, according to fire resistance. Cladding presents a higher risk to occupant safety when used in Type A and B buildings.
5. Being a performance code, the NCC does not prohibit particular products. Whether a product with a degree of combustibility can be used depends on where it will be located, what it will be used for and the other features of the building relating to fire control. For example, combustible materials cannot be located near or directly above a required exit so as to make the exit unusable in a fire and cannot constitute an undue risk of fire spread via the facade of the building.
6. In general, combustible products are not suitable to be used as cladding on medium and high-rise buildings unless specially treated or the building design includes other fire mitigation measures, and the overall Performance Requirement has been demonstrated to still be met.

Fire safety and cladding

7. The NCC requires that buildings maintain tenable conditions while people are evacuating, and that the building's materials and assemblies must resist the spread of fire and limit the generation of smoke and heat and any toxic gasses likely to be produced appropriate to the evacuation time. Structurally, tall buildings have bigger beams and columns and bracing than low-rise ones. When applying the NCC, the higher the fire risk to the occupants, the more vital it becomes for the building to handle any fire.
8. The more difficult the building could be to evacuate given its height or size, the more comprehensive the range of fire safety measures the building must have – for example a combination of fire sprinklers, fire control centres, and air handling and zone pressurisation systems. Although each part of the building should be compliant, multiple measures may work together to give building occupants time to safely evacuate if one

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part of the building fails.

9. The safe use of combustible external cladding depends on the extent of material (e.g. sign or full façade), the type of the material (e.g. 100% polyethylene [PE] or 10% PE with 90% fire-retardant) and the type of building (e.g. one storey or 20 storeys). Where fire spread via the façade is not a primary issue (e.g. a small single storey structure), the presence of combustible cladding material may not pose a significant fire safety risk to the building's occupants.
10. If the fire safety measures in Volume One were to be applied to Volume Two, it would render residential construction of detachable dwellings unfeasible, unaffordable, and unsustainable. This is because at the lock-up/enclosed stage of construction, the building shell is installed, which usually includes cladding of some kind and can include combustible materials such as rendered Expanded Polystyrene or timber cladding.

Changes to the NCC to address identified risks with use of combustible cladding

11. At its meeting on 19 February 2016, the then Building Ministers' Forum (BMF) agreed to the development and implementation of a range of measures to help address risks associated with external cladding products on high rise buildings.
12. After the Grenfell Tower fire in London that occurred in June 2017, the BMF directed the Australian Building Codes Board (ABCB) to 'expedite progress in the implementation of measures through the NCC that will prevent the non-compliant use of cladding from occurring in the future'.
13. Following this direction changes to the NCC were progressed through an out-of-cycle NCC amendment (NCC 2016 Volume One Amendment 1) and took effect from 12 March 2018. The aim of the amendments was to primarily clarify the existing requirements and intent, particularly in regard to the deemed to satisfy provisions and evidence of suitability provisions. The amendments included:
 - a. introduction of a new verification method;
 - b. revision of evidence of suitability provisions;
 - c. clarifying language within the code relating to the use of external wall cladding and attachments; and
 - d. increased stringency for the sprinkler protection of balconies of residential buildings.

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14. The relevant changes do not apply to all types of construction but for buildings of Type A and Type B construction.
15. Further revisions, related to combustibility, were made for NCC 2019 and took effect from 1 May 2019. These revisions included clarification about the use of render on an external wall, the internal linings of an external wall, and the use of combustible paints, lacquers and similar finishes.
16. Following the revisions made to the NCC in 2018 and 2019 the ABCB Office has continued to monitor the development of international codes and standards relating to the fire performance of external wall. This monitoring activity led to a recommendation, to the ABCB, for the establishment of a two-stage project to assess the suitability of relevant NCC provisions.
17. Stage one was included in the ABCB 2020-21 Work Program and recommended clarifications and minor technical amendments for NCC 2022 Volume One. These changes include: additional concessions for non-combustible building elements including articulation joints and construction packers (used to level doors, windows, precast sheets etc) to reflect common and sage industry practice; identification of materials such as concrete, steel, masonry and aluminium as materials that can be used wherever a non-combustible material is required; and clarification of the treatment of balconies and the meaning of mechanical fixing (as opposed to fixing by adhesive).
18. Stage two of the project will assess matters requiring additional research, analysis and consultation. This work will also be accompanied by a review of the use of combustible external materials on Class 1 and Type C buildings. If further NCC amendments are recommended, they will be considered in the NCC2025 amendment cycle.

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Recommendations

That you:

1. Note the information contained in this brief.

Noted Please Discuss

Rebecca Vassarotti MLA



15-4-2022

Minister's Office Feedback

Thank you for this information. Noting that there is a class 1 complex that has been identified as eligible for the cladding assessment rebate program, can we please monitor the outcomes of this assessment. If it is recommended that this is a risk that should be rectified, can we please discuss potential policy issues that arise from this.

Signatory Name: Bethel Sendaba

Phone: 6205 0030

Action Officer: Rebecca Clark

Phone: 6207 2107

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Environment, Planning and Sustainable Development Directorate

| | | |
|-------------------------|---|------------------------|
| To: | Minister for the Environment | Tracking No.: 22/22134 |
| Date: | 20 April 2022 | |
| From: | Executive Group Manager, Environment, Heritage and Water | |
| Subject: | Update on progress of implementing the Nature Conservation Strategy 2013–2023 | |
| Critical Date: | 16 May 2022 | |
| Critical Reason: | In the normal course of business - Response to request for an update on progress with implementing the Nature Conservation Strategy | |

Recommendations

That you:

Note the information contained in this brief.

Rebecca Vassarotti MLA

Noted / Please Discuss

15/8/2022

Minister's Office Feedback

Thank you for this information. My feedback is below:

1. The recent release of the SOE report gives a good opportunity to refocus on the most pressing and relevant challenges. I would therefore like to see work commence on a new Nature conservation strategy to be ready by the end of 2023, to be timed to allow for the development of a budget bid as necessary. Please develop and provide a timeline.
2. I want the new Strategy to have a critical focus on innovation, risk-based approaches, governance, knowledge translation, collaboration & being able to effectively link the strategy to onground results. It should build on recent focus on urban environments & connectivity
3. I would like this to be co-designed with environmental groups and citizen scientists via the Biodiversity and Conservation Forum. Please factor in a half day or similar workshop with the BCF + others, the Directorate and myself early in the shaping of the new Strategy. The findings from the Inquiry into Environmental Volunteers will yield some good information about how to best engage with this sector.
4. Given NRM plan, and Minister Gentleman also reviewing multiple conservation & management plans, please organise a joint briefing for both MOs to progress this work, my MO will reach out to MG's to let them know of this.
5. I want this work to also identify changes to the NC ACT

Background

1. The Nature Conservation Strategy 2013–2023 (the Strategy) is a statutory plan under the *Nature Conservation Act 2014* (the Act). The Strategy sets the direction for integrated conservation and management of the natural environment in the ACT.

2. The Strategy has three overarching outcomes, five strategies and 33 actions. The Strategy is supported by two five-year implementation plans.
3. A progress report on the first five-year implementation was delivered in early 2019 (https://www.environment.act.gov.au/_data/assets/pdf_file/0010/1428364/Progress-Against-Milestones-in-Implementation-Plan-1-201318.pdf). The Progress report indicated 51 actions/milestones were completed, and 51 actions/milestones were ongoing.
4. Also in 2019, the second implementation plan (2019–2023) was released, which identified actions and priorities for those five years (Attachment A).
5. Implementation of the Strategy is being led by various teams within the Environment, Heritage and Water Division.
6. You requested an update on implementation of the Strategy.
7. The next progress report is due to be delivered in 2023.

Issues

8. An overview of progress against the actions in Implementation Plan 2 is at Attachment B. Highlights progress against the actions in Implementation Plan 2 include:
 - a. Updated tree canopy cover data for the urban area was released in 2021 as part of implementing the Living Infrastructure Plan. Changes in tree canopy cover were assessed using LiDAR analysis with results released in 2022.
 - b. Better Land Management — ACT landholders are participating in trials and demonstrations aimed at reducing soil acidity, increasing soil carbon and maintaining groundcover.
 - c. Ongoing monitoring and research for Superb Parrots with an expansion of the project into NSW to better understand whole-of-landscape species dynamics and habitat use.
 - d. A breeding facility for Canberra Grassland Earless Dragons opened at Tidbinbilla Nature Reserve in 2021.
 - e. Released new Molonglo River Reserve and Canberra Nature Park Reserve management plans.
 - f. Released the Namadgi Feral Horse Management Plan 2020.
 - g. Completion of a review of the *Fisheries Act 2000* in June 2021 with updated legislative instruments in development.
 - h. Recently released Gooromon Grasslands Offset Management Plan (OMP) and Budjan Galindji OMP.
 - i. Listed a threatened species of Grassland Earless Dragon endemic to the ACT.
 - j. Released the Native Woodland Conservation Strategy in 2019 which contains updated action plans for Yellow Box – Blakely’s Red Gum Grassy Woodland, Canberra Spider Orchid, Scarlet Robin, Small Purple Pea, Superb Parrot and the Tarengo Leek Orchid.
 - k. Conservation Advices were updated and finalised for all ACT-listed threatened species and ecological communities.
 - l. Released a report identifying biodiversity refugia under climate change in the ACT and region in June 2019.
 - m. Ongoing implementation of the Conservation Effectiveness Monitoring Program (CEMP), an ecosystem condition monitoring framework for the ACT conservation

estate.

- n. The ACT Cat Plan 2021-2031 was released in May 2021.
 - o. Through Budget Bid initiatives, the EPSDD increased funding for local environmental volunteer groups, including:
 - i. ACT Environment Grants to assist more environmental stewardship groups to apply for funding for community-driven environmental projects
 - ii. Additional funding for an additional ParkCare Ranger to support ParkCare groups in the ACT
 - iii. Four years of funding for the three ACT Catchment Groups
 - iv. Ongoing support for Frog Watch.
 - p. A dedicated biosecurity response team (5 staff) has been embedded in the Biosecurity and Rural Services Unit to enhance our ability to rapidly identify and respond to new biosecurity incursions.
 - q. Three provenance trials of Blakely's Red Gum were established across the ACT in Spring 2019.
9. The Act requires the Strategy to be reviewed every 10 years and is therefore due for review in 2023.

Financial Implications

10. Nil.

Consultation

Internal

11. Resilient Landscapes, Conservation, Biosecurity, Biodiversity and Water Policy and Planning, Conservation Research and Evaluation and the Parks and Conservation Service (Offsets) provided input to this brief.

Cross Directorate

12. Nil.

External

13. Nil.

Work Health and Safety

14. Nil.

Benefits/Sensitivities

- 15. Some ongoing actions in IP 2 may be behind schedule, due to impacts on operational functions during COVID-19 lockdowns.
- 16. Implementation Plan 2 of the Nature Conservation Strategy 2013-2023 will conclude mid-2023, when a progress report will be provided to you and publicly released.
- 17. The Strategy is due for review and redevelopment in 2023.

Communications, media and engagement implications

20. Nil.

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Signatory Name: Jasmyrn Lynch Phone: 6205 4815
Action Officer: Hannes Botha Phone: 6207 1773

Attachments

| Attachment | Title |
|-------------------|---|
| Attachment A | ACT Nature Conservation Strategy – Implementation Plan 2 |
| Attachment B | Update on progress of the Nature Conservation Strategy implementation |

ARRANGEMENTS BRIEF

| | |
|----------------------------|---|
| FUNCTION: | Eastern Grey Kangaroo GonaCon Program Announcement |
| VENUE: | Mount Majura Nature Reserve (TBC), Ian Nicol Street, Watson – See map at Attachment A |
| HOST: | Name: Ian Walker Mobile: Sch 2.2(a)(ii) |
| DAY: | Thursday |
| DATE: | 14 th April 2022 |
| TIME: | 12:30 |
| TIME COMMITMENT: | 30 mins |
| CATERING: | N/A |
| DRESS CODE: | Business with shoes suitable for dirt roads. |
| YOUR ROLE: | Talk to the media about the integration of GonaCon into the Eastern Grey Kangaroo management program. Speaking notes are at Attachment B . No equipment will be provided. |
| WHERE TO PARK: | Mt Majura Nature Reserve Carpark on Ian Nicol Street Watson. See map at Attachment A . |
| WHO WILL MEET YOU: | Ian Walker will meet Minister at Venue. |
| ADVISOR ATTENDING: | MO to confirm. |
| AUDIENCE: | N/A |
| VIPs: | Ian Walker, Executive Group Manager Environment, Heritage and Water Claire Wimpenny, Senior Ecologist, Conservation Research and Evaluation |
| PAST INVOLVEMENT: | Previous engagements are unknown. |
| SENSITIVITIES: | To reduce the risk of disruptions to field operations, the specific sites and timing for GonaCon deployment will not be disclosed. This information will be shared at a later date. While most of the community are supportive of fertility control, some oppose interfering with animals and their right to reproduce. In this program, GonaCon will only be administered to adult breeding female kangaroos so all individuals will produce at least one young before treatment. |
| ORDER OF CEREMONIES | 12:30pm: Minister speaks |

Rebecca Vassarotti MLA - Arrangements brief

| | |
|--------------------------------------|---|
| | 12:40pm: EGM speaks 12.50pm: Photo opportunity 13:00pm: Event concludes |
| MEDIA: | A media release (<u>Attachment C</u>) and talking points (<u>Attachment B</u>) have been prepared. |
| SOCIAL MEDIA ACCOUNTS | N/A |
| OUTSTANDING REGULATORY ISSUES | All operation associated with the GonCon program will be conducted according to relevant licences, permits and WH&S guidelines. |

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Environment, Planning and Sustainable Development Directorate

To: Minister for Heritage

Tracking No.: 22/37852

Date: 22 April 2022**From:** Executive Group Manager, Environment, Heritage and Water**Subject:** Heritage Council Report on Public Consultation – Provisional Registration of Canberra National Seventh Day Adventist Church**Critical Date:** 17 May 2022**Critical Reason:** You must respond to the ACT Heritage Council (the Council) no later than 17 May 2022, so that the Council can finalise its June 2022 meeting agenda, after which time provisional registration will lapse.**Recommendations**

That you:

1. **Note** the Council's report on public consultation (the Report) at Attachment A, which recommends registration of Canberra National Seventh Day Adventist Church (the Adventist Church);

Noted / Please Discuss

2. **Sign** the letter at Attachment B if you are in agreement with the Report.

Signed / Not Signed / Please Discuss

Alternatively:

3. If you are **not** in agreement with the Report, either:

- a. **Sign** the letter at Attachment C requesting the Council consider issues raised in the Report in more detail; or

Signed / Not Signed / Please Discuss

- b. **Sign** the letter at Attachment D requesting the Council consider issues relating to its functions.

Signed / Not Signed / Please Discuss

Rebecca Vassarotti MLA



9 / 5 / 2022

Minister's Office Feedback

Background

1. At its meeting of 10 February 2022, the Council provisionally registered the Adventist Church.
2. In accordance with section 37 of the *Heritage Act 2004* (the Heritage Act), a four-week period of public consultation was undertaken.
3. Under section 38 of the Heritage Act, as soon as practicable after the end of the public consultation period in relation to the registration of a place or object, the Council must give you a written report on issues raised during public consultation. The Report is at [Attachment A](#).
4. Provisional registration is for a period of five months. To avoid provisional registration lapsing, the Council must make a decision about registration at its meeting of 2 June 2022.
5. You must be presented with three letters in the briefing package, relevant to your powers, in this instance, as Minister.
6. One letter allows you to note the Report. Two letters allow you to enact either section 39(1)(a) or section 39(1)(b) of the Heritage Act within 15 working days of you receiving the Report.

Issues

7. Prior to and after the provisional registration decision the Council made substantial efforts with regards to consultation with representatives of the Adventist Church. These are outlined in [Attachment A](#) and at paragraph 17 below.
8. The Council considered the comments received both before and during public consultation. All feedback was supportive of the decision.
9. One response suggested a minor amendment to the image depicting the area of 'core heritage significance' of the Adventist Church, to reflect the written list of significant features in the provisional registration. This proposal does not affect the formal boundary of the listing. Accordingly, at their meeting of 7 April 2022, the Council considered and agreed to the correction.
10. As all feedback was supportive of the decision and the Council has made minor corrections following public consultation, it is recommended you sign the letter at [Attachment B](#) noting the Report, and that you do not require the Council to further consider issues related to public consultation.
11. If you are not in agreement with the Report, then under section 39(1)(a) and (b) you may issue a direction to the Council to give further consideration to any issues raised in, or arising from the Report ([Attachment C](#)), or any issue relating to the Council's functions ([Attachment D](#)).
12. As there were no complex issues arising as a result of public consultation (see [Attachment A](#)), it is not recommended you issue a direction in this instance.
13. If you choose to issue a direction, you must do so within 15 days of receiving the Report, and a three-month extension will apply to the provisional registration period.

Financial Implications

14. There are no financial implications associated with this brief.

Consultation

15. Before provisional registration, representatives of the Adventist Church were informed of the impending decision and, on behalf of the Council, ACT Heritage met with members of the congregation to discuss the implications of a potential recommendation for provisional registration.
16. Immediately following the decision on provisional registration, on 11 February 2022 the Heritage Council (Dr Heffernan, Chair) met with the representatives of the Adventist Church to discuss the implications of provisional registration and how the congregation should proceed with planning future developments.

Internal

17. The Chief Planning Executive (the Executive), Mr Ben Ponton, is an ex officio member of the Council and an interested person under section 13 of the Heritage Act for the decision regarding the Adventist Church, which is located on Territory land. The Executive received a copy of the Council papers and received a notice of the decision.

External

18. The Council wrote to the Australian Institute of Architects, (AIA), ACT Chapter, following the decision on provisional registration. The AIA nominated the property and as such is an interested person under section 13 of the Heritage Act. The AIA submitted a response supporting the decision.
19. After each Council meeting, as a courtesy, the Council writes to the National Trust (ACT) and the Canberra and District Historical Society, informing them of all decisions relating to nominations and registrations including seeking comments in relation to any provisional registration decisions. No comments were received regarding the Adventist Church.
20. Two submissions were received from members of the public during the public consultation period following provisional registration. These were both supportive of the decision, although one response suggested some changes one of which was considered and implemented by Council (also see paragraph 9).

Work Health and Safety

21. There are no work health and safety issues associated with this decision.

Benefits/Sensitivities

22. All registration decisions made under section 40 of the Heritage Act are subject to review in the ACT Civil and Administrative Appeals Tribunal. To withstand this potential scrutiny, the Council conducts rigorous assessments of heritage significance.

Communications, media and engagement implications

23. The Council issued a media release dated 15 February 2022 outlining its decisions of

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10 February 2022. An article also appeared on an on-line local news platform:
<https://the-riotact.com/19th-century-needlework-among-provisional-heritage-listings/534483>

Signatory Name: Edwina Jans Phone: 6205 9027
Action Officer: Daisy Chaston Phone: 6207 7379

Attachments

| Attachment | Title |
|-------------------|---|
| Attachment A | Council's report on public consultation |
| Attachment A(i) | Consultation Summary |
| Attachment A(ii) | Copies of Written Submissions |
| Attachment A(iii) | Ongoing Consultation and Engagement Record |
| Attachment A(iv) | Proposed Register Entry |
| Attachment B | Agreement with Report – no direction required |
| Attachment C | Minister's letter to Council - direction to consider further under 39-1-a re. Council Report |
| Attachment D | Minister's letter to Council - direction to consider further under 39-1-b re. Council functions |

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Environment, Planning and Sustainable Development Directorate

To: Minister for the Environment

CC: Minister for Planning and Land Management
Minister for Business and Better Regulation

Date: 28 April 2022

From: Executive Group Manager, Environment

Subject: Contaminated sites policy

Critical Date: 13 May 2022

Critical Reason: Routine - Brief requested by Ministers office

Tracking No.: 22/38419

Recommendations

That you:

1. Note the information contained in this brief.

Noted / Please Discuss

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

Minister's Office Feedback

Background

1. On 30 October 2014 the Environment Protection Amendment Bill 2014 (the Bill) was passed in the Legislative Assembly. The Bill provided for a significant number of amendments to the [Environment Protection Act 1997](#) (the Act) and the [Environment Protection Regulation 2005](#) (the Regulation) with the majority of the provisions coming into effect on 11 November 2014. Several other provisions relating to government liability, enforceable undertakings and changes to the contaminated sites register took effect on 11 May 2015.
2. In order to facilitate these amendments, both the General Environment Protection Policy (EPP) and [Contaminated Sites EPP](#) required updating. The General and Contaminated Sites EPPs were updated and finalised in May 2016 and December 2017 respectively.
3. EPPs made under Part 4 of the Act are developed 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 Regulation and the 'general environmental duty' (s. 22 of the Act).
4. There are currently eight EPPs made under the Act: General (May 2016), Air (November 1999), Contaminated Sites (December 2017), Hazardous Materials (April 2022), Motor Sport Noise (October 2002), Noise (January 2010), Outdoor Concert Noise (February 2001) and Water Quality (April 2008).

Issues

Contaminated Sites Environment Protection Policy 2017

5. [Sch 2.2\(a\)\(ii\)](#) has written to your office expressing concern about a perceived unfair cost burden by rural leases in the undertaking of a contaminated site assessment and audit ([Attachment A](#)).
6. As per the Contaminated Sites EPP, land use changes to a more sensitive land use require an assessment, remediation (if required) and a site audit to ensure that any contamination that may be present is not in conflict with the proposed more sensitive land use.
7. The requirement to engage an independent auditor is at the discretion and advice of the EPA based on the activity and level of risk. For example, all rural land containing sheep dip sites that has been redeveloped for residential purposes has been subject to an independent assessment and audit. Similarly, this approach applies to service stations redeveloped for residential use. For simpler site assessments where no significant impacts or areas of concern are identified through the assessment the EPA can undertake the audit.
8. In this case the EPA advice is precautionary as per the *precautionary principle* in the Act as its records would not identify all potential contaminating activities on a site, with rural activities known sources of land contamination. It may be the case once the assessment is undertaken no areas of concern are identified for the area subject to redevelopment.
9. [Sch 2.2\(a\)\(ii\)](#) also raises that the EPA should do the assessment. As detailed in the policy (and Act) the *polluter pays principle* applies where the person responsible for any contamination should bear the cost of an assessment, remediation (if required) and audit. He also raises the cost of searches, again the responsibility of polluter or landowner.

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10. The Contaminated Sites EPP is applied across all land uses and land custodians in the ACT. Therefore, rural leases are not required to shoulder a stronger burden of compliance than other landholders.
11. Rural landowners similar to other landowners with activities that have potentially contaminated land, are normally only required to undertake an assessment when there is a change in land use to a more sensitive use or the contamination identified potentially presents a risk to the current or a proposed use of the land.
12. The management of operational risks associated with potentially contaminating activities is the responsibility of the landowner/activity manager, with contaminated land assessment and audit requirements only triggered where there is a change in use or contamination is identified which presents a potential risk to human health or the environment.
13. The issues raised by [Sch 2.2\(a\)\(ii\)](#) around availability of consultants and auditors has never been raised in the ACT as an inhibiting factor and while the policy recognises certain professionals (environmental consultants) as suitable, the EPA cannot mandate this.
14. An auditor if required however is an auditor approved by any other jurisdiction for that purpose, so any auditor nationally is suitable. NSW and Victorian accredited auditors routinely undertake contaminated land audits in the ACT.
15. Additionally, the Contaminated Sites EPP clearly details that on completion of a site audit, the auditor is required to issue a site audit statement (or certificate of environmental audit), and that prior to issuing a site audit statement, the auditor must complete a site audit report that summarises the basis and rationale for the conclusions in the site audit statement. This ensures that Mr Sinclair's fears of site auditors holding rural leases to ransom with additional processes and costs is not likely to be realized.
16. Similarly, if the EPA undertakes the audit, it details the basis and rationale for the decision.

Planning Authority Advice

17. In relation to the planning process development applications (DAs) are assessed and decided by the planning and land authority (the Authority) on a case by case basis.
18. When a DA is lodged, the application is referred to relevant entities, such as the Environment Protection Authority (EPA). All entity advice received is considered by the Authority through the assessment process. The Authority may require further detail, such as, information relating to contamination due to any past/present activities. The further information may be required from the applicant if the Authority or entities require this detail to determine the application.
19. It should be noted that the consideration of a DA is based on a number of other key factors as well, including the requirements of the Crown lease, planning provisions and impact on the amenity of the future residents and existing neighbours.
20. All assessment is undertaken in accordance with the *Planning and Development Act 2007* and the requirements of the Territory Plan.

Environment Protection Authority Advice

21. As detailed in [Information Sheet 7 - Guidance for Undertaking Preliminary Contamination Investigations for Development/Lease Variation Purposes](#):

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22. The Environment Protection Authority's (EPA) Contaminated Sites Environment Protection Policy, November 2017 (CSEPP) states 'A site assessment would normally be required where there is a change to the lease purpose, or land use where the past use of the land may have caused contamination'.
23. Further the *Planning and Development Act 2007* requires the 'decision-maker' to consider the suitability of the land when deciding on a development application for a development proposal, including a lease variation. The land's suitability from a contamination perspective must be considered in the process. A copy of the Notice of Decision for Development Application 202138239 is at [Attachment B](#).
24. The EPA will generally require a preliminary site investigation:
 - where land that is the subject of the development proposal is not currently being used for a sensitive land use and a more sensitive land use at the site is now being proposed; or
 - where potentially contaminating activities are being undertaken or have been undertaken on the land; or
 - where the historical uses of the site or historical activities at the site are unknown or unclear.
25. Due to the applicant requesting a change in use within the portion of their block where a historic sheep dip is present and the potential for contamination from other typical rural activities an assessment of the site was required.
26. According to the development application for the site the change of use was to include 'farm tourism'. Farm tourism is defined in the ACT Territory Plan 2008 as:

"**Farm tourism** means operating a craft workshop, shop, guesthouse, outdoor recreation facility, overnight camping area or other activity for tourists that is secondary to the use of the land for the primary purpose authorised by the lease".
27. Guesthouse, outdoor recreation facility and overnight camping area were considered more sensitive uses due to the potential for users of the site (other than the occupier) to come into contact with potentially contaminated soil.
28. As a result of the extensive experience gained by the EPA and the risks to human health identified during the 1990s as part of the Government's sheep dip identification, assessment and remediation program, a policy position was formulated that where sheep dips were identified at a site and the site was subject to a change in use to a more sensitive use all assessment and remedial works would also be subject to independent audit by an EPA approved environmental auditor. In accordance with section 10.2 of the CSEPP "An audit is usually required when a more sensitive land use is proposed for a site where past activities may have caused land contamination".
29. Due to the potential risks to human health and the environment associated with the sheep dip, which is located within the portion of the block subject to the lease variation, and the sensitive nature of some of the permitted uses under the proposed lease variation an independent audit of the assessment and remediation of the site was deemed appropriate on this occasion.
30. Should the applicant have proposed the lease variation apply to a portion of the block away from the sheep dip the risks from the sheep dip (to the occupier of the site) would

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be managed through the site's Land Management Agreement. Whilst a preliminary assessment would still be required this assessment would be reviewed by the EPA.

31. Below is the contaminated sites advice/recommended conditions provided to the Environment, Planning and Sustainable Development Directorate (EPSDD) by the EPA for Development Application No. 202138239:

Contaminated Sites:

Advice:

Environment Protection Authority (EPA) records indicate that there is plunge sheep dip site located on Block 291 Paddys River. It has been identified but not investigated.

The EPA's Contaminated Sites Environment Protection Policy 2017 list sheep dips as activities associated with land contamination.

Other areas of environmental concern which have not been recorded by the EPA and are associated with rural activities may also exist within the property. These may include fuel storage and dispensing facilities, waste disposal sites associated with domestic and chemical waste disposal, animal burial pits, importation of uncontrolled fill, hazardous materials storage (e.g. Pesticides/herbicides, lubricants etc.) and hazardous materials contained in building structures and fittings (e.g. Asbestos, PCB's, lead etc.).

Under the precautionary principal areas impacted by sheep dips and associated rural activities would be considered potentially contaminated and would be subject to assessment and audit should a change in land use or redevelopment of the site be proposed.

Comments/Recommended conditions:

- the site the subject of the lease variation must be assessed and remediated by a suitably qualified environmental consultant in accordance with EPA endorsed guidelines;
- all assessment and remedial works must be independently audited by an EPA approved environmental auditor.
- the auditor's findings into the suitability of the site for its proposed uses must be reviewed and endorsed by the EPA prior to the site being used for other purposes.

32. Also at [Attachment B](#) is correspondence between the Office of the Environment Protection Authority and the applicant's consultant. The advice was provided to assist the applicant's consultant in understanding the EPA's position and requirements in relation to the conditions of development approval.
33. As can be seen a rigorous review of the specific development application was made by the Office of the Environment Protection Authority and application specific comments provided not a generic response. This process is consistent with the Objects of the [Environment Protection Act 1997](#).

Financial Implications

34. Nil.

Consultation

Internal

35. Statutory Planning has contributed to this brief.

Cross Directorate

36. The Environment Protection Authority (Access Canberra) has contributed to this brief.

External

37. Nil.

Work Health and Safety

38. The Contaminated Sites EPP, along with the other EPPs, the Act and the Regulation all aid in minimizing the occurrence and severity of harm to human health and the environment.

Benefits/Sensitivities

39. The Contaminated Sites EPP helps people understand the Act and the Regulation. The Contaminated Sites EPP went through extensive directorate, stakeholder and public consultation when it was last reviewed (2017), with no concerns about an unfair burden being placed upon rural leases being raised.

Communications, media and engagement implications

40. Nil.

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

Attachments

| Attachment | Title |
|--------------|--|
| Attachment A | Correspondence from Sch 2.2(a)(ii) |
| Attachment B | Notice of Decision – 202138239 - Signed |
| Attachment C | EPA Correspondence to Environmental Consultant |

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

Tracking No.: 22/39101

Date: 15 April 2022**From:** Ian Walker, Executive Group Manager, Environment, Heritage and Water**Subject:** Draft ACT Natural Resource Management Plan for Public Comment**Critical Date:** **2/05/2022****Critical Reason:** To inform the Minister of the status of the Draft Natural Resource Management Plan for the ACT and seek agreement to release the plan for public comment**Recommendations**

That you:

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

Noted / Please Discuss

2. **Agree** to the release of the Draft ACT NRM Plan for public consultation (Attachment A)

Agreed / Not Agreed / Please Discuss

Rebecca Vassarotti MLA



5/5/2022

Minister's Office Feedback

Thank you for this information. The Minister's Office does have some feedback and we have attached for your consideration as this document is finalised.

Can I please get some clarity around the process for finalising, and when this document will go through cabinet/ERC. There are a range of actions that go across different portfolios and while significant resourcing will flow from the Commonwealth and I am unclear of the process around this.

Background

1. The ACT is an NRM region under the National Landcare Program. The Australian Government requires each funded NRM region to create and maintain an effective NRM plan that meets the Australian Government requirements.
2. After extensive consultation, a Draft Natural Resource Management Plan has been prepared that will guide the management of natural resources in the ACT over the next twenty years (Attachment A).
3. Consultation for the development of the ACT Natural Resource Management Plan commenced in December 2020 with the establishment of a community NRM advisory group and a series of internal and cross directorate consultations.
4. Broader community consultation commenced in April 2021 with the release of the 2021 NRM Plan Discussion Paper and survey on YourSay along with drop-in sessions, meetings and workshops.
5. A listening report, included as an appendix to the NRM Plan, has been prepared which details the range of responses and submissions that were received during the consultation period.
6. The listening report provides an outline of the consultation process and the key insights provided by the community during consultation.

Key insights highlighted in the report include:

- i) The need to acknowledge Ngunnawal cultural values and aspirations within the overall vision and embedded within all aspects of the plan; climate resilience; and the connections between people and nature.
 - ii) Considerations for cross-border and cross-tenure planning, acknowledging the ACT's place within the Capital Region.
 - iii) Ensure that there are comprehensive monitoring, evaluation and compliance regimes in place to check whether outcomes are being achieved, and mechanisms to adapt the NRM plan and management accordingly.
 - iv) Comments and suggestions about governance was a major element of many of the submissions.
 - v) Improving communications and coordination between ACT Government departments and with community to facilitate integrated policy approaches, delivery and on-going management.
7. These submissions and survey responses have been considered in a Draft Natural Resource Management Plan.
 8. As well as the consultation process, the Plan has been informed by:
 - a review of the 2009 NRM Plan targets.
 - the best available science, including the 2019 State of the Environment report, which collates the findings of a broad range of research to provide a snapshot of the state of environmental resources in the ACT, and;
 - a network of ACT plans and strategies already developed to inform management

of the environment across the ACT including overarching, guiding documents such as: The ACT Nature Conservation Strategy; ACT Planning Strategy 2018; ACT Climate Change Strategy 2019-2025; Canberra's Living Infrastructure Plan: Cooling the City; plans to guide conservation of specific ecosystems and species; plans that address management issues; plans to govern management of specific sites, including operational plans for nature reserves.

9. The plan contents include vision, background, and regional context with chapters for key focus areas, or key 'landscapes' in the Plan, each with specific management aspirations and actions. These include:
 - Cultural Landscapes
 - Community Connection to Nature
 - Rural Landscapes
 - Urban Landscapes
 - Natural Landscapes:
 - Waterways
 - Forest and Woodlands
 - Grasslands
 - Bogs and Fens
 - Ecosystem Function
 - Governance
10. The plan concludes with a summary which brings together what our NRM community will need to do in order to achieve its overall vision.
11. The working draft plan has been reviewed by key internal stakeholders and the NRM Plan Advisory Group which is a group of key stakeholders providing independent advice to the directorate/government on NRM matters.

Issues

12. The draft ACT NRM Plan, Caring for Dhawura Ngunnawal: A natural resource plan for the ACT, is provided at [Attachment A](#).
13. Public consultation will commence after the release date which will be determined in consultation with your office.
14. Following finalisation of the draft plan after this exhibition period the plan will be submitted for adoption by the ACT Cabinet. This is aiming for late August. A full consultation report and publication of the final plan is anticipated for release at the completion of this process.
15. The draft plan will be submitted to the Australian Government at the commencement of the exhibition period for comment.

Financial Implications

16. The draft plan does not commit the government to any specific financial costs.

Consultation

Internal

17. Extensive consultation for the development of the draft NRM Plan has been undertaken across EPSDD, including Parks and Conservation Service, Climate Change and Sustainability and Planning Divisions over 11 workshops.

Cross Directorate

18. Extensive consultation has also been undertaken with CMTEDD, TCCS, and the Office of the Commissioner for Sustainability and the Environment for the development of the plan.

External

19. Preliminary community consultation occurred through the ACT NRM Advisory Group in the development of the NRM Plan Discussion paper.
20. Further consultation was undertaken following the release of the ACT NRM Discussion Paper as detailed in the Listening Report which is attached to the draft plan.
21. Key external stakeholders have been consulted on the draft plan including members of the ACT NRM Advisory Group.
22. All those who provided a submission during the initial phase of consultation will be written to and advised that the plan is on exhibition and invite further comment on the draft plan.

Work Health and Safety

23. The plan itself has no impact on WHS. WHS issues in relation to delivery of the plan will be managed through the delivery mechanisms.

Benefits/Sensitivities

24. An ACT NRM Plan offers the opportunity to the community and Government to work together to create a shared vision for natural resource management in the ACT.
25. The high level of participation over the consultation period demonstrates the community interest and engagement in Natural Resource Management in the ACT. This will also mean that there will be a high level of community interest and expectations with the release of the draft plan.
26. Key community (ACT NRM Plan Advisory Group) and Internal stakeholders were offered the opportunity to review draft plan prior to release and the feedback was positive.

Communications, media and engagement implications

27. A draft media release and social media content have been prepared for the launch of the consultation period of the draft NRM Plan and are at Attachment B.

Signatory Name: Chris Glennon

Phone:

Action Officer: Frank Garofalow

Phone: Sch 2.2(a)(ii)

Attachments

| Attachment | Title |
|-------------------|---------------------|
| Attachment A | Draft Plan |
| Attachment B | Communications plan |

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**Environment, Planning and Sustainable
Development Directorate**

FOR OFFICIAL USE ONLY

To: Minister for the Environment Tracking No. 22/40549

Date: 10 April 2022

From: Executive Group Manager Environment, Heritage and Water

Subject: Integration of Fertility Control into ACT Kangaroo Management Program

Critical Date: 14 April 2022

Critical Reason: To provide advice about the integration of fertility control initiatives with the annual Kangaroo Management Program

- A/g DDG, Environment, Water and Emissions Reduction 12/04/22

Recommendations

That you **note** the information contained in this brief regarding integration of fertility control into the Kangaroo Management Program including:

- details of site and target for initial phase of fertility control;
- operations;
- communications; and
- authorisation.

Noted / Please discuss

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

Minister's Office Feedback

Background

1. The purpose of this brief is to advise you of the integration of fertility control initiatives with the annual Kangaroo Management Program. The planning and reporting of kangaroo management outcomes from both the fertility control and conservation cull measures will be provided in a coordinated and integrated manner. This brief provides initial advice on the commencement of the fertility control component of the program. This program represents the fertility control initiative transitioning from research to operational delivery.
2. Eastern Grey Kangaroos are managed in priority areas of Canberra Nature Park to protect critically endangered grassy ecosystems from overgrazing. To date, this program has relied on culling kangaroos and environmental modification (e.g., placement of timber/rocks, fences) to mitigate risks.
3. For over twenty years, the ACT Government has invested in research into kangaroo fertility control vaccines to compliment current management options and reduce the need for culling. In collaboration with CSIRO and the US Department of Agriculture, successful small-scale trials of GonaCon Immunocontraceptive Vaccine, have been undertaken in kangaroos.
4. GonaCon provides long lasting infertility (5 years plus) in treated female Eastern Grey Kangaroos following administration of a single dose. The vaccine can be administered via an injection given by hand or remotely via a dart. Recent trials have demonstrated GonaCon is effective for reducing population growth in contained populations where immigration is limited.
5. Conservation Research and Evaluation has determined fertility control priority sites and target numbers based on population estimates, site specific target densities and population modelling. This advice will be included in the annual Kangaroo Conservation Management Advice Report and will be provided with the Conservation Cull brief submitted in late April 2022.
6. The use of fertility control for managing kangaroos is supported by the ACT community, with 80 per cent of residents surveyed in 2019 believing it was important to apply fertility control to kangaroos in Canberra (Micromex Survey 2019 – Attitudes and opinions of ACT residents regarding kangaroos and their management).
7. Planning for the 2022 conservation cull is underway. The 2022 Kangaroo Management Advice is being finalised and operational planning has commenced. The conservation cull will likely commence in mid-May, after the conclusion of phase one of fertility control. The 2022 cull target will likely be similar to last year's target of 1,505 given the similar seasonal conditions. In finalizing the numbers and sites the Kangaroo Operational Working Group and Macropod Management Steering Committee will review the Management Advice and establish operational feasibility of individual sites and targets. Final sites and numbers will be included in the 2022 Kangaroo Management brief which will be prepared and submitted to the Minister/s by the end of April.

8. The ACT Government's Kangaroo Management Program is nationally recognised for its innovation and commitment to better practice. The integration of fertility control represents the ACT Government's on-going commitment to innovation and continual improvement in kangaroo management.

