



## Minister for the Environment

2022-23 Budget Estimates

Wednesday 31 August 2022

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**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2022-23 Budget Estimates**

**OPENING STATEMENT**

**Rebecca Vassarotti MLA  
Minister for the Environment**

I would like to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people, and pay my respects to their elders, past and present and acknowledge their long connection to this land and their continuing contribution to the life, culture and wellbeing of our city. I also pay my respects to other Aboriginal and Torres Strait Islander people who are with us today.

Thank you for the opportunity to inform the Committee on environmental matters for this budget estimates hearing.

Investing in measures that protect, conserve and enhance the ACT's environment and biodiversity remains a priority for me as Minister and for this government.

The ACT continues to witness significant pressures on the environment from a growing City, climate change, pollution, extreme weather events, and finally invasive pests and animals. These pressures risk damaging the environment and the extinction of critically endangered ecosystems, plants and animals.

The recently published Australian State of the Environment 2021 is a confronting reading. The report identifies that our environment holds the key to our survival and wellbeing. Sadly, all aspects of the Australian environment are under pressure, and many are declining.

This is why the ACT Government is pleased to once again invest in measures to protect and enhance the ACT's environment for the benefit of all Canberrans.

## **Urban Biodiversity**

The ACT Government is investing almost three million over two years to strengthen and enhance the ACT's urban biodiversity.

This initiative will deliver on a range of key government commitments across biodiversity, climate adaptation and wellbeing in an integrated, cost-effective, and future-proof way.

Ngunnawal knowledge will be better incorporated into the design and delivery of projects.

Urban habitat connectivity mapping will support the new planning system, and when combined with biodiversity Sensitive Urban Design guidelines will help the ACT move towards best practice sustainable development and strengthened delivery of the Living Infrastructure Program.

The government will expand and improve the Canberra Nature Map platform to boost the ability of citizen science to provide accurate data to build biodiversity and landscape knowledge which the ACT could not afford to otherwise collect, and

The government will also work to restore 20 identified priority urban sites that will deliver urban cooling, habitat protection and community amenity.

## **Environment protection**

The protection of the environment remains a key priority for this government.

\$722,000 in funding will be provided over two years to strengthen the ACT's Environment Protection Authority through additional resources.

This funding including a review of the environment protection framework in the ACT and additional resources to support compliance monitoring and regulatory oversight activities.

## **Other priority areas**

The 2022-23 budget will also focus resources on a large body of work that will also:

- Increase ecosystem resilience and adaptation to a changing climate.
- Protect and conserve ecosystems and threatened flora and fauna
- Provide people with greater access to nature for their enjoyment and wellbeing
- Targeting invasive plants and animals, and progressing the development of a new biosecurity bill to better protect the ACT from the growing biosecurity risks.
- Conserve and celebrate the ACT's Heritage.

I am pleased to provide this update for the Committee on the work the government is doing to protect and enhance the ACT's wonderful environment and biodiversity.

**Portfolio:** Environment**Protecting Canberra's unique environment - Managing invasive species –  
Additional Resourcing****Talking points:**

- Additional resources for biosecurity response have been funded out of a commitment from government (under PAGA 17.4) for a dedicated “Biosecurity Rapid Response Unit” to assist with the detection and initial response to new biosecurity incursions in to the ACT of Invasive plant, Invasive animal, animal disease and plant diseases.
- This commitment was funded to the amount of \$2.9m over a 4 year period and has employed 5 new staff which will work with stakeholders and land managers within government, rural landholders and interstate counterparts on biosecurity issues.
- (With changes in climatic conditions and increased concerns regarding several potentially economically crippling animal diseases on the doorstep of Australia) this initiative coincides well with increased visibility of, and expectations of, Government to invest in biosecurity.

**Key Information**

- Five new positions have been created within the Biosecurity and Rural Services unit to enhance the capacity for the ACT to respond to new biosecurity incursions.
- \$2.9m have been invested in the Biosecurity and Rural Services Unit through this initiative over the next 4 years (2022-2026) to go directly towards new incursions and established invasive species issues in the ACT.

**Background Information**

- The concept of a Biosecurity Rapid Responder team was developed in response to the significant impact of La Nina weather patterns that have increased the invasive plant growth and pest animal populations across the territory. The initiative will increase the focus on ‘doing’ to prevent, eradicate and undertake early containment of invasive species to ensure we keep ahead of the curve to reduce the biosecurity risk to the ACT.
- Funding for the team was provided through the Parliamentary and Governing Agreement (PaGA) in 2021. “Increase funding for weeds and invasive species management (\$7.5M over 4 years).”
- This initiative will align with the parliamentary agreement (17.4) by focussing funds to establish a dedicated biosecurity response unit specifically to identify and address high priority invasive species (plants and animals) that may impact the natural environment and productive agricultural land within the ACT. With a changing climate and under current La Nina weather pattern it is expected that biosecurity

Cleared as complete and accurate: 01/08/2020  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Warren Schofield Ext: 78480  
Lead Directorate: Environment, Planning and Sustainable Development

incursions will increase and therefore the early identification and response to these early invaders is critical to ensure that they do not establish, and impact identified values.

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Contact Officer name: Warren Schofield Ext: 78480  
Lead Directorate: Environment, Planning and Sustainable Development

## Portfolio: Environment

### Connecting nature, connecting people

#### Talking points:

- The Connecting Nature, Connecting People initiative will strengthen and enhance the ACT's urban biodiversity.
- The project will achieve improved ecological connectivity and urban cooling in partnership with First Nations people in the ACT through:
  - Incorporating Ngunnawal knowledge into the design and delivery of projects;
  - Developing and embedding new decision-making tools that reduce biodiversity loss and enhance ecological connectivity within Canberra's urban footprint;
  - Delivering showcase innovative nature-based solutions to key urban challenges of climate change adaptation and wellbeing.
- This project addresses several key challenges facing urban planning in the ACT including biodiversity loss, climate change, Closing the Gap, right to a healthy environment, and urban consolidation.
- This project will deliver on a range of key government commitments across biodiversity, climate adaptation and wellbeing in an integrated, cost-effective, and future-proof way. Innovative planned work includes:
  - Integration of urban habitat connectivity mapping into the new planning system spatially and through development of policy and guidelines. These will inform government, developer and community decision-making to deliver ecologically sustainable development and aid delivery of Commonwealth threatened species and habitat recovery commitments.
  - Production of Biodiversity Sensitive Urban Design guidelines to inform residential and commercial built form development as a core component of moving towards best practice sustainable development and strengthened delivery of the Living Infrastructure Program.
  - Effective coordination across government to ensure delivery of multiple key strategies and reforms to ensure Canberra can adapt to climate change.
  - Expanded and improved Canberra Nature Map platform to boost the ability of citizen science to provide accurate data to build biodiversity and landscape knowledge which the ACT could not afford to otherwise collect, to further populate the urban habitat and connectivity mapping.
  - Restoration and protection of up to 20 urban sites in identified habitat zone that will deliver urban cooling, habitat protection and community amenity. The priorities for these sites are being settled.

Cleared as complete and accurate: 25/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Rosie Cooney Ext: 50023  
Lead Directorate: Environment, Planning and Sustainable Development

- Co-design and incorporation of Ngunnawal knowledge into site restoration, community infrastructure and engagement; and the developed mapping, policies and guidelines.

## Key Information

- The “Connecting Nature, Connecting People” project was approved in May 2022 for total funding of \$2 954 000, for two years over FY 2022-2023 and 2023-2024.
- The project has agreement for 5 FTE to be recruited to deliver the project. One position has been filled, and recruitment is commencing for the others, with the aim that all positions are filled by high-quality candidates by the start of October 2022.

## Background Information

- “Connecting Nature, Connecting People” has developed from the “Urban Habitat and Connectivity Project” undertaken by the Conservation Research branch (EPSDD).
- The Urban Habitat and Connectivity Project involved an extensive expert elicitation process to define what does, and what does not, constitute potential core and connectivity habitat for seven different wildlife groups. Over 60 researchers, managers and citizen scientists – representing over 1000 years of cumulative experience – worked together to estimate preferred and tolerable values for habitat properties that promote or inhibit our wildlife.
- Those estimates have been integrated into a spatial model to predict potential connected habitat for each wildlife group across the ACT. These models identify what is habitat, what are barriers, whether the patch is large enough, and considers a species capacity to move between patches.
- The first iteration of this has been run for the Belconnen District to help inform the new Belconnen District Strategy and identify potential opportunities to maintain and enhance habitat connectivity in urban planning.
- These models are now being run for the rest of the ACT urban area for integration with important environmental and cultural information to inform the other District Strategies.
- Outputs of this work will also inform design specifications to enable the effective conservation and management of urban green space according to the needs of the seven representative wildlife groups.
- The initial list of potential restoration sites (which accompanied the budget initiative papers) is now being assessed against recently completed modelling and spatial mapping of priority conservation areas. The final list of sites to be funded through this initiative will represent a balance of ecological value, Ngunnawal cultural significance, land custodian support, opportunities for community engagement, and operational feasibility.

Cleared as complete and accurate: 25/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Rosie Cooney Ext: 50023  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment

## Strengthening Environmental Protections in the ACT (EPA)

### Talking points:

- The ACT Government recognises that the protection of our environment is critical to the health and wellbeing of our community.
- Through the ACT Budget 2022-23, the government has invested funding of \$534,000 over two years for two Environment Protection Officers to support compliance monitoring and regulatory oversight activities.
- Further funding of \$188,000 in the budget was also provided for the development of a three year action plan to achieve reforms necessary to deliver an enhanced and modernised environmental protection framework in the ACT.

### Key Information

- The EPA is the principal environmental regulatory in the ACT responsible for administering the *Environment Protection Act*, *Water Resources Act*, *Lakes Act*, *National Environment Protection Council Act* and *Clinical Waste Act*.
- The EPA has maintained its current staffing level of 17 FTE positions since the establishment of Access Canberra in 2015, while population and urban development have increased significantly over that period with the ACT one of the fastest growing urban areas in Australia.
- EPA is a mandatory referral entity for statutory planning functions and regulator of all activities which have the potential to pollute. With the significant increase in development and business activity there will be increased likelihood of environmental issues being missed during development assessments and regulation of activities and limited capacity for reviews that would identify issues early and ensure controls are implemented and regulated.
- Environmental complaints have increased by 33% over the past six years, which includes a 49% increase in noise complaints lodged with the EPA. It is expected this trend will only increase with greater urban density and mixed use developments.
- A SOGB has been recruited in Access Canberra (Office of the EPA) to undertake the review and action plan with an initial scoping workshop of EPSDD and Access Canberra (EPA) staff and executives scheduled for week commencing 15 August 2022.

