

Portfolio: Housing and Suburban Development**ACT HOUSING STRATEGY****Talking points:**

- The ACT Housing Strategy (the strategy) was launched in October 2018 and establishes an overarching policy framework to guide decisions about policy, planning, and delivery, of housing across the ACT over its ten-year lifespan.
- The strategy is a key priority for the Environment, Planning and Sustainable Development Directorate under its strategic objective to “deliver a compact and efficient city” (refer to page 21 of the 2020-21 Annual Report).
- The strategy is structured around five goals with linked objectives and 74 priority actions. It is supported by a complementary Implementation Plan, which identifies timeframes for the delivery of actions and allocates delivery responsibility within government.
- While the strategy aims to improve access to safe, secure, and affordable housing for all Canberrans, it includes a particular focus on low to moderate income households and those most vulnerable to homelessness.
- Through the strategy, the ACT Government has introduced a range of reforms, programs, and funding initiatives, which span the full housing continuum. This comprises initiatives that provide affordable home purchase and affordable rental opportunities, strengthen social housing assistance, respond to homeless, and increase equity in the housing market.
- The ACT Government reports annually on progress against the Implementation Plan. The first ACT Housing Strategy Report Card was released in November 2019. The report card showed strong progress in the strategy’s first year of implementation, with 15 of 16 targeted actions identified for delivery in 2018-19 either progressed or completed. A further 39 actions identified for delivery as part of ongoing or annual commitments were either underway or completed.
- The ACT Housing Strategy Year 2 Report Card was released in February 2021. The report card showed steady progress against the strategy’s 67 short-term, medium-term and ongoing actions with 14 completed, four in development, 33 progressing, and 16 continuing. There are now 14 completed actions; five were completed in 2018-19 and nine were completed in 2019-20. The strategy also includes seven annual actions, of which four were completed and three progressed since the release of the first report card.
- The ACT Housing Strategy Year 3 Report Card was released on 9 November 2021. The report card shows good progress across all goals and actions throughout the strategy’s third year of implementation, with 21 actions complete, one in development, 32 progressing and 13 continuing. The strategy also includes seven annual actions, all of which were completed since the release of the Year 2 Report Card.
- Following the release of the Year 3 Report Card, an important task will be to identify focus areas and priorities to support the strategy’s continued delivery. It is intended that this work will be integrated within the strategy’s existing structure and framework.

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- This work will involve collaboration across government and with our community delivery partners and may result in updating the strategy's existing policy settings to reflect new market conditions, changes arising from COVID-19, and the next phase of delivery of existing actions. New actions may also be identified and scheduled for delivery across the life of the strategy.

Key Information:

- The continued implementation of the strategy aligns with a range of commitments in the Parliamentary and Governing Agreement for the 10th Legislative Assembly.
- The strategy is structured around the following five goals (which span the full housing assistance continuum):
 - providing an equitable, diverse and sustainable supply of housing for the ACT community,
 - reducing homelessness,
 - strengthening social housing assistance,
 - improving affordable rental options, and
 - increasing affordable home ownership.
- The strategy mandates a target of at least 15 percent of residential land in the Indicative Land Release Program (ILRP) to be released for affordable, community, and public housing.

Background Information:

- The strategy replaces the previous Affordable Housing Action Plan, which was in place from 2007 to 2018.
- The strategy has a deliberate focus on strengthening existing supports for low income households in income quintile one (Q1), earning up to \$55,000 per annum, and providing greater support for households in income quintile two (Q2), earning up to \$100,000 per annum. As a cohort, Q2 households are at greatest risk of housing stress, especially when reliant on the private rental market.

Update on key actions underway**Innovation Fund**

- The second round of funding was announced on 21 November 2019, after an expression of interest process, with six successful applicants across four priority areas of innovation:
 - Summer Foundation Ltd to boost the supply of specialist disability accommodation (\$35,000);
 - Rights and Inclusion Australia to assist people with disability and families of people with disabilities identify suitable housing options in the ACT (\$90,000);
 - YWCA for YHomes, to deliver supportive housing for older women in Canberra (\$125,000);
 - CatholicCare Canberra and Goulburn to investigate the use of church land for the development of an affordable housing model and projects in the ACT (\$50,000);
 - Build.rent Pty Ltd to support its affordable rental housing model (\$125,000); and

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- Community Connections Incorporated (Homeshare ACT) to develop a home share model (\$220,000).
- The projects in round two of the Innovation Fund concluded in September 2021.

2021-22 Housing Targets

- Targets for public, community, and affordable, housing have been agreed for government land releases across the Territory for the 2021-22 financial year. A target of 307 dwellings has been determined, consisting of 155 public housing dwellings, 30 community housing dwellings, and 122 affordable housing dwellings.

Affordable Community Housing Land Tax Exemption

- The land tax exemption for home owners who rent their properties at an affordable rate (defined as 75 per cent or less of market rent) to eligible households, via a registered Community Housing Provider (CHP), came into effect in July 2019 under a pilot program.
- The program includes a cap of 250 properties that can access an exemption under the scheme, and there is no time limit.
- Of the three CHPs eligible to participate (CHC, the YWCA and Havelock Housing), two have done so, to date. Eligibility requires either registration as a licensed real estate agent, or exemption from this requirement under the *Agents Act 2003*.
- To date, CHC and the YWCA have been active participants. Havelock Housing has also expressed interest in participating but has not yet done so.
- CHC's participation in the scheme occurs through its real estate and property management arm, HomeGround Real Estate. The YWCA participate through its charitable property management service, Rentwell.
- As at January 2022, 90 properties had been registered collectively by the YWCA and CHC.

Community Housing Sector Engagement

- The following mechanisms are available to community housing providers (CHPs) to facilitate access to land for social and affordable housing:
 - Housing targets – allocation of 15 per cent of the ILRP each year to community, public, and affordable, housing.
 - Community housing tenders – for example, sites in Scullin, Giralang, and other suburbs, in 2020.
 - Purchase of land from the Suburban Land Agency – for example, Over the Counter, auctions, and ballots.
 - Affordable Home Purchase Scheme – if the database of eligible applicants is exhausted, dwellings are then offered to CHPs at the affordable price thresholds.
 - Direct sale – CHPs can apply to the government for a direct sale of land at full market value. This involves submitting a business case and meeting legislated criteria.

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- Private sector – CHPs can purchase land and dwellings from the private sector.
- In addition to establishing a pipeline of land to grow the supply of community housing, the ACT Housing Strategy also includes a range of initiatives, policies and programs to support CHPs. These include:
 - Development of community housing on underutilised community facility land.
 - Affordable community housing land tax exemption scheme.
 - Development of an Aboriginal and Torres Strait Island CHP.
 - Establishment of the affordable rental real estate management model (run by Community Housing Canberra).
 - Expansion of the land rent scheme to CHPs.
 - Pilot a shared equity scheme in partnership with a CHP.
 - Lease variation charge remission.
 - Build to rent – co located with Common Ground in Gungahlin, plus a separate expression of interest process.
 - Review of valuations policy to ensure that any restrictions such as the provision of community housing is factored into land valuation.
 - Affordable Housing Innovation Fund projects.

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Portfolio: Housing and Suburban Development**PARKWOOD EGG FARM (PACE FARMS)****Talking points:**

- Parkwood Farm (Pace) is a barn egg production facility located in the future urban development area of the Government's joint venture development with Riverview Group in West Belconnen (Ginninderry).
- Pace hold a 20-year rural lease over the land, which will expire on 31 December 2035.
- In July 2016, the Ginninderry urban development area, including the Pace land, was rezoned to a range of urban zones and a site-specific structure plan, and concept plan, was introduced into the Territory Plan with the commencement of variation No. 351.
- Planning for Ginninderry includes an 800 metre Environmental Clearance Zone around the Pace facility where residential, community, and other sensitive uses, are not permitted to be developed. The Ginninderry staging plan is designed around this constraint and development in this area is not contemplated until the Pace exit the site and the lease expires in 2035.

Key Information

- Representatives for Pace have approached the Directorate (April 2019) to signal a potential interest in an early exit from the site prior to the expiry of the current lease term in 2035. A valuation report quantifying the potential benefit to government of an early lease surrender in 2025 was provided by Pace, estimated by Pace at \$20.4 million.
- The government has declined to pursue the early exit proposal from Pace.
- Pace applied to the planning and land authority for a further lease over the site to extend expiry beyond 2035. The application was refused on 25 August 2020.

Background Information

- In 2012, the ACT Government supported the conversion of Parkwood Farm from cage production to barn egg production with a grant of \$7.5 million. All funded improvements under the Deed of Agreement with Pace Farm were considered completed in July 2018.
- The Deed of Agreement included provision for a portion of the lease to be surrendered to the Territory, which has not been triggered. This area of land is being considered as one of the options to relocate Canberra Sand and Gravel (CSG) green waste operations from the West Belconnen Landfill site. This operation is required to be moved to allow the Transport Canberra and City Services Directorate to progress with the West Belconnen Landfill closure and capping project.

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

PLANNING AUDIT REPORT – RESIDENTIAL LAND SUPPLY AND RELEASE**Talking points:**

- *Auditor-General's Report No. 4 of 2020 on Residential Land Supply and Release* was tabled in mid 2020.
- The report comprised several key findings and made seven overarching recommendations, with 11 sub-recommendations.
- The Government Response, tabled on 2 December 2020 agreed to six; agreed in principle to three; and did not agree to two of the 11 sub recommendations.
- The Standing Committee on Public Accounts is conducting an inquiry into the Auditor-General's report.
 - The Government intends to provide a Submission to the Inquiry by the closing date of 24 March 2022.

Key Information

- The report acknowledged the ACT Government's commitment to providing an equitable, diverse and sustainable supply of residential land and housing to meet the needs of all Canberrans. The report also acknowledged there are a number of positive areas of governance and policy, and also some opportunities for improvement.
- The report provided insights into the first two years of the ten-year ACT Housing Strategy and a basis for assessing and improving this key area of housing policy.
- The ACT Government welcomed the recommendations and has since taken a proactive approach to continually consider our processes and policies particularly related to land release and supply of appropriate land and housing and implement the recommended improvements into our processes.
- The audit reviewed the process used to develop the Government's Indicative Land Release Program and the delivery of the program against agreed targets, including housing targets, by the Government's delivery entities, the Suburban Land Agency and the City Renewal Authority.
- The report comprised several key findings and made seven overarching recommendations, with 11 sub-recommendations across three broad areas:
 - Business improvement opportunities, specifically documentation of procedures and processes around development of the ILRP and supporting land supply and release functions;
 - Government policy regarding the role of EPSDD in providing forecasting to the private sector and the community on ACT land and housing supply and

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demand, including for affordable housing, through its regular Land and Property Reports; and

- Improvements in the identification, allocation and mix of affordable housing as part of the ILRP. The report provides insight into the first two years of the ten-year ACT Housing Strategy as a basis to assess and improve this key area of housing policy.
- The Government Response agreed to six, agreed in principle to three and did not agree to two of the 11 sub recommendations. The Government Response to the audit report, was considered by Cabinet on 23 November 2020 and tabled on 2 December 2020.
- Standing Order 254B of the Legislative Assembly required that within four months of presentation of a report a government response be either tabled in the Legislative Assembly if the Legislative Assembly is sitting, or, if not, provided to the Speaker for non-sitting circulation to members and be tabled on the next available sitting day. This period does not exclude caretaker periods, including the recent period that ran from 11 September 2020 to 2 November 2020. As such, the due date for tabling of the government response was 26 October 2020.

Background Information

- There may be questions on the two sub recommendations in the report that are not agreed:
- *Sub-recommendation 2 part c) – that EPSDD should improve the utility of the ACT land and Property Report to the ACT community by including future projections for housing demand and supply – is not agreed as forecasting is beyond the scope and intent of the report which is to present a snapshot of activity in the Canberra land and housing market that occurred during the relevant six-month period of analysis.*
- *Recommendation 6 – that EPSDD should include reporting in the ACT Land and Property Reports of land released (including dwelling yield) through the Indicative Land Release Program that has not sold – is not agreed as there is always a market risk that land is not taken up by the market (sold) at the time it is offered.*
 - The Government considers that in addition to the market risk, one of the objectives of the ILRP is to maintain a stable supply of land to the market with residential releases at a level that is ahead of underlying demand. Having an inventory of residential blocks of land available for sale over the counter is a housing affordability measure, in that supply is available for when demand arises. The Suburban Land Agency has details of blocks that are available for sale are publicly available on the SLA website and regularly promoted through digital media.
- The actions undertaken to date to implement those sub-recommendations either agreed to or agreed to in principle are outlined in Table 1. A detailed breakdown of each recommendation, including critical dates for actions to implement each recommendation, is also provided in Tabel 1.