Issues

Operations

9. GonaCon will be administered to adult breeding female kangaroos at the selected sites. Based on population modelling, it is expected that a high proportion of infertile females must be maintained in the population to cause a reduction in population growth.
10. In the first year GonaCon is deployed at a site, it will be hand injected following capture of the kangaroo by darting with anesthetics. Utilising this method is expected to be more efficient because greater darting distances are possible with anesthetic darts compared to those used to deliver GonaCon remotely. Capturing the animals also provides an opportunity to fit them with ear tags so they can be avoided in subsequent culling programs.
11. It is likely that follow-up GonaCon treatments required in subsequent years will be administered remotely using a combined injection/marker dart that simultaneously sprays a temporary marker paint on the animal's fur. This is because fewer animals will require treatment and the need for permanent marking will be reduced because future culling is expected to be minimal.
12. Fertility control activities will take place during daylight hours, with a preference for the early morning or late afternoon when kangaroos are likely to be feeding in more open areas. Darting will not be undertaken in windy weather or in hot or very cold conditions because the anaesthetised kangaroos lose their ability to thermoregulate and are at risk of hyper or hypothermia.
13. Some localised interest from reserve users is anticipated, an adequate number of staff will be on site to answer questions if approached. Additionally, Access Canberra will be provided with information to assist with fertility control enquiries.
14. Operational challenges include grass height, animal response to vehicles/people, and weather conditions, specifically heat, extreme cold and wind.

Sites and numbers to treat

15. Kangaroo populations currently managed by culling have been ranked for their suitability for GonaCon deployment based on population size, operational feasibility and likelihood of immigration. Three sites have been recommended as a priority for fertility control in 2022, these are: Mulligans Flat Woodland Sanctuary, Farrer Ridge Nature Reserve and Mulanggari Grasslands Reserve.
16. GonaCon deployment will commence at the first site, Mulligans Flat Woodland Sanctuary, on 12 April 2022 (pending license approval and arrival of GonaCon). The aim will be to treat approximately 82 breeding females. Twenty darting days have been allocated to the initial phase of fertility control, with operations likely to conclude by late May 2022.

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17. If the fertility control target at this site is achieved within the allocated number of darting days, a second site, Farrer Ridge Nature Reserve will be considered for commencement in July/Aug 2022.

Monitoring and Evaluation

18. The outcomes of the program will be measured by monitoring the breeding status of tagged kangaroos and undertaking annual population level fecundity assessments, population estimates and herbage mass assessments at treated and untreated sites.
19. A full project report evaluating the effectiveness and cost efficiency of including GonaCon in the kangaroo management program will be prepared after five years (due June 2027). Given the relevance of this information to macropod management nationally, this will include the publication of results in a peer reviewed scientific journal.

Licenses, Permits and Approvals

20. This program requires a licence under Chapter 11 of the *Nature Conservation Act 2014*, issued by the Conservator.
21. GonaCon is currently unregistered in Australia so an Australian Pesticides and Veterinary Medicines Authority (APVMA) *Permit to allow the possession and supply for research use of an unregistered Agvet chemical product* is required, along with associated permits for import from the US. These permits are held and maintained by CSIRO Health and Biosecurity with relevant CSIRO and ACT Government staff listed on the permit as authorised to use the product.
22. As GonaCon is being used under a research permit, Animal Ethics Approval is required for the program and all staff darting and handling animals. The program and appropriate field staff have approval from the University of Canberra Animal Ethics Committee. Additional staff recently assigned to the program have submitted individual authorisation applications and will be approved before the April commencement.
23. EPSDD holds a permit to possess gas powered dart guns. All ACT Government staff who operate dart guns hold a Category A Licence under the EWH Composite Entity Firearms Licence and have undertaken dart gun training.
24. The supply and use of all veterinary medicines in this project will be supervised and managed by the ACT Government Veterinarian.

Financial Implications

25. Fertility control operations will be funded through Budget Initiative, EPSDD E01 *Innovations in macropod management*. A new budget bid will be submitted to seek ongoing funding to continue this program.
26. Once the use of GonaCon has commenced at a site there is an ongoing commitment to undertake additional treatments annually as required to maintain an appropriate proportion of infertile females in the population. Additional culling is likely to be required in some years, particularly in the first few years following the first deployment of GonaCon, but the need for both culling and additional GonaCon treatments will reduce over time.

Consultation

Internal

27. The planning and preparation of fertility control activities is guided by the Macropod Management Steering Committee and the Kangaroo Operational Working Group, comprising representation from across Environment, Heritage and Water Division.

Cross Directorate

28. N/A.

External

29. CSIRO Health and Biosecurity are a collaborator on this project and are involved in the planning and implementation of fertility control operations.
30. University of Canberra Animal Ethics Committee have approved the project and have also provided animal ethics approval to individual staff implementing fertility control activities.
31. The Woodlands and Wetlands Trust and ANU have been advised of the intention to undertake fertility control at Mulligans Flat Woodland Sanctuary.

Work Health and Safety

32. Ensuring public and staff safety is paramount when undertaking kangaroo management activities. The program is guided by an extensive risk assessment and risk mitigations strategies.

Benefits/Sensitivities

33. Management of Eastern Grey Kangaroos is fundamental to the conservation of the ACT's woodlands and grasslands, some of which are critically endangered.
34. The integration of fertility control into the Kangaroo Management Program will reduce the need for culling and reduce long-term management costs. This will free up resources to expand management to new sites, increasing the benefit to biodiversity.
35. The use of fertility control for managing kangaroos is strongly supported by many members of the ACT community.
36. A small but vocal group of activists are likely to oppose the use of fertility control and may engage in protester activity.

Communications, media and engagement implications

37. Announcement of the integration of fertility control into the broader ACT Kangaroo Management Program will be included in the 2022 Conservation Cull announcement.
38. The integration of fertility control into the ACT Kangaroo Management Program has attracted media interest. A communication-plan-on-page will be prepared and provided with the 2022 Kangaroo Management brief.

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39. Information about fertility control is available on the EPSDD website at the following link https://www.environment.act.gov.au/parks-conservation/plants-and-animals/urban-wildlife/kangaroos/kangaroo_population_control_methods.
40. You, as Minister, and Ian Walker (Executive Group Manager, Environment, Heritage and Water Division) will be conducting a “stand-up” media announcement on the program on the 14 April 2022.
41. Ian Walker will be the spokesperson for the program.

Signatory Name: Ian Walker

Phone: 6205 9027

Action Officer: Claire Wimpenny

Phone: 6207 2122

ARRANGEMENTS BRIEF – SHANE RATTENBURY MLA

| | |
|----------------------------|--|
| FUNCTION: | Announcement of Community Zero Emissions grant recipients for Round 5 |
| VENUE: | Canberra City Farm, 2 Dairy Road, Fyshwick |
| HOST: | Name: John Peters (President, Canberra City Farm) Mobile: Sch 2.2(a)(ii) |
| DAY: | Wednesday |
| DATE: | 11 May 2022 |
| TIME: | 12:30pm – 1:00pm |
| TIME COMMITMENT: | 30 minutes Note: this does not include travel time. |
| CATERING: | No |
| DRESS CODE: | Business |
| YOUR ROLE: | Announcement of the successful recipients of funding in Round 5 of the Community Zero Emissions Grant Program. A speech is provided at Attachment A . |
| WHERE TO PARK: | There is a dirt carpark at the Canberra City Farm. Travel details, including annotated map of the venue and the carpark, are provided in Attachment B . |
| WHO WILL MEET YOU: | Name: Ros Malouf, Senior Director, Program Delivery, CCE Mobile: Sch 2.2(a)(ii) Ms Malouf will meet you at the front of the venue. |
| ADVISOR ATTENDING: | Yes. Lachlan Roberts/Anna McGuire. |
| AUDIENCE: | Approximately 10 people will be in attendance made up of grant recipients |
| VIPs: | Not applicable. |
| PAST INVOLVEMENT: | SEE Change and Canberra City Farm have both been previous recipients of Community Gardens Grants or Community Zero Emissions Grants |
| SENSITIVITIES: | Nil. |
| ORDER OF CEREMONIES | Name of Master of Ceremonies – Ros Malouf 12.35pm: Ros Malouf introduces you 12.40pm: You will speak, announcing recipients 12.50pm: Opportunity for photos & media questions 1.00pm: Event concludes |

Shane Rattenbury MLA - Arrangements brief

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| MEDIA: | Media Release has been prepared and is at <u>Attachment C</u> . Media Alert has been prepared and is at <u>Attachment D</u> . |
| SOCIAL MEDIA ACCOUNTS | Not applicable. |
| OUTSTANDING REGULATORY ISSUES | Nil. |

ARRANGEMENTS BRIEF

| | |
|----------------------------|---|
| FUNCTION: | Minister will talk to the Canberra ReNew branch on the role of hydrogen fuel cell vehicles in the zero-emissions transport strategy of the ACT |
| VENUE: | Ian Ross Building, School of Engineering (Building 31), North Road, Australian National University Campus (see map provided at Attachment B) |
| HOST: | Name: Peter Overton, Convenor, Canberra ReNew branch Mobile: Sch 2.2(a)(ii) |
| DAY: | Wednesday |
| DATE: | 27 April 2022 |
| TIME: | 6:15pm – 7:30pm |
| TIME COMMITMENT: | 75 mins, not including travel time |
| CATERING: | N/A |
| DRESS CODE: | Business casual |
| YOUR ROLE: | Speech addressing ReNew Canberra Branch – approx. 10-15 mins Q&A - questions from the floor – approx. 40 mins Talking points can be found at Attachment A . |
| WHERE TO PARK: | Refer to map (Attachment B) |
| WHO WILL MEET YOU: | Fiona Wright – Sch 2.2(a)(ii) Alex Killeen - Sch 2.2(a)(ii) |
| ADVISOR ATTENDING: | |
| AUDIENCE: | Renew Canberra branch members who will be in attendance for AGM following presentation and Q&A session |
| VIPs: | N/A |
| PAST INVOLVEMENT: | N/A |
| SENSITIVITIES: | None |
| ORDER OF CEREMONIES | 6:15pm: Minister arrives for introduction to Peter Overton and Peter Lyons, co-conveners of the event 6:30pm: Event begins, Peter Lyons welcome and introduces the Minister 6:35pm: Minister speaks |

Shane Rattenbury MLA - Arrangements brief

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|--------------------------------------|---|
| | 6:50pm: Q&A session with Minister supported in answering questions by Fiona Wright and Alex Killeen 7:30pm: Q&A session will conclude; AGM will begin and Minister is free to exit |
| MEDIA: | N/A |
| SOCIAL MEDIA ACCOUNTS | TBC |
| OUTSTANDING REGULATORY ISSUES | No outstanding regulatory issues. |

ARRANGEMENTS BRIEF

| | |
|---------------------------|---|
| FUNCTION: | Smart Energy Conference and Exhibition 2022 For the latest version of the program, please visit https://smartenergyexpo.org.au/in-person/program/ |
| VENUE: | Halls 5-7, Floor 4 International Convention Centre Sydney 14 Darling Dr, Sydney NSW 2000 Meeting Point: Speaker's prep room, level 5. There will be directional signage on level 4 & 5. |
| HOST: | Organiser contact points for the event are: Name: Sch 2.2(a)(ii) Mobile: Sch 2.2(a)(ii) Or Name: Sch 2.2(a)(ii) Mobile: Sch 2.2(a)(ii) |
| DAY: | Wednesday |
| DATE: | 4 May 2022 |
| TIME: | The session is from 1:30pm - 2:45pm. You are scheduled to speak from 2:00 – 2:15pm. <i>Note: Event organisers have requested you arrive 30-60 minutes before the session begins.</i> |
| TIME COMMITMENT: | Approximately 2 hours (1:00pm – 3:00pm) |
| CATERING: | Not applicable. |
| DRESS CODE: | Business casual |
| YOUR ROLE: | To make a 15-minute speech, focused primarily on the ACT gas transition. A speech has been prepared for you and is at <u>Attachment A</u> . |
| WHERE TO PARK: | Parking information: https://www.iccsydney.com.au/Getting-to-ICC-Sydney#parking-information Please note the event organisers have indicated a free parking pass has been allocated under the Minister's name which, can be collected from the Information desk while leaving. |
| WHO WILL MEET YOU: | Sch 2.2(a)(ii) |
| ADVISOR ATTENDING: | Yes – Anna McGuire and Lachlan Roberts |
| AUDIENCE: | Delegates at the conference are expected to include representatives from governments and councils, energy sector organisations and |

Shane Rattenbury MLA - Arrangements brief

| | |
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| | investors, as well as builders, engineers, project managers, wholesalers, retailers and sales working in the energy industry. |
| VIPs: | <p>Session Chair: Peter Hannam, Economics Correspondent, The Guardian</p> <p>Session speakers:</p> <ul style="list-style-type: none"> • The Hon Lily D’Ambrosio MP, Victorian Minister for Energy, Environment and Climate Change and Solar Homes • Hon Mick de Brenni MP, Queensland Minister for Energy, Renewables and Hydrogen • Jihad Dib MP, NSW Shadow Minister for Energy and Climate Change |
| PAST INVOLVEMENT: | You have previously spoken at this event in 2020 and 2021. |
| SENSITIVITIES: | This speech is prior to the Gas Transition cabinet submission and planned announcement. |
| ORDER OF CEREMONIES | <p>Name of Master of Ceremonies – Peter Hannam, Economics Correspondent, The Guardian</p> <p>1:30pm: Peter Hannam introduces the session and the Hon Lily D’Ambrosio MP</p> <p>1:35pm: The Hon Lily D’Ambrosio MP Speaks</p> <p>1:45pm: The Hon Mick de Brenni MP speaks</p> <p>2:00pm: Minister Rattenbury speaks</p> <p>2:15pm: Jihad Dib MP</p> <p>2:30pm: Panel session inviting all speakers to contribute</p> <p>2:45pm: Session concludes</p> |
| MEDIA: | There will be media in attendance, but no media release required. |
| SOCIAL MEDIA ACCOUNTS | <p>Twitter: https://twitter.com/SmartEnergyCncl</p> <p>Facebook: www.facebook.com/AustSmartNRG/</p> |
| OUTSTANDING REGULATORY ISSUES | Not applicable. |

To: Minister for Water, Energy and Emissions
Reduction

Tracking No.: 22/47960

From: Executive Group Manager (Climate Change and Energy)

Date of meeting: Thursday, 28 April 2022

Subject: Meeting with Clare Savage, Chair, Australian Energy Regulator

- DDG, Environment, Water and Emissions Reduction .../.../...

Purpose of the meeting

The Australian Energy Regulator (AER) has advised it will be raising discussion on the following:

- Better Bills Guideline (recent updates);
- annual pricing (both electricity and gas decisions due end of May);
- gas regulation (including modelling work being undertaken by ACT Government/Evoenergy); and
- ongoing AER projects (e.g., network resilience, export tariff guidelines, consumer vulnerability strategy).

Recommendations

That you:

1. **Note** the possible discussion topics for your meeting with Clare Savage, Chair of the Australian Energy Regulator, at Attachment A.

Noted / Please Discuss

Shane Rattenbury MLA

4/5/22

Minister's Office Feedback


Signatory Name: James Priestley

Phone: x72092

Action Officer: Mhairin Hilliker

Phone: X54176

OFFICIAL

| | |
|--|---|
| Purpose of the meeting: | This meeting is proposed to be general in nature and provide an opportunity for the AER Chair to update the Minister on current and emerging work. |
| Attendees: | <p>Clare Savage Chair, AER</p> <p>Clare Savage was appointed Chair of the AER in September 2019.</p> <p>Prior to joining the AER, Clare was Deputy Chair of the Energy Security Board. Together with the Chair of the ESB, Clare has worked to bring a greater level of coordination to the activities of the three energy market institutions and overseen the delivery of many of the recommendations of the Finkel Review.</p>  |
| Directorate representative in attendance: | N/A |
| Day / date: | Thursday, 28 April 2022 |
| Time: | 9:00am-9:45am |
| Venue: | ACT Legislative Assembly |
| Background: | The Minister last had a general meeting with Clare Savage, Chair of the AER, in December 2021 (Ref: 21/86257). |
| Discussion: | <p>Background on possible discussion topics is provided at Attachment A.</p> <p>Please note it is inappropriate to discuss modelling work being undertaken by Evoenergy in regard to gas. ACT access to Evoenergy modelling is outlined within an MOU between the Territory and Evoenergy. Sharing it with the AER would provide the regulator with access to corporate records without the knowledge of the regulated party.</p> |
| Consultation Internal: | No internal consultation was required. |
| Cross directorate: | No cross-directorate consultation was required. |
| External: | The ICRC has confirmed it is still considering how the AER Better Bills Guideline will interact with the existing ACT Code. Further information is expected to become available the week commencing 25 April 2022. |
| Media implications: | There are no media implications. |

OFFICIAL

Environment, Planning and Sustainable Development Directorate

| | | |
|-------------------------|--|------------------------|
| To: | Minister for Water, Energy and Emissions Reduction | Tracking No.: 22/38735 |
| Date: | 8 April 2022 | |
| From: | Executive Group Manager, Climate Change and Energy | |
| Subject: | Community Clubs Program Electric Vehicle (EV) charger incentive | |
| Critical Date: | 29 April 2022 | |
| Critical Reason: | To incentivise clubs to progress and complete upgrades to their building prior to 1 July 2022. | |

- A/g DDG, Environment, Water and Emissions Reduction 22/04/2022

Recommendations

That you:

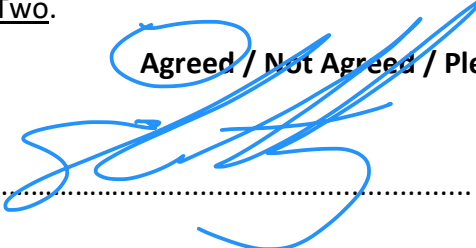
1. **Note** the information contained in this brief; and

Noted / Please Discuss

2. **Agree** to EV charger incentive Option One; or

Agreed / Not Agreed / Please Discuss

3. **Agree** to EV charger incentive Option Two.

Agreed / Not Agreed / Please DiscussShane Rattenbury MLA  **4522**

Minister's Office Feedback

Option 2 seems the better approach but let me know if there any concerns or feedback on this.

Also, question of whether 1 July is enough time, or whether a different date is needed?

Background

1. The Community Clubs Program launched in October 2021 and provides eligible clubs up to \$75,000 in rebates for building energy efficiency upgrades, installation of solar and energy storage systems and building envelope upgrades.
2. Currently 19 clubs have registered with the program, 14 clubs have undergone site energy assessments and two clubs have submitted approval paperwork to progress with their selected building efficiency upgrades.

Issues

3. There has been a slower progression to the rebate stage of the program than initially anticipated due to the following:
 - a. Some clubs have previously initiated upgrades for their club and spent a significant amount of the club's budget for the current financial year.
 - b. There is an expectation from clubs that the Community Clubs Program budget will be available for the four years of the program.
 - c. As clubs are recovering from the COVID lockdown they have a preference to delay upgrade works that may affect the daily operations of the club.
 - d. Clubs are engaging with designers and contractors slower than expected.
 - e. There is a concern with the rising cost of equipment due to COVID.
4. To encourage clubs to begin upgrades, program funding is available to support an EV charger incentive for clubs that complete a recommended upgrade and claim a rebate prior to 1 July 2022.
5. Two options of funding this incentive:
 - a. Option One: Fund the purchase and installation of one publicly available EV charger to a maximum of \$10,000 for clubs that complete upgrade recommendations (valued to a minimum of \$10,000) and submit a rebate claim form prior to 1 July 2022. This option requires clubs of all sizes to invest the same amount and receive the same amount of funding.
 - b. Option Two: Fund the purchase and installation of one publicly available EV charger for clubs that complete upgrades prior to 1 July 2022. Small and medium clubs would receive funding to a maximum of \$15,000 for completed upgrade recommendations (valued to a minimum of \$10,000), and large clubs would receive funding to a maximum of \$10,000 for completed upgrade recommendations (valued to a minimum of \$20,000). This option mirrors the existing program guidelines requiring a larger investment from clubs defined as large and takes into consideration that small and medium clubs are more likely to have limited electrical infrastructure to support the additional load and providing them additional funding will assist with the extra cost.
6. The incentive aims to encourage clubs to prioritise progressing with the recommended upgrades while increasing the knowledge and interest of electric vehicles (EVs) and expanding the EV charging network across the ACT.

7. Full requirements and restrictions for accessing this incentive can be found at Attachment A.

Financial Implications

8. Both options of this incentive can be funded through existing budget allocation of the Community Clubs Program.

Consultation

Internal

9. Relevant Climate Change and Energy program and policy staff have been consulted and provided input. Climate Change Policy have confirmed this will not duplicate current 50 public chargers project and will enhance further spread of publicly available chargers.

Cross Directorate

10. Ongoing consultation with Justice and Community Safety Diversification and Sustainability Support Fund throughout program implementation.

External

11. Consultation has occurred with Clubs ACT and Canberra Community Clubs groups.

Work Health and Safety

12. As clubs enter commercial arrangements with EV charger installers, work health and safety considerations are the responsibility of the installers.

Benefits/Sensitivities

13. It is expected this incentive will encourage clubs to prioritise progressing with the recommended upgrades while increasing the knowledge and interest of EVs and expanding the EV charging network across the ACT.

Communications, media and engagement implications

14. The incentive can be promoted through existing database of eligible clubs.

Signatory Name: Fiona Wright

Phone: 6207 9780

Action Officer: Anita Healey

Phone: 6207 0162

Attachments

| Attachment | Title |
|--------------|--|
| Attachment A | Community Clubs Program EV charger incentive – Requirements and restrictions |

OFFICIAL Sensitive

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

Tracking No.: 22/52421

Date: 29 April 2022**From:** Executive Group Manager, Climate Change and Energy**Subject:** EMM OOS AEMO Director Nominations**Critical Date:** **10 May 2022****Critical Reason:** To provide your decision to the Secretariat by due date of 10 May 2022.

- DDG, Environment, Water and Emissions Reduction .../.../...

Recommendations

That you:

1. **Note** the information contained in this brief; and
2. **Sign** the voting form at Attachment A, noting no nominations will be made from the ACT.

Noted / Please Discuss**Signed / Not Signed / Please Discuss**

Shane Rattenbury MLA 10/5/22

Minister's Office Feedback

Background

1. The Australian Energy Market Operator (AEMO) constitution requires the AEMO Board to appoint a minimum of five and a maximum of 10 Directors, including an Independent Chair and Managing Director for a maximum of two four-year terms.
2. The selection criteria for Director positions are a matrix of industry experience, skills, institutional affiliation or independence from, with priority given to candidates who balance the gender composition and geographic spread of Directors.

Issues

3. Mr Drew Clarke, independent Director from the ACT and the Chair of the AEMO Board, wrote to the Department of Industry, Science, Energy and Resources (DISER) advising of two upcoming appointments for Directors on the AEMO Board. The letter is provided at [Attachment B](#).
4. AEMO has reviewed independence, skills, experience, and diversity requirements of the existing Directors and recommend the two vacancies be filled by at least one female independent candidate/s preferably based in New South Wales, South Australia or Tasmania who are experienced in legal and finance areas and are able to bring consumer and regional communities' perspective.
5. AEMO will lead the selection process through engaging an executive search firm. State and Territory Energy Ministers are also invited to nominate candidates. To align with the AEMO Board's selection criteria, the Environment, Planning and Sustainable Development Directorate recommends not making a nomination from the ACT. Should you agree, a voting form has been prepared at [Attachment A](#) for your signature.
6. The Independent Appointments Selection Panel will shortlist candidates and AEMO will provide the Ministers recommendations for suitable candidates. The process is outlined in more detail in the Out-of-Session paper at [Attachment C](#), and in the AEMO Board constitution at [Attachment D](#).
7. The selection process is expected to be conclude by November 2022 and announced at the AEMO Annual General Meeting.

Financial Implications

8. There are no financial implications associated with this brief.

Consultation

Internal

9. No internal consultation was required for this brief.

Cross Directorate

10. No cross-directorate consultation was required for this brief.

External

11. No external consultation was required for this brief.

Work Health and Safety

12. There are no work health and safety implications associated with this brief.

Benefits/Sensitivities

13. There are no sensitivities associated with this brief.

Communications, media and engagement implications

14. There are no media implications associated with this brief at this time.

Signatory Name: Fiona Wright Phone: 6207 9780

Action Officer: Maryam Khazaeli Dobson Phone: 6205 4282

Attachments

| Attachment | Title |
|-------------------|---------------------------|
| Attachment A | Voting form |
| Attachment B | AEMO Board Chair's letter |
| Attachment C | Out-of-Session Paper |
| Attachment D | AEMO Board Constitution |

UNCLASSIFIED

Environment, Planning and Sustainable Development Directorate

To: Minister for Planning and Land Management Tracking No.: 22/38891

Date: 7 April 2022

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

Subject: DV369 Living Infrastructure – recommendations for progressing

Critical Date: 20 April 2022

Critical Reason: To advise industry and the community of the agreed approach for progressing DV369 as soon as possible.

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

Recommendations

That you:

1. **Note** the feedback received from industry representatives regarding the implementation of DV369 Living Infrastructure in Residential Zones; and
Noted / Please Discuss
2. **Agree** to the recommendations for progressing DV369 included in this brief; and
Agreed / Not Agreed / Please Discuss
3. Depending on the agreed recommendation from this brief, **agree** to a media release being prepared to inform industry and community stakeholders of how living infrastructure provisions will be incorporated into the Territory Plan.
Agreed / Not Agreed / Please Discuss

Mick Gentleman MLA  20/4/2022

Minister's Office Feedback

Progress option A(a) - variation does not apply to certain estates/blocks, for tabling in May.

Please ensure there is clear guidance for homeowners and industry on suitable plants.

Work with TCCS on comms to ensure no confusion between DV369 and Urban Forest Bill.

Background

1. Draft Variation 369 Living Infrastructure in Residential Areas (DV369) was prepared to incorporate living infrastructure provisions into the Territory Plan. It proposes changes to the Single Dwelling Housing Development Code and Multi Unit Housing Development Code 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. Brief 21/118197 providing commencement options for DV369 was signed on 16 March 2022.
3. On 24 March 2022 you made a statement in the Assembly on DV369. In this statement you noted that you had asked officials to consider how industry and homeowners can best transition to the new requirements before finalising and tabling the draft variation.
4. Discussions have been held with various industry groups such as the Master Builders Association (MBA), Housing Industry Association (HIA), Property Council of Australia (PCA), Australian Institute of Architects (AIA), Australian Institute of Building Surveyors (AIBS) and the Planning Institute of Australia (PIA).

Issues

5. In the discussions with MBA, HIA, PCA, AIBS and AIA, as well as written correspondence from PIA, concerns have been raised regarding how the provisions in DV369 will be applied, particularly to new blocks in greenfield estates. Various suggestions were made regarding what blocks the provisions should apply to, with the focus being on undeveloped blocks.
6. The general view was that there needed to be adequate time for people to prepare their development proposal (exempt or merit track) before any changes to the requirements take effect. This is particularly the case for lessees who purchased land with the intention to build a specific house/development. It was considered to be unfair that the 'goal posts change' while they are going through the design phase for their development.
7. In addition to transition considerations when DV369 is implemented, industry representatives also raised concerns about the provisions and the unintended consequences. These matters included:
 - a. The provisions are problematic for compact blocks (up to 250m²) and smaller large blocks (i.e. blocks just over 500m²). The drop from 60% site coverage on midsized (under 500m²) blocks to 40% on large blocks is significant.
 - b. The deep soil zone definition is problematic for multi unit development (particularly in RZ4 and RZ5) that can have the basement car parking cover the whole site.
 - c. Tree requirements are problematic, with concerns that any future issue with damage to buildings from the trees will be the certifiers responsibility. The building code has requirements for footings where a tree is near a building, making it difficult to find suitable locations on the site to plant trees, particularly if there are any easements.
 - d. Given site coverage and planting area restricts the size of house permitted, can basements plus 2 storeys be allowed in RZ1, or 3 storey single dwellings?

Options for progressing DV369

8. Options suggested for bringing the provisions proposed with DV369 into effect were:

Option A - DV369 not apply to blocks in approved estates.

9. This could be achieved by stating the changes

- a. do not apply to blocks in an estate approved from a set date (such as 1 January 2020 or vacant/never-developed blocks (no date specified)).
 - This would mean DV369 would apply to established areas, but not apply to recently approved blocks
- b. only apply to blocks in estates approved from the commencement date of DV369
 - this would mean DV369 would not apply to established areas as well as vacant greenfield sites
- c. do not apply for 2 years for blocks sold before the commencement date
 - this would be difficult to check or for certifiers to determine the purchase or settlement date.

10. To enforce this option, the requirements (e.g. the estate approval date) would need to be written into the provisions, making them overly complicated to understand. In addition, information about block approval dates or purchased dates can be difficult to find for building designers, builders, certifiers and home owners.

Option B - DV369 to apply to developments where the DA is lodged for completeness check or BA is assessed as being exempt on or after a set date (but a date much later than 1 July 2022)

11. This is the approach most commonly used for commencing Territory Plan variations (particularly those that impact many sites) as it does not apply the changes to current DAs (i.e., those already lodged in the system) and provides a set period of time for new DAs to be lodged prior to the changes taking effect.

12. However, it creates difficulties where the changes apply to exempt single dwelling development that only go through the BA process. Unlike the lodgment of a DA (that has a formal and trackable lodgment process), determining when a BA is lodged is difficult. This then means it needs to relate to the BA decision, rather than lodgment, which would put greater pressure on the workload of building certifiers.

13. The most significant concern with this option is that a later commencement date would start to get close to when the new Territory Plan may take effect. This would make it confusing for industry and community about what changes were applicable to their development and from when. This would be particularly confusing if the changes commenced when the draft new Territory Plan was open for public comment.

Option C - Withdraw DV369 and incorporate living infrastructure requirements into the new Territory Plan

14. This option provides time for homeowners and industry to finalise any imminent approval processes and allows time for future developments to start incorporating the changes into their early design work (and therefore are ready for when the living infrastructure requirements take effect).

15. This option also enables any agreed adjustments to be made to the provisions before implementation in response to recent concerns raised by industry representatives.
16. Option C provides the simplest way of putting in place living infrastructure provisions while addressing the concerns relating to providing adequate time for current development proposals to proceed without needing to be redesigned. It means that complex provisions that stipulate that it only applies to a block that meets certain conditions (such as when it was approved) are not required. Instead, the provisions can be clear and simple to read and apply.
17. A concern with this option is that if DV369 is withdrawn, there may be a perception that the living infrastructure provisions have been abandoned. However, this is easily mitigated by providing a clear statement to the community that while DV369 is being withdrawn, the proposed living infrastructure requirements will instead be incorporated into the new Territory Plan that will take effect in 2023.
18. In addition, the draft new Territory Plan will be released for public consultation later in the year so stakeholders would be able to see where the living infrastructure provisions will be added to the new Territory Plan.
19. Option C is the preferred approach for MBA, HIA, PCA, AIBS, AIA and PIA.

Compliance concerns

20. Separate to how DV369 should take effect, concerns were raised by the building certifiers about the ability (or lack thereof) to check if the required trees are planted on the block, particularly for single dwellings. MBA and HIA were also concerned that any delay with issuing the final certificates for a development would delay final payments for builders and impact the standard contracts builders use for their clients.
21. The *Building Act 2004* only requires certifiers to check the building aspects of a development. For them to check more than the building (i.e. planting) the Building Act will need to be amended. Landscaping is also exempt development under the *Planning and Development Regulations 2008*, therefore a tree can be removed without approval after the house is constructed (unless tree protection legislation applies)
22. After investigating options suggested by industry representatives, it seems the only way of checking if trees are planted for a single dwelling is for Access Canberra to undertake site audits. This would have resourcing implications for them.
23. Multi unit development is different however as there is an opportunity during the unit titling stage of a development for the landscaping to be checked for compliance with the approved landscaping plan.
24. Given the difficulty in checking compliance with the tree planting requirements for single dwelling development, consideration needs to be given as to whether this control remains. The planting area and site coverage requirements would provide adequate space on a block should the home owner wish to plant trees and other incentives could be considered to encourage trees to be planted on blocks.

Recommendation

25. It is recommended that
- a. DV369 is withdrawn and the living infrastructure provisions are added to the new Territory Plan.
 - b. Community and industry are advised that the provisions will still be part of the Territory Plan, but just at a later date (i.e. that the changes aren't 'disappearing' completely). This will avoid the situation when the new Territory Plan takes effect that people claim they were unaware of the changes and request a further transition period.
 - c. In the drafting of the new Territory Plan, the policy matters raised in recent meeting are considered further. This may mean the current wording of the provisions will be adjusted.
 - d. Consideration be given to removing the requirement for a tree to be planted on single dwelling blocks, due to the difficulty in verifying it has been planted at the end of the construction process as well as liability concerns regarding future damage caused by trees.

Financial Implications

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

Consultation

Internal

27. Not applicable.

Cross Directorate

28. Not applicable.

External

29. Discussions were held with MBA, HIA, PCA, AIBS, AIA and PIA on their thoughts for grandfathering clauses for DV369. The option preferred by all groups was Option C.

Work Health and Safety

30. Not applicable.

Benefits/Sensitivities

31. 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.
32. Incorporating the living infrastructure provisions into the new Territory Plan would give more time for development proposals (including exempt single dwellings on vacant greenfield blocks) 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.

33. With the imminent release of the Urban Forest Bill for public consultation, it would be beneficial having a decision on whether the tree planting requirement will be removed for single dwellings as this will be raised by community members.

Communications, media and engagement implications

34. A media release on the proposed approach for DV369 can be prepared.

| | | | |
|-----------------|-----------------|--------|-----------|
| Signatory Name: | Alix Kaucz | Phone: | 620 50864 |
| Action Officer: | Janine Ridsdale | Phone: | 620 54060 |

OFFICIAL

Environment, Planning and Sustainable Development Directorate

| | | |
|-------------------------|--|-------------------------|
| To: | Minister for Water, Energy and Emissions Reduction | Tracking No.: 21/117392 |
| Date: | 1 May 2022 | |
| From: | Executive Group Manager, Climate Change and Energy | |
| Subject: | Solar for Business Program Evaluation and Next Steps | |
| Critical Date: | 5 May 2022 | |
| Critical Reason: | To include ongoing financial support for rooftop solar, and to trial an increase in rebates, in the Small Businesses Energy & Water Program. | |

- DDG, Environment, Water and Emissions Reduction 04/05/2022

Recommendations

That you:

1. **Agree** to include rooftop solar as one of the standard eligible items for (50/50) rebate through the ongoing Small Business Energy and Water program; and

Agreed / Not Agreed / Please Discuss

2. **Agree** to trial an increase of the rebate to 85%, capped at \$10,000, for the Small Business Energy and Water program, for 2 months (May 2022 – June 2022) for energy efficiency upgrades.

Agreed / Not Agreed / Please Discuss

Shane Rattenbury MLA 8/5/22

Minister's Office Feedback

Given the payback period on solar these days, and the fact that it is probably the best rate of return a business can get on their capital, I am hesitant to provide subsidies for solar, but would like to discuss. I certainly agree there is an ongoing role for independent advice, tailored feedback etc.

Background

1. The Small Business Energy and Water (BEW) Program provides small businesses in the ACT free energy and water assessments, a tailored report for businesses on opportunities to reduce utility bills and a 50/50 co-contribution rebate capped at \$5,000.
2. As a sub-program to the BEW program, the Solar for Business Program, commenced as a 12-month trial in February 2019 (18/11537) to provide independent, tailored advice on the installation of rooftop solar to businesses in the ACT, including an additional 50/50 co-contribution rebate capped at \$5,000 for the cost of a rooftop solar system.
3. In March 2020 you requested the trial to be extended until the end of December 2020 as a stimulus measure during the COVID-19 pandemic (20/00977). At the conclusion of the program an internal evaluation was carried out to determine the success of the trial.

Issues

Solar for Business Trial Outcomes

4. 194 businesses participated in the trial with 93 small businesses taking up the rebate. There were 101 large businesses ineligible to receive the rebate that received tailored advice only. On average, businesses who installed rooftop solar save \$5,057 per year in electricity bills. The rebate provided to businesses reduced the average system payback period from 5 years to 3.5 years. On average participating businesses contributed \$2.80 for every \$1 contributed by the ACT Government through the Program.
5. In June 2021, an evaluation into the program was conducted through an online survey to receive feedback on the program's performance. The survey was distributed to all participants in the program and 52 responses were received. The results from the survey can be found at Attachment A and are summarised below:
 - a. Key barriers to installing rooftop solar are upfront financial costs, not owning the building and limited knowledge about solar photovoltaic (PV) and costs.
 - b. The free, independent, tailored advice provided by the program was helpful to understand the quotes provided by solar vendors, the financial benefits of installing solar PV, and improve the knowledge of solar PV.
 - c. If the rebate was discontinued the businesses would mainly prefer an alternative mode of financial support such as an interest free loan; and a technical officer to contact.
 - d. The program was noted as a positive experience by the businesses that were able to participate in the program. The cessation of the program was also noted as a missed opportunity by businesses and organisations that were unable to participate during its trial period.
6. Findings from the survey indicate strong interest from businesses for technical and financial support to install rooftop solar.

Ongoing rooftop solar for businesses through the Small Business Energy & Water Program

7. Rooftop solar could be offered as a standard item eligible for rebate under the Small Business Energy and Water program. This will continue to support businesses in reducing their electricity bills, assist in maintaining the ACT's 100% renewable electricity status and help offset increased electricity bills when businesses transition from gas to electric equipment.

8. To address the barrier of limited knowledge about rooftop solar, the Small Business Energy and Water team will continue to provide tailored advice and develop case studies and online resources to share information demonstrating the financial benefits of installing rooftop solar PV for businesses.

Additional financial support for ACT businesses exiting COVID-19

9. ACT Government communications research ([Attachment B](#)), and a Deloitte survey ([Attachment C](#)) has found that 33% of executives rate operational impacts (such as the cost of energy) as the highest climate change threat or impact to their organisation. And while 80% of business executives are concerned about climate change, the COVID-19 pandemic and economic outlook has stalled action.
10. The BEW Program has had no advertising during the COVID-19 communications protocols. Additionally, the ActewAGL Big Business Light Switch (part of the EEIS program) has saturated ACT businesses with LED lights leaving the BEW program offering less attractive, longer payback options such as HVAC and refrigeration upgrades. As such the program is underspent by approximately \$275,000.
11. An increase in the BEW program rebate to 85%, along with increasing the rebate cap to \$10,000, will provide significant support to ACT businesses struggling out of the COVID-19 pandemic. This rebate will further reduce capital costs and drastically reduce payback times for businesses upgrading inefficient appliances. The trial would be for 2 months (1 May 2022 to 30 June 2022) and available only for energy efficiency upgrades (i.e. not for solar upgrades).
12. The aim of the trial is to promote the Program in advance of returning to normal advertising processes, to allow the BEW Program to spend its remaining 21-22FY budget allocation, and to support businesses struggling out of the COVID-19 to re-engage with climate action. This trial aligns with Victorian Government initiatives supporting small businesses with an 85%-100% rebate.
13. The increase in rebate will be for existing BEW clients who have agreed to upgrade equipment but not yet claimed the rebate, for existing BEW clients who are yet to agree to upgrade equipment, and new BEW businesses registering for the program who agree to upgrade equipment, within the 2-month trial.
14. Businesses registering for the BEW program prior to the end of the trial, who are unable to receive a free onsite assessment before the end of the trial (due to a backlog of assessments), will be granted a grace period of 10 working days to submit documentation for upgrade after the assessors reporting, to be eligible for the trial's increased rebate offer.