### Background Information

- Undertaking priority review and reform work, to minimise risk to the Territory from shifting societal expectations of environmental protection, cannot be quickly addressed.
- This funding will go some way to addressing these risks and expectations.

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Daniel Walters Ext: 76334  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio/s:** Planning & Land Management  
Environment

## KANGAROO MANAGEMENT

### Talking points:

#### Hot Issues

#### Community Concerns - Pialligo

- I am aware of alleged reports about alleged gunshots reported in the Pialligo area and the discovery of kangaroo carcass.
- The 2022 conservation cull Eastern Grey Kangaroos conducted by the government was only conducted on nature reserves none of which were located in the Pialligo area.
- Likewise, no licences have been issued to rural landowners in the area to undertake culling operations.
- Anyone witnessing suspicious behaviour on ACT public land is encouraged to report the matter to ACT Policing on 131 444.

#### 2022 Kangaroo Management Program - General

- The kangaroo management program is critical to prevent kangaroos overgrazing of some of the largest remnants of critically endangered grasslands and grassy woodlands in Australia.
- These grasslands are home to many threatened species including the grassland earless dragon and striped legless lizard. Overgrazing by kangaroos reduces grass height and the habitat that is necessary for the reproduction and ultimate survival of these species.
- The government completed the 2022 conservation cull of kangaroos on Friday, 22 July 2022.
- The Conservator of Flora and Fauna has advised that 1,645 kangaroos have been removed from nine reserves. All of these reserves are now open to the public.
- The culling operation was undertaken during the time of year that avoids when most females have dependent young.
- The culling operation is guided by the *Eastern Grey Kangaroo: Controlled Native Species Management Plan* available online and advice from leading ecologists within the government that have decades of experience in kangaroo population management.
- Significant information about the government's kangaroo management program is available on the [environment.act.gov.au](http://environment.act.gov.au) website.

#### Animal welfare

- The highest standards of care and animal welfare are applied during the conservation cull.

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Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Chris Glennon Ext: 59023  
Lead Directorate: Environment, Planning and Sustainable Development

- Culling operations are undertaken in accordance with the National Code of Practice for the Human Shooting of Kangaroos and Wallabies for Non-commercial Purposes.
- This method is recognised by all governments and RSPCA Australia as the most human method of managing kangaroo population.
- Restrictions to the timing of culls in the ACT are also enforced to reduce the risk of orphaning dependent young.

## **Red Hill – including the Federal Golf Course**

- Red Hill is comprised of the Red Hill Nature Reserve and the Federal Golf Course. It is comprised predominantly of woodland vegetation including significant areas of Yellow Box and Red Gum Grassy Woodland as well as populations of the Button Wrinklewort and other rare plants.
- Unlike previous years, the conservation cull was undertaken at this location to protect this highly sensitive and valued area. This involved engagement and cooperation from local landowners and the government acknowledges this support.

## **Fertility Control**

- The 2022 conservation cull will integrate the use of fertility control using GonaCon Immunocontraceptive Vaccine for the first time.
- This approach is a significant step forward in moving from the research phase into pilot implementation and is in response to the government investment in the 2021-22 Budget
- Since 1998, the government has invested in the development of kangaroo fertility control vaccines to reduce the need for annual culling. In collaboration with local and overseas partners, these trials have now resulted in the development of a long-lasting contraceptive vaccine known as Gonacon.
- The use of fertility control for managing kangaroos is supported by the ACT community, with 80 per cent of residents surveyed in 2019 believing it was important to apply fertility control to kangaroos in Canberra (Micromex Survey 2019 – Attitudes and opinions of ACT residents regarding kangaroos and their management).

## **Carcass use**

- 245 carcasses will be utilised to produce fox and dog baits for PCS wild dog and fox control programs.
- In addition, skins and tails will be offered to local Aboriginal groups for traditional uses.
- The kangaroo management team will continue to identify and pursue suitable carcass utilisation options into the future.

## **Scientific Evidence base**

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Contact Officer name:	Chris Glennon	Ext: 59023
Lead Directorate:	Environment, Planning and Sustainable Development	

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

## Background

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

**Portfolio:** Environment

## **Biosecurity (Varroa mite and Foot and Mouth Disease)**

### **Talking points:**

#### **Varroa mite**

- Varroa mite (*Varroa destructor*) is the number one biosecurity threat to Australian honey bees and was detected for the first time on mainland Australia at the Port of Newcastle on Wednesday, 22 June 2022.
- Varroa mite has the impact to cause significant harm to beekeeping and agriculture industries and significant economic losses. However, Varroa mite does not pose a threat to food safety.
- The ACT is pleased to be part of a strong national effort to contain and eradicate the mite.
- Whilst there is currently no reason to suspect that Varroa mite is present in the ACT, the government has taken proportionate actions including introducing restrictions on the movement of European honeybees, hives and apiary equipment that has been in NSW into the ACT. These restrictions will remain in place until it is considered that Varroa mite no longer poses a threat to the ACT.
- Local beekeepers have been encouraged to register their hives through Access Canberra. Beekeeper registration in the ACT has steadily increased since the start of the Varroa mite incursion.
- As the weather warms beekeepers will be encouraged to inspect their hives regularly. Information on how to check for Varroa mite has been provided to registered beekeepers as part of communications.
- The ACT Government is aware of a number of beekeeping enterprises based in Canberra that may be impacted by the current Import Restriction Declaration. The government is engaging with these businesses to facilitate business continuity while ensuring appropriate biosecurity restrictions remain in place.
- ACT beekeepers are encouraged to closely monitor the situation through the ACT's [environment.act.gov.au](http://environment.act.gov.au) and NSW Government's Department of Primary Industry website.

#### **Food and Mouth Disease**

- Foot and Mouth disease commonly referred to as FMD is a disease of animals and not humans. It is different to the hand, foot and mouth disease that occurs in young children.
- FMD is serious and highly contagious that affects all divided-hoofed animals including cattle, sheep, goats, camels, deer and pigs.

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Contact Officer name: Bruce Hancocks Ext: 54322  
Lead Directorate: Environment, Planning and Sustainable Development

- Whilst Australia is free from Foot and Mouth disease, there are significant outbreaks in Indonesia which has spread to Bali. Biosecurity measures have been introduced at Australian ports of entry to risk the risk of an incursion in Australia.
- The ACT remains engaged in the national response effort to keep this disease out of Australia.
- The ACT Government recommends Canberrans who are returning from countries with FMD outbreaks such as Indonesia and Bali following the Australian Government guidance available on the [Smartraveller.gov.au](https://www.smartraveller.gov.au) website.
- This includes accurately completing biosecurity declarations, presenting shoes or other equipment for inspection, and avoiding farms and livestock for the first seven days after arriving in Australia.

## **Biosecurity General**

- The ACT has a dedicated biosecurity planning and response team that constantly monitors the biosecurity threat environment. This team works closely with the Commonwealth, state and territory governments and industry to identify and manage biosecurity risks and outbreaks.
- The ACT Government is working to harmonise and strengthen its existing suite of biosecurity legislation, and undertaken new levels of planning in response to the current threats.
- The ACT Government has deployed staff into NSW to assist with the response effort to the Varroa mite. This first hand experience will strengthen the ACT's biosecurity response and management capabilities.

## **Background Information**

### *Varroa mite*

- As of 10 August 2022, NSW has reported 86 infected premises, predominantly in the Newcastle and Hunter Valley area.
- There is one infested premises remotely located at Narrabri in north-western NSW, and another near Nana Glen, north-west of Coffs Harbour; both have been traced to infested premises in the Newcastle area.
- NSW Department of Primary Industries estimates that over 15 million honey bees from more than 1500 hives have been destroyed. To date, no unexplained Varroa mite have been detected within or outside the emergency zones. This suggests that the outbreak is currently contained.
- On the evening of 12 July 2022, EPSDD hosted a webinar for beekeepers to advise them of the current situation and restrictions and provided the opportunity for questions.

Cleared as complete and accurate: 25/07/2022  
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Contact Officer name: Bruce Hancocks Ext: 54322  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment**AUSTRALIA'S STATE OF THE ENVIRONMENT REPORT****Talking points:**

- It is pleasing the the Commonwealth Minister for the Environment has released the long awaited and delayed 2021 State of the Environment Report (SoE 2021).
- Whilst the findings and conclusions of the report are being carefully considered by the ACT Government, the report is sombre and a confronting reading.
- Sadly, the report confirms that the state and trend of Australia's environment is poor and deteriorating from climate change, habitat loss, invasive species, pollution and resource extraction.
- Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment and these are compounded by extreme events.
- The ACT Government has long acknowledged these threats and continues to take urgent and strong action to protect the environment and turn things around. These include:
  - Progressing the ACT Climate Change Adaptation Strategy.
  - Planning for a new ACT Nature Conservation Strategy.
  - Strengthening the ACT's conservation evaluation and monitoring program.
  - Developing a Climate Adaptation for Nature Framework.
  - Implementing targeted species recovery programs, such as the Northern Corroborree Frog.
- The 2021 State of the Environment Report reflects many observations in the ACT State of the Environment Report 2019 and confirms that there is much more to be done to protect our wonderful environment.
- I look forward to work collectively with other Environment Ministers to address some of stark findings that this report has delivered

**Key Information**

- SoE 2021 covers the current state, pressures, impacts, management, and outlook for 12 environmental themes: Air quality, Antarctica, Biodiversity, Climate, Coasts, Extreme events, Heritage, Indigenous, Inland water, Land, Marine and Urban.

**Background Information**

- The Australian Government released the 2021 State of the Environment Report in mid-July 2022.