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Table 1: Detailed breakdown of recommendations and implementation dates

Recommendation No.	Sub-Recommendation	Implementation date
1. Policy and Procedural Guidance	The Environment, Planning and Sustainable Development Directorate should: a. <i>finalise and endorse for use draft policy and procedural guidance relating to land release and supply; and</i>	March 2021: Land Supply and Release Policy and Procedural Guidance for the Development of the ILRP. February 2021: Affordable, Community and Public Housing Targets Implementation Policy and Standard Operating Procedure.
	b. <i>implement review and evaluation processes as described in the draft policy and procedural guidance.</i>	March 2021: Land Due Diligence Standard Operating Procedure.
2. ACT Land and Property Reports	The Environment, Planning and Sustainable Development Directorate should improve the utility of the ACT Land and Property Report to the ACT Community by: a. <i>producing the report on a six-monthly basis, as quickly as possible after the quarter to which it relates;</i>	30 June 2021: Publication of the following ACT Land and Property Report editions: - January-June 2019 - July-December 2019 - January-June 2020 - July-December 2020 - January-June 2021
	b. <i>including historical information and trend data for different parts of the report, including dwellings in the planning, developers' and builders' pipelines; and</i>	Agree in principle - 30 June 2021 (completed): Historical data was included from the July-December 2019 edition of the ACT Land and Property Report.
	c. <i>including future projections for housing demand and supply.</i>	Not agreed - The Government considers that a forecasting element is beyond the intention of the ACT Land and Property Report.
3. Residential Supply and Demand Model	The Environment, Planning and Sustainable Development Directorate should improve the utility of the Residential Supply and Demand Model by using actual figures of dwellings in the developers' and builders' pipelines to inform the future new housing supply.	Agreed in Principle - March 2021 (completed): actual numbers are included in the model and matched with completions data from the ABS. Future work includes analysis of Certificated of Occupancy and Use data as indicator of completions.
4. Indicative Land Release Program Dwelling Type	The Environment, Planning and Sustainable Development Directorate should provide greater information and transparency on land supply to the ACT market by identifying the nature of dwellings expected to be yielded through the Indicative Land Release Program, i.e. detached housing or multi-unit developments.	Agreed - 2021 ILRP onward (completed): Estimates of dwelling splits for the 2020-21 ILRP were published with the ILRP in the August 2020 Economic and Fiscal Update (27/08/2020), including single dwelling blocks, mid-density dwellings, multi-unit dwellings, dwellings in new suburban areas and dwellings in existing suburbs.
5. Affordable Housing Siting Criteria	The Environment, Planning and Sustainable Development Directorate should develop policy guidance and criteria for the identification and allocation of affordable housing across the	Agreed in Principle - Completed.

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	Indicative Land Release Program land releases.	
6. ACT Land and Property Reports	The Environment, Planning and Sustainable Development Directorate should include reporting in ACT Land and Property Reports of land released (including dwelling yield) through the Indicative Land Release Program that has not been sold.	Not agreed. However note that the ACT Land and Property Report refers to the inventory held at a point in time by the SLA.
7. Affordable Home Purchase Program	The Environment, Planning and Sustainable Development Directorate, Suburban Land Agency and City Renewal Authority should: <ol style="list-style-type: none"> a. <i>review and amend the nature and type of affordable housing dwellings offered to the market through the Affordable Home Purchase Program in order to better meet market demand; and</i> 	Agreed – Reviewed annually (completed June 2021).
	<ol style="list-style-type: none"> b. <i>following these changes, plan for an evaluation of the Affordable Home Purchase Program to review the effectiveness of the program in meeting affordable housing policies and objectives of the Territory.</i> 	Agreed – Reviewed annually (completed July 2021).

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Portfolio: Planning and Land Management

FIVE YEAR INDICATIVE LAND RELEASE PROGRAM

Talking points:

- The ACT Government's Indicative Land Release Program (program) is a vital tool in implementing the desired growth and settlement patterns of our city and balancing the supply of land to meet the needs of our growing and changing city. Long standing principles guide the purpose, objective, and development, of the ACT Government's land release program – these principles include to:
 - deliver housing diversity and affordable housing choice;
 - support the development of a sustainable and resilient city in the landscape by promoting the efficient use of land and being responsive to change;
 - contribute to the strategic planning for Canberra contributing to building a compact and efficient city and supporting sustainable growth by working towards 70 percent of new housing within the existing urban footprint;
 - balance a sustainable supply of land with forecast demand to maintain an inventory of land in the planning, development, and building pipeline;
 - support a sustainable and competitive land development and construction industry to create jobs for Canberrans and attract investment into Canberra; and
 - achieve satisfactory returns to the ACT Budget.
- The program is reviewed each year and may change year-to-year as the Government's priorities adjust to better respond to the circumstances impacting the Canberra community.
- This year the ACT Government published a 5-year program for the years 2021-22 to 2025-26, alongside the 2021-22 ACT Budget.
- The residential land release program for the next five years targets the release of more than 16,000 homes to cater for demand for new housing.
 - In 2021-22, 4737 homes are programmed for release.
- More broadly over the next five years, the land release program will comprise:
 - 86,899m² of Mixed use land;
 - 165,615m² of Commercial land;
 - 97,037m² of Industrial land; and
 - 188,438m² of community land is programmed for release bringing new schools and more local community facilities to our suburbs.

ILRP - 2021-22 Housing Targets

- The ACT Government is committed to improving housing availability, diversity, and choice, to a growing population in Canberra.

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- The ACT Government has set a target of delivering 15% of the annual residential program for public, community, and affordable, homes to provide for the housing needs of all Canberrans.
- The 2021-22 housing target is comprised of:
 - 155 new public housing dwellings;
 - 30 new community housing dwellings; and
 - 122 homes dedicated for affordable home purchase to eligible low-income households.

ILRP - Build to Rent

- Through the program, the ACT Government will release residential development sites to build affordable rental properties under a build-to-rent model. This is an initiative of the ACT Government Housing Strategy.

ILRP - Showcase Sustainable Building Innovation

- The ACT Government is committed to building a sustainable and resilient Canberra and is committed to actions to showcase building innovation.
- Through the program, the ACT Government will release development sites suitable to showcase sustainable building innovation, integrating living infrastructure, and sustainable building design, to make Canberra a resilient city with the landscape.

Key Information:

- The table below is a breakdown of the residential commercial, mixed use, and community and non-urban land release programs by year, location, and dwelling type:

Table 1: 2021-22 to 2025-26 ILRP Residential Releases

	Single dwellings	Mid-Density dwellings	Multi-unit dwellings	Total Residential dwellings	Mixed-use land (m ²)	Commercial land (m ²)	Industrial land (m ²)	Community land (m ²)
2021-22	631	92	4014	4737	71,917	94,996	17,030	31,003
2022-23	850	270	2060	3180	0	45,419	40,000	100,000
2023-24	1180	160	1297	2637	14,982	15,200	0	46,500
2024-25	880	230	1770	2880	0	10,000	40,000	0
2025-26	630	130	2240	3000	0	0	0	10,935
Total	4171	882	11,381	16,434	86,899	165,615	97,030	188,438

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2021-22 Program

- The 2021-22 residential target is 4,737 dwellings. An indicative dwelling mix for the 2021-22 residential program is shown in Table 2 below.

Table 2: 2021-22 Residential Program - Indicative dwelling mix

Total residential dwelling releases for 2021-2	4,737
Number (and %) of Single dwelling blocks	631 (13%)
Number (and %) of Compact blocks and mid-density dwellings)	92 (2%)
Number (and %) of Multi-unit dwellings -apartments	4,014 (85%)

Minister for Sustainable Building and Construction

20/21 BUDGET ITEMS		
1.	Building regulation reform - Stage 2	Building Reform
2.	Improving Building Quality - Public sector building certifiers	Building Reform

ANNUAL REPORT VARIANCES		
3.	Variances in the 1/2 yearly report	Corporate Services and Operations

SUSTAINABLE BUILDING AND CONSTRUCTION QTBS		
4.	Living Infrastructure Plan (including DV369)	Planning, Land & Building/ Climate Change & Sustainability
5.	Property Developer licensing	Building Reform
6.	Minimum Accessibility Standards	Building Reform
7.	Fidelity Fund	Building Reform
8.	Government Response to the Building Quality Inquiry	Building Reform
9.	Building Reforms	Building Reform
10.	Energy Efficiency Standards	Building Reform
11.	Professional Indemnity insurance	Building Reform
12.	Implementation of Building Confidence Report in the ACT	Building Reform
13.	Building Quality Initiatives (Engineer Registration, Developer Licensing and Government Certifiers)	Building Reform
14.	Home Swimming Pool Safety	Building Reform
15.	Minimum Energy Requirements for rental properties	Climate Change & Sustainability
16.	ACT Government – Response to Asbestos	Asbestos Response Taskforce
17.	Cladding Remediation	Led by Major Projects Canberra
18.	Construction Industry Arrangements	Led by Major Projects Canberra

Portfolio: Sustainable Building and Construction
Building regulation reform – Stage 2

As per budget papers. *Note funding has been reprofiled and has been split across 2021-222 and 2022-23*

	2020-21	2021-22	2022-23	2023-24	Total
	\$'000	\$'000	\$'000	\$'000	\$ '000
Expenses	800				800

Initiative description (as per budget papers)

The ACT Government will accelerate work on a licensing scheme for property developers and progress the building regulation reform program. This builds on the ACT Government's commitment to ensure those in the building industry are accountable for their work and to ensure Canberrans have high quality homes.

Parliamentary Agreement details

This commitment is included in the Parliamentary and Governing Agreement at Appendix 3, item 5.2 - Set up an Australia-first licensing scheme for property developers, including the creation of a "fit and proper person" test and rigorously enforced penalty scheme.

The ACT Government also committed to undertaking a second stage of the *Improving the ACT Building Regulatory System* reform program. Stage 2 of the reform program will progress work arising from stage 1, allow the Environment, Planning and Sustainable Development Directorate to progress new commitments made through the Government Response to the Building Quality Inquiry and complete any required work related to the national reforms underway to respond to the recommendations of the Building Confidence Report (also referred to the Shergold and Weir Report).

Key deliverables and timetable

Key areas of focus for stage 2 building reforms 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.

Work relating to property developer licensing is considering potential license scopes and development of an effective regulatory model suitable for the ACT including options for the increased provision of information about developers to consumers. The funding available will allow for initial policy development and consultation. Any scheme will be subject to agreement by Government and a further business case will be required to secure funding for implementation.

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Previous funding provided/ project development details

This budget initiative included funding of \$636,000 in 2019-20 to undertake initial work on developer licensing and stage 2 building reforms.

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Portfolio: Sustainable Building and Construction

Improving Building Quality – Public sector building certifiers

As per budget papers

	2020-21	2021-22	2022-23	2023-24	Total
	\$'000	\$'000	\$'000	\$'000	\$ '000
Expenses	150	150			300
Expenses – Provision			4,185	3,445	7,630
Total Expenses	150	150	4,185	3,445	7,930

Initiative description (as per budget papers)

The ACT Government will support investigative work into the regulatory challenges facing the current building certification system and alternative certification models including developing a fee-for-service public building certification service model.

Agreement details

The Parliamentary and Governing Agreement at Appendix 3, item 5.1 – Establish an expert team of publicly funded building certifiers within the ACT Public Service.

Key deliverables and timetable

This funding will allow the Environment Planning and Sustainable Development Directorate to undertake initial policy and regulatory investigation work and consultation with industry. These investigations are considering a public sector or government run building certification service that would run alongside private certification services currently available and how a public sector certification service may be applied to different types of buildings. This work will inform future development of a scheme for the consideration of the ACT Government and development of a further business case for implementation funding. The provisioned expense funding is based on initial estimates of the funding required for implementation.

Previous Funding Provided / Project development details

This work has not previously been funded.

Related work to improve building certification practices in the ACT was undertaken as part of the *Improving the ACT Building Regulatory System* reform program.

Reforms related 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 licensed 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 assessment 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.