Financial Implications

15. The inclusion of rooftop solar as a standard item eligible for a rebate can be funded through existing budget allocation of the Small Business Energy and Water program.
16. Based on 12 months historical rebate data for the Program, increasing the rebate will provide an additional \$2,600 or 87% in financial assistance per business. Allowing for an increase in uptake of the program and rebates for the 2-month trial, we anticipate an additional \$215,000 spend over what the program would have nominally rebated. This can be funded through the existing BEW program budget. The program guidelines allows for ceasing of the trial when it is fully (budget) subscribed.

Consultation

Internal

17. Relevant Climate Change and Energy program and policy staff have been consulted and provided input.

Cross Directorate

18. Access Canberra's Construction, Environment and Workplace Protection Division were consulted on solar PV electrical inspection requirements during program planning and execution.

External

19. The online survey was circulated to Small Business program clients, Solar for Business trial program clients, and participating solar PV vendors within the ACT.

Work Health and Safety

20. As businesses enter into commercial arrangements with solar installers, work health and safety considerations are the responsibility of the installers.

Benefits/Sensitivities

21. The program has received some negative feedback by closing the trial to rebates from 31 December 2020. Continuing to include solar PV as an eligible item under the Small Business Energy and Water program with online resources will support the uptake of solar PV by businesses and promote the transition from gas to electric.
22. BEW Program participants installing solar can be linked with the Next Gen Energy Storage Program to couple their solar installation with battery storage where suitable.
23. Providing both roof top solar and short term increase of financial support will encourage businesses coming out of covid to invest in energy efficiencies and gas transition.

Communications, media and engagement implications

24. The BEW program has not been advertised due to COVID.
25. The inclusion of rooftop solar into the BEW program, and the limited period trial of increased rebates can be advertised through the existing Business Programs database, local media outlets, Everyday Climate Choices Facebook page and via a media release through your office.

Signatory Name: Ros Malouf

Phone: 62075335

Action Officer: Anita Healey

Phone: 62070162

Attachments

| Attachment | Title |
|--------------|---|
| Attachment A | Solar for Business Exit Report – Nov 2021 |
| Attachment B | 1356_Small Business Comms Needs_Final Report_010721 |
| Attachment C | Deloitte-2021-climate-check-business-views |

Environment, Planning and Sustainable Development Directorate

To: Minister for Water, Energy and Emissions
Reduction

Tracking No.: 21/58820

Date: 14 April 2022

From: Executive Group Manager, Climate Change and Energy; and
Energy Efficiency Improvement Scheme (EEIS) Administrator.

Subject: Outcomes of EEIS Health Check

Critical Date: 6 May 2022

Critical Reason: To ensure Ministerial awareness of outcomes of the EEIS Health Check and Tier 1 (ActewAGL) pricing of activities, as requested in brief 21/13280.

- A/g DDG, Environment, Water and Emissions Reduction 20/04/2022

Recommendations

That you **note** the information contained in this brief.

Shane Rattenbury MLA

Noted / Please Discuss

19/5/22

Minister's Office Feedback

Background

1. A Health Check has been conducted to investigate a number of potential issues with the Energy Efficiency Improvement Scheme (EEIS) identified by Environment, Planning and Sustainable Development Directorate (EPSDD) and other stakeholders. The health check is not a full scheme review.
2. The Health Check was conducted by consultants Common Capital. It analysed the following:
 - a. Impacts of the EEIS regarding space heating and cooling and hot water industries and consumers;
 - b. Value for money of activities delivered by the Tier 1 retailer (ActewAGL Retail) through the EEIS
 - i. Note this item was initially flagged to be explored through an audit (21/13280). The then EEIS Administrator assessed it was more appropriate to address this question through this Health Check instead of through an audit process;
 - c. The potential for Tier 2 activity delivery, including appropriateness of the Approved Energy Savings Provider process and impact of potential Tier 2 activity delivery;
 - d. Limited scope of uptake of activities and range of installed products; and
 - e. Distribution of benefits under the EEIS, particularly regarding ActewAGL Retail only delivering to its own customers.
3. Research involved desktop review, a small number of targeted interviews and reviewing installer quotes.

Issues

Key findings of the Health Check

4. The final Health Check report was provided to EPSDD on 4 April 2022 and is at Attachment A.
5. The key findings and opportunities to address identified challenges of the Health Check are summarised on pages (iv) and (v) of the Executive Summary of the Health Check report.
6. The Health Check found the EEIS is performing well and operating as intended, within the scope of research, specifically:
 - a. ActewAGL is delivering high quality products at competitive market prices through the Scheme;
 - b. Complementary programs are helping maximise scheme benefits (including the Sustainable Household Scheme); and
 - c. Delivery of activities aligns with the EEIS design and objects of the *Energy Efficiency (Cost of Living) Improvement Act*.
7. The Health Check highlighted some immediate-to-medium term challenges:
 - a. Some stakeholder concerns are due to misperceptions of the Scheme and could be

addressed through an improved communications strategy;

- b. ^{Sch 2.2(a)(xi)} [Redacted]
- c. ^{Sch 2.2(a)(xi)} [Redacted] and
- d. The Approved Energy Savings Provider Framework is fit-for purpose but needs increased awareness and Directorate resourcing
- i. The Act allows for retailers to meet their energy savings obligation through engaging Approved Energy Savings Providers (AESP). An AESP is a registered person or entity who can delivery energy savings activities which may be acquired by a retailer.

Next steps

8. EPSDD is considering how to best implement the findings and opportunities of the Health Check in the administration and policy direction of the Scheme. Detail on each opportunity is provided at Attachment B.

Consultation

Internal

9. No internal consultation was required for this brief.

Cross Directorate

10. No cross-directorate consultation was required for this brief.

External

11. As this was a small-scale, internal targeted review of known issues, broad consultation was deemed out of scope. The Health Check is a research exercise to identify policy opportunities and answers to known stakeholder concerns.
12. To inform analysis, Common Capital conducted a small number of targeted interviews to inform this analysis. This included: one Tier 1 retailer; [Redacted] Tier 2 retailers; [Redacted] installers who conduct activities under the EEIS; [Redacted] non-scheme installers in the ACT and [Redacted] non-scheme installer operating under another jurisdiction's scheme.

Benefits/Sensitivities

- 13. The Health Check has provided useful insights to inform the management of the Scheme and is intended as an internal document to inform policy direction.
- 14. The Health Check has been discussed at recent estimates and is likely to be requested under Freedom of Information request by stakeholders. It is important the scope of the Health Check be correctly reflected as a targeted internal investigation into known issues, rather than a full scheme review.
- 15. The Health Check contains Commercial in Confidence information which must be omitted from any FOI request, as per standard practice.

Communications, media and engagement implications

- 16. The report is not expected to attract any media attention due to its internal nature.

Signatory Name: Fiona Wright Phone: 02 6207 9780
Action Officer: Mhairin Hilliker Phone: 02 6205 4176

Attachments

| Attachment | Title |
|-------------------|---|
| Attachment A | EEIS Health Check |
| Attachment B | EPSDD Commentary on opportunities presented in the Health Check |

Portfolio/s: Planning and Land Management

Environment

PARKS AND CONSERVATION SERVICE UPKEEP OF PARKS AND RESERVES

Talking points:

- Despite COVID-19 related delays, works are progressing well throughout our parks and reserves, with visitors soon to discover some new and improved experiences throughout the length and breadth of our reserve network.
- Namadgi National Park leads the way with some spectacular natural re-growth due to the continuing wet summer providing exceptional growing conditions. The Mt Tennant Walking Trail is a new favourite with visitors, with an entirely new section of summit trail treating hardy souls with panoramic views to the east and south over the park.
- New investment at the Cotter Campground has improved toilet block facilities and signage. Upgrade works are also well progressed at the Uriarra West picnic grounds and soon to commence at Blue Range Campground.
- Recent storm damage in Belconnen in January 2022 has resulted in many felled trees in woodland reserves. Staff have been busy clearing debris off tracks and trails.

Key Information

- Tracks and trails have been impacted by heavy rain throughout the conservation estate, but good progress has been made in remediating and upgrading popular walking tracks around Canberra.
- Work has been completed on a new and improved “Zig Zag” summit trail at Mt Taylor Nature Reserve. The track provides a good workout for those wishing to be rewarded with the best views of south Canberra from the summit.
- Visitors to Tidbinbilla Nature Reserve will notice the koala viewing area and the carpark at the Eucalypt enclosure housing koalas and wallabies, has been resealed.
- New signage throughout Canberra Nature Park has commenced to be installed, this work will continue in the coming months and provide improved directional and factual advice about popular parks and reserves within the city surrounds.
- The recently dedicated Nadjung Mada Nature Reserve preserves important habitat for the endangered striped legless lizard. Ecologists have recently successfully translocated 4 striped legless lizards to a purpose built enclosure in the reserve. This initiative is an important stage in working to re-establish the lizard in the reserve.

Background Information

- Note that works at the Cotter Campground, Uriarra West and Blue Range Campground are funded by the Commonwealth Government’s *Recreational Fishing and Camping Facilities Program*.

Cleared as complete and accurate: 26/04/2022

Cleared for public release by: Executive Group Manager Ext: 59027

Contact Officer name: Bren Burkevics Ext: 0434 564 090

Lead Directorate: Environment, Planning and Sustainable Development

Portfolio: Planning and Land Management**MANOR HOUSE DV375****Talking points:**

- In response to the ACT Legislative Assembly resolution of June 2017, which asked the ACT Government to deliver demonstration housing proposals, DV375- Manor House is proposed as one project forming part of the Demonstration Housing Project.
- The manor house and other Demonstration Housing proposals provide a 'hands on' opportunity for government, industry and the community to showcase and test the benefits and effectiveness of innovative housing types over time. The manor house is an example of providing housing choice and our future growth while maintaining benefits particularly for those who want to remain in their local neighbourhood.
- DV375 proposes changes that only relate to Griffith section 31 block 6. The proposed changes involve introducing a definition for 'manor house' and allowing this development type at the site.
- Further restrictions include limiting the number of dwellings to four. A basement, which will contain carparking, is proposed to be allowed beneath a two-storey dwelling providing the 'manor house' appears as though it is one large house and appears as two storeys from street frontages. A provision to protect solar access of adjacent dwellings is also proposed as is unit titling of the dwellings.
- The site at Griffith section 31 block 6 is in the Residential RZ1 Suburban zone. No zoning changes are proposed, and other proposed changes only apply to this individual block.
- Public comment was invited about DV375 from 19 February 2021 until 16 April 2021. A total of 535 written submissions were received, which included 476 form letters, 55 submissions from individuals and 4 submissions from community organisations. Four submissions are in support of the draft variation and a large majority of submitters do not support it. EPSDD has considered the submissions received. A report on consultation and the recommended version of DV365 has been prepared.
- DV375 has been referred to the Standing Committee on Planning, Transport and City Services for consideration. The Committee must advise before the end of May whether they will undertake an inquiry into DV375.
- Should the changes to the Territory Plan proposed in DV375 proceed and the project is constructed, there will be evaluation of the effectiveness of the new housing type and whether and under which circumstances a 'manor house' could be further considered.
- Lessons learnt from the evaluation of this proposal and others undertaken as a part of the Demonstration Housing Project will inform future government policy and possible future Territory Plan changes to encourage and support improved housing choice and housing quality in Canberra.

Cleared as complete and accurate: 26/05/2022
Cleared for public release by: Deputy Director-General Ext: 54522
Contact Officer name: Alix Kaucz Ext: 50864
Lead Directorate: Environment, Planning and Sustainable Development

Key Information

- The key concern raised in submissions is that a manor house is inappropriate in the Residential RZ1 Suburban zone. Other concerns relate to traffic generation, increasing density, probity (perceived conflict of interest of one of the proponents), landscaping, car parking, loss of property values, and uncertainty about the location of potential future sites for manor houses.
- On 2 June 2021, Ms Elizabeth Lee MLA lodged petition number 28-21 that calls upon the Legislative Assembly to reject Draft Variation 375 Demonstration Housing, Griffith section 31 block 6, Manor House, so the character and amenity of Griffith can be maintained.
- The petition received in excess of 500 signatories and has therefore been referred to the Standing Committee for Planning, Transport and City Services, consistent with the Legislative Assembly Standing Order 99A.
- The Government is considering its response to the petition, which is anticipated to be provided by 3 November 2021, in accordance with the Legislative Assembly Standing Order 100.
- Subsequent to the formal consultation period for DV375 closing, an Open Letter rejecting petition 28-21 and supporting the Manor House proposal, driven by younger Canberrans seeking access to housing options in the Inner South, was circulated on social media.
- The Open Letter calls on members of the Legislative Assembly to support DV375 and honour the ACT Planning Strategy Strategic Directions to create a city that is compact, efficient, diverse, sustainable, resilient, liveable, affordable and accessible.
- The Open Letter generated discussion on forums such as ABC 666 Canberra's Facebook page, the Riot Act's page, and the Kingston Barton Resident Group's Facebook page. It received 214 signatures and was sent to each member of the Legislative Assembly on 10 December 2021.
- The community group Greater Canberra formed in response to the opposition to Manor House and is responsible for the Open Letter. They support DV375 that would permit Manor House and see it as one element that addresses a range of issues such as housing affordability for both purchase and rental, intergenerational inequity in housing, densification of the RZ1 zone, measures to reduce exclusionary zoning, and measures to increase access to housing in the inner south and across the Territory. They have a strong social media presence on Facebook, Twitter and Discord.
- Public submissions about DV375 were considered by EPSDD in the preparation of the recommended version of DV375.

Background Information

- The ACT Legislative Assembly passed a resolution in June 2017, which asked the ACT Government to engage with the community and industry stakeholders to deliver demonstration housing proposals.
- A two-stage Expression of Interest (EOI) process was developed for the Demonstration Housing Project by EPSDD in consultation with community and industry representatives and commenced in April 2018. This process was designed to assess the interest, capability, and experience of proponents to deliver projects that address the Legislative Assembly's resolution.
- The aim of the Demonstration Housing Project is to demonstrate how infill development can incorporate high quality green space, can be delivered in ways that supports Canberra's changing needs such as ageing in place and multigenerational homes, and how strong collaboration between government and the community can deliver positive urban renewal outcomes.
- Draft variation 375 (DV375) was prepared to support the development of a Demonstration housing proposal for a new type of housing development not currently available in Canberra called a 'manor house' and implement the key recommendations of a planning report prepared by Knight Frank Town Planning to support the proposal.

Portfolio/s: Planning and Land Management
Housing and Suburban Development

GUNGAHLIN TOWN CENTRE LAND RELEASES AND DV364

Talking points:

- The ACT Government has a vision for the Gungahlin town centre as an active and inclusive place where people live, work, study and come together as a community.
- The ACT Government's investment in light rail, connecting the Gungahlin town centre with the City, has transformed the town centre – creating a lively commercial centre and promoting an appropriate level of residential living opportunities.
- Residential living in the Gungahlin town centre is making an important contribution to the ACT Planning Strategy's strategic planning direction to build a compact and efficient city, and to grow mostly within the City's existing urban footprint.
- Residential living opportunities are planned and happening on commercial mixed use zoned sites within the town centre (CZ5 zoning). The final available CZ5 zoned sites were sold at auction (May 2021).
- The Government continues to support the take up of other investment within the town centre, providing a prospectus to the Commonwealth Government to encourage its departments to relocate to, or establish employment hubs in, the town centre.
- There are six large commercial blocks that can be released to accommodate large scale commercial office development within the town centre into the future.
- Work is shortly to commence on a precinct planning approach with the community for undeveloped land on either side of Flemington Road, consistent with the Government's commitment in response to the two Assembly resolutions about planning of the town centre from last year.
- Work is also continuing in relation to community recreational needs within Gungahlin, consistent with the ACT Government's commitment to build a community centre in Gungahlin.
- A community recreational needs assessment has been completed and was publicly released recently on the Yoursay Conversation website. The report will assist in discussions with the community about the existing provision of community facilities and the gaps that may need to be addressed as Gungahlin continues to grow and the population profile changes in the future.
- The 2021-22 budget follows through on this commitment by allocating \$300,000 to complete project feasibility, undertake community engagement and develop the business case for future funding for a new community centre. \$150,000 is allocated in 2021-22 and a further \$150,000 in 2022-23.

Cleared as complete and accurate: 20/04/2022
Cleared for public release by: Executive Group Manager Ext: 78495
Contact Officer name: Steven Gianakis Ext: 71741
Lead Directorate: Environment, Planning and Sustainable Development

- On 30 September 2021 the Standing Committee on Planning, Transport and City Services released its report on its inquiry into Draft Variation to the Territory Plan 364 - Gungahlin Town Centre Planning Refresh (DV364). The committee made eight recommendations.
- The Government's response to the Committee's recommendation was tabled in the Assembly on 8 February 2022.
- I tabled Variation 364 in the Assembly on Thursday 7 April 2022. Subject to disallowance, the variation could formally commence in early June 2022.

Key Information

- The 2021-22 to 2025-26 Indicative Land Release Program (ILRP) identifies block 1 section 228 (CZ1 Core) and block 1 section 249 (Community Facility) sites, together with 300 dwelling units, to be released this financial year. The 300 dwellings may be achieved on block 1 section 228 (CZ1 Core) rather than the release of an additional block of land.

Background Information

Variation 364 (Gungahlin town centre planning refresh)

- Variation to the Territory Plan 364 (Gungahlin town centre planning refresh) responds to various planning recommendations arising from the 2018 Gungahlin town centre planning refresh snapshot and makes the following changes to the Territory Plan:
 - The quantity of commercial land in the eastern portion of the town centre, fronting Flemington Road, was reduced to two sites for exclusive office use. This equates to approximately 65,000m² of land for commercial offices gross floor area.
 - Introduction of mandatory building heights and replacement of the building envelope controls with maximum building heights.
 - Permission for increased building heights (up to 10 storeys) along the light rail corridor (Flemington Road) reducing to 3-6 storeys on the town centre's periphery in Gungahlin east.
 - Introduction of minimum building heights in Gungahlin east: four storeys along Flemington Road and three storeys along The Valley Avenue.
 - Removal of restrictions on residential uses in Gungahlin East to allow for a mixed-use precinct and to stimulate the night-time economy.
 - Retention and protection of two land parcels close to the light rail corridor, to allow for large-scale commercial office buildings in the future.
 - Retention of land for community facilities and introduction of provisions to allow flexibility in the location of the facilities, including within mixed-use development and closer to the public transport stations.

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Lead Directorate: Environment, Planning and Sustainable Development

- The variation was amended to reflect the Government response to the Committee's recommendations, particularly in relation to preserving land for commercial offices and clarifying active frontage requirements in the town centre.

Portfolio/s: Sustainable Building and Construction

Planning and Land Management

Water, Energy and Emissions Reduction

LIVING INFRASTRUCTURE PLAN (including DV369)

Talking points:

- The ACT Government is committed to achieving sustainable development outcomes that meet the needs of the growing population, while retaining the values, features and landscape setting that make Canberra unique.
- The ACT Government recognises that population growth, urban densification and climate change pose challenges for how we achieve this outcome.
 - Continued urban expansion puts pressure on the valued natural resources that surround the city such as our bushland and grasslands, landscape setting and connectivity of ecosystems.
- Urban densification introduces new challenges for which innovative and ecologically sustainable urban development solutions will need to be considered and adopted.
- The ACT Government is committed to planning for connected open space networks and sufficient tree canopy cover for public spaces and to mitigate against the loss of tree canopy cover, permeable surfaces and planting area as a result of urban intensification.
- *Canberra's Living Infrastructure Plan: Cooling the City* outlines the ACT Government's commitment to addressing urban heat, primarily by protecting and improving living infrastructure within urban Canberra.
- Living Infrastructure helps to make our city 'climate-wise', enhancing its capacity to cope with the impacts of urban densification and climate change by reducing urban heat island effects, increasing access to shade, and safeguarding urban landscape function and health.
- The Living Infrastructure Plan has established targets of 30 percent tree canopy cover (or equivalent) and 30 percent permeable surfaces by 2045 within the built environment footprint. They are an important element of achieving the sustainability and resilience objectives for our city set out in the *ACT Planning Strategy 2018*.
- Achieving the Plan will rely on collective and collaborative efforts across Government, community and the business sector.
- Current action being undertaken by the ACT Government includes:
 - Planting of 54,000 trees in Canberra between 2020-21 and 2023-24 to contribute to the 30 percent canopy cover (or equivalent) target for Canberra's urban footprint.

| | | |
|-----------------------------------|---|------------|
| Cleared as complete and accurate: | 22/04/2022 | |
| Cleared for public release by: | Executive Group Manager | Ext: 54752 |
| Contact Officer name: | Carolyn Goonrey | Ext: 76858 |
| Lead Directorate: | Environment, Planning and Sustainable Development | |

- The Development of an Urban Forest Strategy to support the long term strategic management and growth of the urban forest. The final Strategy was released on 30 March 2021.
- Demonstration projects such as the Whitlam Display Village which trials innovative living infrastructure solutions such as passive irrigation, permeable driveway surfaces and advanced street tree planting.
- Introducing changes to the Territory Plan requirements, notably to the draft Territory Plan Variation 369 – Living Infrastructure in Residential Zones which are outlined below -
 - These requirements don't go all the way to achieving the Plan's targets, but they significantly strengthen the contribution that residential developments make to tree canopy and green infrastructure.
 - Further amendments to planning processes in the future will be introduced to support the ACT reaching its targets by 2045.

DV369 – Living Infrastructure in Residential Zones

- This draft Variation proposes higher requirements for the minimum planting area, along with new requirements for planting of trees for older blocks with a residential zoning.
- DV369 also introduces new site coverage requirements for different sized residential blocks, introduces a new definition for deep soil zone and strengthens the definitions for site coverage and planting areas.
- Changes to the recommended version respond to community feedback that living infrastructure should be embedded across private and public land. These included adjustments for small blocks to enable an appropriately sized home to be built while providing planting area on the site.
- The recommended version of DV369 and associated consultation report were made available to the public on Friday 29 October 2021 on the Legislation Register and EPSDD website.
- The Standing Committee on Planning, Transport and City Services advised that an inquiry into DV369 will not be conducted at this time.
- Industry information sessions on the changes proposed with DV369 were held during the weeks of 21 and 28 February 2022.
- Given the significant impact that this change will have across the Territory, particularly for people who have purchased compact blocks, the proposed changes will not apply to blocks that were approved in an estate after 1 January 2020. This means that the majority of new, vacant blocks will not be required to comply with this variation.
- I do not want to disadvantage people who have bought house and land packages in good faith. Similarly, I want to ensure the best possible way to increase our tree cover and permeability.

Cleared as complete and accurate: 22/04/2022
Cleared for public release by: Executive Group Manager Ext: 54752
Contact Officer name: Carolyn Goonrey Ext: 76858
Lead Directorate: Environment, Planning and Sustainable Development

2020 Tree Canopy Cover Estimate

- Updated Light Detection and Ranging (LiDAR) analysis has allowed us to more accurately estimate current tree canopy coverage and provides us with a better picture of our living infrastructure in Canberra.
- Canberra's Total Canopy Cover (TCC) in 2020 was estimated to be 22.5 percent of Canberra's urban footprint.
- This provides a new baseline and helps identify areas where canopy cover is low so planting efforts can be prioritised.

Key Information

- In 2017, the ACT Government commissioned CSIRO to study Canberra's urban heat island effect. The research found that Canberra's summer land surface temperatures can be up to 10 degrees Celsius hotter than surrounding rural areas.
- Common measures to reduce urban heat include trees, watered grass, shading structures, wetlands, green walls and appropriate building and surface materials.

Background Information

- The Plan was released in September 2019. Canberra currently has an estimated 22.5 percent TCC, although this is not evenly distributed across the city.
 - This latest estimate has been prepared using LiDAR data captured in 2020 and represents the most recent analysis of TCC in urban Canberra.
- The urban heat island effect occurs when urban areas are warmer than surrounding rural areas. This is often due to buildings, roads and pavements (built environment) absorbing heat, which is then slowly released, leading to higher temperatures at both day and night.

2020 Tree Canopy Cover Estimate

- On 28 October 2021, the Minister for Transport and City Services, Mr Chris Steel MLA, released new estimates for tree canopy cover in Canberra.
- The estimates were prepared by staff in both EPSDD and TCCS using an updated methodology and LiDAR (Light Detection and Ranging) data collected in April 2020.
- The new estimate replaces the previous estimate using 2015 LiDAR data that was found to be unreliable due to inaccuracies in the data and the time of year the data was collected. Consequently, direct comparisons between the current 2020 estimate and the previous 2015 estimate should not be made.

Portfolio/s: Environment
Planning and Land Management

PFAS IN THE ACT

Minister for Emergency Services may take the question if asked as it is a cross-portfolio matter

PFAS Remediation at Charnwood

Please see separate QTB on PFAS remediation at Charnwood.

PFAS at the Forrest Fire Museum and Residence and Telopea High School

Talking points:

- In 2020, the ACT Government appointed environmental consultants, GHD, to assess current and former Fire and Rescue Station sites that may be impacted by PFAS. The Forrest Fire Museum and Residence at 14 Empire Circuit was included in this proactive testing program as the site was used as a fire station until 1984.
- The investigation at the Forrest site found that there is a low risk to visitors, workers and people undertaking maintenance at the Forrest Fire Museum and Residence from PFAS in the soil. The results suggest low volumes of firefighting foam were used across the site with no single source area identified.
- A sign at the museum advises visitors about possible contamination on the site.
- The consultant recommended that further studies be undertaken to determine the extent of PFAS impact on areas that may have been subject to run-off from the site or movement through the underlying aquifer, including the Telopea Park School overflow playing field.
- Given current investigations, the health risk to children, school students and others who use or access the playground is considered low.
- In May 2021, the Chair of the Barton and Kingston Residents Association was informed about the investigations and plan for further testing.
- The school community was advised in mid 2021, about the investigations and plans for further testing through the school newsletter.
- Planned Human Health and Ecological risk assessments at Forrest Fire Museum and identified adjacent sites are scheduled to commence in May 2022.

Other current and former Fire and Rescue stations

Talking points:

- The ESA has undertaken testing for PFAS contamination at other current and former ACT Fire and Rescue stations.
- Preliminary testing identified contamination in the soil and/or groundwater at all

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Cleared for public release by: Deputy Director-General Ext: 75001
Contact Officer name: Lucinda Berrie Ext: 79834
Lead Directorate: Environment, Planning and Sustainable Development

eight sites that exceeds either or both human health and ecological levels.

- Temporary management measures such as fencing and signage have been put in place at these sites to protect staff and the community.
- Major Projects Canberra has engaged a qualified and experienced environmental consultant (GHD Pty Ltd) on behalf of JACS to facilitate further Human Health and Ecological risk assessments at the ESA and identified adjacent sites.
- These assessments are scheduled to commence in the coming weeks.
- Although the EPA have not issued any formal directions at this stage, JACS are proactively facilitating further assessments in advance of possible future EPA orders and to provide assurance to ACT Fire and Rescue and affected stakeholders.

Emergency Services Agency (ESA) — worker's compensation claim

Talking points:

- ESA can confirm that the Government insurer, EML, have reviewed a workers compensation claim relating to a claim by an ACT firefighter for a cancer related illness.
- In that case, the insurer has accepted that the disease in question was substantially contributed to by their work and assessed the claim under presumptive legislation in the Safety and Rehabilitation Compensation Act.
- In coming to that decision, the insurer took into account:
 - the firefighter's length of service; and
 - the accepted view that firefighting duties involve exposure to a range of harmful chemicals and conditions which increase the risk of several types of cancer and that these risks increase with the length of service.
- ESA will not be commenting on the case due to medical privacy issues.

Emergency Services Agency—Vehicles:

Talking points:

- ESA has tested all frontline ACT Fire & Rescue fire trucks for PFAS contamination levels. The tests have returned a negative result on all vehicles and have classified the vehicles to drinking water standards.
- The Firefighters Union has been consulted and agree this is a good outcome for firefighters.

Background Information

- Per- and poly-fluoroalkyl substances (PFAS) are manufactured chemicals used in products that resist heat, oil, stains and water. PFAS was a commonly used substance in firefighting foam in NSW and the ACT. This foam is understood to have been used for training purposes at ACTFR sites.

Cleared as complete and accurate: 26/04/2022
Cleared for public release by: Deputy Director-General Ext: 75001
Contact Officer name: Lucinda Berrie Ext: 79834
Lead Directorate: Environment, Planning and Sustainable Development

Portfolio/s: Planning and Land Management**MOLONGLO GROUP CENTRE****Talking points:**

- Land in the Molonglo Group Centre is on the 2021-22 to 2025-26 Indicative Land Release Program for the release of first sites in 2023-24.
- The suburb of Molonglo (which includes the Group Centre) will become the active hub of Molonglo Valley and will provide for the growing population of Canberra's newest district.
- With commercial, retail, residential and community facilities, Molonglo will provide future employment opportunities and create places for residents of the Molonglo Valley to live and work.
- The group centre will also become Canberra's first all-electric commercial centre, delivering on the ACT Government's commitment to remove mandatory gas connections to new suburbs as part of its Climate Change Strategy.
- In the course of setting the 2021-22 to 2025-26 Indicative Land Release Program, the Government decided to defer release of land in the Molonglo Group Centre to a later release date of 2023-24 to allow time to refine, settle and conclude planning work and to coordinate with other infrastructure projects.
- There are a number of large infrastructure projects underway and planned for the Molonglo Valley that directly impact the Molonglo Group Centre and surrounds, including the final design and alignment of John Gorton Drive (stage 3C) and the East-West arterial road.
- In December 2021, EPSDD released the Draft Concept Plan for the Molonglo Group Centre and Surrounds. The Draft Concept Plan addresses comments from the National Capital Design Review Panel and incorporates current Government Policies.
- EPSDD engaged with the Molonglo Valley Community Forum (MVCF) on the Draft Concept Plan in late 2021 and early 2022, including a presentation to the group on 19 January 2022. The MVCF has provided positive feedback about the directions set in the Draft Concept Plan.
- The Concept Plan is the basis for the next step to incorporate provisions into the Territory Plan.
- Technical Amendment TA2022-01 - Introduction of Molonglo Group Centre and Surrounds Concept Plan and rezoning of land within the future urban area of Molonglo and changes to the Commercial Zones Development Code was released for public consultation on 4th of April 2022. Written comments are invited until COB Friday 6 May 2022.

Cleared as complete and accurate: 26/04/2022
Cleared for public release by: Executive Branch Manager Ext:58592
Contact Officer name: Dan Santosuosso Ext:77212
Lead Directorate: Environment, Planning and Sustainable Development

- Government is working to establish land use across Molonglo Valley to attract the desired level of industry investment in the group centre and in turn achieve the level of amenity, activation and community use to support the community.

Key Information

- Land in the Molonglo Group Centre is on the Indicative Land Release Program (ILRP) for release of first sites in 2023-2024. This represents a delay from the prior ILRP to allow for refinement of the planning work, further community engagement and consideration of the infrastructure projects underway and proposed.
- A Draft Concept Plan for Molonglo Group Centre and Surrounds was presented to Cabinet and tabled in the Assembly in November and December 2021 respectively. The Draft Concept Plan was then publicly released in December 2021.
- EPSDD has consulted with the Molonglo Valley Community Forum (MVCF) on the draft Concept Plan in late 2021 and early 2022, including a presentation to the group on 19 January 2022.
- Engagement on the draft Concept Plan provided input into the statutory process and the Technical Amendment TA2022-01 - Introduction of Molonglo Group Centre and Surrounds Concept Plan and rezoning of land within the future urban area of Molonglo and changes to the Commercial Zones Development Code was released for public consultation on 4th of April 2022. Written comments are invited until COB Friday 6 May 2022.
- While the ILRP indicates the release timing, the release method and community engagement on the land release is determined by the Suburban Land Agency (SLA). The 2023-24 timing also allows the SLA to undertake their processes to achieve land release.

Background Information

- Planning for the Molonglo Group Centre has been ongoing over several years as the necessary assessments and investigations have been undertaken. The Molonglo Valley community, as expressed through the MVCF, would like to see the group centre developed to provide services and community facilities in Molonglo as soon as possible.
- The Draft Concept Plan provides a planning and design framework to facilitate development and implementation of the vision for the Molonglo Group Centre and surrounds.
- The plan will, together with other relevant codes of the Territory Plan, guide the planning, design and assessment of estate development plans and inform the allocation of final zones on a parcel of land.
- A working Draft Concept Plan for the Molonglo Group Centre was developed in 2014. The 2014 version did not proceed as it required further work to consider

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infrastructure and shifts in government policy. Since 2014 the Government has adopted new policies that affect the Molonglo Valley, as well as elsewhere, which includes (but is not limited to) the ACT Planning Strategy 2018, the Molonglo River Reserve Management Plan 2018, and policy initiatives that promotes transport and movement, climate change initiatives and living infrastructure.

- The 2014 Draft Concept Plan has been used as a basis for the 2021 Draft Concept Plan.

Portfolio: Planning and Land Management

COOMBS PENINSULA

Talking points:

- The Coombs peninsula has undergone extensive environmental assessment and statutory environmental approvals.
- The outcome of the Commonwealth's environmental assessment process approved the Coombs peninsula land for future development and indicated that the area has low environmental value due to its past use as a commercial pine plantation. This deemed the area unsuitable for inclusion into the adjacent Molonglo River Reserve.
- The Coombs peninsula was rezoned in 2008, as part of a wider Molonglo Valley rezoning, to a future urban area (FUA) overlay with an indicative Residential RZ1 Suburban zoning.
- This means that the Coombs peninsula has been identified for potential residential development, and particularly single dwelling development, since 2008.
- For the final zoning of the peninsula to be determined (and therefore no longer indicative) a development application for an estate development plan is required to be lodged with the independent planning and land authority.
- A development application has not been lodged.
- The Coombs Peninsula was removed from the 2021-22 to 2025-26 Indicative Land Release Program as a decision of the Government, while community consultation is undertaken.
- Community consultation processes for the future of Coombs Peninsula are being considered by the ACT Government.
- The land remains under consideration for future release pending community consultation being undertaken.

Background Information

- Appendix 5 of the Parliamentary and Governing Agreement for the 10th Legislative Assembly includes the following ACT Greens policy item - No. 17.11 - Maintain Coombs Peninsula as green space.
- This policy item does not form part of the Government's agreed policy agenda.
- Any development application for an estate development plan will be assessed in accordance with the *Planning and Development Act 2007*, taking into consideration:
 - the requirements of the Territory Plan,
 - the outcomes of environmental and tree surveys,
 - stormwater management measures to protect the Molonglo River and environmental values within the river reserve,

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- the requirements under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), and
 - recommendations of a bushfire risk assessment.
- The planning and land authority will also take into consideration submissions received during the development application's public notification. The public notification process will provide the community with an opportunity to comment on the specific nature of the proposal.

Portfolio/s: Planning & Land Management
Environment

KANGAROO MANAGEMENT

Talking points:

Background

- Kangaroos are recognised as an important part of healthy, functioning grassy ecosystems in the ACT. In our highly fragmented urban reserves, however, and in the absence of natural predation (e.g. from dingoes), their numbers can increase above sustainable densities. This results in over-grazing and significant negative impacts on the grassy habitat required by kangaroos and other native plant and animal species.
- Kangaroos are managed in the ACT in accordance with the ACT Kangaroo Management Plan (2010), and the Eastern Grey Kangaroo: Controlled Native Species Management Plan (EGK: CNSMP, 2017; the latter being an instrument under the *Nature Conservation Act 2014*) to mitigate their environmental, economic and social impacts across public and private land.
- Kangaroos have been culled annually in the ACT since 2009 for the purposes of protecting flora and fauna communities.
- As a custodian of public lands, the Parks and Conservation Service (PCS) has a legislative responsibility under the Nature Conservation Act 2014 to ensure that the risks to protected ecological communities are mitigated.
- The ACT Government has shown its commitment to protecting threatened flora and fauna from the effects of overgrazing by allocation of funding to continue the macropod management program in the recently announced 2021-22 Budget.

Evidence base

- The ACT government relies on annual scientific monitoring to inform management decisions including current kangaroo densities in priority habitats; the level of grass biomass and habitat condition; and sustainable kangaroo densities based on site-specific circumstances.
- Above average rainfall throughout 2021 and into 2022 has allowed the recovery of grassy habitat across many areas of Canberra Nature Park, particularly where kangaroo numbers have been managed to sustainable levels in previous years. These improvements in ecosystem condition resulted in a reduced need to cull kangaroos in many sites in 2021. As such, the overall number of kangaroos culled in 2021 was lower than it has been in recent years, this is likely to be the case again in 2022.

2021 Kangaroo Management Program

- 1505 Eastern Grey Kangaroos were removed from several priority reserves within Canberra Nature Park during the 2021 management program.

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- This figure represents 96 percent of the target quota from Canberra Nature Park. Wet conditions prevented access to some reserves later in the program, hindering efforts to achieve 100 percent.

2022 Kangaroo Management Program

- Eastern Grey Kangaroo Conservation Management Advice will be finalised by end of March and will inform the 2022 kangaroo management program.
- The continued above average rainfall will likely result in a reduced need to cull kangaroos in many sites in 2022, as was the case in 2021.

Welfare considerations

- All shooters involved in culling in the ACT are required to complete a rigorous Shooter Proficiency Test that examines their ability to accurately identify kangaroos, their awareness of animal welfare obligations pertaining to kangaroos, and their marksmanship ability.
- Restrictions to the timing of culls in the ACT are also enforced to reduce the risk of orphaning dependent young.

Carcass use

- At present, the ACT does not support commercial use of kangaroo carcasses for meat or skins.
- Up to 720 kangaroo carcasses from the 2021 conservation culling program were donated to an endangered native species breeding program. This initiative supports conservation of an endangered species and reduces waste produced by the conservation cull.
- A small number (approximately 20) carcasses and skins have been supplied for cultural purposes.
- The kangaroo management team will continue to identify and pursue suitable carcass utilisation options in 2022.

Fertility Control

- The 2022 program will integrate the use of fertility control using GonaCon Immunocontraceptive Vaccine for the first time. This action is a significant step forward in moving from the research phase into pilot implementation.
- The community are expected to be supportive of fertility control – 80% of residents surveyed in 2019 thought it was important to apply fertility control to kangaroos in Canberra.
- The integration of fertility control represents the ACT Government's on-going commitment to innovation and continual improvement in kangaroo management.
- The project is informed by 20+ years of ACT Government-supported fertility control research.

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- Fertility control methods are best suited to relatively small, discrete populations with minimal immigration.
- The vaccine will initially be administered at one site this year, with intention to increase the number of sites in future years.
- In large, connected landscapes, conservation culling will continue to be required.
- Additionally, some culling will likely still be required at sites where GonaCon has been administered, particularly in the first few years to reduce the population down to the desired size.