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Bren Burkevics Ext: 78628  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment**Draft Capital Food and Fibre Strategy****Talking points:**

- The ACT Government is pleased to be developing a Capital Food and Fibre Strategy (the Strategy) to guide future planning and management of our region’s agriculture production.
- The Strategy will better support the ACT to establish clear goals and settings for agricultural climate resilience and adaptation as well as to foster economic and social opportunities from increased local food and fibre production.
- The strategy will also support local food production and make the ACT more resilient to supply chain issues that were identified during the recent COVID-19 pandemic.
- In development the strategy, the government has sought stakeholders’ input to the vision, scope and objectives of the Strategy through a public discussion paper, which proposes the following vision:
  - The ACT and surrounding Capital Region’s food and fibre production systems are innovative, sustainable, diverse, and resilient to a changing climate, and enable biodiversity conservation and ecosystem services.
  - The Region’s community has improved access to local, healthy food produced by regional farmers, community groups, and individuals, and its people are more engaged and included in food and fibre production.
  - The ACT food and fibre farming and manufacturing enterprises thrive, provide increased employment, and are strongly supported by Canberrans.
- Goals for the new vision include transitioning to ecologically sustainable food and fibre production, building drought and climate change resilience, increasing food production capacity, supporting diversification and community engagement.
- The government anticipates completion of the new Strategy in 2023.

**Key Information**

- The discussion paper was available for comments through the ACT Government’s YourSay Conversations Capital Food and Fibre Strategy page from early December 2021 to the end of February 2022. During this consultation period, the Directorate also held meetings with a number of stakeholders.
- The discussion paper public consultations have now closed and the Directorate is considering the feedback. The feedback is summarised in a Listening Report, which is now published on the YourSay Conversations page.
- The draft Strategy will be released on the YourSay Conversations page for community consultation in the first quarter of 2023.

Cleared as complete and accurate: 14/08/2022  
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Contact Officer name: Sari Ruuska Ext: 54032  
Lead Directorate: Environment, Planning and Sustainable Development

- The Strategy will be followed by development of a more detailed implementation plan which will outline the actions for government and the community to achieve the strategy's vision and goals.

## **Background Information**

- The ACT has rural and urban agriculture production.
- There are approximately 160 rural farms which collectively manage 15 per cent of the ACT's land area. The majority operate in sheep, wool and cattle production, horse agistment and other equestrian activities. Other enterprises include eggs, fruit and vegetables, and wine.
- In the urban areas are numerous backyard gardens, a growing number of popular community gardens, and urban farms with vegetable or seedling production.
- There are also enterprises along the food supply chain. This includes farmers markets and direct sale businesses like those offering fresh food and produce boxes, and bakeries, breweries and restaurants that use local produce.
- Although the Strategy will be an ACT Government policy, it is also intended to set the strategic direction for the Capital Region. This is because, despite the existing agricultural enterprises, the ACT is highly reliant on food produced elsewhere and will continue to be for the foreseeable future.

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Sari Ruuska Ext: 54032  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment

## MULTIPLE THREATENED SPECIES ON LAWSON GRASSLANDS

### Talking points:

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

### Key Information

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

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Eliza Larson Ext: 77009  
Lead Directorate: Environment, Planning and Sustainable Development

## Background Information

- Lawson North is declared National Land and is administered by the NCA on behalf of the Commonwealth Government.
- The proposal is for DHA to cater for an approximately 416 dwelling estate, north of the existing Lawson estate.

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Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Eliza Larson Ext: 77009  
Lead Directorate: Environment, Planning and Sustainable Development

## AIR QUALITY & WOOD HEATERS

### Talking points:

#### Air Quality

- The 2021 ACT Annual Air Quality Report shows Canberra's air quality dramatically improved in 2021 compared to 2019 and 2020 due to the absence of bushfires and reduction in dust storms.
- Annual average levels for particulate matter (PM10 and PM2.5) were at some of the lowest levels experienced in the past 10 years.
- There were no exceedances of the national air quality standards for PM10, carbon monoxide, nitrogen dioxide and ozone at any of the ACT's monitoring stations.
- PM2.5 was the only pollutant that marginally exceeded the daily national standard with the annual standard met. The daily standard was exceeded for 5 days in 2021, with 3 related to controlled burns in NSW and 2 directly related to wood heater emissions in winter.
- The ACT Government released the Smoke and Air Quality Strategy 2021-25 on 11 November 2021 which outlines the ACT's current initiatives and future actions to address smoke from bushfire events and domestic wood heaters for the benefit of the community.
- In line with the actions detailed in the Strategy a review of the Burn Right Tonight campaign and Wood Heater Replacement Program was recently undertaken.
- The review included focus groups undertaken by an independent research provider. The focus groups included general community members, individuals with an existing wood heater and also those who have taken up the woodheater replacement program over previously.
- Key findings included:
  - Our clean air and water is a source of pride for many Canberrans.
  - The broader community supports Government action on air quality, and most would like to see a further reduction in wood fire usage over time.
  - For those motivated to replace their wood heater key drivers of removal tended be the effort and mess associated with a wood heater, as well as a growing appreciation of their impact on the environment, as opposed to financial incentives or motivators.
  - We need to focus our communications efforts in those areas we know have a higher woodheater ownership, such as areas in Tuggeranong and Belconnen.
- A YourSay Community Panel survey on wood heater use and community sentiment around the actions detailed in the Strategy commenced on 11 August 2022..

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Contact Officer name: Daniel Walters Ext: 76334  
Lead Directorate: Environment, Planning and Sustainable Development

- The Burn Right Tonight campaign and Wood Heater Replacement Program (WHRP) have been successful this winter, to date results include:
  - The campaign has delivery 832,897 impressions (when a user sees an advertisement) and 1,722 clicks to the website through digital advertising.
  - The WHRP has received 20 applications so far during the campaign period compared to 2 at the same time last year.
  - We have seen a 340% increase in traffic to the WHRP website during the campaign period compared to the traffic the month before the campaign (5 May – 7 June 2022).
- Air quality monitoring is undertaken by ACT Health at three locations; Monash, Civic and Florey in accordance with the Ambient Air Quality National Environment Protection Measure made under the *National Environment Protection Council Act 1994*.
- The Environment Protection Authority within Access Canberra reports annually on the air quality in Canberra in accordance with the Ambient Air Quality National Environment Protection Measure.
- ACT Health provides hourly advice to the public on the levels of these pollutant above the national ambient air quality standards through the online Air Quality Index and AirRater App.
- Smoke from bushfires is likely to become an increasingly significant issue due to climate change, resulting in increased fire frequency, fire intensity, drought and extreme weather events and decreased suitable prescribed burning days.

### Wood Heaters

- The Wood Heater Replacement Program (WHRP) aims to improve the ACT's air quality by offering financial incentives for the removal and disposal of domestic wood heaters and their replacement with efficient electric heating systems.
- Rebates include \$250 for the removal of a wood heater, \$750 for the removal of a wood heater and installation of an electric reverse cycle system (minimum of 3 stars); and \$1,250 for the removal of a wood heater and installation of an electric ducted reverse cycle system.
- For 22/23 YTD, 11 applications and 1 rebate paid (\$250).
- For 21/22, 45 applications and 24 rebates paid:

Removal only \$250	4
Upgrade reverse cycle split system\$750	7
Electric ducted \$1250	13
<b>Total</b>	<b>24</b>

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- The WHRP is currently under review, including evaluating options for no cost replacements for low income households.

### Key Information

- EPSDD is responsible for the Ambient Air Quality National Environment Protection Measure (AAQ NEPM) and *National Environment Protection Council Act 1994* (NEPC Act). The Environment Protection Authority (EPA) is responsible for implementation of the AAQ NEPM and annual reporting, and ACT Health operates the AAQ NEPM monitoring stations and is responsible for live reporting of data and public health messaging.
- The ACT Air Quality Report 2021 (published June 2022) presents the results of ambient air quality monitoring in the ACT for the 2021 calendar year.
- The ACT Government has a range of programs to address emissions from domestic wood heaters. These include regulation of commercial firewood to ensure it is sold in a seasoned condition, the Wood Heater Replacement Program to remove old inefficient heaters, and the Burn Right Tonight public education campaign on how to correctly operate a wood heater.
- The ACT Government has also recently announced the Sustainable Household Scheme which will offer zero-interest loans of between \$2,000 to \$15,000 to support eligible ACT households to live more comfortably, reduce emissions and their energy costs. This scheme will complement the Wood Heater Replacement Program to assist with covering the additional cost of replacing a wood heater with an energy efficient electric system for eligible households.
- The ACT Health Directorate, in consultation with the Environment Protection Authority and the Environment, Planning and Sustainable Development Directorate, has engaged the Centre for Air Pollution, Energy and Health Research, a cooperative research centre funded by the National Health Medical Research Council, to undertake more detailed research into the health impacts and costs associated with wood smoke pollution in the ACT. This work will inform future policy direction.

**These initiatives have put the ACT at the forefront nationally in addressing wood smoke pollution and have resulted in a significant improvement in our air quality. Information about these initiatives and copies of the ACT Annual Air Quality Reports, can be found at [www.accesscanberra.gov.au](http://www.accesscanberra.gov.au).**

### Background Information

- The ACT monitors four of the six NEPM pollutants: Carbon monoxide (CO); nitrogen dioxide (NO<sub>2</sub>); photochemical oxidants as ozone (O<sub>3</sub>); particulate matter PM<sub>10</sub>; and particulate matter PM<sub>2.5</sub>.
- The ACT has never monitored sulfur dioxide (SO<sub>2</sub>) as it is primarily an industrial pollutant and the ACT does not have heavy industry. In 2002, lead monitoring ceased with the phase out of leaded petrol.

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Contact Officer name: Daniel Walters Ext: 76334  
Lead Directorate: Environment, Planning and Sustainable Development

## BANNING AND REDUCTION OF PESTICIDES

### Talking points:

- The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the Australian government authority responsible for the assessment and registration of agricultural and veterinary (agvet) chemicals in Australia.
- A formal reconsideration process is initiated by the APVMA when new scientific information raises concerns relating to the safety or effectiveness of the agvet chemical.
- Glyphosate was subject to consideration in 2016 with the AVPMA concluding glyphosate can continue to be used safely in Australia according to label directions.
- In November 2019, the APVMA decided to commence a chemical reconsideration of neonicotinoid insecticides to reconsider approved active constituents, registrations of selected products containing neonicotinoids, and all associated label approvals on the basis of risks to the environment, including bees. This assessment is ongoing with the outcomes to inform any restrictions on use when completed.