Portfolio/s: Sustainable Building and Construction

Statement of Performance - EPSDD

Talking points:

- The Environment, Planning and Sustainable Development Directorate (EPSDD) achieved 65 percent of performance measures for the year (24 of 37 indicators).
- This compares to 59 percent of performance measures achieved for 2019-20 (23 of 39 indicators).
- The statement of performance is on page 293 to 307 of the annual report.
- The Audit Office issued one audit finding in relation to the statement of performance relating to Expenses on Behalf of the Territory (Office of the Commissioner for Sustainable and the Environment). The two indicators were:
 - Undertake Ministerial initiated investigations in accordance with the Minister's direction
 - Undertake complaints generated investigations in accordance with the Terms of Reference
- EPSDD is working at establishing new indicators which will replace these.
- The second part of the finding related to EPSDD not having a performance indicator for Public Housing Renewal Taskforce. Under the *Financial Management Act* it is implied that each reported output must have a performance indicator. This output related to a program which would be completed during the year, and therefore no performance measures were identified in the budget.

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 1:	PLANNING			
Output 1.1:	PLANNING DELIVERY			
Description:	Facilitate and manage growth and change within the ACT through development assessment and leasehold management, with the overarching objective of promoting and facilitating economically productive, sustainable, attractive, safe and well-designed urban and rural environments in the ACT.			
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
TOTAL COST (\$'000)	\$21,608	\$17,593	(19%)	The variance resulted from a review of the allocations of support activities required to undertake the outcome.
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$17,282	\$13,337	(23%)	The variance is primarily related to the expenditure variance above.
Accountability Indicator				
	Development application processing times:			
a.	- average processing time in working days	45	61	(36%) Average and median timeframes were impacted due to the determination of a large number of older development applications.
	- median processing time in working days	30	42	(40%) Timeframes may be extended while awaiting further information from an applicant, or where an applicant decides to amend a proposal. Significant proposals also often require additional time to resolve complex assessment matters.
b.	Percentage of development application decisions made within statutory deadlines	75%	55%	(27%) During the reporting period the Directorate determined a number development applications where applicants did not provide further information in a timely manner or had complex assessment issues to resolve. The Directorate also directed resources to prioritise s165 applications (satisfying conditions of approval) lodged to enable current construction projects to continue or commence operations during the economic downturn. In addition, with the remaining processing capacity, there has been a significant increase (from 778 in 2019-20 to 1183 in 2020-21, 52%) for the exemption declaration applications (single dwelling approvals). 93% of these applications were determined within the statutory timeframe.
c.	Percentage of development application appeals resolved by mediation in relation to development proposals	35%	64%	83% The Directorate supports the use of mediation whenever this is offered by the ACT Civil and Administrative Tribunal. Seven (7) of the eleven (11) decisions were consented decisions through mediation. The variance reflects the small sample size but also reflects the Directorate's willingness to work with developers/applicants avoiding full hearing where possible.
d.	Percentage of ACT Civil and Administrative Tribunal (ACAT) decisions which uphold the Directorate's original decision	85%	90%	6% Twenty (20) ACAT decisions were handed down during the reporting period. Eighteen (18) of these supported the Directorate's position.

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 1:	PLANNING				
Output 1.2:	PLANNING AND BUILDING POLICY				
Description:	Provision of high quality professional services in strategic land planning; administering the Territory Plan; planning for land release and development; developing policies for high quality urban design; and policies for buildings, building services, equipment and appliances, and the building and construction industry. Continue the ACT Planning System Review and Reform project.				
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)	
TOTAL COST (\$'000)	\$16,572	\$11,431	(31%)	The variance is mainly associated with delays of a number of initiative projects into the 2021-22 financial year due to the Covid-19 Pandemic response.	
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$14,878	\$12,020	(19%)	The variance is primarily related to the expenditure variance above as the Controlled Recurrent Payments (CRP) are not drawn down until expenses are incurred.	
Accountability Indicator					
a.	Number of Environment and Planning Forums held during the year to assist in community consultations	6	7	17%	One additional meeting was held to focus on the Planning System Review and Reform Project, as part of a series of three dedicated meetings to this project.

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 2:	ENVIRONMENT				
Output 2.1:	ENVIRONMENT				
Description:	Help protect the ACT's natural environment through: <ul style="list-style-type: none"> • the implementation of programs responding to natural resource management as part of the Commonwealth's National Landcare Program; • manage, review and implement legislation/action and plans to better protect and conserve critically endangered grasslands, woodlands and associated fauna and key waterways; • sustainable use of water, best practice approaches to water management through water sensitive urban design, water security and catchment management including through implementation of Striking the Balance, the ACT's Water Strategy; • establish and support an ACT and region catchment management governance framework; • administer the annual funding of the ACT Environment Grants Program; • promotion and involvement of the community in caring for the ACT's natural environment; and • develop, review and implement legislation, policies, strategies, plans and standards to protect the natural and built environment. 				
		2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
	TOTAL COST (\$'000)¹	\$75,946	\$82,162	8%	The variance is mainly related to the increased expense of the ACT Healthy Waterways program.
	CONTROLLED RECURRENT PAYMENTS (\$'000)	\$15,378	\$12,389	(19%)	The variance is primarily related to the expenditure variance above as the Controlled Recurrent Payments (CRP) are not drawn until expenses are incurred.
Accountability Indicator					
a.	Submit twice yearly progress reports to the Commonwealth for the <i>National Landcare Program</i>	1	1	0%	
b.	Prepare and submit National Environment Protection Measure jurisdictional reports to the National Environment Protection Council within agreed timeframe	Sep-20	Mar-21	(100%)	The Commonwealth did not call for jurisdictions to contribute towards the 2019-20 National Environment Protection Council (NEPC) Annual report. The reports sent were therefore initiated by the Directorate.
c.	Prepare a public report on the implementation of the ACT Water Strategy	Jun-21	Jun-21	0%	
d.	The conservator of Flora and Fauna to finalise Action Plans for matters listed under the <i>Nature Conservation Act 2014</i> , within six months following public consultation	100%	N/A	N/A	During 2020-21 financial year there was no requirements to complete any Action Plans as no matters arose under the <i>Nature Conservation Act 2014</i> that required the completion of an action plan.
e.	Implementation report on the <i>Nature Conservation Strategy 2013-23</i> to be publicly released ²	Jun-21	Jun-21	0%	
f.	Prepare a public report annually on the Conservators actions to protect ACT flora and fauna ³	1	1	0%	

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019* .

The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996* .

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

1. The 2020-21 Target of the total costs has included transferring of ACT Healthy Waterway assets to TCCS for \$57,860,000.

2. The result for this indicator reports the 2019-20 implementation report that was published in the Directorate's 2019-20 annual report.

3. The result for this indicator reports the 2019-20 report that was published in the Directorate's 2019-20 annual report.

Lead Directorate:

Environment, Planning and

Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 2:	ENVIRONMENT			
Output 2.2:	Conservation and Land Management			
Description:	Planning and management of the ACT's parks, reserves, unleased public land and plantations, including associated community infrastructure. The land manager role includes management of land for recreational use; conservation management; including management of national parks, nature reserves; fire management; and pest and weed control as well as the management of the Territory's softwood plantation and oversight of rural production areas. Conservation includes partnering with Traditional Custodians to proactively manage the ACT's natural and cultural environment.			
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
TOTAL COST (\$'000)	\$58,113	\$73,077	26%	The variance is related to increased spending on Biosecurity/weed responses in response to recent weather patterns, as well as higher expenses for capital works projects related to planning and support activities.
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$47,450	\$58,114	22%	The variance is mainly related to cash drawdowns associated with the actual expenditure as detailed on the total cost.
Accountability Indicator				
a.	Customer satisfaction with the Management of protected areas (Tidbinbilla Nature Reserve, Namadgi National Park and Canberra Nature Park)	90%	76%	(16%) The variance is mainly caused by closure of the Namadgi National Park for part of this reporting period due to fire recovery and flooding, reopening on 4 April 2021. The survey questions are interpreted by respondents in different ways. There was a 91.7% of visitor satisfaction in relation to the question "Thinking about your most recent visit, how would you rate your overall experience?"
b.	Implement fuel management activities – grazing – as identified under the approved EPSDD Bushfire Operational Plan	100%	100%	0%
c.	Implement fuel management activities – physical removal – as identified under the approved EPSDD Bushfire Operational Plan	100%	84%	(16%) In certain specific areas, the elimination or reduction of fire fuels through physical removal is undertaken by either hand or machinery. A combination of weather and contractor availability due to the focus on fire and storm recovery resulted in this work not being completed.
d.	Implement fuel management activities – slashing – as identified under the approved EPSDD Bushfire Operational Plan	100%	100%	0%
e.	Implement fuel management activities – burning – as identified under the approved EPSDD Bushfire Operational Plan	100%	90%	(10%) The 2020-21 prescribed burning program was vastly different from the 2019-20 season but still full of challenges. The spring program was hampered by high fuel moisture in all areas and weather conditions outside of the acceptable parameters. The heavy rain in August and October effectively stopped all spring prescribed burns. The restrictions that COVID-19 placed on Parks and Conservation Service meant that the large gatherings of staff required to undertake prescribed burning wasn't possible. A short window of weather and fuel moisture presented itself in April.
f.	Implement access activities – as identified under the approved EPSDD Bushfire Operational Plan	100%	79%	(21%) A combination of weather and contractor availability due to the focus on fire and storm recovery contributed to lower than expected results.

Notes

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 2:	ENVIRONMENT			
Output 2.3:	HERITAGE			
Description:	Administration of the heritage provisions of the <i>Heritage Act 2004</i> and assistance in the conservation of the ACT's heritage assets to ensure their recognition, registration and conservation. The area provides administrative and operational support to the ACT Heritage Council and its projects, support for the National Trust in the delivery of its programs, and administers the annual funding of the ACT Heritage Grants Program, the annual Canberra and Region Heritage Festival and Capital Works projects as they relate to heritage conservation works. A key function is also the promotion and education of the community regarding heritage assets of the ACT.			
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
TOTAL COST (\$'000)	\$2,763	\$2,129	(23%)	The variance is mainly because Heritage related programs postponed to 2021-22 financial year as a result of reprioritisation of the business activities.
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$2,131	\$2,041	(4%)	
Accountability Indicator				
a.	Notification on the legislation register of Heritage Council Decisions within 5 working days of the decision	100%	100%	0%
b.	Development application advice issued within 15 working days of referral by the ACT Land and Planning Authority	90%	83%	(8%)
c.	Decisions about heritage registrations by the ACT Heritage Council made within statutory timeframes	100%	100%	0%

Notes

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996* .

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 3:	CLIMATE CHANGE AND SUSTAINABILITY				
Output 3.1:	CLIMATE CHANGE AND SUSTAINABILITY				
Description:	Develop policy and provide advice in relation to:				
	<ul style="list-style-type: none"> the ACT's climate change agenda as outlined in the ACT Climate Change Strategy and the Living Infrastructure Plan; investments in renewable electricity to achieve the government's 100% renewable electricity target and delivery of local industry development strategies; policies and programs to encourage and transition to zero emission vehicles in the ACT; frameworks to ensure the ACT's energy systems (electricity, fuel and liquid fuels) are reliable, sustainable and affordable; measures to help households, businesses, schools, and transport manage their energy better to reduce emissions and costs, including administration of the Actsmart programs; the ACT Zero Emissions Government framework; and administration of the Energy Efficiency (Cost of Living) Improvement Scheme. 				
		2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
	TOTAL COST (\$'000)	\$114,467	\$185,412	62%	The variance is primarily due to the creation of a provision for Large-Scale Generation Certificates and the revaluation of the current certificates downwards.
	CONTROLLED RECURRENT PAYMENTS (\$'000)	\$18,306	\$16,073	(12%)	The variance is due to technical issues, with electric vehicles charging program that led to delays in expenditure. There was also lower consultancy costs and higher staff vacancies during the year.
Accountability Indicator					
a.	Number of households assisted by the Household Low Income Program	1,100	1,214	10%	The number of households supported through community information sessions exceeded expectations, despite the presumed impact from COVID-19. This was achieved through digital delivery and new opportunities within public housing complexes.
b.	Number of businesses supported by energy, water and waste programs	750	554	(26%)	During 2020-21 COVID-19 has reduced the number of businesses seeking support, and also impacted the teams accessibility to some businesses. During the pandemic, virtual energy and water assessments and re/accreditations were conducted where possible.
c.	Oversee the actions of the ACT's Climate Strategy to a Net Zero Emissions Territory:				
	- publish an annual greenhouse gas inventory for the ACT	Dec-20	Dec-20	0%	
	- publish an annual report on actions to achieve the ACT Government's target of net zero carbon emissions in the ACT by 2050, at the latest and in Government operations by 2020	Dec-20	Dec-20	0%	