The fertility control program is likely to commence in mid-April

Portfolio: Planning and Land Management

CURTIN HORSE PADDOCKS

Talking points:

- On 28 October 2020, the National Capital Plan Amendment 95 – North Curtin Diplomatic Estate and Urban Area took effect. Amendment 95:
 - changed the land use policy of Block 4 Section 106 and part Block 5 Section 121 Curtin to facilitate the development of a new diplomatic estate
 - created a new urban area adjacent to this estate for future ACT residential use
 - includes the whole area (both Commonwealth and ACT Government land) within Designated Areas to permit the National Capital Authority (NCA) to have planning and development approval responsibilities.
- The NCA has undertaken detailed site investigations and commenced estate development planning for the diplomatic estate. This process will determine subdivision layout, infrastructure requirements, access arrangements, the location of open space, and block sizes within the estate.
- Detailed conditions for planning and development for the ACT residential land (associated with the horse paddocks) will be prepared by EPSDD, in consultation with the NCA. Opportunities for appropriate urban intensification will be considered, given the sites location along the City to Woden light rail corridor and proximity to services.
- Six small site survey related consultancies are underway for the ACT land within the horse paddocks. The outcomes of these surveys will also be used to the draft Detailed Conditions for Planning and Development
- Once the conditions for planning and development are drafted, the NCA will undertake a community consultation process before final conditions are approved by the NCA Board or NCA Chief Planner.
- A consultant has completed an Urban Infill Capability Assessment along the light rail stage 2B corridor, including the Curtin Horse Paddocks residential site. The outcomes of this assessment will be used to inform strategic planning work in the light rail corridor and in the preparation of the draft district strategies for the new Territory Plan.

Key Information:

- On 5 March 2020, the Commonwealth Government exercised its planning powers under the *Australian Capital Territory (Planning and Land Management) Act 1988* by declaring Block 4 Section 106 Curtin and approximately 70% of Block 5 Section 121 Curtin as National Land for the purposes of a new diplomatic estate.

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- In recognition of the impact that this change will have on the existing horse paddock agistees on Block 5 Section 121 Curtin, the ACT Government sought agreement from the National Capital Authority (NCA) to provide for an appropriate transition period for the horse paddocks. The NCA has committed that the horse paddocks will continue to operate with the same capacity for a period of time.
- The strategy for how the agisted horses will be moved off the land is a decision between the paddock contractor and the agistees.
- A new horse paddock complex is being investigated at Pialligo. However, it may not be fully operational for at least two years, if it is to proceed. EPSDD has commenced initial site preparation and pasture establishment over some of the land. Further resources and work in the coming years will be required to fully establish the new paddocks. The Government will consider providing for this through the normal budget process in consideration of other Government priorities.
- As part of the land agreement between the Commonwealth and the ACT, approximately 2.8 hectares of land in Lake Burley Griffin's West Basin area has become Territory Land for the purposes of new public open space.
- NCA works approval was granted on 4 September 2020 for the land reclamation and boardwalk extension. Works have commenced, with the entire project expected to be completed in the first quarter of 2022.
- EPSDD is also considering any necessary augmentation for the potential new horse paddock site at Pialligo, such as to the trail network, associated paddock facilities, provision of water and vehicle access to and through the site.
- The ACT Planning Strategy contains a specific action relating to the City to Woden light rail, being:
 - *Action 1.1.3 - Undertake preliminary land use investigations for the potential City to Woden light rail line to determine the opportunities for urban intensification afforded by increased transport accessibility.*
- The emphasis of the action is to determine the opportunities for urban intensification in the area. This does not mean that all land will have zoning changes or be redeveloped.

Background Information:

- Australia's obligations with respect to diplomatic missions are defined under the Vienna Convention of Diplomatic Relations. This includes a commitment to facilitate the acquisition of premises for the establishment of foreign missions. The National Capital Authority is responsible for the creation and management of diplomatic sites on national land in Canberra and is therefore now responsible for the management of the land that has been transferred to the Commonwealth.

Portfolio: Planning and Land Management**LAND AND PROPERTY TRENDS****Talking points:**

- Canberra's property market continues to experience a high level of buyer activity driven by record low interest rates, high household savings and housing related stimulus, such as the ACT Government's *Economic Survival Package*.
- Housing related incentives in the Package included stamp duty concessions for owner occupiers and a 50 percent reduction in Lease Variation Charge for those developments requiring a lease variation.
- As part of the ACT Government's tax reform program, stamp duty is abolished for off-the-plan apartment and townhouse owner-occupier purchases up to \$600,000 was abolished. Effective from 1 April 2022, the purchase price threshold increased from \$500,000.
- Monitoring land and property trends in the Canberra's housing market is an important part of informing the ACT Government's Indicative Land Release Program.
- Monitoring these trends is the function of the ACT Land and Property Reports. The Reports are prepared on a six-monthly basis and provide the community and industry with a valuable snapshot of land supply and release across Canberra, from what's in the pipeline for development to the number and price of houses and units sold.
- The latest edition of the report is available on the Environment, Planning and Sustainable Development Directorate website. This edition of the report covers activity during the **January to June 2021** period. The next edition of the report, covering activity during **July to December 2021** is expected to be released by June 2022¹.

Key Information:

- The building approval data has not reflected any potential impact of COVID-19 related lockdown restrictions in the ACT which commenced on 12 August 2021. The number of residential building approvals increased by 536.0 per cent in February 2022, following a significant decline in January 2022. The number of residential building approvals were 35.7 per cent higher than its level in February 2021.
- The last 6-month period saw record land sales as buyers took advantage of the stimulus on offer. These sales will soon translate into approvals. While the ACT lockdowns have had some impact on construction work, builders continued to have their building projects approved to be ready for construction as restrictions eased.

¹ There is a delay in the data sourced from the SLA. This is due to changes been made to SLA's data storing system.

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Contact Officer name: Jennifer Finlay Ext: 55289

Lead Directorate: Environment, Planning and Sustainable Development

- The value of total construction work done increased by 17.5 per cent in the December quarter 2021 and was 7.6 per cent higher than its level in the December quarter 2020.
- The number of dwelling unit commencements increased by 51.9 per cent to 1552 commencements in the December quarter 2021 and was 27.3 per cent higher than its level a year ago.

Multi-unit development activity

- Development activity across Canberra for new units, townhouses and apartments remains steady with an estimated 13,444 units in the planning pipeline across 105 development sites as at the December quarter 2021.
- An estimated 7109 units across 67 sites are currently under construction across Canberra. The majority of activity in terms of the number of units and the number of development sites in the pipeline is in the Inner North of Canberra, followed by Molonglo, Woden and Gungahlin.
- An estimated 202 unit completions on 6 development sites were recorded in the December quarter 2021. The recent lockdown appears to have had some impact on multi-unit completions.

Prices and auction clearance rate

- In February 2022 the *median transaction house* price increased by 4.5 per cent to \$1,045,000, while the *median transaction unit* price increased by 10.0 per cent to \$605,000. Both the median house and unit prices were 31.9 per cent and 19.8 per cent higher than its level a year ago, respectively.²
- In February 2022 the *average transaction house* price was \$1,168,431 (increase of 4.6%) while the *average transaction unit price* was \$671,883 (increase of 4.1%)².
- Data from *CoreLogic* shows that median house prices rose by 0.8per cent to \$1,055,812 in March 2022 while the median unit prices rose by 1.5 per cent to \$609,314. Both the median house and unit prices were 22.4 per cent and 18.4 per cent higher than its level a year ago, respectively.
- Domain data on *auction clearance* showed auction clearance rates of 72 per cent for the week ending 9 April 2022. In comparison, auction clearance rates declined to 39 per cent³ through March and early-April 2020 as a result of the COVID-19 related restrictions that were in place in the ACT at that time. As show of the strength of the Canberra property market, the lowest auction clearance rate recorded during Canberra's lockdown period in August 2021 was 79 per cent in the week ending 4 September 2021, which is higher than the current rate.

Housing finance and first home buyers

² Access Canberra Property settlements data.

³ Domain auction clearance rate for the week ending 4 April 2020.

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Lead Directorate: Environment, Planning and Sustainable Development

- *Housing finance for owner occupation* slowed further in February 2022, decreasing by 20.0 per cent to 678 commitments. The number of housing finance commitments for owner occupation was 13.1 per cent lower than the same period last year. The value of housing finance commitments for owner occupation also declined by 23.6 per cent to \$477 million in February 2022 but was 3.8 per cent higher than its level in February 2021.⁴
- The number of investor finance commitments decreased by 1.3 per cent to 374 commitments in February 2022. The number of commitments from investors was 3.9 per cent higher than its level a year ago.⁴
- There were 209 *owner occupier first home buyer* housing finance commitments in February 2022 and a further 19 *investor first home buyer* commitment.⁴

⁴ ABS Lending Indicators Publication, February 2022.

Portfolio: Planning and Land Management

MCKELLAR SHOPS

Talking points:

- The McKellar shops site at block 1, section 51 McKellar, is privately owned.
- A Development Application (DA202139349) was lodged on 28 October 2021 with the planning and land authority (the Authority).
- The proposed development application is for design and siting of 14 commercially adaptable residential units and 1 commercial unit on Block 1 Section 51 McKellar.
- The DA was publicly notified from 8 – 26 November 2021.
- The DA is currently under assessment by the independent planning and land authority.

Key Information

- On 29 August 2016, DA201628902 was approved for the construction of a three-storey mixed use development with basement car parking, with construction required to commence by 30 September 2018. While evidence was provided that the development had commenced, the approval expired in September 2020.
- The most recent lease for this site was granted on 16 November 2012 for the purpose of shop, non-retail commercial use and up to 22 residential dwellings.
- Both the *Planning and Development Act 2007* (the Act) (see Part 11.6) and territory leases (99-year leases) include provisions to terminate a lease in specified circumstances following a contravention of the Act or a provision of the lease.
- The lease includes a termination clause which states that the Authority may terminate the lease if the land is at any time not used for a period of one year for the purpose for which the lease is granted.
- These powers have not been used since the commencement of the Act.
- Timeframes for development are dependent on lease conditions, development approvals, and building approvals. There is no requirement to redevelop an already developed site. This is because a site may have an existing structure on it that is appropriate for use. There is a requirement for leases to be used in accordance with the lease purpose and leaving a site unused for an extended period of time may constitute a failure to comply with this provision of the lease.
- Failure to develop a site that is unused may constitute a failure to use a lease in accordance with the lease purpose clause. Penalties for non-compliance with the terms of a lease, including lease purpose clauses, are outlined at Chapter 11 of the *Planning and Development Act 2007*. These penalties are generally not applied where there is a current development approval as the leaseholder has demonstrated their intention to use the site in accordance with its lease purpose.

Cleared as complete and accurate: 13/04/2022
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Lead Directorate: Environment, Planning and Sustainable Development

Background Information

- Development Application DA-202139349 was lodged on 28 October 2021 with the Authority.
- The proposed development application is for design and siting of 14 commercially adaptable residential units and 1 commercial unit on Block 1 Section 51 McKellar.
- The DA was publicly notified from 8 – 26 November 2021.
- 12 Representations were received.
- The DA remains under assessment with entity issues raised with regards to traffic, parking and waste management that are currently unresolved.

Portfolio: Planning and Land Management

GIRALANG SHOPS

Talking points:

- I share the community's disappointment that the proponent has not yet proceeded with the redevelopment of the Giralang shops.
- I used my call-in powers in July 2018 to approve the development to try to deliver an outcome for the community and see the shops redeveloped in a timely manner.
- The ACT Government's priority is to obtain the best outcome for the community with the greatest amount of certainty over what is to be delivered.
- Unfortunately, the proponent has stated that they have so far been unable to secure an anchor supermarket tenant which is integral to the viability of the development.
- The Planning, Transport, and City Services Committee of the Legislative Assembly undertook an inquiry into a petition concerning Giralang Shops.
- The Government is currently considering the interim report published by the committee in December 2021. I will provide the Government's Response by 14 April 2022 in accordance with Standing Order 254B.
- In response to the recommendations of the committee, I wrote to the developer on 17 February 2022 providing general advice about the procedures for voluntarily surrendering a lease to the ACT Government under the *Planning and Development Act 2007*. I have not received any return correspondence from the developer.

While I have taken this action as recommended by the committee, I continue to believe the realisation of the current DA (201833501) is the most likely prospect to achieve the desired planning outcome for the site.

- In relation to the current development approval, the planning and land authority extended the time to commence works to July 2023. This will enable the developer more time to find a tenant to allow the development to proceed.
- The authority considered an extension of time which would allow the lessee to continue negotiations with prospective tenants to be preferable to letting the development approval lapse, which would have created further delays and greater uncertainty.
- The difficulty in securing a tenant for the development may be due to limits on the allowable Gross Floor Area (GFA) of supermarkets in local centres. In response to this, the Government introduced Variation 381 to the Territory Plan to lift the maximum GFA for supermarkets from 1000m² to 1500m² in local centres.

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Cleared for public release by: Executive Group Manager Ext: 76804
Contact Officer name: Richard Davies Ext: 74557
Lead Directorate: Environment, Planning and Sustainable Development

Key Information

- E-Petitions 1-21 and 4-21 were lodged by Ms Suzanne Orr MLA and received by the Assembly on 9 and 10 February 2021, calling for the ACT Legislative Assembly to seek a full update from the developer on the re-development of Giralang Shops.
- You responded to the petitions on 11 May 2021 and tabled the responses to the Legislative Assembly on 12 May 2021.

Background Information:

- The Giralang Shops site is owned by Giralang Property Pty Ltd (a related company of Nikias Diamond) and a development application for the site (DA201833501) was approved by you using ministerial call-in powers on 24 July 2018.
- There have been two further applications made to the independent planning and land authority (the authority) which relate to the original approval.
- On 10 July 2020, pursuant to s188 of the *Planning and Development Act 2007*, the authority granted an extension of time for the development to commence to 24 July 2023. The authority considered an extension of time which would allow the lessee to continue negotiations with prospective tenants to be preferable to letting the development approval lapse, which would have created further delays and greater uncertainty. No further extensions can be granted to this period.
- Also, on 3 December 2020, the authority approved subject to conditions, an application to make minor amendments to the original development approval.
- If the current development approval was to expire, a new development application would be required for redevelopment of the site.

Portfolio: Planning and Land Management

GUNGAHLIN COMMUNITY CENTRE

Talking points:

- The ACT Government has previously indicated its commitment to new community facilities in Gungahlin town centre. The 2021-22 budget follows through on this commitment by allocating \$300,000 to complete project feasibility and develop the business case for future funding consideration. \$150,000 is allocated in 2021-22 and a further \$150,000 in 2022-23.
- Foundations for the Gungahlin Community Centre project have been established through a district-wide community and recreational facilities assessment, which has recently been released.
- The Assessment was also informed by a YourSay survey on Gungahlin community facilities, open from June to July 2021. The survey asked the community what facilities they would like to see more of now and into the future and this feedback has fed into the broader needs assessment.
- The survey results showed a strong interest from those that participated in more indoor and outdoor sports facilities, open space and community gardens, and general community facilities such as multi-purpose halls and community rooms. A listening report was developed based on the YourSay survey and was released on 18 October 2021.
- The Environment, Planning and Sustainable Development Directorate and the Suburban Land Agency are working together to develop a plan for community engagement in relation to land development projects in Gungahlin over the next 18 months.
- Key work to be undertaken in May - June 2022 includes:
 - a. establishing the community panel (design, Terms of Reference, recruitment);
 - b. engaging a design and feasibility consultant for the community centre; and
 - c. commencement of early engagement for sites on the ILRP.

Key Information:

- The 2021-22 Budget has provided funding to undertake a feasibility and design study, to determine the most effective long-term solution to deliver a community centre in Gungahlin town centre. The feasibility design process will invite community input and participation from the outset.
- The community centre feasibility is funded across 2021-22 /22-23 and the process and milestones planned over the next 12 months are:
 - Stage 1

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Lead Directorate: Environment, Planning and Sustainable Development

- a. Procure and establish a project consultant team to facilitate the Community Collaborative Engagement and Feasibility Study.
- b. Create a Community Reference Panel as key stakeholders in the process.
- c. Determine peak users, community programs and activities that will potentially utilise the GCC to inform proposed uses and requirements.
- o Stage 2
 - d. Explore and identify a preferred site.
 - e. Explore facility concept design options.
 - f. Finalise a preferred design concept and costings and develop a business case for construction funding.
- At this stage the project is only in Stage 1 and there is currently no preferred site or design for the GCC. Noting the outcome of this work is a concept design (not a detailed design).

Background Information:

- Much of Gungahlin's community infrastructure was constructed 10-15 years ago, when the district's population was less than 40,000. The population in Gungahlin is now approaching 75,000. While capacity for growth was included in the early provision of facilities, as communities evolve and change, so to do the needs for community facilities.
- Construction funding is not appropriated for the Gungahlin community centre. The outcome of the feasibility process will be a construction business case that will be considered in future budgets.
- Labor commitments 15.2 and 18.3 in Appendix 3 of the *Parliamentary Agreement for the 10th Legislative Assembly* seek to *construct a large new multicultural events venue at EPIC for cultural performances and be available for hire for large private functions, such as weddings*. EPSDD will co-ordinate the scope of the community centre with Venues Canberra to optimise the outcomes from the two projects.
- The release of the consultant tender to undertake the feasibility study and community engagement for the centre of the coming twelve months was dependent on the release of the Gungahlin District, Community and Recreational Facility Assessment, which has now been released.

Portfolio/s: Planning and Land Management

EAST LAKE URBAN RENEWAL

Talking points:

- The ACT Government is progressing the planning for the East Lake urban renewal area, in collaboration with key stakeholders and the community by:
 - working with key stakeholders on a Place Plan to establish the character and elements that will make East Lake a unique and valued place. The Place Plan will also identify a vision and design principles to guide future changes;
 - preparing updated economic, environmental, heritage, sustainability and transport technical assessments; and
 - facilitating statutory planning changes to shape the future of this precinct.
- Ngunnawal representatives, lessees, businesses, residents, workers and the wider community will have the opportunity to be involved in shaping these outcomes, anticipated to occur in stages from mid-2022.
- The Environment, Planning and Sustainable Development Directorate (EPSDD) is finalising contract negotiations to engage a lead consultant to deliver this Place Plan, updated technical assessments, and a planning report.
- In March 2022, EPSDD engaged SGS Economics and Planning to deliver a Community Needs and Demographic Assessment for the East Lake renewal precinct and Canberra's Inner South. This work will inform future planning including for provision of education and community facilities for East Lake.
- Site investigation work is also scoping suitable land areas within East Lake to meet the ACT Indicative Land Release Program (ILRP) target for release of 650 residential dwellings in 2025-26, by finalising key environmental and geotechnical site investigations in the Causeway area.
- Many Causeway residents have a strong sense of connection to the area, in some cases going back generations. When a decision is made about what the future development of East Lake looks like, dedicated tenant relocation officers will work with current public housing tenants to find suitable replacement properties, including for those who wish to stay in the area.

Key Information:

- East Lake is identified in the *ACT Planning Strategy 2018* for urban intensification to create a more compact and efficient, diverse, sustainable and resilient, liveable, and accessible city.
- The 2021-22 ACT Budget provided \$2.1m for finalising the East Lake site investigations and planning. This builds on the previous site investigations and Development Approvals delivered under the 2019-20 Budget initiative (Scoping for East Lake urban renewal \$608,000).

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- This initiative contributes to the wellbeing domains of Housing and Home, Environment and Climate, and Access and Connectivity; as well as a range of planning, housing, transport, living infrastructure, climate change action and sustainability policy objectives.
- EPSDD is keeping residents informed prior to any site investigation activity occurring as part of the planning and site investigations. An update letter was sent out in the week commencing 1 February 2022.
- EPSDD met with the Kingston Barton Residents Group and the Inner South Community Council in March 2022, to provide a high-level summary of the scope for the East Lake Place Plan and associated future community engagement.
- The East Lake urban renewal project is being coordinated with other key projects being delivered by ACT Government in 2022, including the ACT Planning System Review and Reform Project and Kingston Arts Precinct (Suburban Land Agency).
- Planning for East Lake will consider future interstate passenger rail requirements for Canberra Railway Station and opportunities for improving connections with ACT's transport network (coordinated with Australian Government and NSW Government infrastructure planning and programs), and integration with surrounding uses.

Background Information:

- The East Lake area (an area of approximately 100 hectares covering parts of Kingston, Fyshwick and Griffith) has been part of Canberra's planning since it was first identified as a site for residential intensification in the Spatial Plan (2004).
- ACT Government has continued to identify East Lake in our planning policies since 2004, however the timing for finalising plans, infrastructure delivery and commencing land development has remained subject to government urban renewal, housing, land release and budget priorities.
- Undertaking planning and land development in significant urban renewal infill locations such as Kingston Foreshore or East Lake, requires a range of significant planning, engineering, environmental and infrastructure issues be addressed.
- The scale and complexity of existing conditions in East Lake presents additional challenges to manage major overhead electrical infrastructure relocation works, remediation of contaminated land from past industrial and landfill uses, protecting and conserving the ecological values of Jerrabomberra Wetlands and the interstate railway.

Cleared as complete and accurate: 26/04/2022
Cleared for public release by: Executive Branch Manager Ext: x58592
Contact Officer name: Anton Veld Ext: x54683
Lead Directorate: Environment, Planning and Sustainable Development

Portfolio: Housing and Suburban Development

BUILD-TO-RENT INITIATIVE

Talking points:

- The Build-to-Rent model focusses on increasing the supply of long-term rental housing by the construction of multi-unit dwellings that are rented out rather than being sold. It adds to diversity of housing choice by providing additional opportunities that complement existing private rental and public and community housing options.
- The ACT Government is committed to improving housing availability, diversity, and choice, and is considering a pilot Build-to-Rent project with affordable rental in Turner.
- The Suburban Land Agency ran a market sounding process in November and December 2021 to understand appetite and interest in bringing Build-to-Rent to Canberra.
- More than twenty written submissions were received from Build-to-Rent developers, operators, peak organisations, advocates, community housing providers, individuals, and institutional investors.
- The government is reviewing submissions and will use the feedback to inform the potential release of a site for the purpose of Build-to-Rent.
- A Listening Report outlining what we heard during the market sounding process will be published in May 2022.

Key Information

- Build-to-Rent housing has the potential to provide long lasting community benefits, with greater housing choice for tenants who would have access to high-quality dwellings in a stable rental environment.
- Increased amenity and rental security offer wider social and economic benefits, with tenants better able to establish themselves in a community.
- The 2021-22 ACT Budget included \$720,000 over four years to investigate Build-to-Rent and seek feedback from the market on building and operating long-term Build-to-Rent developments with affordable rental housing in the ACT.
- Additionally, funding of \$640,000 has been allocated in the ACT Budget for due diligence, site feasibility investigations and concept design of an affordable Build-to-Rent development on the existing Common Ground Gungahlin site.

Background Information

- Build-to-Rent aligns with goal four of the ACT Housing Strategy to grow rental supply and encourage affordable rental, particularly for second income quintile households.
- If the pilot Build-to-Rent project does go ahead, it could contribute to the 10th Parliamentary and Governing Agreement commitment for delivery of 600 additional affordable rental houses by 2025-26.

- As part of the Demonstration Housing Project Expression of Interest, a proposal was received for a build to rent project. Block 45 Section 54 Belconnen was identified as suitable for the proposal, and the Stage 2 Request for Tender is currently being assessed.
- Separately, through round two of the Affordable Housing Innovation Fund, Demonstration Housing proponent Build.RENT Pty Ltd received a grant of \$125,000 (GST inclusive) to progress a proposed Build-to-Rent development. The grant funding has assisted Build.RENT Pty Ltd to establish the initial governance model, seek specialist advice and expertise on the proposed project, and form part of the deposit required to seek funding approval from a lender.
- The Economic Recovery through Social Housing package included a commitment to design and pilot a Build-to-Rent project. The ACT Government engaged a consultant and published a Build-to-Rent Feasibility Analysis on the EPSDD website in 2021 to inform pilot Build-to-Rent projects.

Portfolio: Housing and Suburban Development

AFFORDABLE, PUBLIC AND COMMUNITY HOUSING DELIVERY

Talking points:

- The Suburban Land Agency has released a site in Whitlam with a requirement for ten affordable housing dwellings, and preparing to release sites for 20 public housing dwellings to Housing ACT, against the 2021-22 targets.

Key Information:

- Sites identified for Affordable Home Purchase are sold with contractual requirements in place to ensure the affordable housing dwellings meet specified design requirements and will be offered to eligible buyers as part of the ACT Government's Affordable Home Purchase Scheme.
- Sites for public housing dwellings are released to Housing ACT for the development of public housing.
- Sites for community housing dwellings are typically released to registered Community Housing Providers or are released to Housing ACT to become community housing in the future.
- Releases against 2020-21 targets included multi-unit sites in Coombs, Gungahlin, Belconnen, Moncrieff, and Wright, with requirements for 214 affordable housing dwellings and 43 public housing dwellings. In addition to the housing targets, 82 single residential blocks in Taylor and Whitlam were released for Land Rent on 20 February 2021, and six single residential blocks were released for public housing in Bonner and Wright.

Background Information:

- Notifiable instrument NI2021– 776 City Renewal Authority and Suburban Land Agency (Housing Targets) Determination 2021 established the housing targets to be delivered in the 2021-2022 financial year.
- The 2021-22 Housing Targets include:
 - 122 for affordable housing
 - 155 for public housing
 - 30 for community housing
- The Agency sets prices for the sale of sites based on independent market valuations. Affordable housing requirements are currently being applied to multi-unit sites.

Affordable Housing:

- Since December 2019, more than 5,300 people have registered their interest in the Affordable Home Purchase Scheme.
- Recent process changes allow all registered buyers to participate in ballots as they are offered, with eligibility assessments conducted for the top buyers following a ballot draw, before a buyer is able to purchase.

- The Agency is currently investigating options for a shared equity scheme, which could potentially provide another affordable housing pathway.

Portfolio: Planning and Land Management

GUNGAHLIN CINEMA

Talking points:

- Construction of the Gungahlin Cinema development at Block 1 Section 12 Gungahlin has not yet commenced.
- The developer, Gungahlin Lifestyle Pty Ltd, has indicated that there have been project delays since receiving DA approval in April 2020, due to the uncertain economic environment and COVID-19 related disruptions.
- The developer is now seeking to move forward with the project given the more normalised operating conditions expected into the future.
- The developer has also indicated that they have an agreement with United Cinemas to operate the cinema once constructed, and that United Cinemas is committed to commencing operations in the Gungahlin Town Centre.
- The ACT planning and land authority has provided appropriate approvals for the design of the building.

Key Information

- On 7 April 2020 the planning and land authority approved a DA201936502, for a two-storey building with ground level commercial space, an upper level cinema and approximately 117 car parking spaces. The approval requires the developer to commence building works by April 2023.
- A requirement of the Deed of Agreement between the Territory and Gungahlin Lifestyle Pty Ltd (the developer) is that the site be developed to include a cinema and a new lease be issued requiring a cinema on the site.
- A Crown lease was granted for the site on 28 February 2022 requiring the developer to complete an approved development within 24 months of this date. This is shorter than most commercial leases which typically include a four-year completion timeframe.
- The Crown lease requires the land to be used for the purpose of an indoor entertainment facility which must include a cinema with a minimum gross floor area of 3,000 square metres.
- The offices for Defence Housing Australia (DHA) have been constructed on the same site. This was a separate development (DA201936603) at the North-Western corner of Block 1, Section 12 Gungahlin.

Background Information

- The offices for DHA have been completed with occupation occurring in early March 2022. This development is expected to bring new workers into the Gungahlin Town Centre.

Cleared as complete and accurate: 13/04/2022
Cleared for public release by: Executive Group Manager Ext: 76804
Contact Officer name: Kieran Ives Ext: 59095
Lead Directorate: Environment, Planning and Sustainable Development

Portfolio/s: Heritage

Planning and Land Management

NATIONAL HERITAGE LISTING OF CANBERRA

Talking points:

- Government has worked with the Commonwealth Department of Agriculture, Water and Environment to understand the detail of a proposed National Heritage Listing (NHL) of Canberra under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- The Commonwealth Government sought the ACT Government's views on the proposed NHL, before determining the listing.
- An NHL recognises places that have outstanding heritage value to the nation.
- The listing sought to formally recognise the symbolic and physical importance of Canberra as the nation's seat of government and planned capital city.
- Many features of the proposed listing were already protected in the National Capital Plan or have their own heritage protections.
- The proposed listing included the town centres (as structural elements of the city); inner hills; early garden suburbs (roads and suburban parks); central national area and views to the distant mountains (from defined public vantage points).
- The NHL excluded private property and individual buildings.
- Once listed, the heritage values of a place included in the NHL would have been protected under the EPBC Act. This means that a person could not take an action that would have a significant impact on the heritage values of the place, without approval.
- However, the NHL was at a broad (thematic), rather than detailed level. So it was unlikely to result in many proposals requiring approval under the EPBC Act.
- The NHL would continue to allow growth and change and was not intended to limit development or 'preserve' features in their exact current form.
- The ACT Government formally considered the proposed NHL in December 2021 and provided a response to the Commonwealth.
- The Commonwealth Minister for the Environment (Sussan Ley MP) made a decision on 8 April 2022 not to list Canberra on the National Heritage List.
- DAWE is yet to formally advise the ACT of the Minister's decision.
- The Commonwealth Department of Agriculture, Water and Environment (DAWE) will shortly publish a statement of reasons for the Minister's decision on their website (expected by end of April).

Cleared as complete and accurate: 12/04/2022
Cleared for public release by: Deputy Director-General Ext: 54522
Contact Officer name: Belinda McNeice Ext: 72553
Lead Directorate: Environment, Planning and Sustainable Development

Key Information:

- The proposed listing recognised features of the city that were important to Canberrans and sought to protect these, while allowing for sympathetic change.
- The proposed listing would help educate the community and build awareness of the importance and value of Canberra as the planned National Capital.
- The proposed listing could have had a positive impact on the image and status of Canberra as a place to visit, live and do business by recognising its unique character and planning legacy.
- The proposed listing was complementary to the Territory Plan and National Capital Plan.
- The proposed listing raised concerns, such as another layer of approval, or restrictions on development and infrastructure proposals. However, it did not affect private property and the heritage values were at a very broad, rather than detailed level.
- Most of area subject to the proposed listing was Designated land under the National Capital Plan, and so was already subject to detailed planning and design provisions.
- In addition, there were many existing heritage items at ACT, National and Commonwealth levels already within the proposed listing area.

Background Information

- A proposed National Heritage Listing of Canberra has been contemplated for over a decade.
- Consideration has been given to how the proposed reforms under the EPBC Act interact with the proposed NHL. The reforms are likely to lead to streamlined processes and improved timing and costs where an action affecting the NHL requires assessment and approval.
- Consideration has also been given to other cities with a NHL, including Adelaide, Broken Hill, inner Melbourne and central Sydney. The NHL has not had a limiting impact on development in those cities.

Portfolio: Planning and Land Management**Kippax Flood Study and Erosion Downstream****Talking points:**

- A flood study has been undertaken for the Kippax Group Centre area by independent specialist consultants and a final report was produced in July 2020.
- The flood study was generally consistent with a previous report in 2015 and identified a number of proposed works to address possible flooding in the Kippax Group Centre area as identified in a revised flood model.
- In line with the 2020 flood study, the 2020 Holt Precinct Map and Code (the Precinct Code) includes provisions for a 50-metre set-back from Moyes Crescent for flood conveyance and water sensitive urban design work to be undertaken as part of any future development of Block 71, Section 51 Holt.
- Other stormwater management works are currently being considered for inclusion in the Government's capital works upgrade program.
- TCCS manage the open spaces around and downstream of the Kippax Group Centre and maintain the stormwater infrastructure. TCCS and Ginninderra Creek catchment group will be engaged to look at solutions for existing erosion issues identified.

Key Information

- There has been ongoing community interest in potential flooding issues at Kippax Group Centre and erosion issues downstream.
- Five items of Ministerial correspondence have been received on these issues since May 2021, including correspondence from Umbalong Landcare Group and a letter from Peter Cain MLA on 25 June 2021.
- With the Water Sensitive Urban Design Code controls on future development, there is not expected to be any impact by the development on the erosion issues identified downstream of the Kippax Group Centre.
- Possible flooding of leased land has been identified in the revised flood study, however no habitable floor levels were identified that would be impacted by flooding at the 1% Annual Exceedance Probability (AEP, also known as the 100 year flood) level.
- This 1% AEP is the flood planning level for most development including residential and commercial sites and is usually also subject to an acceptable freeboard of 300mm.
- As part of any new development proposal a stormwater and flood assessment will be required and will need to include floor levels that are above the 1% AEP flood level plus a 300mm freeboard.
- The 2020 Kippax Flood Study report does not necessarily represent the ACT Government's view or position on all the issues raised and these will be further reviewed in future studies and designs.

Cleared as complete and accurate: 26/04/2022

Cleared for public release by: Executive Group Manager Ext: 77387

Contact Officer name: Nyah Donaldson Ext: 59216

Lead Directorate: EPSDD

- Kippax/Umbagogong Creek is one of five catchments that EPSDD and TCCS are scoping opportunities for Water Sensitive Urban Design interventions. The preparation of preliminary sketch plans is underway to take through to detailed design, design acceptance, and development approvals in 2022. Construction of these works will be considered in the \$14 million Expanding Healthy Waterways program budget initiative announced on 8 April.

Background Information

- Previous QONs on this issue include QON 124 from February 2021 and QON 3178 from July 2020.
- Previous Ministerials on the issue include 22-23569, 21-45105, 21-48474, 21-55804 and 21-56345 (Peter Cain MLA).
- The 2020 Kippax Flood Study is a revision to an earlier flood study prepared in 2015 by the same consultants. The revised study considered a number of changed conditions, more recent survey and updated parameters and methods as contained in the recently revised national flood guideline; Australian Rainfall and Runoff 2019.
- The revised 2020 study has modified the recommendations of the previous 2015 study and now includes the following proposed mitigation measures:
 - Regrade the trapped low point at the Starke Street Underpass,
 - Clear out and regrade the overgrown vegetated swale from the Starke Street underpass, running parallel with Starke Street,
 - Construct a levee with an inlet into the existing stormwater network on the corner of Flack Street and Moyes Crescent,
 - Regrade the existing grassed swale downstream of the Flack Street Underpass, and
 - Double the width of Southern Cross Drive Underpass to increase the hydraulic capacity.
- Decisions on how these recommendations are to be implemented are yet to be determined. These proposed works will likely be either included as part of proposed developments in the area or undertaken by TCCS as part of their program of stormwater upgrades throughout the city.
- Preliminary plans indicate the need for an augmented floodway adjacent to the Kippax Fair expansion site. This will be incorporated as part of future development works. The implementation of water sensitive urban design measures for any expansion will mitigate any additional flooding risks created by the development.
- The proposed road linking Moyes Crescent with Hardwick Crescent would be constructed to acceptable standards including those relating to drainage and flooding requirements. These requirements are well established in ACT Government Codes and Standards.

Portfolio: Housing and Suburban Development**COVID-19 EFFECTS ON HOUSING****Talking points:**

- According to the most recent report from CoreLogic (published 1 April 2022) the national housing market continues to grow, albeit at differing rates across Australia. Canberra housing market conditions continue to be consistent with national trends, reflecting record low interest rates, a period of high household savings and COVID-19 related stimulus support.
- The degree of longer-term impacts on the housing market including from tightening borrowing practices/higher interest rates and the effect of reduced migration remains unknown.
- Notwithstanding the significant uncertainty over the last two years, the Suburban Land Agency (the Agency) has continued land releases and settlements in accordance with the Government's Indicative Land Release Program and Public Health Directions.

Key Information:General housing market impacts – CoreLogic report

- According to CoreLogic, Canberra dwelling prices increased by 1.0% in March. Over the last quarter, dwelling values climbed by 3%, while over the past year dwelling values increased by 21.6%.
- Canberra **house** value price growth over the last quarter has been broadly similar to that of Hobart and Perth. Brisbane and Adelaide grew at around 6%, while Sydney and Melbourne recorded less than 1% growth.
- CoreLogic reported national home values rose 2.4% in the March quarter, easing from a peak rate of 7% in the three months to May 2021.
- CoreLogic recently published a report indicating that national residential construction costs increased 9% over the 12 months to March 2022, the highest annual growth rate on record outside of the introduction of the GST largely due to increasing costs for timber, metals and imported products.

Suburban Land Agency Impacts

- The Agency continues to adapt and respond to the changing conditions associated with the COVID-19 pandemic. For example, auctions have or will be conducted online for industrial, multi-unit and packaged lot land releases, while the recent Whitlam ballot was undertaken through 'Book to Buy' via telephone processes to minimise physical events.
- The Agency will continue to closely monitor the market and the impact of COVID-19 on future scheduled land releases and has been proactive in communicating with its legal service providers and communicating with buyers.

Cleared as complete and accurate: 22/04/2022

Cleared for public release by: Chief Executive Officer

Ext: 75346

Contact Officer name: Kathy Torcasio

Ext: 50362

Lead Directorate:

Suburban Land Agency

Portfolio: Housing and Suburban Development

GUNGAHLIN DEVELOPMENT UPDATE

Talking points:

- The Indicative Land Release Program (ILRP) 2021-22 to 2025-26 identifies releases in Casey, Taylor, Jacka, and the Gungahlin Town Centre.

Jacka – Gas free and Community Battery

- In line with the Territory Plan Amendment in June 2020 to remove the mandatory provision of a gas service to each new block in subdivision, the Suburban Land Agency (the Agency) has progressed planning and design in Jacka 2 without the provision of a gas reticulation network.
- In striving towards a zero-emission suburb for Jacka, the Agency has completed a market sounding for the proposal to implement a Community-Scale Battery Project in Jacka. This is one of the initiatives identified in the Agency’s Sustainability Strategy.
- The outcome(s) of the market sounding and future implementation direction will be briefed separately.

Taylor

- The Agency has undertaken its final release of single residential dwelling sites in Taylor this year, in accordance with the ILRP.
- Taylor is proving to be a popular suburb with the Margaret Hendy School, extensive network of open space and pedestrian connectivity, along with some highly sought-after development sites with views across Gungahlin.

Gungahlin Town Centre

- The Agency has committed to further consultation with the Gungahlin Community Council and wider Gungahlin Community about how future sites in the Town Centre are brought to market. The planned approach to this consultation will be briefed separately.
- The Agency has met several times with members of the Gungahlin Community Council regarding concerns around the development outcomes in the Town Centre, most recently on 2 March 2022.

Key Information

- The Agency is currently undertaking several projects in Gungahlin outlined below:

| Estate | Planning | Civil Works | Landscape Works | Community Development (Mingle) |
|----------------------------------|----------|-------------|---|--------------------------------|
| Moncrieff 2,000 dwellings(dw) | Complete | Complete | Complete | Complete |
| Throsby 1,101 dw | Complete | Complete | Complete | Ongoing |
| Gungahlin Town Centre | Complete | Complete | Pending – design commencing late 2022 CY | N/A |
| Taylor 2,892dw | Complete | Complete | Ongoing | Ongoing |

Cleared as complete and accurate: 22/04/2022
 Cleared for public release by: Chief Executive Officer Ext: 57346
 Contact Officer name: Andrew Griffith Ext: 78724
 Lead Directorate: Suburban Land Agency

| Estate | Planning | Civil Works | Landscape Works | Community Development (Mingle) |
|---------|--|------------------------------|------------------------------|--------------------------------|
| Jacka 2 | Stage 1 DA approved 20 October 2021 (ACAT) | Commencing Q1 2022-23 (ACAT) | Commencing Q1 2022-23 (ACAT) | Commencing Q1 2022-23 (ACAT) |
| Kenny | Pending | Pending | Pending | Pending |

Background Information

Moncrieff Group Centre and Taylor Local Centre

- These sites were released via a two staged tender (EOI/RFT) in June 2021. The EOI process closed on Tuesday 14 September 2021. The EOI is currently under assessment, the RFT documents will be informed by the community engagement exercise undertaken by the Agency in June and July 2021.
- It is expected the second stage RFT for these sites will be released Q4 2021-22.