### Key Information

- The APVMA is the authority responsible for the assessment and registration of agricultural and veterinary (agvet) chemicals in Australia up to the point of retail sale. The states and territories are responsible for regulating the use of agvet chemicals in accordance with the APVMA registration.
- The APVMA uses a scientific, evidence-based approach and aligns its regulatory efforts with the risks associated with each active constituent or product. Risks are considered in terms of both the likelihood of exposure and the potential effects of exposure.
- The APVMA regulates agvet chemicals in line with responsibilities described in the *Agricultural and Veterinary Chemicals (Administration) Act 1992* and the *Agricultural and Veterinary Chemicals Code Act 1994 up to and including the point of sale*.
- A formal reconsideration process is initiated by the APVMA when new scientific information raises concerns relating to the safety or effectiveness of the agvet chemical.
- The reconsideration process incorporates legislative, administrative and scientific elements that contribute to the final decision to affirm, vary, suspend or cancel an approval or registration. A reconsideration must be completed within a maximum timeframe of 57 months.
- The APVMA continues to monitor and assess new information and credible scientific reports as they become available.

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Lead Directorate: Environment, Planning and Sustainable Development

### **AVPMA Assessments and Reconsiderations for:**

#### *Glyphosate (Roundup)*

- Glyphosate is a broad-spectrum herbicide that works by inhibiting an enzyme found in plants; this enzyme is not found in humans. There are around 500 products containing glyphosate registered for use in Australia. Glyphosate has been registered for use in Australia for over 40 years.
- In 2016, following the 2015 International Agency for Research on Cancer assessment, the APVMA considered glyphosate and found no grounds to place it under formal reconsideration again.

#### *Neonicotinoid insecticides*

- There have been scientific studies published that suggest a link between the use of neonicotinoids and the declining health of honey bees in some regions.
- In November 2019, the APVMA decided to commence a chemical reconsideration of neonicotinoid insecticides to reconsider approved active constituents, registrations of selected products containing neonicotinoids, and all associated label approvals on the basis of risks to the environment.

#### *Anticoagulant rodenticide products*

- Products considered anticoagulant rodenticides have been prioritised for reconsideration by the APVMA on the basis of concerns for worker exposure, public health and environmental safety.
- The use of these products in domestic premises, animal production facilities and food production facilities is currently allowed.
- International jurisdictions (including the United States Environmental Protection Agency and the European Chemicals Agency) have taken action to limit access to these products by non-professional users, and to restrict the product formulations available and the situations in which these products may be used.
- The APVMA consulted with the states and territories and relevant holders regarding the registered particulars and conditions of use for anticoagulant rodenticide products. Consultation closed on 17 July 2020 with 3,391 submissions received. This assessment is ongoing with the outcomes to inform any restrictions on use when completed.

### *Pindone*

- Pindone is a first generation anticoagulant poison commonly used to manage rabbits in the ACT where alternative poisons (nominally 1080) are considered to pose too great a risk to domestic pets, particularly dogs.
- Pindone has been considered for some time to be a possible threatening process for native predatory species including the Little Eagle. To quantify the risk of using this compound, the ACT Government Environment Division is currently undertaking research in partnership with researchers at Edith Cowan University to assess the prevalence of secondary poisoning by Pindone and other anticoagulant compounds in a range of predatory wildlife species.
- To date, 83 liver samples collected opportunistically from deceased predatory animals across Australia have been tested for anticoagulant compounds. None of these samples have demonstrated evidence of exposure to Pindone. However, 80.7% of samples tested positive to second generation compounds including Brodifacoum, the common active compound in many over-the-counter rodent poisons used ubiquitously in both commercial and domestic settings across the country.
- In light of these findings, Pindone is still used by ACT Government to manage rabbits in the ACT in accordance with best practice approaches which minimise the risk of secondary poisoning of non-target species.
- Data from this study was submitted to the AVPMA to aid in the current review of anticoagulant rodenticide product usage in Australia.

### *Chlorpyrifos*

- Chlorpyrifos is an insecticide used to control different kinds of pests, including ants, termites and mosquitos. Products containing chlorpyrifos are used in and around the home, in home gardens, in public spaces, and in agriculture.
- On 25 July 2019, the AVPMA suspended the labels of chlorpyrifos products for use in both domestic and home garden, and agricultural uses. On 25 September 2019, we cancelled the registration of chlorpyrifos in domestic and home garden products, and in certain public spaces such as parks and footpaths.
- On 24 July 2020, the AVPMA cancelled the remaining product registrations and label approvals of products for use in both home garden and agriculture after allowing 12 months for holders to vary their labels to remove domestic and home garden uses.

## Background Information

- The use of APVMA approved agvet chemicals is regulated in the ACT under the *Environment Protection Act 1997* (the EP Act) and Environment Protection Regulation 2005.
- Agvet chemicals must be used in accordance with Part 6 of the *Environment Protection Regulation 2005* which specifies they must be used in accordance with their AVPMA approved label or off label permit. It is an offence to use a chemical which is not registered by the APVMA.
- The commercial use of agvet chemicals is a Class A activity under the *Environment Protection Act 1997* (the EP Act) and a person must not undertake his activity unless they hold an environmental authorisation issued by the Environment Protection Authority (EPA), Access Canberra.
- ACT Government's approach to pesticide regulation aligns with national best practice. Commercial operators (including government agencies) licensed by the EPA are required to hold nationally accredited competencies delivered by registered training organisations and it is a requirement for all users, both commercial and non-commercial, to use agvet chemicals in accordance with their conditions of registration which are set by the national regulator the APVMA.

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Contact Officer name: Daniel Walters Ext: 76334  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio/s:** Environment

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## **INVASIVE SPECIES MANAGEMENT (WEEDS AND PEST ANIMALS)**

### **Talking points**

#### **Invasive Species budget initiative 2021-2025**

- The ACT Government continues to invest in initiative to reduce the risk of new incursions of invasive species, and to respond quickly to them when they are detected.
- To address an item in the Parliamentary and Governing agreement for increased funding for weeds and invasive species management, the government allocated an additional \$2.968 million over four years in the 2021-22 budget to manage new and emerging invasive species (invasive plants and animals) within the ACT.
- These funds will employ five new invasive species staff as a dedicated Biosecurity rapid response team within the Environment, Planning and Sustainable Development Directorate.
- This additional capability will allow a faster and stronger response to biosecurity incursions, to stop today's new and emerging invaders becoming tomorrow's widespread invaders.
- The ACT Government also receives Australian Government funding for bushfire recovery and the Supporting Communities Manage Pest Animals and Weeds Program (2021-22 to 2024-25) initiatives.

#### **Macropod Management**

- Macropods are not an invasive species, but they may become overabundant.
- Macropods are managed in targeted areas to protect key environmental assets in a similar fashion to the Invasive Species Program.
- The above figures are non-employee expenses only. In addition to this, EPSDD allocates between 12 and 15 FTEs to Invasive species management pending workloads and other priorities.

#### **Invasive plants**

- The fast and strong response biosecurity approach utilises Citizen Science to report invasive plants. Everyone can be involved by signing up to Canberra Nature Map or the Atlas of Living Australia - iNaturalist.

Cleared as complete and accurate:  
Cleared for public release by:  
Contact Officers name:

24/08/2022  
Executive Group Manager  
Steve Taylor (invasive plants)  
Mark Sweeney (invasive animals)  
Environment, Planning and  
Sustainable Development

Ext: 620 78628  
Ext: 620 72278  
Ext: 620 72135

Lead Directorate:

- Integrated control of invasive plants uses a range of control methods: biocontrol, prescribed burning, herbicide application, manual removal, grazing, slashing, mulching and revegetation. Combining methods leads to less herbicide use than would otherwise be the case.
- All invasive plant control work on public land is mapped using the Esri Field Maps app, which syncs to ArcGIS Online and is summarized in the Operations Dashboard (link below). The ACT is an innovator in this field which has been acknowledged internationally.

## Invasive animals

- Populations of pest animals are monitored across the conservation estate using quarterly vehicle based spotlight monitoring.
- The objectives of invasive animal control programs are to limit the negative impact invasive species have on conservation areas.
- Ongoing ground-based control programs primarily target rabbits, feral pigs, feral deer and feral horses. Integrated control of invasive animals uses a range of control methods dependent on species.
- In May 2022, the third annual Thermally Assisted Aerial Shooting (TAAS) program was undertaken by PCS and contractors in Namadgi National Park, Lower Cotter Catchment, Murrumbidgee River Corridor, Molonglo River Corridor and Googong foreshores. The objective of the TAAS is to cull pest animals in the most efficient and humane manner in accordance with the *ACT Pest Animal Management Strategy 2012-2022*.
- The TAAS covered 90,000 ha of land across 14 days (65 flying hours). A total of 503 pest animals were removed, including 196 deer, 273 pigs, 31 goats and one fox. This result is extremely efficient when compared to more traditional methods.

## **Key Information**

- Below is a summary of business cases associated with invasive plant and species and macropod management.

### *Invasive plant and species programs:*

- Better management of invasive species in 2022-23 - \$250,000.
- Commonwealth Grant Enhancing National Pest Animal and Weed Management - \$250,000.
- Better Managing invasive species - \$839,000.

### *Macropod management*

- Protecting ecosystems through Kangaroo management \$618,000.
- Further ecosystems through kangaroo management \$422,000.

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Cleared for public release by:

Contact Officers name:

Lead Directorate:

24/08/2022

Executive Group Manager

Steve Taylor (invasive plants)

Mark Sweeney (invasive animals)

Environment, Planning and Sustainable Development

Ext: 620 78628

Ext: 620 72278

Ext: 620 72135

- ‘Invasive plants’ are introduced plants that threaten biodiversity. ‘Weeds’ are plants growing where they are not wanted. Invasive plants are also called ‘Environmental weeds’.
- Most of the invasive plant control is undertaken by contractors supervised by the Environment, Planning and Sustainable Development Directorate and ACT Parks and Conservation Service (PCS) Rangers. Volunteers and staff also undertake control work.