Notes

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The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 4:	LAND STRATEGY AND URBAN RENEWAL				
Output 4.1:	LAND STRATEGY				
Description:	Provide strategic, policy and planning direction and support, including preparation of the four-year Indicative Land Release Program (ILRP). The ILRP sets out the Government's intended program for land release and seeks to facilitate housing diversity, provide affordable housing, stimulate economic activity, and meet the demand for land in the Territory and support a competitive land development and construction market. An element of this includes undertaking due diligence for land that contributes to the ILRP.				
		2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
	TOTAL COST (\$'000)	\$2,581	\$4,570	77%	The variance is due to work required for the Indicative Land Release Program.
	CONTROLLED RECURRENT PAYMENTS (\$'000)	\$2,426	\$4,902	102%	The variance is primarily related to the expenditure variance above.
Accountability Indicator					
a.	4-year Indicative Land Release Program published	1	0	(100%)	Ordinarily, the 4-year ILRP is published for the full 4-year period. Due to Covid, the Government decided to publish a single year (2020-21) of the 4-year ILRP and to publish as part of the August EFU.
b.	Publish the annual affordable, community and public housing targets	1	1	0%	

Notes

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 4:	LAND STRATEGY AND URBAN RENEWAL				
Output 4.2:	URBAN RENEWAL				
Description:	Urban renewal delivers projects that involve multiple policy outcomes. This work includes the identification of key precincts and individual projects, prioritisation of projects based on community need, undertaking feasibility studies and due diligence, and project delivery including demolition and minor works. This work seeks to integrate urban renewal opportunities across Government around defined urban renewal precincts, including within town and group centres and within pockets of established suburbs, such as local centres.				
		2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
	TOTAL COST (\$'000)	\$16,556	\$16,424	(1%)	
	CONTROLLED RECURRENT PAYMENTS (\$'000)	\$15,903	\$9,987	(37%)	The amount of Controlled Recurrent Payments (CRP) recognises the work undertaken during the year. A number of expenses did not require cash during the period, leading to a lower CRP requirement.
Accountability Indicator					
a.	Demolish and remediate the former Woden Canberra Institute of Technology (CIT)	Sep-20	Sep-20	0%	

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 5:	LOOSE-FILL ASBESTOS INSULATION ERADICATION				
Output 5.1:	LOOSE-FILL ASBESTOS INSULATION ERADICATION Scheme				
Description:	The Asbestos Response Taskforce delivers the Loose-fill Asbestos Insulation Eradication Scheme safely, compassionately and efficiently. It provides support and advice to affected homeowners, the Canberra community, industry and Government.				
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)	
TOTAL COST (\$'000)	\$31,026	\$27,395	(12%)	Variance relates to the timing for Cost of Goods sold for properties that were remediated and held ready for sale during the period. This includes properties transferred to Housing ACT. Further settlements were delayed due to the impacts of COVID-19 Pandemic.	
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$14,287	\$5,528	(61%)	The Asbestos Response Taskforce used Controlled Recurrent Payments (CRP) as required to complete the activities. Based on the properties and the work required a lower amount of CRP was requested during the period, with larger sales funding available to pay for expenses.	
Accountability Indicator					
Buy-Back and Demolition Program:					
a.	Purchase affected dwellings	6	8	33%	The variance from the target is primarily due to the easing of COVID-19 Pandemic restrictions in the ACT, resulting in removal of external barriers to remaining homeowners engaging in the property market that existed in the initial period following the declared public health emergency. This allowed homeowners more freedom to interact with the property market and transition to new living arrangements, resulting in some homeowners bringing forward their planned surrender date to the 2020-21 financial year.
b.	Demolish affected dwellings	10	8	(20%)	Many variables can impact the timing of completion of demolitions, including the number and timing of property surrenders, receipt of all necessary authorisations and resolution of complexities associated with non-standard properties. The 2020-21 year saw good progress in preparing a number of properties for demolition, but only resulted in the actual demolition of eight affected dwellings.
c.	Deregister affected properties post demolition and soil validation	16	13	(19%)	The deregistration of affected properties can only occur following demolition and soil validation. As the timing of the demolition is subject to change for a range of reasons, such as delay in property surrender, changes in private demolition arrangements, or delays in resolving authorisation for complex properties, the deregistration target will be subject to variance each year.
Sales Program:					
d.	Sale of remediated and deregistered blocks	63	65	3%	

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

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The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

Output Class 6:	PUBLIC HOUSING RENEWAL TASKFORCE			
Output 6.1:	PUBLIC HOUSING RENEWAL TASKFORCE			
Description:	The Public Housing Renewal Taskforce is delivering 1,288 replacement public housing dwellings that will better meet the needs of tenants, now and into the future, as part of the ACT Government's public housing renewal program. This program supports the renewal of Canberra's urban areas as the Public Housing Renewal Taskforce works with Urban Renewal, the City Renewal Authority and Housing ACT, to support the sale of older multi-unit public housing properties that are no longer fit for purpose.			
	2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
TOTAL COST (\$'000)	\$5,319	\$4,687	(12%)	The program ceased during the year, with expenses reflective of cost of completion.
CONTROLLED RECURRENT PAYMENTS (\$'000)	\$5,321	\$5,321	0%	
Accountability Indicator				
Nil				

Notes

The above Statement of Performance should be read in conjunction with the accompanying notes.

The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The delivery of Public Housing renewal was completed in 2019-20. As the renewals were completed all accountability indicators were discontinued. The output was continued to finalise the programs outcomes in 2020-21.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

**ENVIRONMENT, PLANNING AND SUSTAINABLE DEVELOPMENT DIRECTORATE
STATEMENT OF PERFORMANCE FOR THE YEAR ENDED 30 JUNE 2021**

EBT:	OFFICE OF THE COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT				
EBT 1:	OFFICE OF THE COMMISSIONER FOR SUSTAINABILITY AND THE ENVIRONMENT				
Description:	Publication of the State of the Environment Report, investigation of complaints by Ministerial direction, or where a Territory agency's actions may have a substantial impact on the environment.				
		2020-21 Targets	2020-21 Result	% Variance	Explanation of Material Variances (+/- 5%)
	TOTAL COST (\$'000)¹	\$1,552	\$1,515	(2%)	
	PAYMENTS FOR EXPENSES ON BEHALF OF THE TERRITORY (\$'000)¹	\$1,535	\$1,160	(24%)	Payments on behalf of territory is recognised when cash is required. During the year there was an increase in the unpaid liabilities compared to budget. Less cash was drawn and future payments will be required when liabilities are paid.
Accountability Indicator					
a.	Report on the uptake of recommendations on the ACT State of the Environment and special reports as part of the annual report	Dec-20	Dec-20	0%	
b.	Undertake Ministerial initiated investigations in accordance with the Minister's direction	100%	100%	0%	
c.	Undertake Commissioner initiated investigations in accordance with the Terms of Reference	100%	N/A	N/A	There have been no Commissioner initiated investigations raised or active in the reporting period.
d.	Undertake complaints generated investigations in accordance with the Terms of Reference	100%	100%	0%	
e.	Report on complaints about the management of the environment by the Territory or a Territory agency as part of the annual report	Dec-20	Dec-20	0%	

Notes:

The above Statement of Performance should be read in conjunction with the accompanying notes.

The Total Cost and Controlled Recurrent Payments measures were not examined by the ACT Audit Office in accordance with the *Financial Management (Statement of Performance Scrutiny) Guidelines 2019*.

The Accountability Indicators were examined by the ACT Audit Office in accordance with the *Financial Management Act 1996*.

The variance is based on the Jun 2021 actual against the Jun 2021 Target.

1. Total cost (\$1.552 million) and payments for expenses on behalf of the Territory (\$1.535 million) are in relation to the Office of The Commissioner for Sustainability and the Environment. The costs and payments for expenses on behalf of the Territory in the Statement of Income and Expenses on Behalf of the Territory also includes Environment Grants and Heritage Grants in addition to the Office of The Commissioner for Sustainability and the Environment.

Cleared as complete and accurate: 21/02/2022
 Cleared for public release by: Executive Group Manager Ext: 76322
 Contact Officer name: Kate Chambers Ext: 49428
 Lead Directorate: Environment, Planning and Sustainable Development

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:	17/02/2022	
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 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 are anticipated to be held during the week of 21 February 2022.
- The variation once approved is anticipated to be tabled in the Assembly in the March sitting week.

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.

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- 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: 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.
- Introducing a licencing scheme for property developers is just one way the ACT Government is taking action to lift standards and practices across the building and construction industry.
- 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 regualtory 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.

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- 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.
- 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

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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 per cent 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.
- The Centre for International Economics (CIE) was engaged by the ABCB to independently undertake the Regulation Impact Statement (RIS) process. A Consultation RIS was

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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 undertook a comprehensive review of the ACT Building Act 2004 and the associated building regulatory system, which was completed 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.

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 measure 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 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 tranch of the NCC 2022 public comment draft which was released made available for community feedback until 17 October along with a Regualtory Impact Statement.
- 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.

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 licenses 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, insurance 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 progress 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 Building Confidence Report.

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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, DEVELOPER LICENCING 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.

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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.

Portfolio: Sustainable Building and Construction

HOME SWIMMING POOL SAFETY

Talking points:

- The Government, during the last term, announced it will begin to take steps to ensure every backyard pool in the Territory meets modern safety standards.
- The work commenced with conversations with industry about how a pool safety inspection regime might work.
- Development of the scheme during 2022 is considering fair transition times, potential exemptions for properties where there are physical constraints to installing a fully compliant barrier, and the possibility of extensions to comply in particular circumstances – for example, if a pool owner is in financial hardship but needs a new pool barrier or substantial upgrade to the existing barrier.
- All the materials from the Backyard Lifeguard Campaign are still available online, including a checklist on the campaign website that can help people check if their pool has a barrier that meets current safety standards.
- Close adult supervision is also critical to keeping our kids safe around backyard pools and spa pools.

Background Information:

- In 2017, in response to the Coronial Inquiry on the drowning death of a toddler in an ACT swimming pool, the ACT Government agreed in principle to the ACT legislative framework requiring all existing home swimming pools to comply with the latest version of the Building Code. It noted the government was considering potential schemes for improving the safety of existing swimming pools.
- Some pools already have barriers isolating the pool that may need only minor upgrades. Many backyards have some structures that may be able to form part of a barrier already in place. Any swimming pools or spa pools built since mid-2010 has to comply with the safety standard currently in place. So for many people there may be no or low costs to have a compliant pool barrier.

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 only 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 are now being considered and are informing the detailed design of the regulation to enact the standard and associated measures.
- A “Listening Report” summarising the feedback received will be released in February.
- We expect the regulation to commence in mid-2022 with the minimum standard being phased-in over a few years.

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: Sustainable Building and Construction

ACT Government – Response to Asbestos – Asbestos Response Taskforce

Talking points:

- As at 10 February 2022, 998 of the known 1029 residential properties identified as affected by loose fill asbestos insulation have been demolished and remediated from the Canberra community.
- The Loose Fill Asbestos Insulation Eradication Scheme (Scheme) original voluntary Buyback Program operated from 28 October 2014 and closed on 17 August 2021. The ongoing Buyback Program commenced on 18 August 2021.
- The Asbestos Response Taskforce (Taskforce) is continuing its work to address the residual risks associated with the presence of loose fill asbestos in the community by:
 - administering a Buyback Program;
 - providing personal support and assistance to homeowners and residents who remain in their homes.;
 - progressing demolition and remediation activities as properties are surrendered to the Territory, and,
 - supporting the sale of remediated blocks in Canberra streets and suburbs that were once affected by loose fill asbestos insulation.
- The Taskforce remains focused on supporting homeowners of the remaining known 31 affected properties, and any newly identified affected properties, as they consider their options to manage their property – either through the Scheme or privately.
- Homeowners who have elected to manage their affected property privately must abide by the relevant responsibilities, such as Asbestos Management Plan requirements, development and building approval restrictions, and occupancy prohibition for any new owners and tenants. They should also remain aware of the potential for compulsory acquisition from mid-2025.

Management of newly identified affected properties from 18 August 2021

- Since commencement of the Scheme, seven new properties have been identified as affected by loose fill asbestos insulation, including two which were added to the Affected Residential Premises Register on 18 August 2021 and 21 December 2021 respectively. It is possible that further affected properties, not yet identified, may exist across Canberra suburbs.
- The ongoing Buyback Program and associated initiatives commenced on 18 August 2021. This offering continues to support community safety through the effective management of their removal from the community.
- The ongoing Buyback Program is similar to the original Buyback Program for affected and impacted properties, however has adjusted timeframes to take into account the

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Lead Directorate: Environment, Planning and Sustainable Development

number of properties the ACT Government will likely manage at any one time going forward.