Jacka 2

- The Development Application for Jacka Stage 2 – Stage 1 has been assessed with EPSDD issuing a Notice of Decision on 20 October 2021 to approve the development.
- In November 2021, the Agency was advised that an appeal against the approval has been lodged in the ACT Civil and Administrative Tribunal (ACAT). The Agency construction and sales program is on pause until the ACAT process is resolved. Following identification of a procedural error by EPSDD in determining the Development Application, with the agreement of all parties, on 22 March 2022 the Tribunal set aside the Decision under review and remit it back to EPSDD for reconsideration.
- A new Notice of Decision is expected or about May 2022 and will be subject to a review rights period a possible further ACAT proceedings.

Kenny

- The transfer of the site to the Agency for delivery was initiated early May 2021, with the Agency to commence planning works shortly.

Casey

- Development sites in Casey are currently being considered by EPSDD in line with works they are progressing on community needs assessment.
- On 28 February 2022, The ILRP Steering Committee endorsed a recommendation for EPSDD to recommend the Minister for Planning and Land Management agree to remove these sites from the ILRP until EPSDD have completed a further body of work.

Gungahlin Town Centre

- The Agency has committed to stakeholder engagement on how blocks are brought to market, the provision of open space, and interface with the linear park and future public realm.
- The engagement approach will need to align with the outcomes of the Government's response to the recommendations of the Standing Committee's inquiry into Draft Variation 364 (DV364), tabled 8 February 2022.

Cleared as complete and accurate: 22/04/2022
 Cleared for public release by: Chief Executive Officer Ext: 57346
 Contact Officer name: Andrew Griffith Ext: 78724
 Lead Directorate: Suburban Land Agency

Portfolio: Housing & Suburban Development

MOLONGLO DEVELOPMENT UPDATE (INCLUDING WHITLAM)

Talking points:

- The Molonglo Valley is a major development front with an expected district population of around 60,000 residents when completed in approximately 25 years.
- As of April 2022, the population in the suburbs of Wright, Coombs, Denman Prospect and Whitlam, is estimated to be around 10,000 residents. The population of Molonglo is expected to grow to around 30,000 over the next ten years as residents continue to move into the existing suburbs of Wright, Coombs, Denman Prospect, Whitlam and in the future suburbs in Molonglo 3.
- Whitlam is the first suburb of Molonglo 3. Whitlam comprises approximately 2,300 single and medium-density dwellings, a community facility site (school), and a local commercial centre. The first single residential settlement has occurred, and the first resident moved into the estate in September 2021. Construction is nearing completion on the Whitlam Display Village Collaboration Hub and the Display Village. Community consultation for the future Whitlam Local Centre has concluded and will be released via a 2-stage Tender in June 2022.

River Corridor Interface

- In developing the suburbs of Coombs, Wright and Whitlam, the Suburban Land Agency (the Agency) placed high importance on minimising impacts on the Reserve through the management of weeds, rubbish, erosion, and stormwater, consistent with the Agency's Sustainability Strategy.
- The Agency has undertaken several restorative projects in Coombs to improve water quality entering the Reserve and has initiated the Whitlam Water Quality Project to demonstrate best practice in sediment and erosion control during, and after, estate construction.
- The Agency is working closely with the Natural Resource Management Team within the Environment, Planning and Sustainable Development Directorate (EPSDD), and Parks and Conservation, to minimise development impacts on the Molonglo River Reserve.

Molonglo Commercial Centre

- The Molonglo Commercial Centre and surrounds will consist of a main commercial core containing a wide range of retail and community uses, as well as a service trades area, a college, police station, emergency services facility, a large town park, and approximately 3,500 dwellings.
- The Centre will also be the Territory's first gas-free commercial and retail precinct in accordance with the current Parliamentary Agreement.
- Planning for the Centre is still being progressed by EPSDD through a technical amendment with the first release of land in the Group Centre scheduled for 2023-24. The Agency is currently working on a high-level release strategy for the period 2023-24 onwards.

Cleared as complete and accurate: 30/03/2022
Cleared for public release by: Chief Executive Officer Ext: 75346
Contact Officer name: Simon Tennent Ext: 54096
Lead Directorate: Suburban Land Agency

Wright and Coombs Village Precinct

- The Agency is committed to delivering great places where communities thrive, and one way of delivering this vision is by tailoring land releases with specific design controls on commercial and community land releases.
- The Wright and Coombs Village Precinct is a result of extensive community engagement (workshops, panels, and surveys), developing sales and marketing material based on these community outcomes, and then binding these outcomes through sales documentation and delivery deeds.
- The sites have been released via a two-stage tender. The EOI closed in September 2021 and the first stage assessment is now complete. A number of suitable developers have been identified and will be invited to participate in the Request for Tender stage, where they will be required to respond to the design criteria, with a view to delivering the development in line with Agency's Urban Design and Place Framework.
- The Agency will soon be going to tender for the design and DA approval of the associated off-site works which include road and parking re-alignments, Coombs Park upgrades and a Community Activity Centre.

Key Information:

- The Agency is currently undertaking a number of projects in the Molonglo Valley with the main activities including:
 - sales activity for the Wright and Coombs Village Precinct land releases, with the stage 2 Tender to be released in May 2022;
 - finalising landscaping works in North Coombs, North Wright and along John Gorton Drive;
 - land servicing in Whitlam Stage 3 now commenced;
 - estate development planning for Whitlam Stage 4;
 - urban design planning for the Whitlam Local Centre; and
 - landscape works for the Play Space near Holdens Creek Pond is due for completion Spring 2022.

Background Information:

- The Molonglo Valley is divided into three stages:

Molonglo 1

- The final estate development in Coombs is a small area of approximately 6.7 hectares known as the Coombs Peninsula. The Agency is currently paused on all planning work following the release of the Parliamentary Agreement for the 10th Legislative Assembly, which proposes keeping the Peninsula as open space.
- The Agency is seeking clarification from EPSDD on Cabinet's decision for Government to undertake further Stakeholder Consultation.

Molonglo 2

- The final stage of Denman Prospect, Stage 3, is identified for release in the draft Indicative Land Release Program in 2021-22.
- The EPSDD is undertaking a Technical Amendment to the Territory Plan for the Molonglo Commercial Centre and Denman Prospect Stage 3.

Molonglo 3

- Molonglo 3 will accommodate approximately 12,000 dwellings, including local centres, group centres, and community uses, including government and non-government schools.
- The first suburb of Whitlam is 50 per cent complete and requires the construction of three critical pieces of infrastructure. These are the Deep Creek water quality pond, relocation and undergrounding of the 132KV powerlines, and the mitigation of odour from the Molonglo Valley Interceptor Sewer. These projects are being progressed by the Agency in conjunction with Evo Energy and Icon Water.
- EPSDD are in the early stages of planning for the next suburb in Molonglo 3 which is due for release in 2023-24 financial year.

Portfolio: Housing and Suburban Development

WEST BELCONNEN GINNINDERRY DEVELOPMENT UPDATE

Talking Points:

- The West Belconnen Joint Venture, known as Ginninderry, stretches from the north western suburbs of Canberra (Holt and Macgregor) across the ACT/ NSW border into part of the Yass Valley. It is bounded on two sides by the Murrumbidgee River and Ginninderra Creek. The first two suburbs of Ginninderry will be Strathnairn and Macnamara.
- The site is being developed by a Joint Venture between the Territory and Riverview Developments Pty Limited (Riverview).
- Based on the development potential of land being contributed to the joint venture, the respective interests of the parties are 60 percent for the Territory and 40 percent for Riverview. Project costs and risks will be shared in those proportions.
- Following the easing of lockdown restrictions, the Ginninderry team are back on site and the Link building is open.

Construction

- Strathnairn
 - Stage 1 (356 blocks) is complete. First settlements occurred in June 2019.
 - Stage 2 (814 blocks) is complete. The sale results of the most recent release are detailed at the end of this brief.
- Macnamara
 - Yet to commence. Procurement of civil contractor in progress.

Recent initiatives of the project include:

- The Ginninderry Joint Venture (GJV) have successfully retained its Six Star Green Star Communities rating.
- The first Development Application (DA) for the suburb of Macnamara was partially approved on 23 December 2021. The Planning Authority has approved the development of all proposed land outside of the two Environmental Clearance Zones (ECZ). This will allow the GJV to achieve their Indicative Land Release Program target for 22-23FY
- More than 880 residents have now moved into Strathnairn (350 completed dwellings).
- The GJV have signed a Memorandum of Understanding for a Women's Housing Initiative pilot at Ginninderry. The initiative will support vulnerable women at risk of homelessness and women into homeownership.
- The Ginninderry Charity Housing project is progressing well and the dwelling will go to auction September 2022.

- Stormwater harvesting and irrigation project will be progressing to Government for decision in the second half of 2022.
- Major project considerations currently being addressed are the removal of ECZ surrounding the West Belconnen Landfill and the Lower Molonglo Water Quality Control Centre. Several different options are being considered to expedite the process as the removal of the ECZ's is impacting the GJV development front and its ability to achieve future dwelling targets in the Indicative Land Release Program (ILRP).

Sales releases for 2021-22 are as follows:

- 45 Flexi Living product dwellings were released on 6 November 2021. These will not count towards the 2021-22 Financial Year ILRP target as they were counted as released during the 2020-21 Financial Year, when the builders tender was released.
 - Eight dwellings were given to ACT Public Housing.
 - The sale of three dwellings were delayed due to redesign requirements.
 - 34 were sold on 6 November 2021 however, two were subsequently provided back to the GJV as the purchasers failed to meet purchasing requirements.
 - The sale of the remaining five (three redesigned dwellings and the two dwellings that were handed back) occurred on 29 January 2022.
- The GJV released 126 single residential blocks on 19 February 2022. All have been sold.
 - 55 were via a Display Village Builder ballot (house and land); and
 - 71 via a public ballot.
- An additional release of 130 single residential blocks is planned for June 2022. The release methodology is likely to be a combination of auction (35 blocks) and ballot (95 blocks).

Key Information:

- The total area of land covered by the development proposal is over 1,600 hectares. Around 800 hectares is protected in the open space network, including approximately 600 hectares for the river corridor/conservation area.
- On completion, the new community will become home to up to 30,000 residents.
- There will be approximately 11,500 dwellings, of which 6,500 will be in the ACT and 5,000 in NSW (subject to rezoning approval).
- It will provide a diverse range of housing and lot sizes to suit a wide range of budgets, buyers, and lifestyles.
- GJV affordable housing product 'Flexi Living' considers additional sustainable and efficiencies beyond those considered in the ACT Government affordable housing policy.
 - The GJV have now released 70 affordable 'Flexi Living' Built form dwellings, all within Strathnairn.

Cleared as complete and accurate: 26/04/2022
Cleared for public release by: Executive Group Manager Ext: 75533
Contact Officer name: Nick Vitalis Ext: 51494
Lead Directorate: Suburban Land Agency

- The GJV are now considering additional affordable housing built form based on the independent audit of their first two tranches, the ACT Government affordable housing thresholds and the implications of DV369.
- It will be the first cross-border development for the ACT and NSW, with three suburbs in the ACT and one adjacent border community in NSW (subject to rezoning approval). The project will cross the border in approximately 2034.
- It will take 30-40 years for the development to be complete.

Background Information:

- In May 2013, the ACT Government entered into an agreement with the Riverview Group to develop land in West Belconnen and adjacent land in NSW. On 5 December 2015, the ACT Government agreed to the Territory entering into a land development joint venture with Riverview. The area to be developed is approximately 1,600 hectares: 670 in the ACT and 330 in NSW. The balance of approximately 600 hectares is to meet requirements of the National Capital Plan, and protection for the ecology of the Murrumbidgee River and Ginninderra Creek corridor.
- The project has been conceived and developed, to date, with high environmental and sustainability values. Project initiatives include:
 - a memorandum of understanding with the adjacent Strathnairn Community Arts facility to provide additional resources and facilities for Strathnairn and minimise the impacts of the development on the community;
 - formation of a Conservation Trust to actively manage the river corridor to protect the environmental values of the corridor whilst allowing community access;
 - a training and employment initiative, called SPARK, in partnership with stakeholders across community services, vocational training, and industry, to deliver engagement training and employment opportunities for the Ginninderry community; and
 - attainment of a six star 'Green Star' - Communities rating by the Green Building Council of Australia, the highest possible rating under the scheme. In order to attain this rating, the planning, design and construction of the Ginninderry community was assessed across six categories including: governance, design, economic prosperity, liveability, environment, and innovation.
- Processes are currently underway to manage the following:
 - relocation of the powerlines that traverse the site;
 - appropriate buffer zones for the Lower Molonglo Water Quality Control Centre; and
 - reduce the environmental clearance zones around the West Belconnen Resource Recovery Centre as well as investigating future land uses on the site. The capping of the landfill has been delayed further due to environmental testing suggesting the migration of groundwater from the site. Transport Canberra and City Services have advised the capping of the landfill won't be complete until February 2023. This impacts the GJV's ability to achieve their ILRP targets.

- The Variation to the Territory Plan No.351 allowing the development was approved in June 2016. Amendment 86 to the National Capital Plan was formalised on 23 November 2016.
- Approval under the *Environment Protection Biodiversity Conservation Act 1999* was received in September 2017.
- The Joint Venture commenced after the disallowance period for Amendment 86 to the National Capital Plan expired on 23 November 2016.
- Marketing of Stage 1 commenced in April 2017 with the first resident occupation occurring in mid-February 2020.

Portfolio: Housing and Suburban Development

SUBURBAN LAND AGENCY STAKEHOLDER AND COMMUNITY ENGAGEMENT

Talking points:

- The Suburban Land Agency (the Agency) manages community engagement during development delivery, sale, demolition or construction of sites. This is based on the EPSDD Governance Framework for Land Release and Development.
- The Agency is committed to an engagement program in urban and greenfield projects including community and industry stakeholders.
- Stakeholder and community engagement helps to inform community preferences for particular sites and places for development proposals and can assist in establishing the non-financial objectives of a land release.
- With the release of the Indicative Land Release Program (ILRP), planning has commenced for engagement activities to support the 2021-22 land release. Engagement will focus on feedback from the community and industry to help inform the release strategy and sales documentation.
- The Whitlam Local Centre is a key engagement that follows this methodology and takes a place-based approach. Previous engagements that followed similar methodologies included Gold Creek (2019), Belconnen Town Centre site releases (2020), Wright and Coombs mixed use sites (2021), and Moncrieff and Taylor commercial sites (2021).

Key information:

Greenfield engagement

- **Whitlam Local Centre** – community engagement was undertaken from 8 February to 25 March 2022. The Agency sought community input on the values, aspirations, and priorities for the future Local Centre. The engagement sought to understand community preferences for the site to inform project delivery agreements and mandated design considerations. The Agency will use feedback to help shape a place brief for the Local Centre which will guide future development for the site through a place and design framework. Engagement activities included online surveys, workshops and opportunities for young people to provide feedback.
- **Coombs Community Facility site** – the Agency is currently looking at community engagement in line with government priorities.
- **Gungahlin Town Centre sites** – the Agency has been working with EPSDD exploring opportunities to work collaboratively, where possible, on future engagements. A standing community panel will be established to be in place for the next 12-18 months to work with both EPSDD and the Agency to deliver Gungahlin Town Centre projects.
- **Coombs play space** – the program of consultation for this area is complete. Final sketch plans were released to the public in the third quarter of 2020. Construction has commenced and is expected to be completed in spring 2022. More details are available in the Molonglo Development Update QTB.

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Cleared for public release by: Chief Executive Officer

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Lead Directorate:

Suburban Land Agency

- **Coombs Peninsula** – the Agency is looking at a joint engagement activity with EPSDD for this site. More details are available in the Molonglo Development Update QTB.
- Other greenfield sites requiring community engagement by the Agency going forward include:
 - Jacka 2
 - Kenny

Urban engagement

- **Kingston Arts Precinct** – The Agency is currently carrying out community engagement to support the development of the Arts Precinct. This includes re-establishing contact and consultation with the existing Community Panel (formed in 2019) along with delivering broader engagement activities for the general community and other key project stakeholders. The role of the Community Panel is to contribute to the project design development reaching Development Approval and co-create a Place Brief by defining what the future public space could bring to the Canberra community. The Community Panel is an important key feature of broader communication and engagement on this project which will include community workshops, pop-up feedback sessions and an online survey. Engagement commenced in February 2022.
- Other urban sites requiring community engagement by the Agency going forward (even though some sites have been released) include:
 - Oaks Estate
 - Belconnen
 - Woden
 - Phillip

Background information:

- The Agency reviewed its Stakeholder Engagement Strategy in 2020, which included a detailed scoping exercise to identify opportunities for increased engagement with Community Councils, property industry, and other targeted stakeholders.

Portfolio: Housing and Suburban Development

LAND PRICING – INDUSTRY COMPARISON

Talking points:

- The Suburban Land Agency (the Agency) does not have single residential blocks available for purchase Over the Counter (OTC). However, land is currently available for purchase through partner builders. Under this Put and Call arrangement, there are approximately 135 blocks available in Whitlam and Taylor, including 70 affordable housing blocks.
- There are no blocks available OTC in the private NSW sector estates of Googong Township, as well as the Molonglo Valley estate of Denman Prospect within the ACT. Jumping Creek (Queanbeyan) has a large single residential block available via expression of interest.
- South Jerrabomberra has three blocks for sale, following a small auction of eight blocks held in early April.

Key Information:

Summary of recent SLA releases/updates

- On 3 March 2022, the Agency auctioned four packaged lots comprising of 16 single residential blocks. These blocks ranged from 449m²- 717m². This release also had one multi-unit block comprising of up to 74 dwellings and its total land size was 8,224m². All blocks sold via the online Realtair platform.
- Between 7-10 March 2022, 101 single residential blocks in Whitlam were sold by ballot. The median price for the release was \$530,000.00 with a median size of 449m². Blocks ranged from 319m² to 627m². Block selection for the event was conducted over the phone. All blocks sold.
- On 9 March 2022 the Agency auctioned a commercial block in Belconnen which was marketed as *Belconnen Central* via the Realtair platform. This block sold above the reserve.
- The Agency intends to release two significant local centre (CZ4) sites in Whitlam in Q4 of 2021-22 via a two-stage tender process. As part of the process, tenderers will be required to provide detailed design proposals for the local centre, and also demonstrate that they have the expertise and financial capacity to deliver their proposals. The successful tenderer will be required to enter into a Concept Delivery Deed (CDD), which will mandate the delivery of their design proposal. In this way, the Agency means to ensure that the community's expectations for these important sites are met.

Summary of Private Estate blocks

- In March 2022, Googong marketed two medium density sites via tender. Block sizes are 2,231m² and 7,423m². Tenders closed 13 April 2022 and no more information has been provided since then. These blocks are expected to be settled May 2023.
- The most recent single residential release in Googong was in February 2022. There are no blocks available OTC.

| Googong | No. of Blocks | Median Price | Median Size | Median RPSM | Min Price | Max Price | Min Size | Max Size | Min RPSM | Max RPSM |
|-----------------|---------------|--------------|-------------------|-------------|-----------|-----------|-------------------|-------------------|----------|----------|
| Ballot Feb 2022 | 22 | \$459,000 | 513m ² | \$933 | \$433,000 | \$529,000 | 455m ² | 822m ² | \$644 | \$1,002 |

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 Cleared for public release by: Chief Executive Officer Ext: 75346
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 Lead Directorate: Suburban Land Agency

- Jumping Creek (a new estate south of Queanbeyan) had a number of small releases. They auctioned five blocks on 16 February and an additional five blocks on 30 March.
- Additionally, Jumping Creek has commenced marketing for a large single residential block (2,425m²) for sale via expression of interest (EOI). EOI closes 27 April 2022.

| Jumping Creek | No. of Blocks | Median Price | Median Size | Median RPSM | Min Price | Max Price | Min Size | Max Size | Min RPSM | Max RPSM |
|--------------------|---------------|--------------|-------------------|-------------|-----------|-----------|-------------------|-------------------|----------|----------|
| Auction Feb 2022 | 5 | \$810,000 | 628m ² | \$1,326 | \$755,000 | \$833,000 | 603m ² | 655m ² | \$1,135 | \$1,359 |
| Auction March 2022 | 5 | \$940,000 | 804m ² | \$1,169 | \$916,500 | \$975,000 | 800m ² | 809m ² | \$1,137 | \$1,211 |

- There are no over-the-counter blocks available in Denman Prospect.
- Denman Prospect has marketed an April release named 'River Run' exclusively for builders and developers. This release has five packaged lots, all of which are terraces. The terrace blocks vary in size from 131 to 388 square metres. The expression of interest closed on 13 April 2022, and no more information has been provided since then. These blocks are expected to be settled in late 2024.
- There are three blocks available over-the-counter in South Jerrabomberra.

Background information:

- The forecast timing of which financial year the Agency releases land to the market is set out in the Indicative Land Release Program. There are a number of sale methods used by the Agency, including:
 - **Tender** – Allows for more complex criteria to be applied to sale of the land to achieve better outcomes. Once land is released a development application will be required which will need to comply with the Territory Plan. The Territory Plan provides specific guidance in the form of Precinct Codes to guide design and assessment of development.
 - **Ballot** – An effective way to release housing lots to the general public where there is a high level of interest.
 - **Auction** – Typically used for larger commercial releases where the more experienced commercial sector of the market is expected to participate. An auction is generally used for land which does not require complex additional conditions beyond the requirements of the Territory Plan.
 - **Put and Call option** – Allows builders to secure blocks of land with an extended settlement, enabling them to offer house and land packages to customers. Put and call builders will offer the buyer expertise on house designs which make the most of the block's features.
 - **Direct sale** – The applicant and their proposed use of land must meet requirements in the Planning and Development Act, including eligibility criteria under the *Planning and Development Regulation 2008*.
- **Over the Counter sales** – Buyers purchase property directly from the Agency. This typically occurs when land has been offered for sale via a Ballot or Auction, and blocks have been unsold or returned to the market, and usually occurs in a market with lower consumer demand.
- Settlement on single residential blocks will generally take 30-60 working days.

Portfolio: Housing and Suburban Development

AFFORDABLE, PUBLIC AND COMMUNITY HOUSING DELIVERY

Talking points:

- The Suburban Land Agency has released a site in Whitlam with a requirement for ten affordable housing dwellings, and preparing to release sites for 20 public housing dwellings to Housing ACT, against the 2021-22 targets.

Key Information:

- Sites identified for Affordable Home Purchase are sold with contractual requirements in place to ensure the affordable housing dwellings meet specified design requirements and will be offered to eligible buyers as part of the ACT Government's Affordable Home Purchase Scheme.
- Sites for public housing dwellings are released to Housing ACT for the development of public housing.
- Sites for community housing dwellings are typically released to registered Community Housing Providers or are released to Housing ACT to become community housing in the future.
- Releases against 2020-21 targets included multi-unit sites in Coombs, Gungahlin, Belconnen, Moncrieff, and Wright, with requirements for 214 affordable housing dwellings and 43 public housing dwellings. In addition to the housing targets, 82 single residential blocks in Taylor and Whitlam were released for Land Rent on 20 February 2021, and six single residential blocks were released for public housing in Bonner and Wright.

Background Information:

- Notifiable instrument NI2021– 776 City Renewal Authority and Suburban Land Agency (Housing Targets) Determination 2021 established the housing targets to be delivered in the 2021-2022 financial year.
- The 2021-22 Housing Targets include:
 - 122 for affordable housing
 - 155 for public housing
 - 30 for community housing
- The Agency sets prices for the sale of sites based on independent market valuations. Affordable housing requirements are currently being applied to multi-unit sites.

Affordable Housing:

- Since December 2019, more than 5,300 people have registered their interest in the Affordable Home Purchase Scheme.
- Recent process changes allow all registered buyers to participate in ballots as they are offered, with eligibility assessments conducted for the top buyers following a ballot draw, before a buyer is able to purchase.

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Lead Directorate: Suburban Land Agency

- The Agency is currently investigating options for a shared equity scheme, which could potentially provide another affordable housing pathway.

Portfolio: Housing and Suburban Development**BELCONNEN TOWN CENTRE LAND RELEASES****Talking points:**

- The Belconnen Town Centre continues to grow as an urban renewal hub with several development projects nearing completion and ACT Government projects being implemented in the area.
- The indicative Land Release Program (ILRP) identified mixed use sites for release at the northern end of the Belconnen Town Centre including:
 - Circus Sites Precinct (Blocks 38 and 39/Section 52 and Block 2/Section 151) in 2020-21; and
 - Lathlain Street Precinct (Block 24/Section 21, Block 2 and 3/Section 22 and Block 2/Section 23) in 2022-23, which incorporates delivery of the newly rezoned public open space.
- The Circus Sites Precinct, together with the Former Belconnen Water Police site (Block 29, Section 149) at Emu Inlet Waterfront Precinct, were packaged as the Belconnen Lakeshore market release. The release methodology is a two-stage tender process. The first stage, a Request for Proposal (RFP), was released to the market on 17 June 2021 and closed on 7 October 2021.
- The RFP sought design and development proposals in response to the Place Design Brief, Intended and Required Development Outcomes and Greenstar 5 Star rating and were a high priority in the RFP Submission evaluation. A weighting of 50 per cent for Design Response was identified as part of weighted assessment criteria.
- The RFP Evaluation was completed in late February 2022 and participating proponents have been advised if they are progressing to stage 2 Request for Tenders (RFT). The Suburban Land Agency (the Agency) is currently finalising RFT documentation planned for release in April/May.

Key Information:

- The Place Design Brief has been prepared with input from the community and stakeholders and describes the community's aspirations for making great places that connect people.
- Detailed information regarding the Place Design Brief and the place planning engagement is available on the ACT Government's YourSay website including the final Place Design Brief at <https://yoursayconversations.act.gov.au/belconnen-place-planning>
- The Agency met regularly with the Belconnen Community Council (BCC) during the development Place Design Brief. The BCC was provided a written update on the project mid April prior to the Release of the Stage 2 RFT. The community will be updated via updates on the Your Say and Agency websites.

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Cleared for public release by: Chief Executive Officer Ext: 75346
Contact Officer name: Chris Webb Ext: 76824
Lead Directorate: Suburban Land Agency

- The next steps in the Belconnen Lakeshore sale and development process;
 - Release of the RFT, April/May 2022
 - Closing date for stage 2 RFT, June/July 2022
 - Tenderer Evaluation & Preferred Tenderer identification August 2022
- The Agency are currently undertaking a Financial Feasibility Assessment on the Lathlain Street Precinct to determine the feasibility and appropriate release methodology for the site. This assessment will be completed mid May.

Background Information:

- The former Water Police site is located at the northern edge of Emu Inlet on Lake Ginninderra at the end of Evelyn Parker Place. The site is small, isolated, and heavily constrained. Its viability as a release site relies greatly on its future use and context within which this future use can be supported.
- The former Water Police site within the Emu Inlet Precinct was scheduled for auction in June 2018. However, was withdrawn to allow the Agency to further reconsider the site constraints and community input.
- The place-based community engagement has assisted the Agency in identifying relevant uses for the former Water Police Site that are complimentary to the community's vision for the area, and included that highly successful development will be development that integrates into the park's environment and substantially enhances the lake foreshore's recreational uses, activation, and connections.

Portfolio: Housing and Suburban Development**RELEASE OF BLOCK 2 SECTION 57 TURNER****Talking points:**

- The Suburban Land Agency (the Agency) is preparing the re-release of Block 2 Section 57 Turner (the site) in 2021-22 Financial Year. The site is the location of the former Turner Flats.
- The re-release will take into account new development objectives that have been considered by the City Renewal Authority and the Agency.
- The Agency is preparing an Application for Cadastral Changes to separate Block 2 into a new block to support land release and a second block for the Build-to-Rent initiative.
- The site is subject to Draft Variation to the Territory Plan No. 368 (DV368). The Standing Committee has decided not to conduct an inquiry, resulting in DV368 due to be tabled in the Legislative Assembly following Minister Gentleman's approval.
- On 20 April, the Agency met with the North Canberra Community Council committee to further engage and update them on the land release site and Build-to-Rent project.

Key Information:

- The sale of the site was identified in the ILRP for release in the 2018-19 financial year. The site was first released together with Block 10 Section 8 Braddon via a tender process in 2018. The tender process was terminated in May 2019.
- The site was formerly part of the National Partnership Agreement on Asset Recycling (known as the Asset Recycling Initiative – ARI).
- The demolition of the former Turner Flats was completed in 2019.
- The site is currently scheduled for re-release in the 2021-22 Financial Year.
- Development feasibility analysis identified a release approach for the site that best meets the financial and non-financial objectives of the Agency, including opportunities for sustainability objectives articulated in the latest Parliamentary Agreement.
- The ILRP block has been identified for release via auction in late June 2021-22 Financial Year. The Build to Rent block will be released via RFT in 2022-23 Financial Year.

Background Information:

- The site is subject to Draft Variation to the Territory Plan no. 368 (DV368). DV368 was released publicly for community consultation on 13 December 2019. DV368 seeks to enshrine the vision and planning controls proposed in the City and Gateway Urban Renewal Strategy. DV368 is to be tabled in the Legislative Assembly indicatively in May 2022.

Portfolio: Housing and Suburban Development**SUBURBAN LAND AGENCY DELIVERY OF THE INDICATIVE LAND RELEASE PROGRAM****Talking points:**

- For the four years 2017-18 to 2020-21 the Indicative Land Release Program (ILRP) identified land releases totalling 14,663 dwellings. The Government, through its land agencies, delivered 14,503 dwellings – a variance of just 160 dwellings, or 1.0 per cent.
- It is important to acknowledge that the ILRP is ‘indicative’ by definition. It is the Government’s forecast of expected land releases in a financial year, and that refinement and adjustment of those release numbers may occur during the year.
- Annual land releases are complex processes. They can be impacted by a range of issues, including planning and environmental process outcomes, completing necessary due diligence processes, community engagement and consultation processes, legal issues, and commercial/market impacts.
- The ILRP is not the cause of house price increases. In fact, the annual ILRP represents less than 2 percent of the ACT’s total established housing market.
- In the hearing of the House of Representatives inquiry into *‘Housing affordability and supply in Australia’* on 15 November 2021, a senior representative of the Reserve Bank of Australia, Dr Luci Ellis, advised:
 - "With lower interest rates, people could service a bigger mortgage with the same repayment. Some of this extra buying capacity financed an increase in the quality of the housing stock. But, because most of the housing stock was already in place, the main effect was to bid up housing prices; this was captured in land prices."
 - "...additions to the housing stock have run ahead of population growth for a number of years."
 - "There are no examples, internationally, of large falls in nominal housing prices that have occurred, other than through significant reduction in capacity to pay, such as a recession and high unemployment," and
 - "There's no example in Australia, or internationally, where supply expansion on its own [has] generated house pricing declines of a similar order of magnitude to the kinds of cycles in house prices that we've seen in recent years."
- Through economic modelling, the ILRP is designed to deliver enough land to cater for population growth, household formation rates, and housing choice. During the 2020-21 year, when population growth has been estimated at 0.25 per cent (approximately 1,000 people), the Suburban Land Agency (the Agency) released land for 3,061 dwellings.
- CoreLogic data shows that house price increases over the last 18 months have been broad based, with every state and territory experiencing strong price growth, though there are now clear signs that growth rates are diverging across capital cities
 - The ACT has not been immune to this national housing trend.

Cleared as complete and accurate: 22/04/2022

Cleared for public release by: Deputy Chief Executive Officer Ext: 57346

Contact Officer name: Neil Bulluss Ext: 70264

Lead Directorate: Suburban Land Agency

Key Information:

- It has been widely reported that record low interest rates, improved economic conditions through much of 2020-21, pent up demand following the 2018-19 credit ‘tightening’, and easing of restrictions following the first COVID-19 phase in 2020, coupled with stimulus initiatives, has led to a nationally strong housing market.
 - Record-low interest rates (coupled with ready availability of credit) allowed people to borrow more. The official cash rate has been at 0.1 percent since November 2020 (and was at 0.25 percent since March 2020).
 - Also fuelling the housing market has been record household savings due to people working from home and re-focussing their priorities during the pandemic. It peaked at a 60-year high in the June 2020 quarter and has remained elevated as of the December 2021 quarter.
- The delivery of the annual land release program is a challenging and complex process. There are many elements that are not in the direct control of land delivery agencies, which can impact the timing and/or quantum of those land releases.
- The Agency works within these constraints and challenges to deliver its annual land release program. Sometimes this may mean that the specific releases are delayed, or the yield from the release is adjusted. The Agency will do its best to bring forward other releases or identify opportunities to refine the mix of land offerings to offset those impacts.
- The private sector also releases land to the market, which is not part of the ILRP, and which the Government has little influence over, regarding timing or quantity.
- Unlike private sector land developers, the Government has taken the approach over the last four years of maintaining land supply despite the impacts of economic cycles and the COVID-19 pandemic.
 - When the private sector was reducing its inventories, and limiting new releases, the Agency continued to release new blocks to the market even if they did not sell at the time.
 - As a result, a significant inventory of land was available Over the Counter from the Agency at the beginning of 2020-21, which was taken up by customers as the pandemic conditions eased and market confidence returned.

Background Information:

- The Agency was established on 1 July 2017. It delivers most of the land identified in the Government’s annual ILRP. Some releases are also undertaken by the City Renewal Authority and the Environment, Planning and Sustainable Development Directorate.

Portfolio/s: Housing and Suburban Development**NSW LAND ACQUISITION****Talking points:**

- The Suburban Land Agency (the Agency) has purchased two blocks of land in NSW. The two blocks of land are near the ACT border at West Belconnen, and adjacent to the development footprint of the Ginninderry project. The area is landlocked by the Murrumbidgee River and Ginninderra Creek. The blocks will become part of the Ginninderry development.
- With the acquisition of these blocks there is an opportunity for the Joint Venture to add 481 dwellings to future land release programs. Land supply is expected to be constrained in future years and this purchase could be expected to have a positive impact on housing affordability.
- The benefits of acquiring the land now provide surety to the vision of Ginninderry being fully realised.
- The acquisitions have been the subject of a full business case which sets out the costs, benefits and risks. The business case has been informed by independent valuations, and approved by Government under the *City Renewal Authority and Suburban Land Agency (Suburban Land Agency Land Acquisition) Direction 2017*.

Key Information

- The land is acquired by the Agency. As a project cost, the Joint Venture pays the Agency for the land which is then developed as part of the Ginninderry Project. All costs and profits are shared on a 60/40 basis consistent with the structure of the Joint Venture.
- All landowners are willing sellers, and have been actively consulted on the Ginninderry project, and the NSW rezoning process, since 2013.
- In terms of information that is public the following applies:
 - The names of the vendors remain confidential. We do not disclose any personal information of the people we acquire land from.
 - Purchase Price:
 - 527 Parkwood Road: This block has now settled so the purchase price is public (\$8.12 million)
 - 495 Parkwood Road: The Agency has entered into a call option deed for the acquisition of this block. The block will not settle until the SLA has met its obligations under the deed. The purchase price is therefore not public at this stage.

Background Information

- The Ginninderry Project, a Joint Venture between the ACT Government and Riverview Developments, is already committed to developing land across the border. Through the current joint venture controlled lands we are developing 3,191 dwellings in NSW on land we currently own.
- In addition to the joint venture land, there are four blocks of land adjacent. The potential acquisition of any of these blocks does not, on its own, present new development risks to the Joint Venture, and was always contemplated.
- Significant development risks have already been mitigated. Approval under the Environment Protection Biodiversity and Conservation Act has been obtained and the NSW land was successfully rezoned for residential development in 2020 – a process supported by Yass Valley Council.

Portfolio: Water, Energy and Emissions Reduction

COSTS AND BENEFITS OF CLIMATE ACTION

Talking points:

- The ACT's actions on climate change are designed to deliver a range of outcomes:
 - reduce greenhouse gas emissions in pursuit of ACT targets;
 - build resilience to climate change impacts;
 - ensure the ACT does not lock in future emissions; and
 - lay the foundations for achieving net zero emissions.
- We also recognise the need for a just transition that ensures all households and workers are helped to share in the benefits of our climate change response.
- The Government does not shy away from the fact that getting to zero emissions will have costs. We are seeing electricity price rises this year in part due to the costs of meeting our 100% renewable electricity target.
 - In this unusual case, the government is introducing new measures to address some of these impacts.
- But our current measures also bring a range of economic benefits, for example:
 - Households and businesses participating in the Energy Efficiency Improvement Scheme (EEIS) will see benefits of in the hundreds of millions in lifetime energy bill savings.
 - Local investments arising from our renewable electricity auctions will bring over \$500 million of benefits to the ACT in knowledge-based renewable energy industries of the future.
 - Improving energy performance of rental properties will improve quality of life, reduce health impacts and costs, and improve educational outcomes.
 - Early stage investment in new and emerging industries will develop new economic and employment opportunities in the ACT. For example, the Government is investing nearly \$8m to support zero emissions vehicle industry development and infrastructure.
- The Climate Change Strategy recognises that achieving future targets “will require continual learning and improvement as well as the active participation of the whole community”.
- Climate change is a pervasive and complex problem, and that is why the Government's response Strategy addresses the challenge on multiple fronts. Many actions are inter-linked and when implemented together, they will deliver a greater outcome.
- We are continuing to trial and assess new ideas, work with various partners to leverage government action, and find new ways to empower our community:

- Investing in strong analysis on issues like our transition from fossil fuel gas, to ensure we make the best decisions for the future.
- Supporting community engagement, participation and leadership, through community-led initiatives like the *Nature in the City* environment grants and the *Community Zero Emissions Grants*.
- Demonstrating Government leadership by pursuing gas-free and net zero emissions buildings and establishing a pathway towards a zero emissions bus fleet.

Key Information:

- In 2020-21, ACT emissions were 1,685 kilotonnes of carbon dioxide equivalent which is 45% lower than 1989-90 levels.
- Since 1989-90 the ACT's population grew by 54% from 279,000 to 432,000 whilst total emissions have fallen 45% over the same period. The key driver of this outcome was the emission reductions associated with 100% renewable electricity generation.
- Now that the ACT's electricity is 100% renewably sourced, emissions from the gas and transport sectors make up around 22% and 64% of the ACT's total greenhouse gas emissions, respectively. Any policy that is targeted at getting households, businesses, and industry off gas, or reducing emissions from transport therefore will have the largest emissions reduction potential.

Background Information:

- The Government has set an emissions target of a 50-60% reduction on 1990 levels by 2025 and net zero emissions by 2045.