Cleared as complete and accurate:  
Cleared for public release by:  
Contact Officers name:

24/08/2022  
Executive Group Manager  
Steve Taylor (invasive plants)  
Mark Sweeney (invasive animals)  
Environment, Planning and  
Sustainable Development

Ext: 620 78628  
Ext: 620 72278  
Ext: 620 72135

Lead Directorate:

**Portfolio/s:** Environment

Planning and Land Management

## THREATENED SPECIES MANAGEMENT

### Talking points:

- EPSDD currently runs over 20 threatened species programs working in strong collaborative partnerships with a range of universities, zoos, botanic gardens, state and federal government agencies, and community conservation organisations.
- The Orroral Valley bushfire severely impacted a range of species and communities. A suite of ecological recovery actions and research programs to benefit impacted species and communities and to inform future bushfire recovery are underway.
- The ACT Government currently plays a lead role in the conservation of threatened fauna through captive breeding programs at Tidbinbilla. Species include the Canberra Grassland Earless Dragon, the Northern Corroboree Frog and the Brush-tailed Rock-wallaby.

### Key Information

- There are currently 53 ACT species and three ecological communities listed as threatened under the *Nature Conservation Act 2014* (NC Act) and a further seven species with Special Protection Status due to their listing under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). This means that all these species have been assessed as likely to become extinct in the foreseeable future.
- There are 23 EPBC re/assessments of species relevant to the ACT underway. This includes some grassland-dependent species, species affected by the 2019–2020 bushfires in eastern Australia and some migratory and woodland birds.
- Recent threatened species additions for re/assessment under the EPBC Act relevant to the ACT include the Canberra Grassland Earless Dragon, Ginninderra Peppercress, Riek’s Crayfish and Bogong Moth. In 2021 a new threatened species for the ACT, the Bathurst (Purple) Copper Butterfly (listed as Vulnerable), was found in Namadgi National Park.
- The Commonwealth Minister for the Environment recently made the decisions to list the following species that are found in the ACT under the EPBC Act:
  - Mountain Skink as Vulnerable
  - Glossy Black-cockatoo as Vulnerable
  - Gang-gang Cockatoo as Endangered
  - Yellow-bellied Glider as Vulnerable
  - Pilotbird as Vulnerable
  - Greater Glider transferred to Endangered from Vulnerable
  - Koala (NSW, ACT and QLD populations) transferred to Endangered from Vulnerable

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Cleared for public release by: Executive Group Manager Ext: 78628

Contact Officer name: Renee Brawata Ext: 70636

Lead Directorate: Environment, Planning and Sustainable Development

- Golden Sun Moth transferred to Vulnerable from Endangered
- The ACT is encouraged to list/align these species on the Threatened Native Species List under the NC Act and the ACT Scientific Committee is finalising listing recommendations and supporting conservation advice to that effect. The Glossy Black-cockatoo is already listed in the ACT as Vulnerable under the NC Act.
- A Draft Native Species Conservation Plan has been prepared for the Koala (Gula). The plan has been developed in collaboration with Ngannawal Traditional Owners and will be provided to the ACT Scientific Committee for review prior to going out for public comment. The plan includes proposed baseline monitoring, habitat restoration and the establishment of a captive breed for release colony at TNR.

#### Postfire Recovery Actions for Threatened Species

- EPSDD is leading the National coordination of the Gang-gang Cockatoo recovery and has secured \$125,000 from the Australian Government to undertake this work. Extensive cross-jurisdictional survey work took place in the 2021-22 breeding season to better understand the species' distribution and habitat use.
- EPSDD successfully secured \$572,000 from the Australian Government for additional recovery actions for Gang-gang Cockatoos (\$247,000), Southern Brush-tailed Rock-wallabies (\$175,000) and Greater Gliders in the ACT (\$150,000). Projects are being delivered in collaboration with community groups, conservation organisations and research partners.
- EPSDD is trialling the use of artificial nesting tubes in ACT parks to support bushfire recovery efforts for the Gang-gang Cockatoo.
- EPSDD in collaboration with NSW Department of Planning, Industry and Environment (NSW DPIE) and the University of Canberra (UC), are undertaking research into the bushfire impacts, genetic diversity and post-fire recolonisation of burnt areas by the threatened Broad-toothed Rat.
- Investigations by the Conservation Research (CR) branch have determined the range of both species of montane spiny crayfish in the ACT (Alpine Spiny Crayfish and Reik's Crayfish) and documented major reductions in populations in their bog and creek habitats following the Orroral Valley Fire.
- Post-fire monitoring of Two-spined Blackfish by CR found a large reduction in adults and limited breeding since 2020. The sediment inflows to the river off the burnt landscape probably caused the lack of breeding as this species needs the spaces between the river rocks to breed. Genetic condition analysis of Blackfish will take place to determine if active management needs to occur. Supplementary fish habitats is planned to be placed in affected rivers to improve habitat, using Commonwealth funding.

#### **Background Information**

- Key threats facing these species and communities include the loss of mature native trees and habitat fragmentation caused by Canberra's urban expansion/intensification and land

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Contact Officer name: Renee Brawata Ext: 70636  
Lead Directorate: Environment, Planning and Sustainable Development

clearing; invasive plants and animals; disease; inappropriate fire regimes; lack of river flows in dry times; water pollution; and increasingly, climate change.

- Threatened species and ecological communities are important for the roles they play in ecosystem processes and services, as well as for their intrinsic value and their contribution to our natural and cultural heritage.

## Captive breeding of Threatened Species and Reintroductions

- The breeding of genetically more robust southern Brush-tailed Rock-wallabies is progressing according to plan. The animals produced are destined for the Jedbinbilla safe haven, a 120ha predator-proof enclosure at Tidbinbilla Nature Reserve (TNR) that will provide insurance for this critically endangered population and a source of animals for reintroductions. The Jedbinbilla safe haven fence incurred extensive damage due to an extreme rainfall event in March 2021. The Commonwealth Bushfire Recovery program for priority species and ACT Government is funding the repairs and future-proofing the fence. The fence and associated earthworks are expected to be completed by August 2022.
- In late 2020, 540 Northern Corroboree Frog from the captive breeding program at TNR were released at a new, carefully chosen trial release site in Namadgi National Park, in an EPSDD collaboration with the Australian National University (ANU). Another 309 frogs and 1000 eggs have been released since then to bolster the population. The persistence of released frogs and evidence of breeding at this site is a promising sign of success of the assisted colonisation efforts.
- A breeding colony of Canberra Grassland Earless Dragons was established at TNR during May 2021. The first breeding season was successful with 30 baby dragons hatching. The total number in the colony at TNR has increased to 56 dragons. Reintroduction of some of these individuals is planned for spring 2022. Release into purpose built, outdoor experimental arenas is also planned for Spring, with research commencing immediately.
- EPSDD in collaboration with NSW DPIE and UC, have successfully established a captive breeding colony of the endangered Smoky Mouse at UC. Individuals bred at the colony will be used to trial a soft release of the species at TNR, due to commence in spring 2022.
- Seeds from threatened orchids are being “banked” in an ongoing collaboration with the Australian National Botanic Garden and planning for translocation of the Canberra Spider Orchid is underway.
- The Australian National Botanical Gardens in partnership with the ACT Government, has successfully germinated 100 endangered Small Purple-Pea plants, with 900 more plants to be grown up over the next few years. These plants will be used to help secure this species future, with plants being used to boost existing wild populations and to start new populations.
- A collaborative project is underway to analyse the genetics of the few remaining individuals of the endemic Tuggeranong Lignum, to inform future in situ and ex situ population management and enhancement.

## Threatened Species Habitat Restoration

- EPSDD has restored five hectares of Pink-tailed Worm-lizard habitat across the Molonglo Valley and restoration of a further two hectares is underway. Works have included the

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Lead Directorate: Environment, Planning and Sustainable Development

placement of approximately one million habitat rocks and extensive native grass and wildflower plantings.

- EPSDD has commenced experimental habitat restoration at Jarramlee for the Golden Sun Moth. During the 2020 monitoring season presence of the species was confirmed at two new offset sites.
- Over 200 Striped Legless Lizard have been salvaged from development sites and taken to the Kama Nature Reserve since 2016. Annual monitoring reveals they are surviving with a gravid female recorded three years after translocation in 2019.

### Threatened Species monitoring and research

- EPSDD undertakes annual monitoring of Striped Legless Lizard population and distribution. One of our newest reserves, Budjan Galindji, has recorded the highest population density in the ACT for three consecutive years of monitoring. However, populations have overall declined in recent years, with over 80% declines recorded at several reserves since 2016. Continued monitoring and investigation into possible causes of decline is underway.
- The Golden Sun Moth has been monitored at many reserves since 2016. Populations appear to fluctuate greatly between years, with populations responding to changes in rainfall, grazing and weed management.
- Little Eagles have been monitored in the ACT and nearby NSW since 2016 by EPSDD in collaboration with CSIRO, ANU and Ginninderry Joint Venture. Seventeen birds have had backpack GPS transmitters attached, and breeding pairs are monitored annually. We have discovered these birds travel great distances interstate during their winter migration.
- EPSDD, with the ANU, NSW DPIE and the National Superb Parrot Recovery Team, delivers multiple Superb Parrot research projects. Breeding research shows that suitable nesting hollows are extremely rare in Canberra, and genetic research shows low but significant inbreeding in the ACT Superb Parrot population, and that the total breeding output of Superb Parrots in the ACT is attributable to only 34 adult pairs.
- EPSDD undertakes annual monitoring of threatened Two-spined Blackfish and Macquarie Perch in conjunction with Icon Water and UC. These monitoring programs have additional importance following impacts from the Orroral Valley fire.
- Monitoring of ACT Government fish habitat improvements in the Murrumbidgee River found the new habitats are supporting Murray Cod adults and juveniles.
- For ACT flora, EPSDD conduct annual monitoring of threatened species populations. Monitored species include the Small Purple Pea, Ginninderra Peppergrass, Hoary Sunray, Tarengo Leek Orchid, Button Wrinklewort and Tuggeranong Lignum.
- New populations of the Canberra Spider Orchid were discovered in Canberra Nature Park reserve in recent seasons. These will be surveyed and seeds collected in coming months. EPSDD staff are liaising with NSW Office of Environment and Heritage officers to jointly survey the small population found in nearby NSW last year.
- ACT Government has partnered with the Australian National Botanical Gardens to grow up 1000 Endangered Small Purple-Pea (*Swainsona recta*) plants. These plants will be used to boost current populations and experimentally start new populations in the hopes of securing this species into the future.