- These initiatives make sure that homeowners who may discover loose fill asbestos insulation in their property at some point in the future will still be supported by the ACT Government and will have options and assistance available to them, like homeowners whose properties were identified earlier.
- The Taskforce remains available to homeowners and residents with concerns about the presence of loose fill asbestos insulation in their home. The team can be contacted by phone on 6205 4700 or by email at asbestostaskforce@act.gov.au.

Asbestos Disease Support Scheme

- A diagnosis of an asbestos related disease, such as mesothelioma, presents a very difficult path ahead for the individual as well as their family. I acknowledge how challenging it must be to receive such unwelcome news.
- The ACT Government and Federal Government have committed to contributing \$8 million each to establish the Asbestos Disease Support Scheme to support people who contract, or have contracted, an asbestos related disease as a result of exposure to loose-fill asbestos from living in a Mr Fluffy property.
- The Support Scheme will be administered by the ACT Government. The structure of the Support Scheme is currently under consideration, but expected to commence in early 2022. Interested parties can register for Support Scheme updates by sending an email to Workplace Safety and Industrial Relations at wsir@act.gov.au.
- The Personal Support Team in the Taskforce also remains available to provide guidance, and support access to health services to assist current and former residents of Mr Fluffy properties who have been diagnosed with an asbestos related disease.

Key Information

- As at 10 February 2022, a total of 998 out of 1,029 residential properties identified as affected by loose fill asbestos insulation have been demolished:
 - 968 by the Taskforce through the Scheme
 - 12 through assisted private demolition
 - 17 self-funded demolitions
 - 1 surrendered to the Territory following demolition.
- There are 33 residential properties remaining on the Affected Residential Premises Register:
 - 13 are owned by the Territory:
 - 2 have been demolished and are in the process of being remediated and deregistered
 - 11 with demolition planning underway.

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- 20 remain privately owned:
 - 1 is a newly identified affected property, the homeowners of which are participating in the ongoing Buyback Program
 - 1 has a settlement date of 30 June 2022 under Transition Assistance arrangements
 - 1 is approved for Transition Assistance, with a contract exchange pending, and
 - 17 elected to not participate in the Scheme. Of these:
 - 2 have been approved for waste disposal fee relief to privately demolish the property
 - 3 are subject to Occupancy Prohibition, including 1 of the 2 approved for waste disposal fee relief.

Background Information:

- Under the ongoing buyback program, on surrender of the Crown Lease for the affected block, the owner will receive:
 - the value of the affected block (house and land), as though it was not contaminated by loose fill asbestos as of the date the property was added to the Register
 - an additional \$1,000 (GST incl) to cover or contribute to legal fees incurred in attending to the surrender
 - a stamp duty concession on the purchase of a residential dwelling in the ACT
 - a First Right of Refusal to purchase the affected block, at market value, after it is remediated (available only on blocks with a separate Crown Lease)
 - access to other financial concessions such as relocation assistance grants, transition assistance, waste disposal fee relief.
- All remaining homeowners, regardless of whether they are participating in the Buyback Program, continue to have access to financial supports such as relocation assistance upon permanent vacation of their affected property.

SUBURBAN LAND AGENCY QTBS	
1.	COVID-19 IMPACTS
2.	GOVERNANCE OF THE SUBURBAN LAND AGENCY
3.	GUNGAHLIN DEVELOPMENT UPDATE
4.	MOLONGLO DEVELOPMENT UPDATE
5.	WEST BELCONNEN GINNINDERRY DEVELOPMENT UPDATE
6.	PURCHASING LAND FROM THE SUBURBAN LAND AGENCY
7.	STAKEHOLDER/COMMUNITY ENGAGEMENT
8.	LAND PRICING – INDUSTRY COMPARISON (INCLUDING SALES DATA)
9.	HIGH INTEREST IN LAND RELEASE
10.	AFFORDABLE, PUBLIC AND COMMUNITY HOUSING
11.	BELCONNEN TOWN CENTRE LAND RELEASES
12.	SUBURBAN LAND AGENCY DELIVERY OF ILRP
13.	RELEASE OF BLOCK 2 SECTION 57 TURNER
14.	AFFORDABLE HOME PURCHASE SCHEME – [REDACTED] MATTER
15.	NSW LAND ACQUISITION
16.	TAYLOR BALLOT ERROR
17.	BUILD TO RENT INITIATIVE

Portfolio: Housing and Suburban Development

COVID-19 EFFECTS ON HOUSING

Talking points:

- According to the most recent report from CoreLogic (1 February 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 in 2020-21 and COVID-19 related stimulus support.
- The longer-term impacts on the housing market including those related to 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 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

- In January 2022, **Canberra** dwelling values rose by 1.7 per cent, over the quarter dwelling values increased by 3.7 per cent, and over the past year dwelling values increased by 25.5 per cent.
- **National** dwelling price growth in January 2022 was 1.1 per cent, over the quarter dwelling values increased by 3.4 per cent, and over the past year dwelling values increased by 22.4 per cent.
- Canberra dwelling value increases are **broadly consistent** with national trends.
- Continuing a pattern over recent months, CoreLogic notes that a multi-speed dynamic has emerged across the capital cities, with the January results showed greater diversity. Brisbane (2.3 per cent) and Adelaide (2.2 per cent) are leading the pace of gains ahead of Canberra (1.7 per cent) and Hobart (1.2 per cent), while growth in Melbourne (0.2 per cent), Darwin (0.5 per cent) and Sydney and Perth (both 0.6 per cent) recorded substantially softer outcomes.

Suburban Land Agency Impacts

- The SLA 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 Taylor and Whitlam ballots are undertaken through 'Book to Buy' via telephone processes to minimise physical events.
- The SLA continues 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 in light of the most recent advice from ACTPLA, the ACT Law Society, and ACT Health.

Portfolio: Housing and Suburban Development

GOVERNANCE OF THE SUBURBAN LAND AGENCY

Talking points

- The Suburban Land Agency (the Agency) actively promotes operational governance as a key priority.
- The Agency's Governance team provides strategic advice to the Chief Executive Officer, the Agency's Executives, the Board, and the Board's Committees. This supports the Agency to make well informed decisions and to implement good governance practices.
- The Governance team also support the Agency and its Board to comply with obligations under relevant laws and regulations.
- The Governance and Corporate Services Branch is also responsible for procurement assurance, training, and planning.

Key information

- The Agency's governance framework ensures adequate oversight of risk management and fosters relevant internal training programs including in relation to:
 - (i) records management,
 - (ii) (ii) respect, equity and diversity,
 - (iii) (iii) fraud, corruption and ethics, and
 - (iv) (iv) work, health and safety.
- The Governance team coordinates the Agency's internal audit function with the Agency's internal auditors (an outsourced independent provider) and ensures that audit recommendations are duly addressed.
- The Agency's procurement framework provides guidance to staff on legislation, policy, and best practise principles. The Agency has invested in staffing training and education in procurement (including probity). The Agency undertakes assurance activities (including record keeping) as well as procurement planning to improve compliance and performance.

Background information

- The Agency's Board Audit and Risk Committee (BARC) has endorsed the Agency's internal audit plan for 2021-22 for Board approval and the Board subsequently approved this plan. Internal audits on the Contract and Supplier Management and High Performing Teams have commenced, with audits on Operational Effectiveness and Land Acquisition and Business Case Preparation is currently being scoped.
- The Agency's Executive team includes an Executive Branch Manager, Governance and Corporate Services who is responsible for assisting to continually strengthen and improve the Agency's governance and procurement.

- The Executive Branch Manager, Governance and Corporate Services is supported by a Senior Director, Governance. This role is also responsible for leading a team which is focussed on governance and risk.
- The Executive Branch Manager, Governance and Corporate Services is also supported by a Senior Director, Project Management Office. This role is responsible for leading a team focused on procurement and project management.

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 released a market sounding tender for the proposal to implement a Community-Scale Battery Project in Jacka. This is one initiative of the Agency's Sustainability Strategy.
- The market sounding process is seeking insights from industry and community into opportunities and challenges for the ACT Government to have a comprehensive understanding of the requirement for the project to be successful.

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 the market.
- The Agency has met several times with members of the Gungahlin Community Council on their concerns around the development outcomes in the Town Centre, most recently in February 2022.

Key Information

- The SLA 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 2021 CY	Not applicable
Taylor 2,892dw	Complete	Complete	Ongoing	Ongoing

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 Lead Directorate: Suburban Land Agency

Estate	Planning	Civil Works	Landscape Works	Community Development (Mingle)
Jacka 2	Stage 1 DA approved 20 October 2021	Commencing Q4 2021-22	Commencing Q4 2021-22	Commencing Q4 2021-22
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 and is currently under assessment. The RFT is programmed for release in Q4 of 2021-22 with and closing in Q1 of 2022-23. The RFT documents will be informed by the community engagement exercise undertaken by the Agency in June and July 2021.

Jacka 2

- The Development Application for Jacka Stage 2 – Stage 1 has been assessed with the Environment, Planning and Sustainable Development Directorate (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. Preliminary meetings with ACAT commenced in January 2022.

Kenny

- The transfer of the site to the Agency for delivery was initiated early May 2021, with the Agency commencing procurement activities for placemaking and estate planning works.

Casey

- Development sites in Casey are currently being considered by EPSDD in line with works they are progressing on community needs assessment.

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 timing and outcomes of the Government's response to the recommendations of the Standing Committee's inquiry into Draft Variation 364 (DV364).
- The Standing Committee released their report of 30 September 2021 and made eight recommendations. Government has now formally responded to the recommendations and indicate several additional studies in relation to commercial and community needs along with further engagement and a place making approached to land release be undertaken, with works now progressing on additional studies and engagement activities.
- The timeframe for the above to be completed is placing risk to release this financial year.

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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 about 25 years.
- At November 2021, the population in the suburbs of Wright, Coombs, and Denman Prospect, is estimated to be around 9,500 residents. The population of Molonglo Valley is expected to grow to around 30,000 over the next ten years as residents move into the existing suburbs of Wright, Coombs, Denman Prospect, the new suburbs of Whitlam, and in the future suburbs in Molonglo 3.
- Whitlam is the first suburb of Molonglo 3. Whitlam comprises of approximately 2,100 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 has commenced on the Whitlam Display Village Collaboration Hub and the Display Village.

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 Centre)

- The 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 2,700 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 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.

Wright and Coombs Village Precinct

- The Agency is committed to delivering great places where communities thrive, and one way of delivering this vision is 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-staged tender. The EOI closed in September 2021 and is currently under assessment. This determines suitable developers to participate in the Request for Tender stage where detailed tender submission is required to respond to the design criteria and tender documents.

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 first stage EOI currently under assessment. The EOI closed on 7 September 2021.
 - finalising landscaping works in North Coombs and North Wright.
 - land servicing in Whitlam Stage 2 due for completion early 2022.
 - estate development planning for Whitlam Stage 3 and Stage 4.
 - construction of footpath connections around Coombs, adjacent to the Molonglo Valley River Corridor (scheduled to be completed early 2022 calendar year); 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.

Molonglo 2

- The final stage of Denman Prospect, Stage 3, is identified for release in the draft Indicative Land Release Program in 2021-22.
- EPSDD is undertaking Concept Planning 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 development of Whitlam 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

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ANNUAL REPORT HEARING BRIEF

Molonglo Valley Interceptor Sewer. These projects are being progressed by the Agency in conjunction with Evo Energy and Icon Water.

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
 - Construction is yet to commence.

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 21-22 financial year.
- More than 800 residents have now moved into Strathnairn (320 completed dwellings).
- The Suburban Land Agency (SLA) has progressed the purchase of two NSW blocks of land within the Ginninderry Masterplan. The SLA will purchase the blocks under the understanding that these will be added into the GJV's developable land in the future. The first block settled on 17 December 2021; the second will settle as soon as the planned sub-divisions for the block are completed.

- 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 mid-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 FY ILRP target as they were counted as released during the 2020-21 FY, 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.
 - A release of the three redesigned dwellings and the two dwellings that were handed back occurred on 29 January 2022.
- The GJV release of 126 single residential blocks in December 2021 was delayed until 19 February 2022 due to the delay in Macnamara Development Application approval.
 - 71 will be released to the public via a ballot; 55 will be via house and land package from Display Village builders.
- An additional release of single residential blocks is planned for mid-2022. A date is yet to be confirmed.

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.