Portfolio: Water, Energy and Emissions Reduction

CLIMATE CHANGE STRATEGY

Talking points:

- The ACT Climate Change Strategy 2019-2025 (the Strategy) sets out actions to work towards achieving our 2025 greenhouse gas emission reduction target, build resilience to climate change impacts and progress towards achieving net zero emissions by 2045.
- The Strategy focuses on reducing emissions from transport and gas. Transport and gas account for around 64% and 22% of 2020 ACT emissions, respectively.
- The Strategy is complemented by Canberra's Living Infrastructure Plan (the Plan), which sets directions for maintaining and enhancing trees, soils and waterways to keep our city cool and liveable in a changing climate.
- The Government has since committed to new, ambitious actions detailed in the Parliamentary and Governing Agreement (the PAGA) that will further support action on climate change, such as legislating to prevent new gas connections in greenfield suburbs and expanding the number of zero emission vehicles in the ACT.
- The Strategy, Plan and PAGA bring together emission reduction and adaptation measures as part of a holistic response to climate change. The importance of building our resilience to climate change impacts was highlighted by the latest climate science and the extreme weather-related events we have seen over the past few years.

Key Information:

- Key achievements to date have included:
 - A 100 per cent renewable electricity supply and meeting the legislated 40% emissions reduction target in 2020.
 - In 2019, the *Climate Change and Greenhouse Gas Reduction Act 2010* was amended to legislate an ongoing 100 per cent renewable electricity target post 2020.
 - In 2019, the Energy Efficiency Improvement Scheme was extended to 2030. In 2022, the Priority Household Target has increased from 30 per cent to 40 per cent.
 - From 20 December 2019, e-scooters and other similar devices can now legally be used in the ACT.
 - On 28 August 2020, a Territory Plan variation commenced that removes the mandatory requirement for gas connection to blocks in new suburbs and new estates are being developed without gas connections.
- Achieving the aims of the Strategy will require an active partnership between the Government and the community. We look forward to working with our citizens to ensure Canberra continues to be a sustainable and vibrant city.

Background Information:

- The *ACT Climate Change Strategy 2019-25* and *Canberra's Living Infrastructure Plan* were released in September 2019.
- In May 2019, the ACT joined many other cities, states and territories around the world in declaring a state of climate emergency, acknowledging the need for urgent action across all levels of Government.

Portfolio: Water, Energy and Emissions Reduction

TRANSITION TO ZERO EMISSIONS VEHICLES ACTION PLAN

Talking points:

- In April 2018 the Government released 'The ACT's Transition to Zero Emissions Vehicles (ZEV) Action Plan 2018-2021' (the Action Plan).
- The Action Plan sets a clear direction for the ACT to accelerate and support the uptake of ZEVs, including battery electric vehicles (BEVs), plug-in hybrid electric vehicles, hydrogen fuel cell electric vehicles and electric bikes. Australia's first public hydrogen refuelling station opened in Fyshwick on 26 March 2021 and is operated by ActewAGL.
- As at 1 April 2022 there were 1,915 ZEV registered in the ACT, 24 of which are Fuel Cell Electric Vehicles (FCEV). ZEVs make up 0.60% of total powered registered vehicles in the ACT. FCEVs make up 0.01% of total powered registered vehicles, and BEVs make up 0.59%. This information is displayed and regularly updated on the Environment Planning and Sustainable Development Directorate website. In March 2022, 8.4% of all new light vehicle sales in the ACT were BEVs and 0.1% were FCEVs.
- The 2020 Parliamentary and Governing Agreement and the 2020-21 ACT Budget set out an ambitious agenda to increase the number of ZEVs in the ACT. Specifically Government has committed to:
 - Engage with the ZEV industry and adopt a target for new ZEV sales by 2030;
 - Provide financial incentives for the purchase of ZEVs;
 - Fund 50 public chargers in 2021-22;
 - Establish a fleet advisory service to support Canberra businesses and community organisations transitioning their fleets to ZEVs; and
 - Enact regulation in conjunction with the Territory Plan Review to ensure infrastructure for new multi-unit residential and commercial buildings are electric vehicle (EV) ready, and investigate measures to support retrofitting of charging infrastructure in existing buildings.

Key Information:

- On 22 April 2021, the ACT Auditor General's performance report on ACT Government's vehicle emissions reduction activities was tabled in the Legislative Assembly. The Government accepted all recommendations and implementation is underway.
- The ACT has among Australia's most generous financial incentives for the purchase and registration of ZEVs:
 - A full stamp duty exemption the first time a ZEV is purchased.
 - Two years of free registration for new or used ZEVs purchased from 24 May 2021 and before 30 June 2024, subject to eligibility requirements.

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Cleared for public release by: Executive Group Manager Ext: 77533
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Lead Directorate: Environment, Planning and Sustainable Development

- On 10 December 2021 Government published its ZEV Public Charging Outlook, which will provide information about future locations for public ZEV chargers. The Outlook will also inform the location of the 50 publicly accessible charging stations funded in 2022 and Expressions of Interest are now closed.
- The ACT Government has partnered with Neoen, Hyundai and ActewAGL on a hydrogen mobility demonstration project, based around the Fyshwick hydrogen refuelling station, and integrates 20 hydrogen fuel cell electric vehicles into the ACT Government fleet.
- The ACT Government is a key partner in the ‘Realising Electric Vehicle-to-grid Services’ (REVS) project which is a trial to demonstrate that EVs can contribute energy stability to the live power system, by transferring power back and forth into the grid as required. This will pave the way for accelerated adoption of vehicle-to-grid (V2G) services in the National Energy Market. 50 Nissan LEAF electric vehicles in the ACT Government fleet will provide V2G services. The project commenced in June 2020 and will conclude in 2022.
- ZEVs are able to use ACT transit lanes from July 2019 until December 2023. “Zero Emission Cars Permitted” signage has been installed on Adelaide Avenue.
- The NRMA has invested in public EV charging infrastructure in regions surrounding the ACT such as Batemans Bay and Bega. Braidwood is one of the next planned sites. Evie Networks, Jolt and Ampol have also announced east coast charging network expansion that will provide links to the ACT as part of an integrated east coast.
- Road rules were amended in December 2019, to facilitate the safe use of new sustainable personal mobility options, such as electric scooters.
- Two dockless micromobility schemes (e-scooters) are operational in Canberra and expansions are being considered.
- The ACT Government has developed a business fleet advisory service. This is providing practical information to businesses about transitioning vehicle fleets to zero emission.

ACT Government fleet passenger vehicles

- The ACT Government is leading by example with one of the largest passenger ZEV fleets in Australia. In 2020-21, there were 74 new ZEV leases, making up 100% of new passenger leases where a fit for purpose ZEV was available.
- The ACT Government passenger fleet of 578 vehicles includes 183 zero emissions vehicles, totalling 32% of the fleet. Of these, there are 78 battery electric vehicles (BEVs) totalling 13% of the fleet; 85 plug-in hybrid vehicles (PHEVs) totalling 15% of the fleet; and 20 Hyundai Nexo fuel cell electric vehicles (FCEVs) totalling 3% of the fleet.

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- The ACT Government has over 125 fast charging (7-22kW) stations across the ACT, as well as four rapid chargers (25kW).

Portfolio: Water, Energy and Emissions Reduction

PUBLIC ELECTRIC VEHICLE CHARGING STATIONS

Talking points:

- Expanding the number of zero emissions vehicles (ZEVs) in the ACT is an important part of Government's action to reduce ACT emissions toward net zero greenhouse gas emissions by 2045.
- Government has committed to Australia's most ambitious ZEV agenda to address transport emissions, which account for around 60% of total ACT emissions.
- In the 2020-21 ACT Budget, Government supported this commitment with \$1.3 million of funding for the installation of 50 publicly accessible charging stations.
- Increasing the number of publicly accessible chargers in the ACT will make charging convenient and give confidence to ACT drivers.
- In line with the Parliamentary and Governing Agreement, Government will conduct a two-step competitive funding process in 2021-22 to award funding for 50 public chargers. Expressions of Interest closed in early February 2022.
- On the 10th of December, Government published the Electric Vehicle (EV) Public Charging Outlook which will inform the locations of 50 publicly accessible EV chargers, based on expected ZEV charging demand now and to 2030.

Key Information

- Range anxiety and charger availability is a key barrier to purchasing an EV.
- New charging infrastructure in visible and convenient locations will address range anxiety concerns.
- The total cost of this budget measure will be \$2.7 million to 2023-24 (including \$1.3 million for chargers). It has also funded the development of the fleet advisory service, Public Charging Outlook and market sounding and research projects to aid with the setting of a target for new ZEV sales in 2030.

Background Information

- On 9 June 2021, ActewAGL announced that it would be installing 20 public chargers in the ACT by 2027 in partnership with Evie networks.
- Development of the EV Public Charging Outlook, released in December 2021, included engagement with business and Evoenergy, noting the interaction with the ACT electricity network.
- In April 2022, the ACT has approximately 42 charging points that are accessible to the public, across 21 sites. A further 6 charging sites exist but these chargers are not accessible to the general public.

Portfolio: Water, Energy and Emissions

ELECTRICITY AND GAS PRICES

Talking points:

- The Independent Competition and Regulatory Commission's (ICRC) regulated retail electricity price decision for 2021-22 was a 11.95 per cent increase in ActewAGL Retail's regulated retail electricity tariffs.
- This translates to an annual electricity bill increase of \$195 for an average ACT residential household (\$3.76 per week). The annual impact for an average small business customer is \$751 (\$14.44 per week).
- A significant component of the price increase is due to increases in the cost of the Territory's large-scale feed-in tariff scheme. This is driven by a significant reduction in wholesale electricity prices, in part in response to COVID-19.
- Low wholesale electricity prices affect the costs of the Territory's large-scale feed-in tariff scheme, due to our 'contract for difference' arrangements. When wholesale prices increase the costs of the scheme reduce, and when wholesale prices decrease the cost of the scheme rises.
- We know this is a significant impact for households and businesses, but also note:
 - With this increase, ACT electricity prices will remain comparable with other jurisdictions, even while delivering 100% renewable electricity.
 - In recent years, the costs of meeting our 100% renewable electricity target have been lower than originally anticipated, due to higher wholesale electricity prices.
 - Households can save money through energy saving measures including insulation and draughtproofing that can also increase comfort. The Sustainable Home Advice service offers free advice to households on energy savings.
 - Analysis by the Australian Energy Market Commission indicates households can save hundreds of dollars through switching to different pricing plans. So, shopping around for retailers and asking retailers for better deals is important.
 - The Independent Competition and Regulatory Commission has recently published a new Code that requires retailers to notify customers when a better tariff is available. The Code commenced on 1 October 2021, with retailers being required to provide clear and transparent advice regarding offers to customers.
 - For those in particular need, a government Utilities Concession is available for \$750 per year. The ACT Government is also providing an additional \$250 rebate to eligible households for 2021-22, taking the 2021-22 payment to \$1,000.
 - In 2020-21, the ACT Government provided Utilities Hardship funding for \$100 vouchers to eligible customers with participating retailers. This program has been extended to 2021-22.

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Lead Directorate: Environment, Planning and Sustainable Development

- The ACT Government will also be funding an energy literacy program to fund community groups to help citizens better navigate the complex web of energy pricing.
- The energy price increase in 2021 was in part due to historically low wholesale electricity prices.
- It is impossible to predict future prices with certainty. However, we have already seen a return to more “normal” wholesale electricity prices.
- If this trend continues, we could reasonably expect to see a reduction in electricity prices in future years.
- When the reverse auction approach was first agreed in 2012, the ACT Government indicated costs could rise to around \$5.50 per household per week, which is very close to expected impacts in 2021-22.
- At the time, the auctions were recognised as a key support for continued renewable energy investment.
- The ACT Government’s approach to renewable electricity allows ACT consumers to benefit from electricity prices comparable with the rest of Australia, while making a real difference to greenhouse gas emissions.

Gas prices

- On 30 April 2021 the Australian Energy Regulator (AER) released its final determination on Evoenergy’s gas distribution network tariffs for 2021-2026.
- The new 5-year determination is expected to see an annual decrease in typical residential customer gas bills of \$10 in 2021-22, followed by an average increase of \$14 per year for the next 4 years.
- The ACT Government has supported the establishment of an Energy Consumer Advocacy Network, through the Energised Consumers Project, to ensure consumer impacts are considered in decisions such as the ICRC retail electricity price decision.

Key Information

- Unlike retail electricity prices, retail gas prices are not regulated in the ACT. From 1 July 2021, ActewAGL Retail decreased both its supply and consumption charges by around 3.5 per cent and 1 per cent respectively.
- Gas price increases in recent years have been driven by rising wholesale gas costs due to increased exports from the east coast of Australia and by a lack of competition between suppliers and pipeline operators. The Energy National Cabinet Reform Committee has initiated reforms to ensure efficient prices for customers.
- St Vincent de Paul also found that a typical consumption household can save \$550 per year, or 23 per cent, on electricity costs by switching from the highest priced market offer to the lowest priced offer in the market (including discounts).

Background Information

- ACT energy consumers can receive free advice through the Sustainable Home Advice line. Call 1300 141 777 or email ActsmartAdvice@act.gov.au
- A range of rebates are also available for households and businesses to save on energy bills. Information is available at <https://www.actsmart.act.gov.au/>

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Lead Directorate: Environment, Planning and Sustainable Development

Portfolio: Water, Energy and Emissions Reduction**ACT CLIMATE CHANGE POLICY – COSTS TO COMMUNITY AND CONSUMERS****Talking points:**

- The ACT continues to have electricity prices that are comparable with other jurisdictions, while leading the world in climate change response.
- The ACT has reached its 100 per cent by 2020 renewable electricity target, one of the most ambitious targets globally. It has strong community support.
- ACT Government climate change mitigation policies are expected to contribute around \$358 per annum in reduced costs to the typical¹ annual electricity bill of an average household in the ACT in 2021-22 (\$6.88 per week) using 6,370kWh annually. These are the Feed-in-Tariff (FiT) Schemes at approximately \$6.50 per week and the Energy Efficiency Improvement Scheme (EEIS) at around 40 cents per week per household.
- Pass-through costs of the EEIS are offset by reduced energy demand, placing downward pressure on electricity prices.
- From the inception of the EEIS in 2013 to 30 June 2021, close to 78,500 households and businesses have benefited from the Scheme, including close to 20,400 priority households.
- Within the same timeframe, more than 40% of ACT households participated in the Scheme. For the close to 20,400 priority households, there are total lifetime bill savings of over \$100 million.
- Changes to wholesale electricity prices, in part in response to COVID-19, have seen the cost of the Territory's large-scale feed-in tariff scheme increase in 2021-22. In recent years, the costs of meeting our 100% renewable electricity target have been lower than originally anticipated, due to wholesale electricity prices.
- The energy price increase in 2021 was in part due to historically low wholesale electricity prices.
- It is impossible to predict future prices with certainty. However, we have already seen a return to more "normal" wholesale electricity prices.
- If this trend continues, we could reasonably expect to see a reduction in electricity prices in future years.
- These jurisdictional costs were less than 10% of retail electricity costs in 2020-21, in 2021-22 they will rise to approximately 20%.
- The ACT Government is helping households and businesses to manage their energy costs through a variety of programs and services.

¹ Representative household consumption as defined by the AER's annual retailer markets report 2020-21 Jurisdictional snapshot. Anticipated cost of schemes as provided by ICRC Retail Electricity Price Recalibration 2021-22: standing offer prices for the supply of electricity to small customers. Report 11 of 2021, June 2021.

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Lead Directorate: Environment, Planning and Sustainable Development

Key Information

Cost breakdown

- The annual costs expected for an average Canberra household using 6,370 kWh/yr in 2021-22² are:
 - large FiT component: \$300.86;
 - small-medium FiT component: \$36.82; and
 - Energy Efficiency Improvement Scheme: \$20.32.

Opportunities to mitigate costs

- ACT energy consumers can receive free advice through the Sustainable Home Advice line (phone: 1300 141 777 or email: ActsmartAdvice@act.gov.au). A range of rebates are also available for households and businesses to save on energy bills. Information is available at www.climatechoices.com.au.
- Analysis by the Australian Energy Market Commission indicates households can save hundreds of dollars through switching to different pricing plans. So, shopping around and asking retailers for better deals is important.
- For those in particular need, a government Utilities Concession is available for \$750 per year. The Government is also providing an additional \$250 rebate to eligible households for 2021-22, taking the 2021-22 payment to \$1,000.
- In 2020-21, the ACT Government provided Utilities Hardship funding for \$100 vouchers to eligible customers with participating retailers. This program has been extended to 2021-22.
- The ACT Government will also be funding an energy literacy program to fund community groups to help citizens better navigate the complex web of energy pricing.

Annual Reporting of Cost of Living Impacts from Climate Change Policies

- The *ACT Climate Change Strategy 2019-25* was released on 16 September 2019. Together with *Canberra's Living Infrastructure Plan: Cooling the City*, the Strategy sets out the next phase of the ACT Government's climate response.
- The Minister for Water, Energy and Emissions Reduction reports on the cost of living impacts of implementing the Strategy in the Minister's annual report under the *Climate Change and Greenhouse Gas Reduction Act 2010*.

² Representative household consumption as defined by the AER's annual retailer markets report 2020-21 Jurisdictional snapshot. Anticipated cost of schemes as provided by ICRC Retail Electricity Price Recalibration 2021-22: standing offer prices for the supply of electricity to small customers. Report 11 of 2021, June 2021.

Portfolio: Water, Energy and Emissions Reduction

TRANSITION FROM NATURAL GAS

Talking points:

- Over 20% of ACT greenhouse gas emissions come from natural gas use. By contrast, all electricity in the ACT now comes from renewable sources. So, reducing gas use is essential to meeting our emission reduction targets.
- Rising retail gas prices and dramatic advances in the efficiency of electrical equipment mean that gas is no longer the cheap, green alternative it was in the past.
- The government will finalise by 2024 a plan for achieving zero emissions from natural gas use by 2045.
 - This will allow for planning a careful transition from fossil fuel natural gas. This planning will also consider the potential applications of zero emission alternatives to natural gas such as hydrogen and biogas.
 - A Gas Transition Taskforce has been established within the Environment, Planning and Sustainable Development Directorate and is currently finalising modelling to consider technical and economic impacts of possible transition options.
 - The Taskforce will provide recommendations to Cabinet in May 2022 regarding a possible pathway to transition the ACT away from fossil fuel natural gas use.
- Action 4.3 of the *ACT Climate Change Strategy 2019 - 2025* called for removing the mandatory requirement for natural gas infrastructure to be installed in new developments.
- A draft variation to the Territory Plan to implement this measure took interim effect from 17 January 2020 and was finalised on 28 August 2020.
- The Parliamentary and Governing Agreement for the 10th Legislative Assembly includes a number of measures to reduce emissions from natural gas, including:
 - Legislating to prevent new natural gas network connections to future greenfield residential developments in 2020-21 (Measure A1.vii)
 - Advancing all-electric developments with a view to no new natural gas network connections from 2023 (Measure A1.viii)
 - Ensuring all new ACT Government buildings and facilities are fossil-fuel-gas free. (Measure A1.x)
- In 2018, the ACT Government agreed to a request from the Ginninderry estate developers in West Belconnen to remove the requirement to install natural gas in support of plans for a range of low-carbon electricity measures for the development.
 - This pilot demonstration project of an all-electric area will cover Stages 1 and 2 of the Ginninderry precinct, a total of 1,150 residences.
 - The results of the pilot will provide valuable information on energy cost savings for consumers and impacts on network connection charges, informing government consideration of future energy infrastructure and planning policies.

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Lead Directorate: Environment, Planning and Sustainable Development

Portfolio/s: Sustainable Building and Construction
Water, Energy and Emissions Reduction

MINIMUM ENERGY PERFORMANCE REQUIREMENTS FOR RENTAL PROPERTIES

Talking points:

- The ACT Government is committed to ensuring that renters can enjoy the liveable homes that all Canberrans have a right to expect.
- Poorly insulated and energy inefficient housing can contribute to high energy bills and poor thermal comfort, affecting health and liveability.
- Renters living in these properties are either unable to make significant changes to the property or less able to afford energy efficiency measures like curtains, shading devices and more efficient appliances, leaving them subject to either discomfort or high energy costs.
- The Parliamentary and Governing Agreement for the 10th Legislative Assembly includes a commitment (A1.iii) to enact minimum energy efficiency standards regulations for rental properties in 2021.
- This reiterates Action 4.7 of the ACT Climate Change Strategy 2019-2025.
- To support delivery of this action, a Regulatory Impact Statement (RIS) was undertaken which considered minimum standard options along with consideration of issues such as safety and potential consequences for rental prices and availability. ACIL-Allen was commissioned to deliver this RIS. A round of engagement of key stakeholders to inform the RIS was undertaken in April and May. This included a survey of renters and rental providers through the ACT YourSay website. The results of the survey are available on the YourSay website.
- Three main options outlined below were considered through the RIS:
 - a minimum ceiling insulation standard; or
 - a minimum energy efficient heating standard; or
 - a 'performance' based standard, such as a minimum star rating, that gives rental providers a choice of upgrades to make.
- The option proposed for the standard is for rental homes with less than R2 insulation to be required to install or upgrade to a minimum of R5, where the R value is a measure of thermal performance and R5 is what is typically installed in new builds in Canberra. This was the option preferred from the RIS analysis.
- This standard will target the worst performing properties. There will also be a phase in period of several years to allow rental providers that don't meet the standard plenty of time to comply.

- Recognising that a minimum energy performance requirement may potentially impose costs on rental providers, the Parliamentary and Governing Agreement also commits to a \$50 million program to improve efficiency of housing for vulnerable households, including “financial incentives to implement minimum energy efficiency standards in rental properties.”
- Another round of community consultation and stakeholder engagement was undertaken in November and December last year. It garnered views on the proposed minimum standard and on how it should be implemented. These views have been considered and informed the detailed design of the regulation to enact the standard and associated measures.
- A “Listening Report” summarising the feedback received was released in April.
- We expect the regulation to commence in mid-2022 with the minimum standard being phased-in over several years.
- A communication campaign to explain the new regulation, including rental provider obligations under the regulation, will run in the lead up to its commencement and then through the phase-in period.

Key information:

- The 2016 Census identified that there were approximately 45,000 residential rental properties in the ACT.
- Housing ACT has close to 12,000 dwellings, representing about 25 percent of the total rental market, and about 50 percent of the low-income rental market, in the ACT.
- The *Residential Tenancies Act 1997* as amended in 2020, allows for a regulation to be made to require minimum standards for residential rental properties. The Act specifies that regulated minimum standards may relate to energy efficiency.
- There is a ‘split incentive’ barrier to landlords investing in energy performance improvements as tenants end up as the beneficiary through reduced energy costs and improved thermal comfort. Government intervention through a regulation is necessary to overcome this barrier.
- Many rental properties are already energy efficient. Well-performing properties are unlikely to be affected by these minimum requirements. The standard will not apply to lower floor units in apartment blocks, and dwellings where installation of insulation is physically unfeasible will be exempt.
- The impact analysis in the RIS shows that this minimum standard, with a four-year phase-in, would provide around \$18 million in benefits for the ACT. The analysis also shows that for every dollar spent on the minimum standard, it returns \$1.30 to the community.

Portfolio: Water, Energy and Emissions Reduction

VULNERABLE HOUSEHOLD ENERGY SUPPORT SCHEME (VHESS)

Talking points:

- The ACT Government recognises the need for a ‘just transition’ as part of its climate change response, to ensure all households can receive the benefits of lower emission homes.
- A key element of this recognition is that poorly insulated and energy inefficient homes contribute to higher energy bills and poor thermal comfort.
- Upgrades to improve thermal efficiency or replace inefficient appliances are expensive and can be difficult to afford particularly for Canberra’s most vulnerable households.
- To address these issues, the ACT Government has committed \$50 million to deliver a range of measures to reduce energy hardship for low-income homeowners, public, private, and social housing renters.
- Consultation with community stakeholders has led to a new overarching name for the suite of home energy efficiency programs that target vulnerable households. The *Home Energy Support Program* will incorporate the VHESS and the solar for low-income program.
- Funding from the 2021-22 Budget sees the introduction of rebates to support energy efficient home improvements for low income homeowners and existing housing providers registered under the Affordable Community Housing Land Tax Exemption Scheme.
- Phase two will commence mid-2022 and will also support the expected introduction of the minimum energy standards for rental homes, as well as a pilot to support low income home owners living with chronic conditions.
- Participating households will benefit from reduced energy costs and improved health and wellbeing outcomes realised through greater thermal comfort and adequate insulation.

Key Information

- **The Parliamentary and Governing Agreement** action A1. iv seeks to *“Implement a five-year, \$50 million program to improve building efficiency and sustainability for social and public housing, low-income owner-occupiers, and the lowest performing rental properties; this includes upgrades to government housing, and financial incentives to implement minimum energy efficiency standards in rental properties.”*
- The Scheme supports the following ACT Climate Change Strategy 2019-2025 goals:

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- 2.A - Support low-income residents
- 4.C - Climate-wise, zero emissions rental homes
- 4.D - Climate-wise, zero emissions public housing
- 4.E - Climate-wise, zero emissions low-income homes.
- The preferred option presented in the RIS for the Minimum Energy Standards for Rental Homes, proposed rental homes with less than R2 ceiling insulation be required to install or upgrade to a minimum of R5 ceiling insulation.
- The RIS impact analysis for the Minimum Energy Standards for Rental Homes shows, the preferred option with a four-year phase-in, would provide around \$18 million in benefits for the ACT. The analysis also shows that for every dollar spent on the Standard, it returns \$1.30 to the community.

Portfolio: Water, Energy and Emissions Reduction

ENERGY EFFICIENCY IMPROVEMENT SCHEME

**Note: Figures provided in this QTB incorporate reported 2020/21 data that is currently undergoing compliance verification; figures are expected to marginally change following final data validation **

Talking points:

- In 2020-21, the Energy Efficiency Improvement Scheme (EEIS) delivered energy and bill savings for close to 2,700 participating ACT households that received energy efficiency upgrades under the Scheme.
- The Energy Savings Target (EST) is set at 12.5% for the 2022 compliance period (calendar year).
- The EST represents the total energy savings to be achieved by retailers in each compliance period. It is expressed as a percentage of their total sales in the ACT.
 - Larger electricity retailers (Tier 1) must meet this target by undertaking eligible energy saving activities.
 - Smaller electricity retailers (Tier 2) can meet the target by undertaking eligible energy saving activities, but have the option to pay an Energy Savings Contribution (ESC) of 12.5% of their electricity sales.
- The EST has increased from 8.6% in 2021 to 12.5% for the 2022 compliance period.
 - This adjustment reflects the transition of the Scheme from a greenhouse gas emissions to an energy savings metric since the ACT achieved its 100% renewable electricity commitment.
 - The increase in the EST is to maintain the intended ambition of the Scheme.
- The Priority Household Target (PHT) has increased from 30% to 40% for the 2022 compliance period. This will help to expand opportunities for low-income priority households in the Territory to reduce their energy use and costs.

Key Information

- From the Scheme's commencement in 2013 up to 30 June 2021:
 - Close to 78,500 households and businesses have benefited from the Scheme, including close to 20,400 priority households.
 - The close to 20,400 priority households, which includes rental properties, have experienced lifetime bill savings of over \$100 million.
 - Over 4,300 small- and medium-sized businesses have received commercial LED lighting upgrades worth over \$200 million in lifetime energy bill savings. Average lifetime energy bill savings for businesses is approximately \$50,000. This equates to just under \$100 per week in bill savings.
 - More than 40% of ACT households have participated in the Scheme.

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Background Information

- The EEIS was established under the *Energy Efficiency (Cost of Living) Improvement Act 2012*. The scheme aims to encourage the efficient use of energy; reduce greenhouse gas emissions associated with energy use; reduce energy costs; and assist priority households to reduce energy use and associated costs.
- The EEIS requires electricity retailers to make energy savings in households and small-to-medium businesses. Electricity retailers achieve this by either undertaking eligible activities that deliver energy efficient appliance upgrades (e.g. installation of efficient heating, insulation, lighting etc.), or by making a financial contribution to the scheme.
- The EEIS adds approximately 40c per week to ACT household electricity bills (for an average household that uses 6,370kWh¹) in pass-through costs (*note: pass-through costs are calculated on standing offer contracts*).
- The EEIS is legislated to 2030 and is a key mechanism for delivering on the ACT Climate Change Strategy 2019-2025.
- On 1 January 2021, the EEIS transitioned from a greenhouse gas emissions to an energy metric in response to the Territory meeting the 100% renewable electricity target.
 - The 2020 compliance year (1 January - 31 December 2020) was therefore the final year to report abatement in tonnes of carbon dioxide equivalent (tCO₂-e).
 - Energy savings of the scheme measured are in megawatt-hours (MWh).

¹ Representative household consumption as defined by the AER's annual retailer markets report 2020-21 Jurisdictional snapshot. Anticipated cost of schemes as provided by ICRC Retail Electricity Price Recalibration 2021-22: standing offer prices for the supply of electricity to small customers. Report 11 of 2021, June 2021.

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Lead Directorate: Environment, Planning and Sustainable Development

Portfolio: Water, Energy and Emissions Reduction

ZERO EMISSIONS GOVERNMENT

Talking points:

- ‘The ACT Climate Change Strategy 2019-25’ (the Strategy) sets emissions reduction targets in Government operations of:
 - 33 percent reduction on 2020 levels by 2025; and
 - net zero by 2040.
- These targets demonstrate that Government is leading by example to showcase best practice sustainability in Government operations. Key successes to date include:
 - Agreement to the Canberra Hospital Expansion being all-electric, a first for a major hospital facility in a cold climate in the southern hemisphere
 - Agreeing that all future schools will be all-electric including our first two all-electric schools.
 - Opening the Dickson Office Block, Canberra’s first all-electric major office block.
 - 100% of new fit-for-purpose vehicle leases in 2020-21 were zero emissions.
 - Committing to the purchase of a hybrid electric fire truck, a first in Australia.
 - Releasing the Zero-Emission Transition Plan for Transport Canberra and starting the process of purchasing zero emissions buses.
- Government Directorates have now established five-year emissions reduction targets for 2025. These provide accountability and transparency of progress towards Government targets. The Canberra Health Services pathway is currently under development.
- Government has established a Social Cost of Carbon, a dollar value per tonne of emissions generated, based on the projected cost of climate change damages. It will be used to measure the costs and benefits of alternative emissions reduction options and to prioritise public investment.
- Government has implemented a Social Cost of Carbon at an interim price of \$20 per tonne of emissions to support projects to reduce Government emissions. This price will not be applied outside of Government, to business or community.
- In 2021-22 the Social Cost of Carbon funded the following projects:
 - Yarralumla nursery gas to electric boiler upgrade \$800,000.
 - 255 Canberra Avenue gas to electric heating upgrade, coupled with solar \$197,120.
 - Fadden Primary School gas to electric heating upgrade, coupled with energy efficiency upgrades \$400,000.

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Lead Directorate: Environment, Planning and Sustainable Development

Key Information

- The two largest sources of ACT Government emissions are transport fuel use (60 percent of Government emissions) and gas use (40 percent of Government emissions). The Strategy sets out to achieve these targets by establishing actions including:
 - transitioning passenger fleet to zero emissions (where fit for purpose);
 - ensuring new government buildings and leases are all-electric and replacing gas systems with electric at the end of their economic lives (where fit for purpose);
 - a roadmap for transitioning Transport Canberra buses to zero emissions
 - a pathway to zero-emissions health sector by 2040.
- The ZEG Fund is a no interest loan fund for Government agencies to finance emissions reduction activities. Loans are repaid using operational savings generated by projects. The loan fund has implemented 36 projects to the value of \$17 million.
- Justice and Community Safety Directorate, with support of the ZEG Fund, is piloting a hybrid fire truck that will be based at an all-electric depot. The truck will be operational from the second half of 2022.

Background Information

- The 2020 Parliamentary and Governing Agreement sets out to reaffirm and expand on the commitments of the Strategy, including actions such as:
 - ensuring all new Government buildings (including leases) are fossil-fuel free;
 - all retrofits will have an aim of net-zero emissions post retrofit; and
 - implementing a pathway for the ACT to use only zero emissions public transport and garbage trucks by the mid-2030s, with no further purchase of non-zero emissions buses.
- In 2021, the Climate Change Council developed a report to support the Government to implement a Social Cost of Carbon in the ACT. The Council's report is publicly available on the ACT Government website. [The link to this work is here.](#)
- In 2021, the ACT also received a report from economist Nicki Hutley titled 'A Social Cost of Carbon for the ACT' that provided international examples of best practice use of the Social Cost of Carbon in governments globally. The Council's report is publicly available on the ACT Government website. [The link to this work is here.](#)

Portfolio/s: Water, Energy and Emissions Reduction**CESSATION OF THE SOLAR FOR BUSINESS TRIAL****Talking points:**

- The Solar for Business Trial Program was designed to assess barriers to business uptake of solar panels. Surveys had indicated that lack of information and up front financial costs were the main potential barriers.
- 93 small businesses and community organisations claimed a \$5,000 rebate to install rooftop solar systems under the trial. Most of these systems are under 15 kilowatts (kW) in size.
 - These 93 small businesses and community organisations received \$459,690 in rebates and installed 1402 kW of solar capacity.
 - These small businesses and community organisations saved a combined 1540 MWh in annual electricity consumption equating to around \$470,300 in annual electricity bill savings.
- A further 101 larger businesses received support with information and technical assistance only, often in relation to much larger solar systems. A number of these businesses have gone on to install solar systems, although we do not have detailed information on these outcomes.
- Evaluation of the program has been completed and options to further support business solar uptake have been sent to you for approval.
- Feedback is that information and advice is extremely valuable; coupled with the rapid payback from solar panels associated with rebates provides strong support for business uptake.
- The experiences of businesses involved in the program provide the basis for case studies to encourage other businesses to take up solar. This experience is also integrated into advice provided to businesses under the Actsmart Business Energy and Water Program.

Background Information

- The Solar for Business Trial commenced in February 2019 and provided independent, tailored advice on the installation of rooftop solar to all businesses in the ACT.
- The Solar for Business Trial ended on 31 December 2020 with rebates ceasing on 30 June 2021 which allowed time for businesses to complete installations.

Portfolio: Water, Energy and Emissions Reduction

SCOPE 3 EMISSIONS

Talking points:

- In August 2020, the then Minister for Climate Change and Sustainability directed the Commissioner for Sustainability and the Environment (the Commissioner) to conduct a special investigation into the ACT's Scope 3 greenhouse gas emissions.
- The Commissioner submitted the report 'Scope 3: Greenhouse Gas Emissions in the ACT – An Investigation of Current Scope 3 Emissions and Potential Future Reductions' on 28 September 2021. This report was tabled in the Legislative Assembly on 11 November 2021.
- The ACT Government is considering a response to the recommendations of the report and the response is due this month.
- Scope 1 emissions are emissions produced directly in the ACT. When we drive petrol or diesel cars, when we burn gas to heat offices or homes, and when organic waste in landfills degrades, this releases greenhouse gas emissions for which we are directly responsible. The ACT Government continues to focus on reducing these emissions, especially through maintaining 100% renewable electricity, developing the gas transition plan and increasing the uptake of zero emissions vehicles.
- Scope 2 emissions are those emissions produced in making the electricity we consume. The ACT Government has reduced these emissions to zero through the supply of 100% renewable electricity to the ACT.
- Scope 3 emissions are emissions that occur outside of the ACT as a result of activities undertaken within the ACT. For example, emissions resulting from the production of steel used for housing in the ACT would be Scope 3 emissions.
- The Commissioner provided twelve recommendations for ACT Government to account for and reduce Scope 3 emissions.
- The recommendations focus on strengthening the ACT Government's leadership on climate action; changes for ACT Government operations; actions for households; and reducing emissions from the construction industry.
- The recommendations aim to effectively account for and reduce Scope 3 emissions in the ACT.
- The recommendations are being carefully considered by government and a response will be provided in 2022.

Key Information

- In accordance with the *Commissioner for Sustainability and the Environment Act 1993*, the ACT Government must formally respond within six months of the

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submission's presentation to the Legislative Assembly. However, in this instance, the Government response to the report will take longer than the legislated timeframe.

- The recommendations on scope 3 relate to all ACT Government Directorates and a range of portfolio responsibilities including climate change response, government operations, industrial relations, waste management and regulation of the building industry. The breadth of areas and actions covered by the recommendations require further detailed examination.
- The ACT Government needs more time to work with all Directorates to be able to provide an appropriate response to the recommendations.

Background Information

- The Terms of Reference established by the then Minister for Climate Change and Sustainability were:
 - By September 2021, the Office of the Commissioner for Sustainability and the Environment will consider:
 - Methodologies for measuring scope 3 emissions;
 - Effective ways to reduce scope 3 emissions;
 - Appropriate targets for reduction; and
 - Recommendations for short and long-term action in this area.

Portfolio: Water, Energy and Emissions Reduction

WATER QUALITY (BLUE GREEN ALGAE)

Talking points:

- Water quality of ACT lakes, ponds and waterways is dependent on the condition of the catchments and levels of nutrient or other chemical pollution in those catchments.
- The ACT Government is committed to continually improving the health of the ACT's urban waterways and lakes. The Healthy Waterways Program and review of water governance arrangements are key parts of its strategy.
- The quality of drinking water is managed by Icon Water to Australian standards.

Key Information:

Lake and Waterways Closures

- As of 30 March 2022, the following sites have been closed for swimming (primary contact recreation):
 - Lake Ginninderra – Bargang beach due to elevated bacteria levels.
 - Lake Tuggeranong – Tuggeranong Town Park, Nguru and Ngadyung beaches due to blue green algae and elevated bacteria levels.
 - Murrumbidgee River – Uriarra East and West, Swamp Creek Beach, Pine Island and Tharwa Bridge due to elevated bacteria levels.
 - Paddy's River (Murray's Corner) due to elevated bacteria levels.
 - Lake Burley Griffin – There are not restrictions at this time.
- Lake and river closure information can change rapidly. For up-to-date information on all waterways except Lake Burley Griffin see:
https://www.cityservices.act.gov.au/news/water_quality_in_our_lakes_and_ponds
 - The Environmental Protection Authority monitors lake water quality for blue-green algae.
- For information on Lake Burley Griffin, visit [The Swim Guide](#), press **Go to Map** and zoom in to the lake. Also see the [NCA website for this waterway](#).
- Blue-green algae outbreaks occur due to a combination of high temperatures, high nutrient levels and calm weather conditions. These conditions commonly occur in a number of lakes across the ACT; in particular, in Lake Tuggeranong during the warmer months.
- Blue-green algae blooms are naturally occurring but urban run-off contributes excessive nutrients to the lake which increases the frequency and duration of algal blooms.

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- Bacteria (Enterococci) levels are known to become elevated after rainfall due to run-off from stormwater pipes, grazing land and upstream water bodies. The ACT Health Protection Service conducts water testing for bacteria (Enterococci).

Measures to Improve Water Quality

Healthy Waterways Program:

- In February 2021, the ACT Government announced an additional \$1.5 million to plan Stage 2 of ACT Healthy Waterways. Planning activities are underway and expected to be completed by March 2022.
- A further \$5 million was committed by the ACT Government in October 2021 to the *Expanding Healthy Waterways* initiative. This comprised \$1.6 million in capital works and \$3.4 million in expenses.

ACT Water Governance:

- The ACT Government committed through the Parliamentary Agreement to consider the best administrative arrangements to manage new water programs and provide a holistic and coordinated approach to water programs and policy.
- The Environment, Planning and Sustainable Development Directorate has conducted a review of current governance arrangements for water management in the ACT. The review provides the foundation for improvements to support the ACT Government's water and catchment management agenda.