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Lead Directorate: Environment, Planning and Sustainable Development

## Community engagement

- Citizen scientists have participated in Superb Parrot research by analysing hundreds of thousands of camera images through the Australian Museum DigiVol platform.
- An application for Commonwealth funding has been submitted by the NRM and Conservation Research teams to enable Ngunnawal Traditional Owner led monitoring of the Koala (Gula) in the ACT. The monitoring will establish baseline information on populations and enable targeted habitat restoration which will be undertaken with the broader community.
- The ACT Government is a key partner in the innovative citizen science platform Canberra Nature Map. Over the last year alone, over 700 new rare and threatened flora and fauna records were added to the platform. The ACT Government's ACTMAPi online spatial platform makes data on threatened species and communities from a range of sources available to inform conservation and planning stakeholders both within and beyond government. These two resources provide critical data to inform land management, planning, and conservation.
- In a post-bushfire project on fire-affected vegetation in Namadgi National Park, Canberra Orchid Society (COS) volunteers were active and located a previously unknown population of Brindabella Midge Orchid, the largest population known. CR will be undertaking further surveys this financial year in collaboration with COS.
- COS volunteers have also been working with EPSDD staff on conservation of the Canberra Spider Orchid, to identify suitable translocation sites in Canberra Nature Park and assisting with searches for possible populations in Kowen area between the Kowen and Bungendore populations.
- The ACT Government has partnered with the ANU Difficult Bird Research Group to better understand the genetic diversity and effective population size of Gang-gang Cockatoos. To support this research, we are seeking support from community members to collect feathers for use in the analysis.

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Lead Directorate: Environment, Planning and Sustainable Development

## ENVIRONMENTAL VOLUNTEERING

### Talking points:

- The ACT Government is proud to continue to provide strong support to the ACT's environmental volunteers to enable them to help protect, conserve and enhance the ACT's environment and biodiversity.
- The ACT Government oversees a range of volunteer programs including ParkCare and Waterwatch that support Environmental inia
- Volunteers provide in excess of 50,000 volunteer hours a year to assist with the implementation of key environment and conservation objectives.
- The Ginninderra Catchment Group, Southern ACT Catchment Group, and the Molonglo Conservation Group are peak community groups that play a key role in volunteer coordination and provide critical services to the ACT.
- The Catchment Groups will be receiving significant funding for the 22-23 financial year:
  - \$406,500 for community engagement programs.
  - \$274,000 for coordination of community Waterwatch volunteers.
  - \$89,000 for coordination of community Frogwatch volunteers.
  - \$264,000 in successful 2022-23 ACT Environment Grants.
- In the 2021-22 budget, the ACT Government approved annual budget allocations of \$103,000 to ACT Wildlife, an additional ParkCare officer, and an increase of \$115,000 to bring the ACT Environment Grant funding for 2022-23 to \$480,000.
- The Waterwatch program is a successful citizen science program which has significant community support and provides vital water quality monitoring information. It was funded for \$539,000 per annum, of which a large portion of the funding goes directly to the Catchment Groups for volunteer coordination.

### Background Information

- In the lead up to the 2020 ACT Election, election commitments were made to fund a number of initiatives undertaken by the three Catchment Groups. This included base funding to the three groups, Waterwatch and Frogwatch funding, increases to the ACT Environment Grant funding pool and increased support to ParkCare.
- The Parliamentary and Governing Agreement offers an increase in funding for local environmental volunteer-based organisations of \$3.2 million over 4-years at item 17.5, however, it does not provide the details of which organisations will be funded.
- EPSDD is currently developing a new environment volunteering policy and supporting IT system that will significantly assist in managing and supporting environmental volunteers.

Cleared as complete and accurate: 15/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Chris Glennon Ext: 59023  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolios:** Planning & Land Management**MULLIGANS FLAT CONSERVATION ACTIVITIES AND LEARNING CENTRE****Talking points:**Woodland Learning Centre (Wildbark)

- The Woodland Learning Centre (Wildbark) is expected to be open for Spring this year.
- The construction of Wildbark is a joint partnership between the ACT Government, the Woodlands and Wetlands Trust and the Australian National University.
- The ACT Government is pleased to have contributed \$1.6 million in funding towards the learning centre, matching the funding of the Woodlands and Wetlands Trust.
- Wildbark will be a hub for environmental and cultural education, research, innovation and community wellbeing.
- I encourage all Canberrans to plan a trip to Mulligans Flat and Wildbark following its opening.

Mulligans Flat Conservation Activities

- The Mulligans Flat Woodland Sanctuary sits within the largest tract of critically endangered Box-Gum Grassy Woodland in public management within Australia.
- In 2009, an 11.4 kilometre predator-proof fence enclosing 484 hectares of Mulligans Flat Nature Reserve was completed. In 2019, another 11.4 kilometres of predator proof fence was erected enclosing an additional 794 hectares within the Goorooyarroo Nature Reserve. The total area of the Sanctuary is 1,278 hectares.
- Significant work has been undertaken to remove foxes, feral cats, rabbits and hares within the Sanctuary. Foxes and cats were eradicated from the original Sanctuary in 2010 and feral animal control in the new Sanctuary is nearing completion.
- The fence, along with the feral animal control, has allowed the reintroduction of locally extinct native animals – Eastern Bettong, Eastern Quoll, and Bush Stone-curlew– which are vulnerable to predation by foxes and cats. These reintroductions are informed by research undertaken by the Australian National University.

**Key Information**Research and projects

- There is a research agreement between the ACT Government and the ANU to facilitate further research in the Sanctuary.
- Eastern Bettongs, Eastern Quolls, Spotted-tailed Quolls and Bush-stone Curlews have been reintroduced to the Sanctuary. A number of other species have been identified for future reintroduction, however no timeframes have been put on any future releases.

Spotted-tail Quolls

Cleared as complete and accurate:	14/08/2022	
Cleared for public release by:	Executive Group Manager	Ext: 78628
Contact Officer name:	Simon Stratford	Ext: 53655
Lead Directorate:	Environment, Planning and Sustainable Development	

- The trial introduction of Spotted-tail Quolls into the Sanctuary was undertaken during summer 2022. The purpose of the reintroduction pilot included rebuilding endangered box gum woodland ecosystem. As a top-order predator, the Spotted-tail Quoll introduces predation pressure that is seen as important to managing arboreal mammal populations.
- By May 2022, the two (2) Spotted-tail Quolls that were released into the Sanctuary had deceased, one from mis-adventure and one from natural causes.
- The project continues our learning in woodland restoration. Mulligans Flat Woodland Sanctuary has a high success rate with reintroductions with the Eastern Bettongs and the Eastern Quoll. Successful reintroductions often occur after multiple attempts as learnings inform improved introduction tactics

### Rabbits and foxes in Mulligans Flat and Goorooyaroo

- Rabbits were eradicated from the original Sanctuary in 2016 and from the extended Sanctuary in 2020. There has been a small incursion of rabbits into the extended Sanctuary adjacent to Throsby and this is being controlled. Rangers are monitoring the Sanctuary for any additional animals.
- Rangers are in the final fox eradication phase within the extended sanctuary in Goorooyaroo Nature Reserve. No foxes are known to exist within the extended Sanctuary, however further monitoring is required prior to the area being declared fox free.

### Kangaroo management program

- Kangaroo populations are controlled in Mulligans Flat and Goorooyaroo Nature Reserves to relieve grazing pressure on the critically endangered Box-Gum Grassy Woodland. The number of kangaroos culled for conservation purposes in each location is assessed annually by EPSDD Conservation Research and Evaluation branch ecologists on a location-by-location basis using a series of scientific assessments.

**Portfolio:** Environment

## CAT CONTAINMENT

### Talking points:

- The ACT Cat Plan was released on Friday, 28 May 2021 to strengthen the protection of Canberra’s native wildlife, and ensure all domestic cats are well cared for and loved.
- The plan includes measures to improve the welfare of domestic cats and protect native wildlife including community education, strengthened desexing, cat registration, compulsory cat containment, and improved feral cat management.
- Cat containment has been expanded across Canberra with a grandfathering clause so that cats owned prior to 1 July 2022 do not have to be contained. Cats purchased after this date will need to be contained in all suburbs.
- Compulsory registration for cats has also been introduced for all cats aged over 8 weeks. Cats born before 1 July 2022 can be registered for free until 1 July 2023.
- Existing cat containment laws will remain in place in the 17 areas already declared as cat containment areas, hence grandfathering will not apply in these areas. All new suburbs will continue to be declared as cat containment areas.
- Transport Canberra and City Services Directorate has amended the *Domestic Animals Act 2000* through the Domestic Animals Legislation Amendment Bill 2022. These amendments came in to effect on 1 July 2022 and include clauses to enable cat registration and cat containment across the ACT.
- Clear and consistent legislation aligned to the policy direction as outlined in the cat plan is required. This will ensure implementation of the cat plan, achieves the intended nature conservation and animal welfare outcomes and delivers on the vision of the cat plan.

### Consultation

- The Canberra Street Cat Alliance (CSCA) provided a response to the draft cat plan via YourSay. Domestic Animal Services maintains an informal relationship at an operational level with CSCA and will continue to work with them throughout the implementation of the ACT Cat Plan 2021-31.
- There is strong public commitment in the plan to work with groups including the CSCA over the five years of implementation. Action 8 of the implementation plan states, “Work with animal care and rescue organisations to manage semi-owned and unowned cats in public places, through trap, de-sex and adopt activities.”

### Key Information

- The plan recognises the importance of cats as companion animals; however, it also recognises that they are natural predators that may hunt native birds and animals. It is estimated that, in Canberra alone, roaming cats predate each year on 61,000 native birds, 2,000 native animals, 30,000 native reptiles and 6,000 native frogs.