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- GJV affordable housing product 'Flexi Living' considers additional sustainable efficiencies beyond those considered in the the ACT Government affordable housing policy.
 - The released 70 affordable 'Flexi Living' Built form dwellings, all within Strathnairn have now been sold and built.
 - A further 45 dwellings have been released in Macnamara.
 - 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 of West Belconnen Ginnendery 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
 - recertified as 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 environmental clearance zones (ECZ) 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. Transport Canberra and City Services have advised the capping of the landfill won't be complete until June 2023. This impacts the GJV's ability to achieve their ILRP targets beyond 21-22FY.
 - The GJV plan to submit an ECZ reduction to the EPA at the end of March 2022.
- 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.

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- 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

PURCHASING LAND FROM THE SUBURBAN LAND AGENCY

Talking points

- Due to unprecedented demand for property over the last 12-18 months, the Suburban Land Agency (the Agency) does not have any single residential blocks available for purchase Over the Counter (OTC).
- The timing of when the Agency releases land to the market is set out in the ACT Government's Indicative Land Release Program (ILRP).
- The Agency's website advertises all land available for sale OTC. Single residential blocks, multi-unit sites and commercial sites, can be made available for sale OTC if they do not sell via other land sales methods such as the initial ballot, tender, or auction.
- There are currently limited blocks available for purchase through partner builders, under a Put and Call deed. There are approximately 192 blocks available in Whitlam and Taylor, including around 100 affordable housing blocks.
- Pre-qualified builders can enter into Put and Call Option Deeds, allowing them to begin designing and promoting house and land packages to buyers, providing buyers with more options. The deeds are used by Builders (as the grantee) to secure the right to purchase the land, enter into a house and land package, then nominate a new buyer to enter into the Contract for Sale.
- Put and Call Option Deeds allow builders to secure a buyer with the stamp duty payable on Completion of a Contract for Sale. This allows the new buyer to pay the stamp duty instead of the builder.
- Complex sites may be released via a two-stage tender process, with a design and development proposal that addresses a Place Design Brief. This is developed with community input, demonstrating how planning, community, and market, requirements can be met in a feasible way.
- During the COVID-19 pandemic, land has still been available for sale with sales documents necessary to support purchaser decisions were accessible via the Agency's website, and sales agents were contactable by phone/email if required. Additionally, interested buyers were also able to arrange a private appointment, which ensured that all parties adhered to social distancing requirements.

Key Information

- The Agency's Sales and Client Services team is primarily responsible for managing land sales, stakeholder relationships, and related service provider procurement panels. The Agency is committed to ensuring that the team provides an exceptional customer experience, and to improving customer satisfaction.
- Once purchasers have identified a block that they are interested in, they contact the sales agent to complete the sales instructions and usually have seven to 14 days to exchange contracts on a five percent deposit. However, during COVID-19, the Agency

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has worked with buyers to allow additional time where delays with approval processes by financial institutions have been experienced.

- Settlement on single residential blocks will generally take 30-60 working days.
- Details of any available land can be found on the SLA website - www.suburbanland.act.gov.au

Ballot process

- A new land release in an ACT Government residential estate may be offered for sale through the ballot system. The ballot system is a fair and transparent way to sell residential blocks to the public, since it provides everyone interested in purchasing a property an equal opportunity to do so.
- The Agency has used the ballot process a number of times over the last 18 months, where COVID-19 restrictions have permitted them to do so.
- Block prices are set at market value, based on advice from at least two independent valuers. As the block price is publicly available, buyers have knowledge of those prices throughout the process.
- Under delegation from the ACT Planning and Land Authority (the Authority), the Suburban Land Agency is responsible for, amongst other things, granting leases by way of ballot under section 238(1) of the *Planning and Development Act 2007* (the Planning Act).
- Details of the ballot process are published on the website at this link - <https://suburbanland.act.gov.au/en/buying-methods>. All potential registrants are required to comply with the published Terms and Conditions.
- To participate in a ballot, potential buyers must register their details using the online system during the advertised registration period. Details provided by registrants includes: the full name(s) of each buyer, residential address, solicitor details and the type of lease they wish to enter into.
- Once the registration form has been submitted, the potential buyer's details are entered into the ballot, and they are given a unique ballot number.
- Once the registration period closes, registrations are checked: for duplicates, related parties, registrants are individuals over 18 years of age and/or a corporation that is registered under the *Corporations Act 2001 (Cth)* and has been issued an Australian Company Number (ACN).
- Each eligible ballot number is entered into an electronic ballot draw system. Ballot numbers are randomly drawn, and a ranking number is allocated to the ballot number. The sequence of drawn ballot numbers will determine the appointment time/date for the block selection.
- The ballot draw is witnessed and signed off by ACT Gambling and Racing Commission officials from Access Canberra.
- Ballot results are uploaded on to the Agency's website. Successful ballot registrants will be invited to a block selection appointment to select and purchase a block.

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- Once a block is selected, the buyer must sign a First Grant Contract. They will be required to select either a Standard Lease Contract or a Land Rent Lease Contract (if available). A payment is required depending on the type of Contract as set out below.
- To settle a Contract, the outstanding amount of the sale price must be paid on or before the completion date as stated in the Contract.
- Settlement of the Contract depends on when the block is considered 'Land Ready'. The Agency may release land that is not ready to build on when the First Grant Contract is signed by the purchaser.
 - The front page of the Lease Contract will specify whether the Contract is 'Land Ready' or 'Land Not Ready'. The Contract includes information on the Estimated Date Range for Works. This date range is an indication of when completion of the civil construction will occur, and all the appropriate certification and approvals are issued by relevant authorities to the Agency. This is known as Operational Acceptance, or when blocks are 'Land Ready'.
- After Operational Acceptance occurs the Agency's legal service provider will serve the Crown Lease to the purchaser or their nominated solicitor. When the Crown Lease is received, the purchaser will also receive settlement instructions including the scheduled settlement date.
- To settle a Contract, the outstanding amount of the sale price must be paid on or before the completion date as stated in the Contract.
 - In the case of Land Rent Contracts, a settlement payment is not required as the land remains in the ownership of the Territory.

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 Environment, Planning and Sustainable Development Directorate (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 will be the next key engagement that will follow this methodology and will take 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 commenced on Tuesday, 8 February 2022 and closes on Friday 25 March 2022. The Agency is seeking input on the values, aspirations, and priorities for the future Local Centre. It aims 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 include online surveys, workshops and opportunities for young people to provide feedback.

- **Coombs Community Facility site**

The Agency is currently planning for community engagement to commence in the second quarter of 2022.

- **Gungahlin Town Centre sites**

The Agency has committed to undertake a place-based engagement with community including a strategic multi-directorate approach. EPSDD and the Agency are working

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together to establish a standing community panel that would be in place for the next 12-18 months. As part of this process, the Agency will work on a precinct level place-based engagement to generate a place plan/design brief which will inform the release methodology and tender documentation for blocks to be released in the Gungahlin Town Centre.

- **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 April 2022. More details are available in the Molonglo Development Update QTB.

- **Coombs Peninsula**

The Agency is currently paused on all planning work at this site following the release of the Parliamentary Agreement for the 10th Legislative Assembly which proposes keeping the Peninsula as open space. 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 planning community engagement to support the development of the Arts Precinct. This will include reestablishing 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.

- **Turner**

The Agency is currently preparing for Pre-DA community engagement in March 2022 on the draft Estate Development Plan (EPD) design for land release sites in Turner along Northbourne Ave (Block 2, Section 57).

- Other urban sites requiring community engagement by the Agency going forward (even though some sites have been released) include:

- Oaks Estate
- Belconnen
- Woden

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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.

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Portfolio: Housing and Suburban Development

LAND PRICING – INDUSTRY COMPARISON

Talking points

- The Suburban Land Agency (the Agency) no longer has 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 192 blocks available in Whitlam and Taylor, including 100 affordable housing blocks.
- There are no blocks available OTC in the private NSW sector estates of Googong Township and South Jerrabomberra, as well as the Molonglo Valley estate of Denman Prospect.

Key Information

Summary of recent Agency releases/updates

- In November 2021 115 single residential blocks in Taylor were all sold by ballot. The median price for the release was \$485,000 with a median size of 540m². Blocks ranged from 316m² to 1,249m². Block selection for the event was conducted over the phone.
- In December 2021 the Agency entered into Put and Call deeds with three builders for 147 blocks in Taylor as a part of the Affordable Home Purchase Scheme.
- On 8 December 2021 13 packaged lots and two terrace lots totalling 66 dwellings in Taylor were sold by online auction. The 13 packaged lots comprised 48 blocks, all around 250m². The two terrace lots each comprised nine dwellings and ranged between 146m² and 243m².
- Two industrial blocks (Fyshwick and Hume) were auctioned 15 December 2021 with both selling at strong prices.
- On 9 December 2021 the Agency launched the Whitlam Ballot for 101 single residential blocks. Block selection for these blocks is scheduled to commence on 7 March 2022 and will be conducted as a “book to buy” process over the phone.
- On 27 January 2022 the Agency launched four packaged lots (16 dwellings) and a 74 dwelling multi-unit site in Whitlam. The sites will be auctioned online on 3 March 2022.

Summary of Private Estate blocks

- The private estates of Googong Township and South Jerrabomberra in NSW no longer have any blocks publicly available for sale OTC.
- Googong released 22 blocks in late January 2022 to be sold by ballot on 12 February 2022. They are expected to be land ready between January and April 2023. A summary of the release is shown in the table below.

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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- Jumping Creek (a new estate of 200 blocks in the south of Queanbeyan) has released 41 blocks since their first release in September 2021. Its first release of 20 blocks were for sale by appointment, and the remaining 21 blocks have been sold at three auctions in November and December 2021 and February 2022 (two releases of 8 blocks and one of 5 blocks). They are expected to be land ready between June 2023 and March 2024. A summary of the releases is shown in the table below.

Jumping Creek releases	No. of Blocks	Median Price	Median Size	Median RPSM	Min Price	Max Price	Min Size	Max Size	Min RPSM	Max RPSM
OTC October 21	20	\$454,000	781m ²	\$588	\$404,000	\$499,000	604m ²	943m ²	\$529	\$669
Auction Nov 2021	8	\$790,000	827m ²	\$949	\$722,000	\$870,000	684m ²	978m ²	\$741	\$1,199
Auction Dec 2021	8	\$705,000	643m ²	\$1,100	\$665,000	\$745,000	604m ²	765m ²	\$942	\$1,166
Auction Feb 2022	5	\$810,000	628m ²	\$1,326	\$755,000	\$833,000	603m ²	665m ²	\$1,135	\$1,359

- Denman Prospect released six blocks by auction on 12 October 2021, they sold at a median price of \$910,000, with a median rate per square metre of \$1,845, a median block size of 439m². They are expected to be land ready by March 2023. A summary of the release is shown in the table below.

Denman Prospect	No. of Blocks	Median Price	Median Size	Median RPSM	Min Price	Max Price	Min Size	Max Size	Min RPSM	Max RPSM
Auction Oct 2021	6	\$910,000	498m ²	\$1,845	\$855,000	\$940,000	439m ²	549m ²	\$1,688	\$1,959

- Denman Prospect also released five packaged lots for sale by expression of interest in late 2021. The lots comprise multi-unit blocks and terrace blocks yielding 37 dwellings. The terrace blocks range from 187m² to 300m². The expression of interest closed on 4 November 2021 with no further information released to date. The anticipated settlement for these blocks is late 2023.
- South Jerrabomberra released a small number of blocks via the online portal Realtair in December. Totalling 14 blocks they sold at prices around \$120,000 (24%) or \$196/m² (23%) higher than recent releases in Taylor of similar sized blocks. They are expected to be and ready in May/June 2022. A summary of the release is shown in the table below.

South Jerrabomberra	No. of Blocks	Median Price	Median Size	Median RPSM	Min Price	Max Price	Min Size	Max Size	Min RPSM	Max RPSM
Auction Dec 2021	14	\$615,500	609m ²	\$1,036	\$568,000	\$640,000	361m ²	617m ²	\$943	\$1,614

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

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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

HIGH INTEREST IN LAND RELEASES

Talking points

- Canberra, like all capital cities in Australia, has seen strong buyer demand for housing, including new land releases in the last 12 to 18 months.
- Single residential land released by the ACT Government is generally undertaken by the Suburban Land Agency (SLA) through a ballot process.
- The ballot is a fair and transparent way to sell residential blocks to the public, as it provides all interested parties (including builders) purchasing a block of land with an equal opportunity to do so.
- Market demand for land has significantly varied between 2018 and 2021. During 2018 and 2019 demand for new land was quite low as a result of tighter credit conditions. It improved through late 2019 into 2020 (notwithstanding the onset of the COVID-19 pandemic) and has remained elevated through the second half of 2020 and all of 2021.
- Despite economic cycles, a period of low population growth and the COVID-19 pandemic, the Government has remained committed to releasing land to the market, even if it did not sell at the time.
- The strong interest in land releases is not unique to the SLA. Land releases by other developers – Ginninderry, Denman Prospect, Googong, South Jerrabomberra and Jumping Creek – have all experienced strong demand, with no Over the Counter inventory available in those estates.