Stormwater management:

- The ACT has over 6,000 km of stormwater pipes, as well as other stormwater infrastructure. Stormwater operations and maintenance have an important role in restricting flooding of public roads and private properties, protecting these and other assets from water damage. However, this can come at a cost of poorer water quality in receiving waters, which is the reason for stormwater improvement programs like Healthy Waterways.
- The Transport Canberra and City Services Directorate operates and maintains the stormwater network to assist in minimising the risk of blue-green algae blooms through activities such as cleaning gross pollutant traps, desilting sediment basins, unblocking and monitoring the stormwater network, and litter pickup around waterways.

Portfolio: Water, Energy and Emissions Reduction

WATER SECURITY AND EFFICIENCY

Talking points:

- Long-term water security is critical to the continued growth and prosperity of communities within the ACT region.
- The ACT Government has strengthened its resolve to future-proof our region. EPSDD are considering the best administrative governance arrangements to provide a holistic, coordinated approach to water programs and policy, and to reinforce future water security planning and management.
- Having full water storages (such as at present) is only one aspect of water security and does not allow for complacency. Permanent Water Conservation Measures will remain in force and the ACT Government is continuing to examine measures to improve water use efficiency.
- The ACT Government works closely with Icon Water, as the ACT's supplier of water and sewerage services, in planning for water security under current and future climate scenarios.

Key Information:

Water availability

- Water storage levels in the ACT are at 100% (as at 22 April 2022). The Bureau of Meteorology's seasonal forecast indicates a continuation of above median rainfall and temperatures for April to June 2022.

Water security planning and management

- Icon Water regularly reviews the ACT's water supply, which is determined by storage levels and other factors including predicted demand, climate outlook, regional water availability and catchment conditions.
- Icon Water has conducted a series of community forums to seek views on future water supply options. These views are informing a review of their Source Water Strategy (2018) and drought management planning. The Source Water Strategy sets out how Icon Water will meet service expectations for water supply.
- The ACT Government-initiated 'Water Security Workshops' in 2020 provided stakeholder insights into the major challenges and issues around long-term water security and water governance for the region.
- Under the ACT Water Strategy 2014–44, Icon Water is required to maintain water security such that the current water supply system should meet unrestricted demand for the ACT and Queanbeyan 95% of the time until at least 2030.
- Icon Water currently provides urban water for a combined Canberra and Queanbeyan population of approximately 450,000 residents.

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Portfolio: Water, Energy and Emissions Reduction**HEALTHY WATERWAYS****Talking points:**

- Four bioretention swales have been built to replace existing grass swales draining the Kambah Playing Fields, which have been detected leaking nutrients into stormwater. These are due for initial handover in late April 2022, before final handover of civil elements following a 1-year defect liability period and the establishment of soft landscaping (6 months) and water quality plants (2 years).
- A pilot H2OK public education campaign has progressed that targets household management of grass clippings and leaf fall in yards and in bordering suburban streets. The aim of the campaign is to minimise the amount of plant matter ending up in drains. The pilot kicked off in late January 2022 and includes a number of [Facebook posts](#) and a [sister website](#), with videos still to come and cross-posting on other social media platforms.
- There have been delays in deploying the floating wetland in Yerrabi Pond due to supply chain issues and approvals. This is still expected to be deployed in this financial year unless approvals take longer than planned.
- A 2021-22 mid-year budget bid to secure the remaining funding for the \$30 million *Expanding Healthy Waterways* program, as per the commitment in the Parliamentary and Governing Agreement (PaGA) for the 10th Legislative Assembly, has been submitted. \$14 million in funding for this work, announced on 8 April, will—
 - Allow for 11 new water quality assets to be built on top of 3 already built in ‘Stage 2’ of Healthy Waterways. These will include several innovative designs that remove nutrients at the source of pollution, expanding the infrastructure options available to ACT water managers to improve water quality.
 - Expand the activities of The Leaf Collective, which aims to prevent leaves and grass clippings from polluting stormwater, to spread out across Canberra and through until June 2023.
 - Enable the Government to work internally and to engage externally with public and private landowners to reduce fertiliser use in catchments.
 - Support the restoration of a rural or conservation catchment in the ACT (Naas and/or, Paddy’s or Cotter Rivers).
 - Extend the research in the Lake Tuggeranong catchment to track down the sources of water pollution so these can be addressed via infrastructure and programs like The Leaf Collective.
 - Help the Government develop new modelling and reporting tools to better manage water quality.

Background:

- ACT Healthy Waterways aims to reduce sediment and nutrient pollution of ACT lakes and waterways, and the problems that the pollution causes like algal blooms.
- ‘Stage 1’ of ACT Healthy Waterways, begun in 2014 as a \$94 million joint initiative of the Australian and ACT Governments. It was completed in June 2021. Stage 1:
 - Designed and built 19 large water quality assets—raingardens, ponds, wetlands and channel restorations—according to ‘water sensitive urban design’ (WSUD) principles.
 - Carried out a major riparian restoration.
 - Conducted a public education/behavioral change program, known as *H2OK: Keeping our Waterways Healthy*.
 - Performed research into pollution, blue-green algal blooms and control methods.
 - Monitored and modeled ACT waterways to facilitate improved management.
- The ACT Government commenced ‘Stage 2’ of ACT Healthy Waterways in the 2019-20 mid-year budget with an investment to fix a malfunctioning gross pollutant trap at the bottom of Village Creek, where the stormwater enters Lake Tuggeranong and construct a Canberra first floating wetland. This was delivered in March 2021 when the Minister for Water launched the wetland.
- This is the first large-scale deployment of a floating wetland in the ACT and is a two-year trial. The aim is for the wetland to compete with blue-green algae for nutrients and light, preventing algal blooms in the bay that then spread to the lake.
- The floating wetland in Lake Tuggeranong has now twice broken its anchors in storms and is being re-deployed further out in the lake, away from the constricted bay where the force of the flows can be quite violent. This may reduce the effectiveness of the wetland at preventing algal blooms from forming in the bay. It is important to bear in mind that this deployment is a trial and that Environment, Planning and Sustainable Development Directorate (EPSDD) are learning useful lessons from.
- In February 2021, the ACT Government committed \$1.5 million to begin planning for a broader program of work in Stage 2 of ACT Healthy Waterways, aligned to the *Expanding Healthy Waterways (\$30 million over 4 years)* commitment in the PaGA for the 10th Legislative Assembly.
- The focus of *Expanding Healthy Waterways* is on preventing stormwater pollution from occurring in the first place, using street-scale WSUD infrastructure and new approaches to managing green space within suburbs.
- In October 2021, a further \$5 million was committed to *Expanding Healthy Waterways* to:
 1. Design and build in 2021-22:
 - Two floating wetlands are being deployed in Yerrabi Pond (June 2022).

- Four bioretention swales are being built to replace existing grass swales draining the Kambah Playing Fields, which have been detected leaking nutrients into stormwater (April 2022).
- 2. Plan five water quality ‘treatment trains’ — a series of assets in a drainage line that aim to reduce pollution below a target level — in the following catchments:
 - Village Creek
 - Fadden Pond and downstream drainage
 - Tuggeranong Creek
 - Kippax Creek
 - Emu Creek, Belconnen.

These catchments were chosen on the basis of 1) feasibility to explore innovative options, 2) strong community demand, while extending Healthy Waterways activities across Canberra.
- The actual construction of treatment train assets is subject to further funding.
- The remainder of the \$5 million in funding is being used to:
 - Investigate the source of pollutants in the Lake Tuggeranong catchment, so that water quality infrastructure can be well targeted.
 - Run H2OK public education campaigns targeting grass clippings and leaf fall in yards and bordering suburban streets.
 - Prepare catchment plans for several urban lakes and ponds.
 - Enhance EPSDD’s water quality modelling capability, to underpin the catchment planning process.
- The focus of water quality research and modelling in 2021-22 is on water quality in the Lake Burley Griffin catchment, pollution sources in the Lake Tuggeranong catchment, and the response of blue-green algae in both lakes.
- Modelling of Lake Burley Griffin and its catchment has informed EPSDD’s response to the draft Environmental Impact Statement for the proposed upgrade to the Queanbeyan Sewage Treatment Plant.

Portfolio: Water, Energy and Emissions Reduction

COMMUNITY ZERO EMISSIONS GRANTS PROGRAM

Talking points:

- The Government has committed \$600,000 over 4-years in the 2021-22 Budget to continue the Community Zero Emissions Grants Program.
- This funding will continue to support community-led projects that help the ACT reach its target of net zero emissions by 2045 and increase our community's resilience to the impacts of climate change.
- Round five of the program opened on 1 February 2022 with \$150,000 of grant funding available. Applications for Round five of the program closed on 25 March 2022.
- Grant applications up to \$50,000 available per single application and \$75,000 for joint applications.
- The program priority areas for round five are reducing greenhouse gas emissions from transport and natural gas use as well as supporting the community to prepare for and adapt to the impacts of climate change, including more extreme heat waves, bushfires, droughts and storms.

Key Information:

Previous funding under the Community Zero Emissions Grants Program

- The Government's 2021-22 Budget commitment builds on previous funding of \$550,000 over 4-years (2017-18 to 2020-21).
- This funding delivered projects and activities that aimed to:
 - develop and implement innovative solutions and generate new knowledge and information to support a community transition to net zero emissions by 2045;
 - assist the community to reduce greenhouse gas emissions in the ACT; and
 - drive greater community awareness of and engagement in the transition to net zero emissions.
- Four rounds were delivered through the Government's previous funding commitment, with a total of 23 funded applications.
 - Under each round, a maximum of \$25,000 (excluding GST) was available to eligible individual applicants and up to \$50,000 (excluding GST) for joint applications.
- The most recent round (Round Four) provided a total of \$127,424 in funding to support five successful applications.

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Background Information:

- In Round One, 19 grant applications were received and assessed, with six applicants successful, sharing \$117,910 in grant funding.
- In Round Two, 16 grant applications were received and assessed; with seven applicants successful, sharing \$167,528 in grant funding.
- In Round Three, 20 grant applications were received and assessed; with seven applicants successful, sharing \$160,117 in grant funding.
- In Round Four, 16 grant applications were received and assessed; with five applicants successful, sharing \$127,424 in funding.

Portfolio/s: Sustainable Building and Construction

Planning and Land Management

Water, Energy and Emissions Reduction

LIVING INFRASTRUCTURE PLAN (including DV369)

Talking points:

- The ACT Government is committed to achieving sustainable development outcomes that meet the needs of the growing population, while retaining the values, features and landscape setting that make Canberra unique.
- The ACT Government recognises that population growth, urban densification and climate change pose challenges for how we achieve this outcome.
 - Continued urban expansion puts pressure on the valued natural resources that surround the city such as our bushland and grasslands, landscape setting and connectivity of ecosystems.
- Urban densification introduces new challenges for which innovative and ecologically sustainable urban development solutions will need to be considered and adopted.
- The ACT Government is committed to planning for connected open space networks and sufficient tree canopy cover for public spaces and to mitigate against the loss of tree canopy cover, permeable surfaces and planting area as a result of urban intensification.
- *Canberra's Living Infrastructure Plan: Cooling the City* outlines the ACT Government's commitment to addressing urban heat, primarily by protecting and improving living infrastructure within urban Canberra.
- Living Infrastructure helps to make our city 'climate-wise', enhancing its capacity to cope with the impacts of urban densification and climate change by reducing urban heat island effects, increasing access to shade, and safeguarding urban landscape function and health.
- The Living Infrastructure Plan has established targets of 30 percent tree canopy cover (or equivalent) and 30 percent permeable surfaces by 2045 within the built environment footprint. They are an important element of achieving the sustainability and resilience objectives for our city set out in the *ACT Planning Strategy 2018*.
- Achieving the Plan will rely on collective and collaborative efforts across Government, community and the business sector.
- Current action being undertaken by the ACT Government includes:
 - Planting of 54,000 trees in Canberra between 2020-21 and 2023-24 to contribute to the 30 percent canopy cover (or equivalent) target for Canberra's urban footprint.

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- The Development of an Urban Forest Strategy to support the long term strategic management and growth of the urban forest. The final Strategy was released on 30 March 2021.
- Demonstration projects such as the Whitlam Display Village which trials innovative living infrastructure solutions such as passive irrigation, permeable driveway surfaces and advanced street tree planting.
- Introducing changes to the Territory Plan requirements, notably to the draft Territory Plan Variation 369 – Living Infrastructure in Residential Zones which are outlined below -
 - These requirements don't go all the way to achieving the Plan's targets, but they significantly strengthen the contribution that residential developments make to tree canopy and green infrastructure.
 - Further amendments to planning processes in the future will be introduced to support the ACT reaching its targets by 2045.

DV369 – Living Infrastructure in Residential Zones

- This draft Variation proposes higher requirements for the minimum planting area, along with new requirements for planting of trees for older blocks with a residential zoning.
- DV369 also introduces new site coverage requirements for different sized residential blocks, introduces a new definition for deep soil zone and strengthens the definitions for site coverage and planting areas.
- Changes to the recommended version respond to community feedback that living infrastructure should be embedded across private and public land. These included adjustments for small blocks to enable an appropriately sized home to be built while providing planting area on the site.
- The recommended version of DV369 and associated consultation report were made available to the public on Friday 29 October 2021 on the Legislation Register and EPSDD website.
- The Standing Committee on Planning, Transport and City Services advised that an inquiry into DV369 will not be conducted at this time.
- Industry information sessions on the changes proposed with DV369 were held during the weeks of 21 and 28 February 2022.
- Given the significant impact that this change will have across the Territory, particularly for people who have purchased compact blocks, the proposed changes will not apply to blocks that were approved in an estate after 1 January 2020. This means that the majority of new, vacant blocks will not be required to comply with this variation.
- I do not want to disadvantage people who have bought house and land packages in good faith. Similarly, I want to ensure the best possible way to increase our tree cover and permeability.

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2020 Tree Canopy Cover Estimate

- Updated Light Detection and Ranging (LiDAR) analysis has allowed us to more accurately estimate current tree canopy coverage and provides us with a better picture of our living infrastructure in Canberra.
- Canberra's Total Canopy Cover (TCC) in 2020 was estimated to be 22.5 percent of Canberra's urban footprint.
- This provides a new baseline and helps identify areas where canopy cover is low so planting efforts can be prioritised.

Key Information

- In 2017, the ACT Government commissioned CSIRO to study Canberra's urban heat island effect. The research found that Canberra's summer land surface temperatures can be up to 10 degrees Celsius hotter than surrounding rural areas.
- Common measures to reduce urban heat include trees, watered grass, shading structures, wetlands, green walls and appropriate building and surface materials.

Background Information

- The Plan was released in September 2019. Canberra currently has an estimated 22.5 percent TCC, although this is not evenly distributed across the city.
 - This latest estimate has been prepared using LiDAR data captured in 2020 and represents the most recent analysis of TCC in urban Canberra.
- The urban heat island effect occurs when urban areas are warmer than surrounding rural areas. This is often due to buildings, roads and pavements (built environment) absorbing heat, which is then slowly released, leading to higher temperatures at both day and night.

2020 Tree Canopy Cover Estimate

- On 28 October 2021, the Minister for Transport and City Services, Mr Chris Steel MLA, released new estimates for tree canopy cover in Canberra.
- The estimates were prepared by staff in both EPSDD and TCCS using an updated methodology and LiDAR (Light Detection and Ranging) data collected in April 2020.
- The new estimate replaces the previous estimate using 2015 LiDAR data that was found to be unreliable due to inaccuracies in the data and the time of year the data was collected. Consequently, direct comparisons between the current 2020 estimate and the previous 2015 estimate should not be made.

Portfolio: Water, Energy and Emissions Reduction

ENERGY EMERGENCY MANAGEMENT

Talking points:

- The safe, secure and reliable provision of energy services is critical to the functioning of the ACT economy and to the safety of the community.
- The ACT Energy Emergency (Coordination) Plan (the Plan) is a supporting plan of the ACT Emergency Plan. It provides a framework for a coordinated approach to an actual or imminent event relating to the supply of electricity, gas and/or liquid fuel, locally and nationally. The Plan was reviewed during 2019 and 2020, and an updated plan was approved by the ACT Emergency Services Agency Commissioner in July 2020.
- On 8 October 2021 the ACT Government participated in a national emergency exercise that tested the Plan in scenarios that included electricity and gas supply shortages.
- As the responsible Minister, a number of pieces of ACT legislation provide me with emergency powers to manage or ration the supply of energy in the event of an emergency.
- The ACT Energy Emergency Plan was not activated in 2021 and has not been activated so far in 2022.
- The ACT Energy Emergency Plan was activated three times in 2020, in response to the Australian Energy Market Operator (AEMO) advising a shortage of electricity supply reserves in the NSW region of the National Electricity Market.
 - In all instances severe heat conditions led to increased electricity demand and the subsequent low reserve conditions. The incident on 4 and 5 January 2020 was further complicated by bushfires impacting electricity transmission infrastructure. ACT residents were requested to voluntarily reduce electricity consumption during these emergency events.
 - Thankfully, on all three occasions there was no need for further action or use of emergency powers.

Key Information

- The AEMO operates the National Electricity Market and coordinates national gas network infrastructure.
- In the event of an energy emergency, the Environment, Planning and Sustainable Development Directorate (EPSDD) seeks advice from AEMO and advises the ACT Government on an appropriate response to the situation.

Portfolio: Water, Energy and Emissions Reduction**RENEWABLE ENERGY AND STORAGE PROGRAMS****Talking points:**

- The ACT has reached 100 percent renewable electricity 'on and from' 2020, with eleven large feed-in tariff supported projects completed.
- The renewable auctions also leverage more than \$500 million over 20-years in local investment.
- The \$25 million Next Generation Energy Storage (Next Gen) program has supported the installation of over 2,281 energy storage systems, or 11.1 megawatts (MW) of sustained peak output, to date.

Key Information:

- Around 26,000 Canberra households and businesses have installed rooftop solar, totalling around 125MW. With our large-scale solar farms, there is already over 165 MW of solar capacity in the ACT.
- The renewable energy auction held in November 2019 will deliver new supply to cope with forecast future demand growth as our city's population increases. Two projects were secured through the auction to deliver 200MW of renewable electricity to the ACT – Global Power Generation's Berrybank wind farm in Victoria and Neoen's Goyder wind farm in South Australia. The Goyder wind farm and Berrybank 2 wind farm are both in construction stage.
- The Government has published a methodology on how the renewable electricity target will be measured over time. Progress was reported in December 2020 and will be reported every year following.
- The \$25 million Next Gen program is supporting the installation of up to 36 MW of distributed energy storage in the ACT.
 - Twenty retailers have been accepted to the program. The retailers are Mondiaux, Stored Solar, Reposit Power, Sunbank Solar, Stag Electrical Solar & Refrigeration, Select Electrical & Solar Solutions, Lighting and Energy Conservation Australia, Solar4Life, Solargain, ECG Electrical, Solarhub, Solahart Canberra, Ron Burrell Electrical and SunStak, Power Ideas, Innovate Energy, Sunbuilt Solar, Solarforever, GStar, Malwa, Polygon Energy and First Sun Solar.
 - 22 retailers provide the ACT Community with a wide range of options and helps support the Sustainable Households Scheme.
- The Australian National University's Battery Storage and Grid Integration Project is supported by \$5 million from the ACT's Renewable Energy and Innovation Fund (REIF) and continues to deliver its milestones. The project has entered its fifth and final year.

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Lead Directorate: Environment, Planning and Sustainable Development

- REIF Direct Grant Round 2 recipients who received in total \$1.1 million, continue to deliver upon their milestones. Two of the seven projects have been completed and the remaining projects continue to make progress.

Background Information:

- The Next Gen Program was established to:
 - stimulate the rollout of distributed solar energy storage in the ACT;
 - assist the development of ACT-based energy storage industry, research and training; and,
 - extend ACT's national leadership position in renewables.
- The Next Gen program won the Cities Power Partnership Renewable Energy Achievement Award in August 2019.

Western Edge- Environmental Values and Conservator inputs**Talking points:**

- A Preliminary Ecological Review and Assessment of the Western Edge investigation area was undertaken in 2020-21. This identified known environmental values for the area and recommended additional flora and fauna surveys to appropriately identify and describe the significant ecological values that occur in the Western Edge investigation area.
- This Review and Assessment further recommended engaging experts to conduct additional reviews and analysis, particularly with respect to aquatic ecology and habitat connectivity.
- Consultants are currently being procured to undertake a Land Use Capability and Suitability Assessment, as well as an Aquatic and Riparian Literature Review. Further studies anticipated for this financial year include:
 - Environmental surveys (targeted) consistent with best practice methodologies and EPBC criteria.
 - Cultural Values Assessment.
 - Aquatic and Riparian Benchmarking Study.
- There is currently relatively limited information available on the ecological values present, particularly in relation to aquatic values. These studies may need to continue into future years to ensure that there is sufficient knowledge of the values to support future Commonwealth and ACT statutory environment approvals
- The Western Edge Investigations Project is being run jointly between Strategic Planning and the Environment, Heritage and Water Division (EHW) within the Environment, Planning and Sustainable Development Directorate, including significant involvement of the Conservator of Flora and Fauna and EHW ecologists.

Key Information

- Known significant ecological values identified in the Preliminary Ecological Review and Assessment include:
 - Natural Temperate Grassland, a critically endangered ecological community
 - Yellow Box-Blakely's Red Gum Woodland, a critically endangered ecological community
 - Vegetation maintaining local and regional habitat connectivity
 - Five threatened flora species
 - 47 rare and uncommon flora species
 - 12 threatened bird species including 513ha of confirmed Superb Parrot breeding habitat, and an additional 423ha of potential breeding habitat
 - 16 rare or conservation dependent bird species

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Lead Directorate: Environment, Planning and Sustainable Development

- Pink-tailed Worm-lizard, including 617ha of confirmed habitat, and an additional 73ha of potential habitat.
- Golden Sun Moth, including 105ha of confirmed habitat, and additional potential habitat
- Small Ant-blue Butterfly
- Three threatened fish species

- Consultants have recently been procured to undertake a:
 - Land Use Capability and Suitability Assessment, in broad terms:
 - Undertaking a land capability assessment;
 - Establishing land use areas and boundaries;
 - Undertaking a land suitability assessment;
 - Developing land use scenarios and analysis; and
 - Recommendations for next steps and further work.
 - Aquatic and Riparian Literature Review (desktop study), in broad terms:
 - Reviewing and identifying aquatic and riparian values and impacts;
 - Identifying and mapping environmental and ecological values; and
 - Recommending future aquatic and riparian surveys.

- The following investigations have been completed:
 - Preliminary Air Quality Assessment Report;
 - Preliminary Contamination Assessment;
 - Preliminary Geotechnical and Hydrogeological Assessment;
 - Water Values and Environmental Hydrology Assessment;
 - Preliminary Cultural Heritage Assessment;
 - Landscape Character Values and Visual Assessment;
 - Preliminary Bushfire Risk Assessment;
 - Preliminary Ecological Review and Assessment; and
 - Preliminary Assessment of Engineering Infrastructure Opportunities and Constraints.

Background Information

- The *ACT Planning Strategy 2018* (Planning Strategy) included a commitment to investigate the opportunities to provide future greenfield development in the Western Edge, once Gungahlin and the Molonglo Valley are developed.
- The 2019-20 ACT Budget (EPSDD E22) allocated \$1.15 million over two years for scoping and preliminary studies to assist in determining the long-term use of land to the west of Canberra – referred to as Western Edge investigations.
- The Western Edge investigation area is approximately 9,800 hectares and is bordered by the Murrumbidgee River and the existing urban areas of Weston Creek, Molonglo Valley and Belconnen.

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Portfolio: Environment

RED HILL INTEGRATED PLAN – ENVIRONMENT CONSIDERATIONS

Talking points:

- The ACT Government endorsed the final Integrated Plan for Red Hill Nature Reserve and Surrounds on 9 June 2021.
- The Red Hill Integrated Plan is strongly supported by local stakeholder groups including: the ACT Conservation Council, Red Hill Regenerators, Friends of Grassland, the Hughes Woodland Group, Garran and Hughes Residents Action Group and the Deakin Residents Association.
- A key recommendation is to investigate options to incorporate woodland areas of high ecological values in the northern section at Deakin Section 66 and at the Federal Golf Club into the adjoining Nature Reserve.
- The Red Hill Integrated Plan provides the best way forward by protecting the key environmental values for this area by limiting the scale and location of any development to a small scale, low density retirement village on the southern section.
- It strikes the balance between the important need to provide strong protection for biodiversity both inside and outside of the Red Hill Nature Reserve, protecting the amenity of residents and allowing for some limited development activity on the southern end of the golf course.

Key Information

Plan Variations

- Two Territory Plan variations are currently being prepared as part of the implementation:
 - DV280 Deakin Office Park and open space expansions applies to land at Deakin sections 66 and 78 and includes land proposed to be zoned for open space and incorporated into Red Hill Reserve – consistent with recommendation 6 of the Integrated Plan; and
 - DV384 relates to enabling development for a retirement village at the southern part of the Federal Golf Course – consistent with recommendation 7 of the Plan.

Petition

- The Garran Resident’s Association and Hughes Residents Association lodged a petition in the Legislative Assembly via Guilia Jones MLA against recommendation 7 of the Integrated Plan (for the retirement village at the Federal Golf Course).
- The Garran Residents Association and Hughes Residents Association have also published a petition flyer that states *Keep Federal for Birdies and Birds*.

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Potential Environmental Impacts

- During the engagement process for the draft Plan in 2019-2020, concerns were raised relating to potential impacts of development of a retirement village at the golf course on ecological values, amenity to surrounding residents and traffic on Kitchener Street.
- The ecological features identified by ACT Government ecologists during a rapid site assessment include approximately 12 hectares of native vegetation, foraging habitat for superb parrots and foraging and breeding habitat for gang-gang cockatoos.
- RT1027-Group Deakin is a group registration of trees under the *Tree Protection Act 2005* on account of their high habitat value. The Tree Advisory Panel and the Conservator have agreed to the registration due to their significance for habitat and the scientific importance of being part of the Yellow Box-Red Gum Grassy Woodland community.
- The final Red Hill Integrated Plan was amended to stipulate 50 metre wide buffers between development at the golf course and surrounding residential. The buffers are intended to retain and enhance ecological values while minimising potential impacts on amenity of surrounding residential areas.
- A detailed site assessment and habitat assessment will be required to be undertaken by the proponent to address the requirements of environmental assessment and approvals under ACT and Commonwealth legislation.
- The removal of mature native trees is listed as a Key Threatening Process under the Nature Conservation Act and must be considered as planning progresses for the retirement village at the Federal Golf Course.
- An independent traffic analysis was conducted as part of the integrated planning process. It was endorsed by Transport Canberra and City Services and found that the surrounding road network has capacity to accommodate the traffic generated by the proposed retirement village at the golf course.

Background Information

- An internal Implementation Strategy has been prepared to map out next steps associated with the Plan recommendations. Implementation involves coordination of a number of agencies, consideration of implementation timeframes, Government resources and priorities.
- The mature native trees over the Federal Golf Course may also hold cultural significance for the traditional custodians of the land and their views and advice may have influence over the development outcomes.
- An EPBC referral for the proposed retirement village is being prepared by the Federal Golf Course and is anticipated to be submitted shortly. EPSDD will provide comment on this referral.

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Portfolio: Environment**MULTIPLE THREATENED SPECIES ON LAWSON GRASSLANDS****Talking points:**

- Lawson is also a habitat for threatened species such as the Golden Sun Moth, Striped Legless Lizard, Perunga Grasshopper and Key's Matchstick Grasshopper. Scarlet Robins, White-winged Trillers and Gang-Gang Cockatoos nest and forage in the mature trees present.
- The site is known to have conservation values including Natural Temperate Grassland and Box Gum Woodland threatened ecological communities which were confirmed on site at this time.
- There is also a known population of Ginninderra Peppercress (an endangered plant under the *Nature Conservation Act 2014* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)) occurring adjacent to the proposed development area.
- ACT Government Conservation Officers undertook a site visit on 30 June 2020 to discuss the proposed development in Lawson with Defence housing Australia (DHA).
- Future development within parts of Lawson North will be subject to environmental approval by the Commonwealth Department of Agriculture, Water and the Environment (DAWE) under the EPBC Act and planning approval by the National Capital Authority.

Key Information

- The project timeline on the website (www.dha.gov.au/development/residential/lawson-act) states that planning applications will be sent to DAWE and NCA in January 2022, however these have not been recorded on the DAWE EPBC Public Referrals database.
- The land is likely to remain National Land as the website states that applications will be lodged with DAWE and the NCA.
- The referral to DAWE will be sent to EPSDD for comment, however, a bilateral agreement would not be available as it is National Land. As such, the NCA is the decision maker on all aspects of the proposed development. The ACT Government has no specific approval role.
- The DCP requires that a concept plan be prepared and approved. A range of matters are required to be addressed in the concept plan including traffic, vehicle access, road network, access to Lawson south and active travel. The concept plan will be subject to public notification and consultation. This will include consultation with the ACT Government.

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- Following approval of the concept plan by the NCA, a works approval (development) application will be lodged with the NCA for assessment and determination. Further public notification will occur at this stage.

Background Information

- Lawson North is declared National Land and is administered by the National Capital Authority (NCA) on behalf of the Commonwealth Government.
- The proposal is for Defence Housing Australia (DHA) to cater for an approximately 416 dwelling estate, north of the existing Lawson estate.
- The Conservation Council Act Region requested a meeting with the Conservator of Flora and Fauna and representatives of the Conservator met with the Conservation Council to discuss ecological and environmental issues related to the proposed development at Lawson North on Wednesday 21 July 2021. It was noted that there is little information available about the development proposal from the DHA and that any publicly available information that either group is made aware of will be shared.

Drone regulatory policy in ACT and environmental considerations

Talking points:

- The Government has had a longstanding position that the Commonwealth is best placed to achieve a nationally consistent approach to the management of drones in Australia, but that drone operators are not exempt from a range of existing ACT laws. This was detailed in the government response to the Assembly's inquiry into *Drone Delivery Systems in the ACT* in 2019.
- The legal and legislative environment around drones in Australia is complex and evolving. What is clear is that jurisdictions are sometimes taking divergent approaches.
- Most jurisdictions in Australia have prohibited or restricted the use of drones in national parks and reserves. Exceptions are commonly made for scientific research and commercial photography through the issuing of permits or licences.
- In the ACT, drone usage is not permitted in some places and contexts. For example, as a condition of entry it is not permitted to use a drone at some ACT Government sites, such as the National Arboretum. Major events, around the city or at venues like EPIC, will sometimes be designated as drone-free.
- Drones are prohibited in Namadgi National Park, Bimberi Wilderness Area, Lower Cotter Catchment Reserve and Kambah Pool Recreation Area through Activities Declarations applying to those reserves.
- The Canberra Nature Park Reserve Management Plan 2021 articulates a policy to prohibit the operation of drones in Canberra Nature Park.

Key Information

- The Commonwealth's proposed national Drone Rules Management System seeks to provide clarity on how the Commonwealth and other jurisdictions can work together to set rules around drone use.
- Consistency of approach is important to ensure certainty for residents, businesses and consumers, and protection of the ACT's cultural and environmental values.
- The Commonwealth's NEAT Policy Statement notes the obligation to take environmental considerations into account under the *Civil Aviation Act 1988* and *Airspace Act 2007*, and that there are already a range of operating rules regarding the use of drones in national parks and state parks.

The regulatory framework that applies to Wing

- The Commonwealth Government plays the lead role in relation to regulation and licencing of drones for safety, noise and privacy issues.
- Wing has received approvals to operate its drone delivery service from the Department of Infrastructure, Transport, Regional Development and Communications and from the Civil Aviation Safety Authority.

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- The Commonwealth’s approval for Wing’s operation states that, “the aircraft must not overfly declared heritage or environmentally sensitive areas, such as National Parks and wetlands areas”.
- The ACT Government approved a development application submitted by Wing for building and associated site works at a site in Mitchell in 2019.
- The Territory Plan does not specially contemplate drone delivery however all land use and planning laws apply to drone delivery companies in the same way as they apply to other companies operating in the ACT.

Does Wing require a licence to operate in the Canberra Nature Park, particularly Gungaharra Grasslands Nature Reserve and Crace Nature Reserve?

- In order to protect sensitive environmental areas, the Canberra Nature Park Reserve Management Plan 2021 articulates a policy to prohibit the operation of drones in Canberra Nature Park nature reserves. An Activities Declaration is required to be made under the Nature Conservation Act to give this policy effect.
- Wing does not currently require a licence under the Nature Conservation Act to operate over Canberra Nature Park.
- We are continuing to engage with Wing and the Commonwealth on environmental and cultural sensitivities.

Background Information

- The Commonwealth Government plays the lead role in relation to regulation and licencing of drones for safety, noise and privacy issues.
 - The Civil Aviation Safety Authority (CASA) is responsible for the regulation of the safe operation of drones and provides standard operating conditions for drone users and assesses the safety cases of individuals or companies.
 - The Commonwealth Department of Infrastructure, Transport, Regional Development and Communications is responsible for noise regulation under the *Air Navigation (aircraft noise) Regulations 2018*.
- However, how state and territory laws outside of these areas apply to drones is a complex and evolving area of law.
- The ACT Government actively works with the Commonwealth Government, stakeholders, and the community to ensure the consistent regulation and management of drone use in the Territory.
- For example, in 2021, the Commonwealth Government released the National Emerging Aviation Technologies Statement and under the NEAT Statement is

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carrying out a comprehensive policy and regulatory program to manage drones and emerging aviation technology in Australia. The ACT is working with the Commonwealth, and other Australian jurisdictions, to progress work to ensure the consistent regulation of drones across Australia and in the ACT.

- The 2021 NEAT Policy Statement also recognised the need for local input and decision making within the constraints of an agreed national framework, legislated by the Commonwealth.
- The NEAT Policy Statement includes an intent to establish a Drone Rules Management System (DRuMS) that will include operating boundaries or rules related to security, noise, privacy, environmental impacts and cultural sites. Acceptable levels of safety performance will consider a number of matters including: the purpose of operations, the airspace in which the operations are to be conducted, the ground environment over which it is operating, consideration of safety data, and the broader ground, air and societal risks that are to be mitigated.
- There are also developments in the courts on the applicability of state and territory laws to drones and other aircraft. For example, in a recent finding, the High Court held that civil aviation laws are not an exclusive jurisdiction of the Cwlth. While the parameters of concurrent State and Territory jurisdictions remain to be fully defined, it appears from the majority High Court judgment that the Civil Aviation Act is intended to ‘operate within the setting of other laws’. The ACT is currently assessing the applicability of this judgment on a range of territory laws.

How does the ACT prohibit drones in nature reserves?

- The ACT Conservator of Flora and Fauna can make Activities Declarations under the Nature Conservation Act to prohibit activities that can impact on a reserve. There are Activities Declarations already in place in relation to drone prohibition for various reserves in the ACT, e.g. Namadgi National Park, Bimberi Wilderness Area, Lower Cotter Catchment Reserve and Kambah Pool Recreation Area.
- These rules impose a condition of entry into these reserves and prevent recreational take off, landing or flight of drones in the reserve.

Are we planning on doing another bird study?

- Canberra’s wildlife faces significant threats, including habitat loss and degradation, the loss of mature native trees, and our changing climate. Drone deliveries may place additional pressures on native wildlife that must be taken seriously.
- The effects of drones on wildlife is an active area of research globally. In an Australian context, a handful of studies have looked at direct interactions on birds and large mammals. Biological factors that may increase the strength of wildlife response to drones include type of natural predator (e.g. aerial or terrestrial), breeding season,

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territoriality, animal group size, and habitat type (with open grassland species most reactive). Research also shows that the physical size, shape or type of drones, as well as flight parameters, can influence the response shown by wildlife. Most research has looked at physical or behavioural impacts of drones towards wildlife, while physiological or longer-term impacts are still emerging.

- The Report of the Inquiry into Drone Delivery Systems in the ACT (July 2019), after reviewing available evidence, recommended that “the ACT Government and Wing collaborate to establish an independent comparative survey of wildlife numbers and behaviour in a suburb prior to, then following the commencement of, drone delivery operations” (Rec 3.54, p23).
 - This recommendation was supported in the ACT Government Response to the Inquiry (Nov 2019).
- Since this time, Wing has commissioned ongoing studies. However, these are subject to business confidentiality restrictions and their methodology and interim results have not yet been shared with the ACT Government.
- ACT ecologists are in dialogue with Wing with a view to understanding the methodology and approach of the ongoing consultant studies, and determining what further research needs to be undertaken to adequately understand impacts of drones on native wildlife.
- Wing has demonstrated that they are responsive to ecological impacts in their operations. For example, in September 2021, Wing advised the ACT Government that they received reports of birds swooping on drones during nesting season and in response temporarily paused flights around the impacted parts of Harrison, so that an ornithologist could assess the behaviour of local ravens. Wing resumed drone deliveries to Harrison in December 2021, well after the raven chicks had fledged and there was deemed no further immediate risk to the birds or the drones.
- On the basis of the existing research and accumulating evidence regarding impacts, the ACT Government will seek to minimise the impact of drone operations on the environment, and notes that education of both commercial and recreational drone users will be a contributing factor in reducing any potential harms to wildlife or birdlife.

Portfolio/s: Heritage**Hall Village – Storm Water Flooding****Talking points:**

- Transport Canberra and City Services (TCCS) is responsible for the management of the ACT's public land stormwater network, within the portfolio of Chris Steel MLA.
- In 2022, following a particularly wet period and in response to community concern, TCCS re-graded the laneways to direct stormwater run-off to improve the condition of laneway surfaces.
- The heritage registration of Hall would not prevent further action to address storm water flooding issues being experienced by local residents, if planned and undertaken with care.
- Action to manage storm water flooding may also assist in conserving the heritage significance of the village – which include historic, Aboriginal and natural heritage values.
- Water-sensitive urban design outcomes would be appropriate for Hall given its 19th century village character.
- Any storm water management works would also need prior advice and approval from the ACT Heritage Council (the Council), as the independent statutory authority responsible for administering the *Heritage Act 2004* (Heritage Act).

Key Information

- In April 2022, the Village of Hall and District Progress Association (the Progress Association) called for further action by the ACT Government, in the form of a comprehensive assessment of storm water drainage requirements and a plan to address the current and future needs of the village.

Background Information

- The 'Hall Village Heritage Precinct' was registered on the ACT Heritage Register in 2001, and its values include:
 - Built and historic heritage: proclaimed in 1882, the Hall village demonstrates a range of characteristics of the time, including its urban layout, built form and landscape character.
 - Aboriginal heritage: the Precinct includes a number of Aboriginal places and objects which are of cultural and heritage significance, and an 'Aboriginal Sites Zone' of sensitivity also occurs along Hall Creek.
 - Natural heritage: the Precinct includes two endangered ecological communities, being Yellow Box/Red Gum grassy woodland areas and Leek Orchid areas.