Cleared as complete and accurate: 26/07/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Stu Jeffress Ext: 78082  
Lead Directorate: Environment, Planning and Sustainable Development

- Improved cat management aims to improve the welfare of cats and native animals.
- Community education and engagement will be undertaken to ensure community understanding of the new rules introduced under the Cat Plan and to provide information and resources to make the transition to cat containment and cat registration as easy as possible.
- The expansion of cat containment will be done with cat owners to make the transition as smooth as possible for cats and their owners.
- Transport Canberra and City Services Directorate has responsibility for implementation of the Cat Plan.

## Background Information

- A draft ACT Cat Plan was produced in order to engage the community on proposed strategies and actions for management of domestic and feral cats in the ACT.
- The draft plan was made available for community consultation from 6 April to 3 July 2019. The consultation period included an online survey on aspects of cat management, written submissions were invited, and public information events and meetings were held with stakeholder groups including the RSPCA, RSPCA ACT and the ACT Conservation Council.
- During the public consultation period, 4087 survey responses were received along with 120 written submissions, including 17 from organisations and 103 from individuals or families.
- The draft Cat Plan was developed under the ACT Government's Animal Welfare and Management Strategy 2017–22, and is a key plan as part of implementing Action 4.1.2:
  - Develop and implement policies and management plans to promote responsible pet ownership and reduce the impact of domestic species on the environment and the community.

Cleared as complete and accurate: 26/07/2022  
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Contact Officer name: Stu Jeffress Ext: 78082  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment

## 2022-2023 ACT Environmental Grants Program

### Talking points:

- The ACT Government is once again pleased to offer the environmental grants program to the Canberra community.
- The program supports and empowers the community to play an important role as stewards helping to conserve, promote and protect the environmental values of the ACT.
- The program builds capacity of the volunteer groups in the ACT, addresses environmental issues of priority or interest, restores and conserve natural places that are special, and helps to engaged other communities for similar causes.
- The ACT Environmental Grants Program is an “umbrella” program and has three streams of investment including Environment Grants Stream, Nature in the City Grants Stream; and Environmental Volunteer Group Assistance Grants Stream (new for the 2022-2023 round).
- The government continues to make the progress for applying for a grant as simple as possible following a 2021 review and is pleased to be providing additional funding for the grants program.
- This years program was officially opened on 28 February 2022 and closed on the 18 April 2022. 45 applications were received. 32 applicants were ultimately funded to a value of \$500,226.
- These successful applications were announced on 16 June 2022 and will be delivered by community during the 2022-2023 financial year.
- The successful applicants can be found on the the EPSDD website at [2022-23 ACT Environmental Grants - Successful Projects - Environment, Planning and Sustainable Development Directorate - Environment](#).

### Key Information

- Notable changes to the 2022-2023 ACT Environmental Grants program included:
  - a) A reduction in the administrative requirements with a focus on simplification in language to improve readability.
  - b) Additional transparency of the merit criteria involved in assessing projects with the aim of assisting applicants to submit more competitive applications.
  - c) Updating of the branding and design of the guidelines.
  - d) Redesigned project acquittals. Previously the program has required proof of expenditure (invoices and receipts) to assist with the grant acquittal process. The process has been redesigned to allow proof of outcomes (photos, reports etc.) as proof of expenditure.

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Contact Officer name: Chris Glennon Ext: 59023  
Lead Directorate: Environment, Planning and Sustainable Development

- To ensure probity and minimise potential risks, grants were determined by the Environment Planning and Sustainable Development Directorate with advice from an independent assessment panel.
- Funding priorities across the three streams were:
  - a) Connecting people with nature through innovative initiatives like
  - b) Enhancing ecological condition and connectivity of woodlands, grasslands and/or aquatic ecosystems
  - c) Rewilding Canberra to enhance biodiversity across urban areas through innovative
  - d) Care for Country
  - e) Food and Fibre initiatives –
  - f) Nature In the Cities Grants:
    - I. Reducing urban heat and increasing access to shade;
    - II. Retaining and or reusing rainwater including improving water penetration for vegetation growth and recharge of ground water;
    - III. Maintaining and enhancing biodiversity and ecosystem services in the city's landscape.
- Funding priority for Environment Volunteer Group Assistance Grants is to build capacity within volunteer stewardship groups.
- Funding priorities are set by the directorate to align with current Government priorities.

## Background Information

- The ACT Environment Grants commenced in 1996 and funds community projects that support environmental activities consistent with the ACT Government's policies and priorities. Over this period, 288 projects have shared in almost \$4.5 million of funding.
- Prior to the current budget initiative, the ACT Environmental Grants program has not received additional funding since its inception in 1996.

**Portfolio:** Environment**Draft Loss of Mature Native Trees Action Plan Public Consultation****Talking points:**

- The ACT Government is proud to be taking strong action to protect the loss of mature trees in the ACT, and support the survival of young native trees.
- The draft Loss of Mature Native Trees Key Threatening Process Action Plan (the draft Action Plan) alongside other ACT Government initiatives will help to protect and enhance trees across the territory.
- The draft Action Plan outlines proposed actions to prevent further loss across the territory, including educating private developers and leasehold landowners of the importance of maintaining mature native trees in the landscape.
- The draft Action Plan focuses not just on protecting existing trees but on the processes for ensuring native trees have the opportunity and support to become mature age trees and to replace those that die of natural causes and unavoidable loss.
- The government is considering the feedback received from the public consultation on the action plan and will make available a report of feedback in the near future.

**Key Information**

- The draft Action Plan was released for public consultation on 25 March 2022, and was available for comment on the [YourSay website](#) until 27 May 2022.
- EPSDD is now compiling a 'Listening Report' which will be made available on the YourSay website when finalised.
- The Conservator received 33 submissions, including nine submissions from conservation organisations and community groups. There is strong support in the community for an action plan to address the loss of mature native trees in the territory. Most of the submissions expressed concern about the loss of mature native trees in greenfield development sites and argued for the retention of all mature native trees due to the length of time (100 years+) it takes to reach maturity. The community also felt that the role of the Conservator in preventing mature native tree loss should be strengthened.
- The Loss of Mature Native Trees Action Plan will be finalised within the next six months.

**Background Information**

- In September 2018, Minister Gentleman in his capacity as Minister for the Environment and Heritage listed the 'Loss of mature native trees (including hollow-bearing trees) and a lack of recruitment' as a key threatening process under s76 of the *Nature Conservation Act 2014* (NC Act) (NI2018-538).

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Johannes Botha Ext: 71773  
Lead Directorate: Environment, Planning and Sustainable Development

- The NC Act requires the Conservator of Flora and Fauna to prepare a draft action plan for a key threatening process.
- The draft action plan addresses the threats outlined in the conservation advice and expands on proposed management actions.
- Mature native trees, which have developed hollows within the trunk and branches, are an important form of habitat for mammals, reptiles, bats and birds, who use the hollows to nest, raise young and shelter from predators.
- The loss of mature trees due to land clearing, dieback and fire impacts several threatened species including the Superb Parrot, Brown Treecreeper, Glossy Black-cockatoo and Little Eagle.
- EPSDD analysis of the 2015 and 2020 LiDAR data indicated that total mature tree loss across urban Canberra was 14,455 or 6.2 per cent of the total mature trees.
- Greenfield suburbs, including Coombs (22 per cent), Denman Prospect (12.5 per cent), Throsby (35 per cent), Taylor (31 per cent), Wright (42 per cent) and Whitlam (23 per cent), accounted for the largest percentage of mature tree loss per suburb.
- EPSDD has developed a web-based dashboard to indicate the loss of mature trees across the urban area of the ACT from 2015 to 2020, based on the LiDAR data analysis.

Cleared as complete and accurate: 14/08/2022  
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Contact Officer name: Johannes Botha Ext: 71773  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Environment

## Drone regulatory policy in ACT and environmental considerations

### Talking points:

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

### Key Information

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

### *The regulatory framework that applies to Wing Aviation*

- The Commonwealth Government plays the lead role in relation to regulation and licencing of drones for safety, noise and privacy issues.

Cleared as complete and accurate: 14/08/2022  
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Contact Officer name: Brian Prince Ext: 72125  
Lead Directorate: Environment, Planning and Sustainable Development

- Wing Aviation (Wing) has received approvals to operate its drone delivery service from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Civil Aviation Safety Authority.
  - The Commonwealth Government’s approval for Wing’s operation states that, “the aircraft must not overfly declared heritage or environmentally sensitive areas, such as National Parks and wetlands areas”.
- The ACT Government approved a development application submitted by Wing for building and associated site works at a site in Mitchell in 2019.
- The Territory Plan does not specially contemplate drone delivery; however, all land use and planning laws apply to drone delivery companies in the same way as they apply to other companies operating in the ACT.
- The Conservator of Flora and Fauna can make an activities declaration under s 256 of the *Nature Conservation Act 2014* to prohibit drone activity, including overflight, in nature reserves.

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

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

### **Background Information**

- The Commonwealth Government plays the lead role in relation to regulation and licencing of drones for safety, noise and privacy issues.
  - The Civil Aviation Safety Authority (CASA) is responsible for the regulation of the safe operation of drones and provides standard operating conditions for drone users and assesses the safety cases of individuals or companies.
  - The Commonwealth Department of Infrastructure, Transport, Regional Development and Communications is responsible for noise regulation under the *Air Navigation (aircraft noise) Regulations 2018*.
- However, how state and territory laws outside of these areas apply to drones is a complex and evolving area of law.

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**Portfolio:** Environment

## **Dhawura Ngunnawal Care for Country Committee Engagement**

### **Talking points:**

#### **General**

- The Dhawura Ngunnawal Caring for Country Committee (DNCCC) was established to foster a positive relationship between the Ngunnawal community and EPSDD, with a particular emphasis placed on allowing Ngunnawal community to have decision making power about the management of Ngunnawal Country.
- The DNCCC operates from a positive, strength-based focus to facilitate a strong relationship and partnership with ACT Government and have been instrumental in supporting EPSDD in the management of lands under their remit.
- The DNCCC was established within EPSDD to work directly with the Environment, Heritage and Water Division. However, we have seen that this has expanded to involved engagement across all areas of the Directorate portfolio, but also wider ACT Government including, TCCS, JACS and Arts ACT.
- Key areas of current engagement for the DNCCC include bushfire management, cultural burning, design plans for new developments and cultural resource management.