Key information

2018-2019

- The impacts of the tightened credit availability as a result of the Royal Commission into *Misconduct in the Banking, Superannuation and Financial Services Industry* became apparent in late 2018. It persisted through most of 2019 with activity levels well down on previous years. SLA continued to release land consistent with the ILRP and built up an inventory of 500 blocks as at the end of December 2019.

2020

- While the impacts of COVID-19 on buyer confidence were evident in early 2020, the ACT's land and property market rebounded strongly during the second half of the year. This was attributed to record low interest rates, record high household savings and government stimulus measures to support the housing market and construction industry. With strongly increasing sales, SLA's Over the Counter inventory was reduced to 270 blocks as at the end of December 2020, while new releases in Taylor, Throsby and Whitlam were taken up by the market.

2021

- Increasingly strong interest was evident throughout 2021. SLA's Over the Counter inventory was exhausted by March 2021, with only Whitlam Display Village blocks available through Put and Call options. Blocks taken up by builders in Taylor in early 2021 through Put and Calls were all sold by September 2021. New releases per the ILRP in Taylor and Whitlam were all sold.

Background information

- Since November 2020, registrations for Taylor and Whitlam have increased due to strong buyer interest.

Suburb	Date	Blocks	Registrations
Whitlam	Nov 2020	250	3,804
	Mar 2021	92	8,253
	Feb 2022	101	12,417
Taylor	Jun 2021	162	4,455
	Nov 2021	115	7,484

- In January 2022, the Ginninderry joint venture released 71 blocks in Macnamara. They received a total of 12,306 registrations.

Portfolio: Housing and Suburban Development

AFFORDABLE, PUBLIC AND COMMUNITY HOUSING DELIVERY

Talking points

- In 2020-21, the Suburban Land Agency (the Agency) continued to release land to support the ACT Government's housing targets for affordable, public, and community housing. Sites for a total of 345 dwellings were released against the target of 302 dwellings. Sites in Kenny and Casey with housing targets totalling 45 dwellings were not ready for release and will be carried over into future releases.
- The Agency is preparing for the 2021-22 housing targets, which were published in December 2021 as a Notifiable Instrument under the *City Renewal Authority and Suburban Land Agency Act 2017*.

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:

- The Agency sets prices for the sale of sites based on independent market valuations. Affordable housing requirements are applied to both multi-unit sites and single residential blocks.

Affordable Home Purchase Scheme:

- Since December 2019, more than 4,000 people have registered their interest in the Affordable Home Purchase Scheme. Of these, over 800 applicants have applied to participate in the scheme (through submitting their paperwork), with more than 560 being approved as eligible. The balance of applicants are either under assessment or have purchased a property. More than 125 properties have been purchased through the scheme as of January 2022.

- The below table is a summary of Affordable Home Purchase Scheme properties offered to eligible buyers through ballot processes in 2021-22, and those carried over from 2020-21 that are yet to conclude:

Suburb	No. of Dwellings	Dwelling Type	Ballot Release Date	Dwellings Purchased by Eligible Buyers
Phillip	74	Apartments: 2 Bedroom	February 2021	TBC*
Whitlam	19	2 Bedroom House & Land Packages	July 2021	18*
Whitlam	5	3 Bedroom House & Land Packages	August 2021	4*
Taylor	9	Apartments: 1 Bedroom	October 2021	0*
Whitlam	32	3 Bedroom House & Land Packages	October 2021	20*
Whitlam	8	3 Bedroom House & Land Packages	October 2021	6*
Whitlam	13	3 Bedroom House & Land Packages	December 2021	TBC*
Taylor	20	3 Bedroom House & Land Packages	January 2022	TBC*

*Sales process has not concluded

Community Housing

- There are currently no Community Housing sites available for sale. Further sites, as part of the 2021-22 program, are being scheduled for future release.

Shared Equity

- The Agency continues to work to prepare a business case for a pilot shared equity scheme for individuals for consideration by the Board in June 2022.

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 Evaluation Panel is currently assessing received submissions. Conclusion of the evaluation process is anticipated for February 2022 at which stage the Suburban Land Agency (the Agency) will make an announcement of which proponents are being invited to participate in the second, Request for Tender, stage of the land sale process.
- Prior to the RFP release to the market, the Agency considered the proximity of these land releases as well as the future Lathlain Street Precinct. In the context of the Belconnen Town Centre masterplan, the Agency recognised that the two precincts, together with the Former Water Police site, and the public spaces between them, offered the opportunity for place-based consideration of their design and development to ensure connectivity, walkability, and a diverse place offering across the sites are complimentary.
- Engagement was undertaken with the Belconnen community and stakeholders between December 2020 and March 2021. The engagement captured community objectives with regard to desired uses, character, movement, and place experiences, for each site within the precincts that will inform the sale of the sites.
- The information that the Agency received throughout the course of the engagement process has helped to shape a comprehensive *Place Design Brief* for the Belconnen Land Release Sites.
- The RFP seeks to design and develop proposals in response to the Place Design Brief, which will be given a high priority in the tender evaluation. A weighting of 50 percent has been prioritised as part of weighted assessment criteria.

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.

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- The Agency has engaged the services of an experienced place planning and engagement team to prepare the Place Design Brief. The consultant team is interdisciplinary and includes place planning, community engagement, and urban design expertise.
- An initial ‘discovery’ phase of community and stakeholder engagement was completed in December 2020, with further engagement undertaken during an ‘ideas and co-design’ phase in February and March 2021.
- The impact of COVID-19 on plans for community engagement were considered and a balance of COVID-safe face-to-face and online engagement activities have been undertaken.
- Engagement activities during the ‘ideas and co-design’ stage in March 2021 included a series of online and face-to-face community and stakeholder workshops, younger people workshops, and an industry collaboration workshop in partnership with the Property Council.
- The Agency has introduced the project to the Belconnen Community Council (BCC) at their November 2020 meeting and presented outcomes of the first phase of engagement at their February 2021 meeting. A presentation of the second phase, co-design, took place on 18 May 2021 and a further presentation on the final Place Design Brief took place on 15 June 2021.
- Detailed information is available on the ACT Government’s YourSay website including the final Place Design Brief.

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

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 to 14,663 dwellings. The ACT Government, through its land agencies, delivered 14,503 dwellings – a variance of just 160 dwellings, or 1 percent.
- It is important to acknowledge that the ILRP is ‘indicative’ by definition. It is the ACT 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.
- ABC News reported on 16 November 2021 that a senior representative of the Reserve Bank of Australia, Dr Luci Ellis, appearing at the Inquiry into housing affordability and supply in Australia 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 percent (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.
 - The ACT has not been immune to this national housing trend.

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

Contact Officer name: Neil Bulless 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) allow 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). As a result, average home loan rates are reported to be around 2-3 percent - below inflation, currently 3.5 percent.
 - Also fuelling the housing market has been record household savings due to people working from home during the pandemic. It peaked at a 60-year high in the June 2020 quarter and has remained elevated as of the September 2021 quarter.
- The delivery of the annual LRP is a challenging and complex process. There are many elements that may not be 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 LRP. 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 ACT Government has little influence over, regarding timing or quantity.
- Unlike private sector land developers, the ACT 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.

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Portfolio: Housing and Suburban Development

RELEASE OF BLOCK 2 SECTION 57 TURNER

Talking points

- The Suburban Land Agency (SLA) is preparing for the re-release of Block 2 Section 57 Turner (the site). 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 (CRA), and SLA, and will include a Build-to-Rent project.
- The Agency is preparing an Estate Development Plan (EDP) to create new subdivision blocks.
- The site is subject to Draft Variation to the Territory Plan No. 368 (DV368). Both approval of the EDP and land release rely on timely approval of DV368.
- SLA has commenced engagement with the North Canberra Community Council committee, National Capital Authority and other stakeholders on both the Estate Development Plan for the 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.
- Updated market analysis and property advice considered the most suitable release method for the site to meet current market demand accounting for previous market release feedback and the requirements to deliver the Build-to-Rent initiative.

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 and seeks to enshrine the vision and planning controls proposed in the City and Gateway Urban Renewal Strategy.
- DV368 is yet to be tabled in the Legislative Assembly.
- The controls that are proposed to apply to this site which are included in the DV368 are:

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- Building Heights – no more than 27.5m high fronting Northbourne Avenue, 14.5m high on Forbes St residential street frontage.
- Building Setback – minimum 10m setback on Northbourne frontage, 6m boundary setback on Forbes St frontage.
- Maximum parking rates – 1 space per studio/1 bedroom, 1.3 space per 2 bedrooms, 1.5 spaces per 3 bedrooms+, 1 visitor space per 8 dwellings
- Dwelling mix – no more than 40 percent of studios/1 bedrooms, no more than 40 percent of 2 bedrooms, at least 20 percent are 3 bedrooms or more
- Midblock pedestrian link through site connecting Forbes St and Northbourne Avenue increasing the sites permeability.
- The proposed changes to DV368 have a significant impact on the development potential of the site. Until DV368 is finalised there is significant planning and release uncertainty with this site.

Portfolio/s: Housing and Suburban Development

Affordable Home Purchase Scheme – [REDACTED] Matter

Talking points

- The ACT Government's Affordable Home Purchase Scheme provides an opportunity for eligible buyers to purchase a home from a builder or developer at a fixed price.
- The Suburban Land Agency (SLA) administers the Affordable Home Purchase Scheme by applying requirements for affordable housing when it sells land to builders or developers. The SLA also assesses eligibility of buyers and runs ballot processes when properties become available.
- Some eligible buyers do not proceed to purchase for various reasons. Usually this is due to personal preference or financial circumstances.
- [REDACTED], who are eligible buyers as part of the Affordable Home Purchase Scheme, were successful in a ballot process for Block [REDACTED] Section [REDACTED] in Whitlam. However due to a number of ongoing issues, including legal advice relating to contract documents, they were withdrawn from the process and did not proceed to purchase.
- While a disappointing outcome for these buyers, they were provided with information throughout the process that it was a contract between themselves and the builder for an off-the-plan purchase. The [REDACTED] remain eligible buyers and will be able to participate in future ballot processes as part of the Affordable Home Purchase Scheme.

Key Information:

- In 2020 and 2021, the SLA ran a tender process for builders/developers for packaged lots of compact blocks in Whitlam, with some blocks having affordable housing requirements in place:
 - Successful tenderers were required to execute, with the SLA, a Project Delivery Deed (PDD) and a Put & Call Option Deed for each lot they secured.
 - As part of these documents, there are requirements for the builders to sell the affordable dwellings to eligible buyers as part of the Affordable Home Purchase Scheme.
 - ALN Constructions secured several of the packaged lots, including a lot which incorporates Block [REDACTED] Section [REDACTED] in Whitlam.
- As part of administering the Affordable Home Purchase Scheme, the SLA also assesses eligibility of buyers and runs ballot processes when properties become available. People who are interested in participating can sign up with the SLA and the SLA will assess their eligibility to participate. They are then invited to express their interest in properties as they become available. The SLA runs a ballot process with those who are interested, to ensure fairness, and those who are successful in a ballot are invited to discuss entering into a contract with the relevant builder or developer.

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- [REDACTED] are eligible buyers as part of the Affordable Home Purchase Scheme. They were successful in a ballot process in August 2021 which allowed them to commence discussions about entering into a contract with ALN Constructions for Block [REDACTED] Section [REDACTED] in Whitlam.

Background information

- The [REDACTED] raised a number of concerns and issues throughout the process, and requested a number of contractual changes. While their concerns were noted, ALN Constructions also raised some concerns and issues. ALN Constructions agreed to some but not all of the requested contractual changes.
- During the process, there have been some errors and miscommunication throughout this process on behalf of and between both the [REDACTED] and ALN Constructions (and their respective solicitors) due to a lack of understanding about the structure of the contracts. The SLA has worked to provide more clarity on these issues going forward noting that this was largely related to the number of requested contract amendments.
- Due to the extended timeframe for contractual negotiations, ALN Constructions requested a replacement buyer. This is allowed for in the SLA's PDD provided there has been reasonable effort made to sell to the original buyers.
- In December 2021, the SLA received legal advice that ALN Constructions had met their obligations and as there was no mechanism to force parties to enter into a building contract, and the SLA need to provide a replacement buyer.
- The [REDACTED] were advised that ALN Constructions was terminating negotiations and that they would be refunded their deposit. They were advised that they remained eligible buyers and would be able to participate in future ballot processes.
- The [REDACTED] have been refunded their deposits from the SLA and ALN Constructions.
- A different eligible buyer is currently negotiating with ALN Constructions in order to exchange contracts.