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- Heritage Act provisions afford protection to the significant features of the Precinct, and require their conservation.
- Heritage requirements for Hall include heritage guidelines declared by the Council under Part 5 of the Heritage Act. A number of guidelines are relevant to storm water management works, including:
 - Requirement 1.1(a): *Roads should retain their current alignments and widths and should remain bitumen or asphalt sealed. The replacement of existing unformed road edges and swale drains with concrete kerb and guttering should not be permitted.*
 - Requirement 1.1(b): *Existing laneways shall be retained as trafficable areas for vehicles and/or pedestrians, and should retain an unformed edge – without kerbing. Laneway surfaces should remain unsealed.*
 - Conservation Objective 2.2: *To preserve the natural and Aboriginal heritage values within the landscape setting of the village.*

Portfolio: Heritage

22 BROCKMAN STREET, NARRABUNDAH (PARAL HOUSE)

Talking points:

- On 22 July 2021, the ACT Heritage Council (the Council) accepted a nomination application to the ACT Heritage Register (the Register) for 22 Brockman Street, Narrabundah (also known as Paral House).
- The Council will not take further action under the Heritage Act in respect to the Narrabundah residence, and has advised the nominator and the owners of this decision.
- The Council has decided not to issue a Heritage Direction under section 62 of the Heritage Act, and will not pursue a decision to provisionally register Paral House.
- To issue a Heritage Direction, the Council must be satisfied the place has heritage significance, and meets the criteria under section 10 of the Heritage Act.
- The threshold levels required to demonstrate significance in the case of a Heritage Direction are exceptionally high, and Council is of the view that the Narrabundah property will not meet criteria to the degree high enough required in order to issue a Heritage Direction, which is a reviewable decision in the ACT Civil and Administrative Tribunal.
- This decision is based on a history of some modification, a lack of professional recognition, and the fact that the design work of architect Derek Wrigley (OAM) at the Australian National University is more highly regarded.
- The submission of a nomination application made after demolition approval under the Building Act represents a rare circumstance of unfortunate timing beyond the ability of the Council to undertake detailed research and a full assessment against the heritage significance criteria – a process that generally takes some months to complete.

Key Information:

- The nomination application for 22 Brockman St did not meet dismissal conditions.
- Nomination acceptance is a standalone, preliminary process in which the Council is only required to consider the merits of the application received. Nomination acceptance should not be taken to mean a place has heritage value and has been registered on the ACT Heritage Register.
- The nomination was received after the property was approved for demolition in accordance with a building approval (BA) under the *Building Act 2004*.
 - As documented in the nomination itself, the nominator was aware of the likelihood of imminent demolition.
- The acceptance of a nomination does not invalidate the BA, which can proceed without an offence occurring under the *Heritage Act 2004* (the Heritage Act).

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- In due course, the Council will enter a Statement of Reasons not to provisionally register Paral House on the Heritage Register, formally setting out the reasons for its decision to not pursue heritage registration, or a Heritage Direction.
- The decision does not prevent Council from considering other houses by Mr Wrigley for heritage registration, should the Council receive and accept a nomination application for these.
- The processes to nominate, register and protect heritage places and objects are legislated under the Heritage Act, which also establishes the Heritage Council as an independent expert statutory body with decision making powers on registrations and heritage directions.
- The Minister ensures that all matters have been appropriately considered prior to the Council making a final decision on whether or not a place or object has heritage significance.
- Decisions about registrations can be controversial with a wide range of often opposing views expressed from interested parties and the community. As such, there is benefit in having an independent and expert Council responsible for the decision-making process to remove political interference in the decision making process.
- The Heritage Act provides the nationally accepted principle of separating the identification, assessment and registration of heritage places from decisions about their conservation and management.
- The Heritage Council provides entity advice on Development Applications (DA), however, Ministerial call-in provisions under the *Planning and Development Act 2007* enables the Planning Minister to consider a broader range of issues in making a decision on a DA when exercising this power.

Background Information:

- Paral House was designed by architect Derek Wrigley, who passed away in June 2021. Built in 1959. Nominated by a member of the Wrigley family.

Portfolio: Heritage**PINE PLANTINGS AT THE BRADFIELD DEVELOPMENT - DOWNER****Talking points:**

- The existing Monterey Pine trees along Bradfield Street, Downer, were planted in the early 1940s as a windbreak to protect the former Council for Science and Industry Research, Dickson Experiment Farm.
- These trees are of heritage significance and are registered on the ACT Heritage Register.
- The Heritage Act requires that registered heritage places are conserved and responsibly managed, for current and future generations.
- In this instance, conservation requires the replacement of trees when they reach their end of life, and that these replacement trees be pines planted in a windbreak formation.
- The replanting of the historic windbreak is a requirement of heritage and planning approvals for the redevelopment, which date to 2017.
- In November 2021, some residents of The Bradfield proposed changes to the replanting outcome, on the basis that pine trees would reduce solar access to the new development.
- These changes, such as using deciduous trees or planting a single row of pine trees in the road reserve, were not supported by the ACT Heritage Council (the Council) as they would result in the loss of a registered place of heritage significance.
- However, in January 2022, the Council did endorse minor amendments to the replanting outcome, to provide for some improved solar access to the new development whilst conserving the heritage windbreak for future generations.
- Within Stages 1 and 2 of the development, the land containing the heritage trees has been transferred to the ACT Government, and will be managed into the future by Transport Canberra and City Services (TCCS).
- The Council has been liaising with TCCS, the developers and the ACT planning and land authority to achieve this outcome.
- Stage 1 trees were planted in the amended location in April 2022. Stage 2 trees, which had already been planted, will be relocated by TCCS in the coming months.

Key Information:

- Heritage requirements for The Bradfield development have been identified by the Council, who is the independent statutory body established to administer the *Heritage Act 2004*.
- The Council has decision making authority at arms-length from the government of the day.

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- The ACT planning and land authority also considers the expert advice of the Heritage Council in development applications for registered heritage places.
- For Stages 1 and 2 of the development:
 - On 1 August 2017, a Heritage Act approval was issued, which permitted the removal of the existing Monterey Pine trees and their replacement with Canary Island Pine trees.
 - On 5 September 2017, the ACT planning and land authority conditionally approved development, which also required the replanting of the historic windbreak.
- For Stage 3 of the development:
 - On 24 August 2021, a Heritage Act approval was issued, which permitted the removal of the existing Monterey Pine trees and their replacement with Canary Island Pine trees.
 - A development application (DA) has been submitted, which is currently under assessment by the ACT planning and land authority. The DA has also been referred to entities for advice, including the Council, whose advice on the DA was provided on 17 October 2021.
- On 13 January 2022, the Council provided advice to the ACT planning and land authority and the developers of Stages 1, 2 and 3 of The Bradfield, endorsing the following amendments to the replanting outcome along Bradfield Street:
 - Support for pruning of pine trees as they mature, to lift their canopies by up to one third of their height; and,
 - Movement of the entire windbreak formation approximately three metres north within the block, closer to the street.
- These two amendments will not significantly alter the heritage significance of the place, but the increased setback and lifted canopies will allow greater solar penetration to the ground floor living areas within the new development, especially to Building 1 which is the closest to Bradfield Street.

Background Information:

- The 'Trees of the Former CS&IR Experiment Station' was registered on the ACT Heritage Register on 26 June 1998.
- Canary Island Pine trees are to be used for replanting of the historic windbreak, as Monterey Pine trees are now a declared pest species in the ACT.

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HERITAGE NOMINATION LIST

Talking points:

- The ACT Heritage Council is an independent statutory authority established under the *Heritage Act 2004*. The Council is responsible for the assessment of nominations to the Heritage Register and decisions on the inclusion of heritage places and objects in the Register.
- Heritage nominations are prioritised by the Heritage Council for assessment based on a range of factors including imminent threat, thematic representation, and pressures from development or other works.
- Since reaching a peak of 320 nominations in 2008, hundreds of decisions have been made, resulting in a current nomination list of 78.
- ACT Heritage within EPSDD conducts research and makes recommendations to the Heritage Council, which then reviews this work before making a decision, applying the knowledge of Council members. The steady and carefully considered addition of places and objects to the Heritage Register is a significant conservation outcome for the ACT community.

Key Information:

- Nominations receive statutory recognition under the Heritage Act, which requires the Heritage Council to advise on any proposed development impacts.
- Nominations older than 20 years were made under the repealed *Land (Planning and Environment Act) 1991* which did not require the same level of information upon submission as those made under the current Heritage Act. As such, research and assessment of older nominations is more resource intensive.
- The Heritage Council determines priority assessments at the beginning of each financial year. Priorities include older nominations, private residences and Aboriginal heritage.

Background Information

- ESPDD provides 2.2 FTE to assist the Council in assessing nominations.

| | 2019-20 | 2020-21 | 2021 to date |
|--|---------|---------|--------------|
| Nominations accepted | 2 | 10 | 2 |
| Nominations dismissed | 1* | 1 | 0 |
| Provisional registration decisions (including decisions to not provisionally register) | 6 | 6 | 9 |
| Registration decisions (including further registration decisions) | 4 | 3 | 1 |

*Includes the removal of identified duplicate entries on the nomination list.

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Portfolio: Heritage

THE FOOTHILLS CAMPBELL– DOMA GROUP, “AINSLIE VOLCANICS” HERITAGE

Talking points:

- On 9 December 2020, the ACT Heritage Council (the Council) accepted a nomination to the ACT Heritage Register (the Register) for the Ainslie Volcanics (the Nomination), submitted by Ngambri Elder Shane Mortimer.
- The Nomination includes the former Commonwealth Scientific and Industrial Research Organisation (CSIRO) headquarters site, at Blocks 4 and 5 Section 38 Campbell.
- Doma Group propose to develop this site as ‘The Foothills’ residential complex.
- As the Foothills includes National Land, development approval authority does not lie with the ACT Government. However this did not prevent the Council from accepting the Nomination as per the requirements of the *Heritage Act 2004* (the Heritage Act).
- The Nomination encompasses both National Land and Territory Land, and claims there are Aboriginal, historic, natural and geological heritage values present on both the National Land and Territory Land portions of the Nomination.
- The ACT Heritage Council called a special meeting for 2 August 2021 to address two matters concerning the Nomination:
 1. The National Land portion of the nomination
 2. The Territory Land portion of the nomination

Key Information:

- National Land (Campbell Section 38 Blocks 4 and 5)
 - The *Heritage Act 2004* (the Heritage Act) has no effect on National land, and so the ACT Heritage Council (the Council) has no jurisdiction to make a decision on this part of the Nomination. Doma Group and the nominator have been advised of this.
- Territory Land (Campbell Section 63 Block 4; Ainslie Section 60 Blocks 2 and 3; Wolseley Road Reserve)
 - The Territory land part of the Nomination will remain nominated to the ACT Heritage Register (the Heritage Register), until such time as the Council makes a decision to, or not to provisionally register the place under the Heritage Act. Doma Group and the nominator have been advised of this.
 - A provisional registration decision requires the Council to assess whether the place meets, or does not meet one or more of the heritage significance criteria under section 10 of the Heritage Act.

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- The Nomination includes outcroppings of the Ainslie Volcanics geology which have overlapping Aboriginal heritage values that the Council will be required to assess in the future as part of the heritage registration process.
- The nominated geology and overlapping Aboriginal heritage values are protected by, and subject to the requirements of the Heritage Act.
- The Nomination also includes the following species/habitats (the ‘Natural Values’) which are protected under the *Nature Conservation Act 2014* (NC Act):
 - Natural Temperate Grasslands;
 - Yellow Box Blakeley’s Redgum Woodland;
 - Canberra Spider Orchid habitat;
 - Golden Sun Moth habitat; and
 - Hoary Sunray habitat.
- The planning and land authority (PLA) is the decision maker on development applications that occur on the Territory land portion of the Nomination.
- Any development on Territory land would be subject to the provisions of the *Planning and Development Act 2007*. Development in an area where the *Nature Conservation Act 2014* applies triggers a requirement for an Environmental Impact Statement and a referral would be made to the Conservator of Flora and Fauna as part of that process.

Background Information:

- At the time of accepting the Nomination in December 2020, the Council understood that Territory enactments do not bind a Commonwealth entity unless agreed to by the Commonwealth, however, the matter of private entities on National land was unclear at that time.
- The Heritage Act stipulates conditions under which the Council can dismiss a nomination application, and the Ainslie Volcanics nomination did not meet any conditions for dismissal.
- Note that acceptance of a nomination does not equate to heritage listing on the Register. Nomination acceptance is a separate and preliminary step.
- The Nomination includes Blocks 4 and 5 Section 38 Campbell, which Doma Group propose to develop as ‘The Foothills’ residential complex.
- As the Foothills is National Land, development approval authority does not lie with the ACT Government, and the National Capital Authority (NCA) granted approval for the development on 26 February 2021.
- Redevelopment has also been subject to heritage impact assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- The NCA advise that a 2020 Aboriginal Cultural Heritage Assessment by Navin Officer Heritage Consultants sufficiently informs the management of Aboriginal heritage

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matters on the Foothills development site, enabling approval of the Foothills development.

- In December 2021, site clearing activities were undertaken on Blocks 4 and 5 Section 38 Campbell, as part of preparation works for The Foothills development. These works occurred only on these blocks, which are National Land.

Portfolio: Sustainable Building and Construction**Property developer licencing****Talking points:**

- The ACT Government remains committed to introducing a licensing scheme for property developers during this term.
- The ACT Government has already implemented and continues to implement reforms designed to lift standards and practices across the building and construction sector.
- Introducing a regulatory scheme for property developers is another way the ACT Government is taking action to increase the accountability of practitioners in the building industry.
- The ACT Government's aim is to make sure that property developers are accountable for the work they do and the decisions they make.
- The Environment, Planning and Sustainable Development Directorate (EPSDD) is undertaking policy and regulatory analysis considering various options including project trust accounts and disclosure obligations.
- Further development of the scheme will involve consultation with stakeholders in industry and the community before the legislation can be finalised and introduced to the Legislative Assembly. Through a range of forums the ACT Government has already received feedback about the proposal and suggestions for inclusions, however, not all of these fit within a licensing framework. In progressing this project the ACT Government is considering a range of options including ways in which consumers can receive greater information about developers and developments.
- EPSDD is also undertaking important projects to introduce a registration scheme for engineers and to establish a public sector building certification service in line with the Government's commitments to deliver both during this term.

Key informaton:**Next steps and timing**

- EPSDD has undertaken initial policy and regulatory analysis and has identified a range of matters that need to be further considered and issues that will need to be resolved. For example, property developers can have complex legal and corporate structures and this needs to be well understood to ensure any new laws are effective. Further EPSDD has identified a range of possible regulatory interventions that could potentially address the issues raised by stakeholders and the community. These interventions include the provision of greater information to the community and industry stakeholders about the developers undertaking projects, and project bond and/or trust accounts.

- As noted above, stakeholder engagement will be required to inform the development of the final scheme and the during the first part of 2022, EPSDD will be undertaking targeted stakeholder consultation before broader consultation is undertaken later in the year which will inform any legislative changes that will be progressed in 2023.

Background Information:

- Policy considerations by EPSDD to date have included –
 - an appropriate definition of property developer,
 - interactions between the different parties involved in projects, and
 - how to treat instances where the developer and builder are one and the same, interactions with existing law and how best to increase the community's awareness of who is involved in development projects so that they can make informed decisions.
- The current regulatory framework that exists for occupations in the building and construction industry is the *Constructions Occupations (Licensing) Act 2004* (COLA). Other property occupations, such as real estate agents, are regulated under other laws.
- COLA focuses on construction services, rather than the general business operations and industrial relations practices of licensed entities. A licence that applies to a broad range of activities and obligations and/or the business practices of developers requires a new legislative model separate to COLA to be developed.
- No other jurisdiction currently has property developer licensing legislation. Queensland is the only jurisdiction to have enacted a licensing regime but repealed the legislation in 2014. NSW recently passed legislation that gives the relevant regulator the ability to issue property developers:
 - Prohibition orders to block the issue of an occupation certificate (or strata plan, in ACT referred to as unit title).
 - Stop work orders; and
 - Building work rectification orders (with the ability to recover costs associated with such orders).
- The NSW legislation does not license developers; however, it does allow for oversight and sanctions to be issued to the developer.

Portfolio: Sustainable Building and Construction**Minimum Accessibility Standards****Talking points:**

- On 30 April 2021, at the Building Ministers Meeting (BMM), the majority of Ministers agreed to include minimum accessibility provisions for residential housing and apartments in the National Construction Code (NCC) 2022 based on the Livable Housing Design Guidelines (LHDG) silver standards.
- The standards will require simple features such as doors wide enough to accommodate wheelchairs and step free access, a bathroom on the ground floor and structural reinforcements to allow for the installation of supports like grip rails if they are needed in the future.
- In agreeing to implement a regulatory solution, Ministers took into consideration the feedback from industry, advocates and the lived experience of members of the community affected by the lack of accessible housing. They also considered the findings of the Decision Regulation Impact Statement (RIS) prepared by the Australian Building Codes Board (ABCB).
- Draft provisions for the accessibility standards have been included in the NCC Public Comment Draft which was initially released for consultation by the Australian Building Codes Board (ABCB) between Monday 10 May and Friday 2 July 2021. The ABCB, cognisant of the on-going impact on industry of COVID-19 and the flow on effect of the various lockdowns experienced in many jurisdictions, extended the public comment period until 11 July 2021.
- Ahead of the national meeting it was announced that the ACT Government was supportive of the inclusion of the minimum standards in the NCC. Introducing minimum accessibility standards for new homes in the ACT is a commitment in the Parliamentary and Governing Agreement to increase the availability of homes able to be adapted and accessible to all members of the community regardless of age, disability, or other factors.
- Ministers also agreed that senior building officials lead work with the ABCB to provide advice to support implementation, including any exclusions, as well as appropriate transition timeframes.
- ACT officials are participating in this work which includes engagement with stakeholders over the coming months on key matters related to appropriate exemptions and timeframes for implementation. Further information will be provided ahead of the release of the new NCC in May this year and its commencement in September this year.

Key Information:

- In the announcement ahead of the BMM, it was noted that the building and development industry would need to be supported to meet the new standards with reasonable timeframes for implementation.

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- The ACT is participating in this work nationally and is also engaging with the ACT building and development industry to inform the development of implementation arrangements for the ACT. These arrangements will be subject to further consideration by the ACT Government.

Background Information:

- The ACT Government has a long-standing commitment to universal design standards. Since, 2002 ACT planning laws have required that at least 10 percent of dwellings in townhouse and multi-unit housing developments with ten or more dwellings must comply with at least Class C Adaptable in Australian Standard AS 4299.
- The ACT first committed to introduce minimum universal design standards for new houses in 2008. In 2009 targets were included in Phase II of the *ACT Affordable Housing Action Plan*. The Plan included a commitment to work with industry to develop universal design guidelines for the ACT and the initial target was for at least 20 percent of new detached houses to be required comply by the end of 2010, ramping up to 100 percent by the end of 2020. In 2012, the ACT Government agreed to require that all new detached houses (Class 1a) meet LHDG Silver level standard commencing 1 May 2013, bringing forward the original target to have this requirement in place by 2020.
- The Government subsequently agreed to suspend work to implement the requirement for new houses in the ACT to be built to the LHDG Silver level standard for up to three years. This decision was made following a request from Livable Housing Australia and national and local branches of associations represented on the Livable Housing Australia Board to pause the ACT reforms to allow more time for a voluntary approach to be pursued with industry.
- In 2016, through the Parliamentary Agreement for the 9th Assembly, the Government committed to encourage universal design initiatives, including advocating for genuine progress on the 2010 agreement for new housing to meet universal design standards. Work to implement the ACT specific requirements has been on hold pending the outcome of the national work agreed in 2017 under the BMF.

Regulatory Impact Statement

- The former Building Ministers' Forum (BMF), with the support of all COAG First Ministers, directed the Australian Building Codes Board (ABCB) to undertake a regulatory impact analysis (RIA) into the possible inclusion of minimum accessibility requirements for new housing into the National Construction Code (NCC).
- The ABCB conducted an extensive public consultation process due to scale and importance of this project, with the RIA process commencing in 2017-18 and completed in 2020-21.
- Governments required the options assessed to be based on the 'Silver' and 'Gold' specifications in the Livable Housing Design Guidelines (LHDG), along with other options as appropriate.

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- The Centre for International Economics (CIE) was engaged by the ABCB to independently undertake the Regulation Impact Statement (RIS) process. A Consultation RIS was released for public comment from 6 July to 31 August 2020. CIE were then engaged to independently undertake the subsequent Decision RIS.
- Although a lack of accessible housing imposes a significant and growing cost to the community, incurred mostly by people with a disability and older people the DRIS concluded that regulatory options (1-4) to amend the NCC for all new houses and apartments based on Silver, Gold, and Gold Plus impose costs that outweigh the benefits. The estimated additional construction cost per dwelling, which for the Silver level standard was between 0.69 per cent and 1.49 per cent, is a relatively modest increase when factoring in the potential significant cost to retrofit a house or apartment that had not originally been designed with these features.
- The Decision RIS is not a decision in its own right, being one input to the decision making process.

Portfolio: Sustainable Building and Construction**Master Builders Fidelity Fund****Talking points:**

- In the response to the Inquiry into Building Quality in the ACT the Government has committed to undertake work in relation to the Master Builders Association (MBA) Fidelity Fund (the Fund).
- This includes reviewing provisions in the Building Act that relate to both fidelity funds and residential building insurance products. The work will consider potential changes to the overall insurance and fidelity fund system that could be made while keeping the system viable in the long term.
- Fidelity Funds are not government bodies and are required to provide financial information and reports to a range of public officials under the Building Act 2004 (the Building Act).

Key information:

- The Fund is a discretionary fund operating under a Trust Deed. The Fund is, and operates as, a wholly private sector commercial business, competing with the insurance industry. It is not a government business enterprise or agency. As such, any requirement to provide commercially sensitive audited accounts would place the Fund at a commercial disadvantage relative to its competitors.
- The Fund is not an insurance scheme and as such is not subject to the Insurance Act 1973 (Cth) and the Insurance Contracts Act 1984 (Cth) so the Building Act establishes appropriate prudential standards to govern the operation of fidelity fund schemes approved under that Act. The Trustees of the Master Builders Fidelity Fund provide audited reports in accordance with the prudential standards.

Background information:**Inquiry into building quality in the ACT**

- The 9th Legislative Assembly's Economic and Tourism Standing Committee conducted an Inquiry into Building Quality in the ACT.
- The Government response to the Inquiry's recommendations noted the extensive work already completed under the ACT's reform program and the further work that the government has already committed to.
- The Government did not agree in full with all of the Committee's recommendations, the response does outline how the intention of the recommendations can still be met by alternative means.
- One of the recommendations (number 15) that was "not agreed" asked the ACT Government to - "provide the Assembly with audited accounts and an annual report on the performance of Fidelity Funds established under the Building Act 2004."
- The detailed reasons for not agreeing to the recommendation is outlined in the response.

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- The Government did agree or agreed in principle to a further 3 recommendations relating to the MBA Fidelity Fund as follows:
 - Recommendation 16 – Agreed – if not already in place, appropriate prudential standards are set for fidelity funds under Part 6 of the Building Act 2004 (and section 103, in particular) and further, that once set, such prudential standards are maintained and enforced.
 - Recommendation 17 – Agreed – review the fidelity fund and report the findings of that review to the Assembly.
 - Recommendation 18 – Agreed in principle – The Committee recommends that, as part of its review of the fidelity fund, the ACT Government consider expanding the scope to allow Owners’ Corporation Executive Committees to make claims for common areas.

Statutory warranty

- The Building Act provides a statutory warranty for building work on a residential building that requires a building approval and has a cost of \$12,000 or more. This does not include structures you can’t live in such as swimming pools, driveways and fences.
- Every contract for the sale of a residential building covered by the warranty, and every contract to carry out residential building work to which the builder is a party (excluding owner–builder licence holders) is taken to contain a warranty.
- The statutory warranty operates for:
 - six years after the completion day for the work for residential building work in relation to a structural element of a building, which includes components of external walls (including weatherproofing), and
 - two years after the completion day for the work for residential building work in relation to a non-structural element of a building

Residential building insurance

- Building work on residential apartment buildings and houses three storeys and below, excluding any storey used exclusively for carparking, must also be covered by complying residential building insurance.
- This is sometimes referred to as warranty insurance or builder’s warranty insurance, but it includes coverage for more than the statutory warranty, including subsidence and other matters.
- A complying policy is either:
 - a certificate issued by an approved insurer stating that the insurer has insured the work under a residential building insurance policy, or
 - a fidelity certificate for the work issued by the trustees of an approved scheme (currently the MBA Fidelity Fund)

- The minimum total coverage required for an insurance policy or fidelity certificate to be compliant with the Building Act - is at least the amount prescribed by regulation (currently \$85,000), or the cost of the work, whichever is less.

Portfolio: Sustainable Building and Construction

Government Response to the Building Quality Inquiry

Talking points:

- The ACT Government response (the response) addresses each of the 48 recommendations, including: to agree to 12 recommendations, agree in principle with 20 recommendations, note 12 recommendations and not agree with 4 recommendations.
- The ACT Government recognises the importance of compliance with building standards for health, safety, amenity and sustainability in maintaining our quality of life, and the extensive work undertaken to date to improve the ACT's building regulatory system and lift practices across the construction industry.
- The ACT Government completed a comprehensive review of the ACT Building Act 2004 and the associated building regulatory system in 2015. This review led to extensive reforms to improve the ACT building regulatory system and practices in the local building industry.
- The reforms were chosen to target the cause of problems and cover design and documentation; stage inspection and supervision; practitioner licensing; contracts for residential buildings and building work; project funding, payment, claims and retentions; auditing; and dispute resolution.
- A second stage of reforms will include addressing issues of licensing and accountability for people designing, building, certifying and contracting for off-the-plan; insurance and other protections for clients and building owners; implementing a residential building dispute resolution scheme; and security of payment issues.
- The ACT Government has also committed to introducing a licensing scheme for property developers, establishing a team of building certifiers within the ACT Public Service and introducing a registration scheme for engineers in the building sector in this term of government.
- This work and the existing laws have or will address many of the issues raised during the Inquiry into Building Quality.
- The ACT has also participated in work with other jurisdictions on building reforms and standards at a national level including work to address the recommendations of the Building Confidence Report.
- Although the response does not agree with all recommendations, we believe the intent of these recommendations is already met under the existing regulatory scheme or can be met by alternative means.

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Background information:

- The 9th Legislative Assembly's Economic and Tourism Standing Committee conducted an Inquiry into Building Quality in the ACT.
- Written submissions to the Inquiry closed on 30 November 2018. The ACT Government made a submission.
- The Committee tabled its report on 23 July 2020. It included 48 recommendations across a variety of subjects.
- There are overlaps between matters that are the subject of recommendations and the scope of some of reforms already completed or underway as part of the Improving the ACT Building Regulatory System reform program. Particularly those relating to residential building contracts (reform 22), accountability and protections (reforms 36 and 39), licensing (reform 35), dispute resolution (reform 43), and consideration of other issues (reform 42).
- The Government response to the Inquiry recommendations noted the extensive work already completed under the ACT's reform program and the further work the government has already committed to.
- Although the Government does not agree in full with all of the Committee's recommendations, the intention of the recommendations is or can be met by alternative means.
- The four recommendations that were "not agreed" asked the ACT Government to:
 - establish a new statutory office of Building Commissioner to ensure building code and standards compliance
 - provide the Assembly with audited accounts and an annual report on the performance of Fidelity Funds established under the Building Act 2004
 - make it a standard contract requirement that the display unit of a project dwelling be the same as used in the development it represents.
 - include minimum specifications for seals or membranes in standard contracts to ensure suitable waterproofing.
- The detailed reasons for not agreeing with these recommendations are outlined in the response.

Portfolio: Sustainable Building and Construction

BUILDING REFORMS

Talking points:

- As Minister for Sustainable Building and Construction I look forward to working with industry and the community to support the continued improvement of building practices in the ACT.
- During the last term, the ACT Government undertook a substantial program of 43 interconnected reforms arising from a review of the ACT building regulatory system. The majority of the reforms were completed with the remainder progressing under a second stage of the reform program.
- Completed reforms include development of a new building audit and inspection tool, guidelines for builders for final industry comment before they are adopted as a code of practice, a new online training course for building surveyors, and legislation for a dispute resolution scheme for residential building work.
- These are important reforms that set standards of practice for people designing, building and certifying buildings in the ACT.
- The Government has also introduced legislative amendments to make sure that building and construction legislation operates effectively and as intended, including that directors associated with licensed construction corporations can be issued rectification orders even if the corporation is wound up.
- The Government has also committed to further reforms through the Parliamentary and Governing Agreement including to introduce engineer registration in the ACT, greater accountability measures for property developers and a public sector building certification scheme.
- We have considered the recommendations from the Economic Development and Tourism Standing Committee's Inquiry and formally responded to the Committee's report.
- There will always be suggestions for further reforms to be added to the program, and while we are open to considering additional measures, the current reforms have been chosen as the most effective in increasing compliance and resolving defects. We are focused on completing the existing program and the additional commitments we have made in response to the Inquiry report in this term of government.
- This work is complemented by increased enforcement of building laws.

Background Information:

- EPSDD carried out a full policy review of the ACT building regulatory system and Building Act, including its supporting administration and compliance systems. The review was a recommendation of the 2010 Building Quality in the ACT report and was completed in 2015.
- The reform program (stage 1 and 2) complements previous administrative, policy and legislative reforms, which improved licensing and compliance powers, offences and penalties for failing to comply with a rectification order and building standards, and information for consumers.

Portfolio: Sustainable Building and Construction

ENERGY EFFICIENCY STANDARDS

Talking points:

- As Minister for Sustainable Building and Construction, Building energy efficiency standards falls within my portfolio responsibilities.
- The 2019 National Construction Code included substantial increases in the stringency of the energy efficiency standards for non-residential buildings and common areas of multi-residential buildings.
- Nationally, changes to residential standards for the next Code this year are being considered, including a possible increase in the level of thermal comfort and a whole-of-house-energy use budget. These changes are included in the second tranche of the NCC 2022 public comment draft which was released and made available for community feedback until 17 October along with a Regulatory Impact Statement.
- Building Ministers received an update on the work of the ABCB in preparing improved residential energy efficiency provisions for NCC 2022 at the Building Ministers' meeting on 28 March 2022. The ABCB advised Ministers that analysis is nearing completion and there are opportunities to improve residential energy efficiency with a net benefit to households in most parts of the country.
- The Australian Building Codes Board (ABCB) is currently finalising the RIS following public consultation for the Consideration of Ministers mid this year.
- The Parliamentary and Governing Agreement includes commitments to improve the sustainability and energy efficiency of our buildings including setting sustainability standards that new buildings must meet and commencing a 10-year pathway to shift to world's best practice on climate-ready and environmentally sustainable buildings.
- As I have noted, the next update of the National Construction Code is expected to include increased energy efficiency requirements for residential buildings. In line with the commitments in the Parliamentary and Governing Agreement, I look forward to working with building Ministers nationally to introduce these important changes.
- The Government offers a range of different programs and schemes to help people improve their existing properties and reduce their energy costs, including options for low-income earners.

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Portfolio: Sustainable Building and Construction**PROFESSIONAL INDEMNITY INSURANCE****Talking points:**

- Availability of Professional Indemnity (PI) insurance for practitioners operating in the building industry is an international issue.
- From 1 July 2019, there have been exclusions in building surveyors policies issued by private sector insurance bodies for certain projects involving combustible cladding. These exclusions do not prevent a building surveyor from continuing to operate in the ACT, but may restrict the kind of work they can undertake under their licence.
- While we expect that unlawful approval of non-compliant products would not be covered by PI insurance policies, any exclusions must be clearly expressed.
- At the July 2019 Building Ministers' Forum (now called the Building Ministers Meeting), states and territories recommitted to working towards a coordinated approach to deal with the issues surrounding professional indemnity insurance.
- A professional indemnity options paper was released for targeted consultation with insurers and the building industry.
- In December 2019, Building Ministers discussed the outcomes of the consultation and agreed there is no single solution and that a range of responses may be necessary. There was agreement to a nationally consistent amount of required insurance coverage, which is at the level already in place in the ACT.
- Building Ministers met with the Insurance Council of Australia in mid-February 2020 to discuss ways that could reduce the cost and improve the availability of professional indemnity insurance premiums for building industry practitioners.
- Ministers have also met with building surveyor and certifier industry associations to discuss their implementation plans for raising standards within the industry and reducing risks.
- Regulation alone will not address this issue. The insurance sector and professionals in the construction industry all have a critical role to play in developing solutions.
- We also encourage local building surveyors to provide information and feedback on any changes in the market directly to the Environment, Planning and Sustainable Development Directorate or Access Canberra, so they can help determine the best way to respond to the issue.

Key information:

ACT licencing laws allow licences to be issued as long as the practitioner has adequate insurance. The scope of the licence can be matched to the scope of the insurance.

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Background information:

- From 1 July 2019, professional indemnity (PI) insurance policies for building surveyors have included exclusions for work in relation to combustible cladding.
- Due to international contraction and subsequent adjustment in the insurance market, the cost of premiums for PI policies has also increased. Increases in costs are not primarily in relation to combustible cladding.
- While there have been reports, from building surveyors in the ACT, that it can be more difficult (take longer and cost more) to obtain the required PI insurance, it is still possible to find the required cover.

Portfolio: Sustainable Building and Construction

IMPLEMENTATION OF BUILDING CONFIDENCE REPORT IN THE ACT

Talking points:

- At the July 2019 Building Ministers' Forum (now known as the Building Ministers' Meeting), all jurisdictions undertook to develop a national framework for implementation of the Building Confidence Report (BCR) recommendations.
- As the BCR mentioned, this does not necessarily require a one-size-fits-all approach to implementation.
- The suggested inclusions in the BCR are not unique to that report. Many are already in place in the ACT and do not require further work to implement.
- Building Ministers agreed to establish a BCR Implementation Team as part of the Australian Building Codes Board (ABCB) Office. The BCR Implementation Team has now developed and consulted on a range of outputs such as model guidance and frameworks to progress each of the recommendations of the BCR. The ACT has supported this work.
- Ministers have now agreed that the outputs satisfy the requirements of the national framework and it is now up to each state and territory to give consideration to how the model guidance and frameworks may be applied within their own regulatory systems. The ACT will do this as it progresses a range of reforms already committed to by the Government.

Background Information:

- In 2017, the Building Ministers' Forum commissioned a national report into compliance and enforcement systems as they relate to the National Construction Code.
- The BCR was released in March 2018.
- The ABCB BCR Implementation Team has consulted on potential reforms and has now completed development of outputs for each recommendation. It is now up to each state and Territory to consider how they might make further changes to their respective building regulatory systems based on the completed outputs.
- The 24 recommendations in the BCR are high level recommendations that relate specifically to National Construction Code compliance. The ACT reforms to date and ongoing have related to the whole building system, and included aspects such as contracting, education, dispute resolution and interventions for specific issues such as documentation that are not in the report but important to lasting reform. Work to reform the ACT Building Regulatory System is ongoing and will be progressed alongside work undertaken to meet the recommendations of the BCR.

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- Four of the BCR recommendations are for the Building Ministers' Meeting as a collective and not for individual states and territories to implement separately.
- Of the 20 recommendations that relate to state and territory systems, 7 require no further action for implementation in the ACT as the recommended features are already in place, one is not applicable to the ACT as we do not have multiple layers of government and regulatory bodies, one is of limited relevance given that the ACT does not allow issue of retrospective building approvals, and eight are already partially in place.

Portfolio: Sustainable Building and Construction

BUILDING QUALITY INITIATIVES (ENGINEER REGISTRATION AND GOVERNMENT CERTIFIERS)

Talking points:

- The ACT Government has committed to several measures aimed at improving building quality and the operation of the building regulatory system in the ACT.
- The Parliamentary and Governing Agreement states that during this term the Government will:
 - Establish a public sector building certification service;
 - Introduce a registration scheme for engineers; and,
 - set up a licensing scheme for property developers¹.
- These commitments follow on from the extensive reforms the ACT Government has already implemented, and continues to implement, designed to lift quality and accountability across the local building sector.
- We have been working to address issues and lift the quality of work by the different sub-sectors. This includes delivering a code of practice for building certifiers, tightening licencing and requirements for builders and introduced clear and robust documentation guidelines for building designers.
- Work underway now is considering a fee-for-service public sector or government run building certification service that would run alongside private certification services currently available. It is also considering how a public sector certification service may be applied to different types of buildings.
- The ACT Government has already implemented a number of reforms to improve quality and accountability across the local building sector. This has been further backed up by findings of the Building Confidence Report, commissioned by the Building Ministers Meeting. Design practitioners, such as engineers, should be accountable for the work they do, and any contribution it makes to non-compliant and defective buildings.
 - The ACT Government is committed to introduce a regulatory scheme and associated framework, for the accountability of engineers within this term of Government. Work underway now is considering the appropriate model for the ACT taking into consideration view of industry stakeholders and schemes recently introduced and under development in other jurisdictions.
- I acknowledge that there are many individuals and businesses across the ACT operating in the building and construction sector who do good work and provide quality services to their customers. These reforms intend to give greater choice and

¹ See Briefing #5 - Property Developer Licensing

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protection for the community and make those who are not up to standard accountable for their actions.

Background information:

Government Building Certification Service

- To meet obligations under competition laws, any certification services set up in competition with private practitioners will not be provided by the regulatory agency, but by a separate entity. Services provided by this entity would be subject to the same regulatory system as private sector certification, including auditing, inspection and complaints processes.
- The ACT Government indicated in its submission to the Legislative Assembly inquiry into building quality in the ACT that it is considering the most appropriate model for certification in the long term and that while this is under consideration, recent reforms already implemented will support building certifiers to carry out their functions by improving building approval applications, providing clearer expectations for certification and stage inspections and improving the skills and competencies of people designing and constructing buildings in the Territory. Reforms completed that relate to clarifying the role of the certifier or minimum standards of practice and documentation for building approvals are:
 - Minimum documentation requirements for building approval applications, which provides the baseline for building approvals for apartment and other complex buildings. The guideline supports building certifiers in their discussions with applicants, establishes a starting point for auditing approvals and indicates what the builder and owner can expect to be provided.
 - A new code of practice for licenced building surveyors, which came into effect on 1 September 2019, and new provisions in the Building Act outlining the functions of the certifier and the purpose and scope of stage inspections and supporting codes of practice.
 - Lodgement of stage inspection information shortly after the inspection is complete.
 - New pre-licence application assessments for building surveyor licence applicants.
 - Online course for building surveyors, compulsory for new building surveyor licensees.
 - Regulations to delineate agency agreements (including those for appointing certifiers) from building contracts.
 - New risk-based auditing system for building certification and building work.

Cleared as complete and accurate: 26/04/2022
Cleared for public release by: Executive Branch Manager Ext:50030
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Lead Directorate: Environment, Planning and Sustainable Development

Engineer Registration

- During 2020 officers from the Environment, Planning and Sustainable Development Directorate (EPSDD) met with representatives of the three main engineering industry groups, Engineers Australia, Professionals Australia, and Consult Australia. The discussions outlined the ACT Government's intentions to pursue detailed policy development which will support future enactment of an engineer registration scheme. Feedback from the industry groups during these discussions have provided useful inputs to the development of an ACT scheme to date. EPSDD continued policy development for the scheme in 2021.
- The Building Confidence Report Implementation Team, established within the Australian Building Codes Board Office to progress the recommendations, has developed and consulted on a draft National Registration Framework (NRF) for Building Practitioners to support implementation of recommendation one of the BCR. Building Ministers agreed to the final NRF in November 2021, which will inform work underway in the ACT on the accountability of building practitioners.
- EPSDD is continuing to develop a registration and certification scheme for the ACT, as a priority project with legislation planned for introduction in the Legislative Assembly during the November 2022 sitting period.