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Portfolio: 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 provides 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 the ACT 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 remains 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 SLA 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: Housing and Suburban Development

TAYLOR BALLOT ERROR

Talking points

- On 13 October 2021 the Suburban Land Agency (Agency) conducted the ballot draw for 115 single residential blocks in Taylor. The results of the ballot were published on the Agency website 15 October 2021
- During the afternoon of 15 October 2021, the Agency received notification from two ballot applicants that they could not locate their unique ID number within the ballot results published on the website.
- The Agency requested that its service provider for the ballot registration system, Cre8ive, investigate the issue.
- Cre8ive advised that the registrations had been removed due to a system error which had enabled a draft/duplicate registration to be over-written by a completed registration.
- The system error resulted in five (5) completed registrations being removed from the ballot and those five applicants not obtaining a ranking in the ballot.
- The Agency has contacted registrants that were omitted from the ballot to explain the circumstances of their omission from the ballot draw. Unfortunately, the Agency is unable to remediate this error due to the ballot process being completed and the results being published.
- There were more than 7,500 registrations for the ballot.

Key information

- The registration form is designed to flag irregular submission of data by registrants such as multiple entries, incorrect addresses or repeated data fields.
- A technical error on the form resulted in registrations being deleted.
- As a result, the error went unnoticed during the ballot draw data preparation and was only picked up by the Agency after the ballot draw had been conducted.
- Following the ballot a detailed system check on the error by the external technical service provider was carried out. This resulted in additional processes being implemented to ensure this does not happen again.
- Changes to the form and the system have been made and the new form was successfully used in the January 2022 ballot draw for 101 blocks at Whitlam.
- On 22 December 2021, the Agency received further notification from Mr Cain's Office regarding one of the original four applicants who was left out of the ballot due to this system error. The Agency responded consistently with previous information provided, and has received no further requests for information regarding the Taylor Ballot system error.

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- Registrations for the Whitlam Ballot closed on 16 December 2021. Results were posted to the Agency's website on 24 January 2022. Over 12,000 registrations were received. The Agency has not identified or been advised of any system errors affecting customers for the Whitlam Ballot.

Background information

- This was the first time that the Agency used a smart form for ballot registrations.
- Following the investigation of the Taylor ballot a number of system changes were made. These include:
 - Duplicate checking submissions will occur at the end to increase the speed of the registration for users and reduce the computing load.
 - Changing how forms are saved in the system and fixing the bug that allowed forms to be overwritten in the system.
 - IP addresses are now included in the system backend to assist the Sales team with related party checking.
 - Changes have been made to the service environment with a separate server set up for registration forms.
 - The testing process has been expanded and strengthened to include more rigorous load and penetration testing.
- The ballot system is a fair and transparent way to sell residential blocks to the public, since it provides everyone interested in purchasing a property an equal opportunity to do so.

Portfolio: Housing and Suburban Development

BUILD TO RENT INITIATIVE

Talking points

- The 2021-22 ACT Budget includes \$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.
- The ACT Government is committed to improving housing availability, diversity, and choice, and is considering pilot Build-to-Rent projects with affordable rental.
- 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.
- 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 rental security offers wider social and economic benefits, with tenants better able to establish themselves in a community.
- The 10th Parliamentary and Governing Agreement (PaGA) includes a commitment to construct a Build-to-Rent affordable rental development co-located with Common Ground Gungahlin and deliver 600 affordable rental dwellings by 2026. The Environment, Planning and Sustainable Development Directorate (EPSDD) is responsible for delivery of the affordable Gungahlin Common Ground Build-to-Rent PaGA initiative and work has commenced for the design and operation of the asset.
- 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. The ACT Government is reviewing submissions and will use the feedback to inform the potential release of a site for the purpose of Build-to-Rent.

Key information

- Build-to-Rent is a relatively new asset class in Australia which is focused on providing additional housing choice for renters with greater security of tenure and amenity.
- Work is well underway on the feasibility of market-rate and affordable Build-to-Rent in Canberra, including the taxation, planning, and financial implications, of Build-to-Rent, as well as possible sites including Turner and Lawson.
- Build-to-Rent is well established overseas and, while take-up has been slower in Australia, governments in New South Wales, Victoria, and Queensland have recently

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gone to the market seeking Build-to-Rent proposals that include the supply of affordable rental and public housing.

- The ACT's market sounding process closed on 10 December 2021 and provided a broad opportunity for the Build-to-Rent market to express their interest in developing Build-to-Rent projects in Canberra. Twenty written submissions were received from Build-to-Rent developers, operators, advocates, community housing providers, individual and institutional investors.
- The market sounding will enable the ACT Government to:
 - ascertain the private sector and community housing provider appetite for developing and operating Build-to-Rent properties in Canberra;
 - consider incentives or subsidies that may be required to include an affordable rental component in a proposal; and
 - identify any legislative changes or policy initiatives that would encourage development of Build-to-Rent in the ACT.
- Part of Block 2, Section 57 (Turner) and Lawson Stage 2 are identified as potential sites for Build-to-Rent.
- Feedback from the market sounding process will be used to inform future decisions about releasing a site for sale for the purpose of Build-to-Rent.

Background information

- The ACT Government engaged a consultant to provide expert advice about Build-to-Rent and research current policy challenges, financial entity appetite, feasibility analysis, and considerations on market-rate and affordable Build-to-Rent. The report was published on the EPSDD website in 2021 and findings used to inform the ACT Government on undertaking a Build-to-Rent pilot program and provide a framework for a market sounding and sales process.
- The Economic Recovery through Social Housing packages included a commitment to design and pilot a Build-to-Rent project. Build-to-Rent aligns with goals in 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 PaGA 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 will assist 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.

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Delivery of the Bushfire Operations Plan and PCS bushfire preparedness

Talking Points

1. Bushfire Operations Plan (BOP) in 2020/21

- Environment, Planning and Sustainable Development Directorate's (EPSDD) ACT Parks and Conservation Service (PCS) completed 94.4% of the actions required under the 2020-21 BOP.
- The BOP covers activities in all areas of fire protection including fuel management, access management, infrastructure, equipment purchase, training, auditing and monitoring, planning and research, education, response and standby.
- Main activities include:
 - **Slashing** the BOP identified 4,273 hectares (ha) of slashing across 239 sites, of which 100% was completed.
 - **Prescribed burning** the BOP identified 30 burns, totaling 2,128 ha. A total of 22 burns were completed across an area of 1,707 ha. The outstanding 421 ha is spread across eight separate burn sites.
 - The reason for non-delivery of 8 PCS burns was poor weather conditions and unfavorable fuel moisture contents, placing the burns outside the burn prescriptions.
 - **Grazing** by livestock was identified for 4,505 hectares across 69 sites, of which 100% was achieved.
 - **Physical removal** is undertaken by either hand or machinery. In 2020–21, the BOP identified 1,097 ha of physical removal across 38 sites, of which 28 jobs were completed totaling 691 ha. The balance of works was included in next year's BOP.
 - Works included 615 ha of pine wildling removal in the Lower Cotter Catchment.
 - **Chemical herbicide** is used to treat re-growth in areas that have had previous work undertaken (predominantly physical removal). In 2020–21, the BOP identified 119 ha of chemical treatment across 30 sites, of which 29 sites have been completed.
 - **Fire Trail maintenance** is undertaken to maintain the accessibility of existing trails for fire response vehicles. In 2020–21, the BOP identified 493 km of road maintenance across 72 sites, of which 53 sites totaling 459 km were completed.
 - A combination of weather and contractor availability, due to the focus on fire and storm recovery, resulted in the 34 hectare shortfall which will be rolled over into the 2021-22 BOP.
 - **Roadside vegetation removal** over 115 km across 16 sites was scheduled with a total of 8 sites covering 62 km completed. Again shortfalls due to priority works elsewhere due to fire and storm recovery.

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2. Response and Standby

- The 2020-21 Bushfire Season was exceptionally quiet. During the 2020-21 Bushfire Season, EPSDD staff undertook fire standby on 10 days, as follows:
 - 10 days of Level 2 (minimum level of firefighter standby)
 - 0 days of Level 3, 4 and 5 (higher levels of standby) and this reflects the low fire risk experienced for much of the 20/21 year
 - No interstate deployments.

3. Seasonal Crew and Plant

- In 2020-21, EPSDD recruited 19 seasonal fire fighters. The seasonal firefighters were utilised in fuel and access management activities, fuel hazard assessments, hazard reduction activities, fire standby and fire suppression.
- EPSDD contracted heavy machinery consisting of two bulldozers and one grader for the 2020-21 bushfire season. These machines assisted with the access works and were fully utilised in fire preparedness activities. They were also able to implement fire recovery and rehabilitation tasks on several fire grounds across the ACT from the 2019-20 season.

4. Recognition for a Job Well Done

- ACT PCS Aboriginal Fire Officer, Dean Freeman won the ACT NAIDOC Week award for Caring For Country and doubled up with another win in the same category in NSW.
- Dean runs the ACT PCS cultural burning program and brings great passion and knowledge to the role. Dean is a Wiradjuri man from Brungle near Tumut in NSW, where he together with four generations of his family, recently played a leading role in bringing cultural fire back to Wiradjuri country.

5. BOP Performance Thus Far – 2021-22

- Weather is the most influential variable driving success of fuel management activities.
- 2021/22 has been one of the wettest years in recent memory and many bushfire management activities have not been undertaken and may not be able to be delivered.
- The team works to a 5 year plan, which affords flexibility if some years are very dry or very wet and impact on program delivery.
- La Nina forecast to end mid-autumn 2022 but above median rainfall for autumn is predicted for the ACT.
- No clear signal for weather in next fire season – how quickly or slowly La Nina wanes will determine how quickly the environment will dry.

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Background and More Detail – *if asked about how this season is going.*

Slashing

- Slashing in the nature reserves is only undertaken for fuel management purposes.
- The heavy grass growth has slowed progress and is a causal factor in machinery downtime (higher strain on machines, increased maintenance etc).
- Some sites, including sections on Wanniasa Hills, have been and remain inaccessible to mowers due to bogging and damage to reserves.
- Contractors have been impacted by COVID-19 amongst their employees.
- Staff are undertaking regular audits and prioritising sites based on curing levels, aspect and priority of zone (primary, secondary or lee edge within the Inner Asset Protection Zone).
- Grass has remained green and sites are maintained in accordance, and consistent with the standards set in the Strategic Bushfire Management Plan V4. Curing at or above 70% is the point where it can become flammable and sites can go out of spec. Current curing is between 40 and 60%.
- PCS and RFS undertake weekly curing assessments at a number of sites across the ACT and these are fed into a national system.

Access

- Soils are saturated, especially in the high country, and any precipitation (even a few mm) causes work to cease.
- Rain events have been quite regular, not allowing any decent drying to occur.
- A series of severe storm events have caused a backlog of repair works with storms impacting some sites multiple times.
- Wet roads cannot be graded or rolled and any effort to do so causes further damage to the road surface/structure (turns to mud basically).
- Contractors have been impacted by COVID-19 amongst their employees.
- Some sites are inaccessible.

Prescribed Burns

- Forested sites are too wet to burn (staff are taking fuel moisture content readings from a number of sites on a weekly basis).
- The current warm spell has allowed for some drying of sites, with some grass sites just starting coming into prescription in the last week and we've been able to complete a 23ha (46 rugby fields) burn in Throsby, (Gungahlin's curing is a bit more advanced than the rest of the ACT). Subject to suitable conditions, more are planned for the next week.

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- Fire crews continue to prepare burn sites for possible burning (improving / preparing containment lines, protecting assets and values etc, removing / making safe dangerous trees).
- Conditions for burning are only marginal and a single rain / storm event could end all prospects of any further burning this season.
- Some sites are not accessible to fire vehicles (boggings etc).

Physical removal jobs (thinning, lifting etc)

- These are well progressed with crews accessing sites by foot.

Other works

- Fire Crews assisted TCCS in the Belconnen Storm recovery, and provided over 250 staff days to the effort to clear the suburbs of Cook, Macquarie, Hawker and Weetangera.