#### **Examples of DNCCC Engagement and Advice**

##### **Cultural Burning**

The DNCCC continues to provide valued input and advice to the ACT Parks and Conservation Service on the development of a Ngunnawal cultural burning framework that provides the pathway to a comprehensive and inclusive program across the ACT.

##### **Gula (Koala) Plan**

The DNCCC continues to support the development of a Koala Plan that incorporates the perspectives of the Ngunnawal community and supports the role of Ngunnawal people as caretakers of country. To facilitate this, the DNCCC has drafted, as a starting point, a plan that outlines three main objectives aimed to improve conservation outcomes for Gula across Ngunnawal country

##### **Ngunnawal Water Assessments**

Aboriginal Water Assessments (AWA) are conducted to document the health and communicate the Ngunnawal values and uses for waterways in the ACT and region. The AWA provided an important source of information to the ACT Water Resource Plan 2019. Ngunnawal AWA's will commence in August 2022 and then bi-monthly.

Cleared as complete and accurate:	24/08/2022	
Cleared for public release by:	Executive Group Manager	Ext: 78628
Contact Officer name:	Mary Mudford	Ext: 75179
Lead Directorate:	Environment, Planning and Sustainable Development	

## Ngunnawal Led Bushfire Recovery

The project is intended to be the first steps in wider effort of involving Ngunnawal community in land management of Parks and Reserves in the ACT. The project includes 2 field days to seek community feedback on possible sites for Aboriginal management zone. It also funds training opportunities for community members and a community BBQ to assist with events

## ACT Healthy Waterways

The DNCCC remain engaged on the ACT Healthy Waterways program that provides opportunities for engagement with Ngunnawal stakeholders and businesses about the program.

## Kingston Arts Precinct

The DNCCC is providing advice on Ngunnawal engagement consultants that could be engaged to undertake cultural engagement for the Kingston Arts Precinct.

## Development of an Indigenous Seasonal Calendar.

The DNCCC is supporting the Office of the Commissioner for the Sustainability and the Environment about the development of a Ngunnawal Seasonal Calendar in collaboration with the Ngunnawal community. The DNCCC views this project as essential for future recognition and incorporation of Traditional Aboriginal environmental management techniques into those currently used throughout the ACT.

## Design Stage of the Section 76 Watson Neighbourhood Park

The DNCCC is supporting the Design Stage that will develop the park and playground design from Concept through to Tender Documentation which is due in late May 2022.

## Renumeration Proposal for the Actsmart Schools Caring for Country Program

The DNCCC will likely provide advice on the remuneration proposal to the Committee to gain feedback and endorsement of both the proposed costings and plan to develop the Sustainable Schools Program Caring for Country program.

## Western Edge Investigations

The DNCCC will be consulted about the Western Edge project and to raise that a Cultural Values Assessment is planned to be undertaken during 2022, as part of ongoing investigations.

## Cultural Resource Management Plan

Discussion to brief the DNCCC on the proposed consultation for the *ACT Ngunnawal Cultural Resource Management Plan*.

## Out of Session Meetings

- Concept Design Site Visit Watson Park
- East Lake Community Needs Assessment

Cleared as complete and accurate: 24/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Mary Mudford Ext: 75179  
Lead Directorate: Environment, Planning and Sustainable Development

- City Renewal Authority (Acton Waterfront Park and Canberra Civic and Culture District)
- Mulligans Governance Reform and Implementation

## Background Information

- The Dhawura Ngunnawal Caring for Country Committee was established in 2019 to identify and implement cultural understanding and provide guidance to the Environment, Heritage and Water Division to better manage Ngunnawal Country together on EPSDD managed land.
- Minimum of 9 Ngunnawal members with a maximum of 11, consisting of a balance of Ngunnawal Elders, youth, men and women, and includes representation from the United Ngunnawal Elders Council (UNEC).
- Within EPSDD the DNCCC engaged predominately with the Environment, Heritage and Water Division, but also with the wider Directorate
- The DNCCC meets monthly, as well as out of session site visits and meetings as required. The DNCCC also has quarterly meetings scheduled with the Minister.
- The DNCCC is chaired by the Executive Group Manager for Environment, Heritage and Water within EPSDD.

Cleared as complete and accurate: 24/08/2022  
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Lead Directorate: Environment, Planning and Sustainable Development



## Minister for Heritage

### 2022-23 Budget Estimates

Friday 19 August 2022

Heritage		
1.	Opening Statement	
2.	Swinger Hill Cluster Housing – Heritage Guidelines	Heritage
3.	Review of Heritage Council and Heritage Workloads	Heritage
4.	Conservation Management Plans	Heritage
5.	Heritage Nomination List	Heritage
6.	DOMA Group Development at Mount Ainslie	Heritage
7.	Ginninderra Creek Corroboree Ground Cultural Gathering Area	Heritage
8.	Council Membership	Heritage
9.	ACT Heritage Grants Program 2022-2023	Heritage

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2022-23 Budget Estimates**

**OPENING STATEMENT**

**Rebecca Vassarotti MLA  
Minister for Heritage**

I would like to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people, and pay my respects to their elders, past and present and acknowledge their long connection to this land and their continuing contribution to the life, culture and wellbeing of our city. I also pay my respects to other Aboriginal and Torres Strait Islander people who are with us today.

I am pleased to present some of the work done over the last financial year to conserve and manage our heritage, as well as outline the key continuing projects for the coming year.

As Canberra grows and changes, it is important to reflect on the past and trace the path to the present. Our recognition of heritage is the way we achieve this.

The 2022-23 budget continues to recognise, register, conserve, promote and celebrate the ACT's places and objects of historic, Aboriginal and natural heritage significance.

The government continues its work to protect, conserve and enhance the ACT's heritage which focuses on the following areas:

- recognition and involvement of traditional custodians in the management of Aboriginal heritage;
- supporting the ACT Heritage Council in its functions to recognise, conserve and celebrate places and objects of historic, Aboriginal and natural heritage significance; and
- supporting the community to celebrate and conserve the heritage in their care.

ACT Heritage continues to provide advice and assistance to heritage property owners and other members of the community on all aspects of heritage in the ACT, including the conservation and management of heritage places in relation to proposed works and development. For example, in the last year this has included conservation management plans for iconic heritage places such as the Sydney and Melbourne Buildings and the Yarralumla Brickworks, which will create a heritage conservation framework for these places ahead of development pressures.

There has been a notable increase in workload for the Heritage Council and Unit. In 2021-22, ACT Heritage assisted the ACT Heritage Council in issuing 741 pieces of advice and/or approvals on Heritage Act applications, submissions and referrals.

Managing the pressures of the considerable increase in workload remains a challenge and I am working closely with the directorate to clearly identify the current and future resourcing needs. I have also commissioned an external review into the operations of the Council, the relationship of the Council and ACT Heritage unit, and workflow and capacity of the unit. The review will provide me with recommendations on courses of action to address the findings, with a focus on ensuring effective functioning and resourcing of the Council and Heritage Unit to meet the growing demands for Heritage advice and approvals, and progress an ambitious forward agenda of work.

A concentrated focus for additional resourcing in 2022-23 is to create and establish conservation management plans for landmark heritage places that will help achieve greater clarity and streamlining of advice for these places in future.

Conservation Management Plans are important documents in managing heritage places and objects, by setting out policies and management actions that will conserve the heritage values of a place. These plans also explore opportunities for adaptive reuse and change at heritage places and define development opportunities that will not diminish heritage values. These plans also provide certainty to heritage owners in their management of heritage places, and can approve conservation works at a heritage site.

Other priorities for Heritage in 2022-23 include:

- Returning cultural heritage objects back to Country, including the development of a policy and operational plan. This work is well advanced with consultations ongoing.
- Progressing upgrades to the current Heritage database and undertaking forward design of a new database
- Planning for the 40<sup>th</sup> anniversary of the much-loved Canberra and Region Heritage Festival
- Expanding and enhancing the Canberra Tracks Heritage Interpretation program.
- Announcing successful recipients of the 2022-23 Heritage Grants program.

I am pleased to provide this update for the Committee on the considerable work and progress across the Heritage Portfolio.

**Portfolio:** Heritage

## Swinger Hill Cluster Housing – Heritage Guidelines

### Talking points:

- The ‘Swinger Hill Cluster Housing’ (the Precinct) is registered on the ACT Heritage Register, and its significant features are protected by the *Heritage Act 2004* (Heritage Act).
- Heritage guidelines have been made by the ACT Heritage Council (the Council), to set out conservation requirements and to guide works within the Precinct.
- Where works contravene heritage guidelines, and diminish heritage values, the Council may require rectification works be undertaken.
- Due to *Information Privacy Act 2014* provisions, no comment can be publicly made on potential heritage offences within the Precinct and Council advice on those matters.

### Background

- In November 2021, ACT Heritage received several complaints about the demolition of fixed infrastructure wall within the complex.
- Brick courtyard walls are a significant feature of the Precinct, and heritage guidelines require their conservation.
- In November 2021, ACT Heritage provided advice to Housing ACT on heritage requirements, and the requirement to reconstruct the courtyard wall.
- In July 2022, Council advice endorsing the reconstruction of the courtyard wall was issued, following submission of brick samples in May 2022.
- Once reconstruction of the courtyard wall has been completed, rectification works will have been undertaken to the Council’s satisfaction; and no further enforcement action will be required.

Cleared as complete and accurate: 14/08/2022  
Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Edwina Jans Ext: 59237  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Heritage

## **Review of Heritage Council and Heritage Workloads**

### **Talking points:**

#### **Review of Heritage Council**

- The work of the Heritage Council and ACT Heritage within the Environment, Planning and Sustainable Development Directorate is essential to the protecting, conserving and enhancing the ACT's heritage under the *Heritage Act 2004*.
- It remains critical that Council maintains a effective relationships between members and with ACT Heritage.
- I have recently been made aware of issues within the Heritage Council that appear to be impacting on the operational activities of the Council, its performance and effectiveness, and its relationship with ACT Heritage. Most importantly, these issues are impacting on the wellbeing of Council members and staff of ACT Heritage.
- The wellbeing of ACT Heritage staff and Council members is my primary concern beyond ensuring that the functions of Council under the Act are discharged in a timely and effective manner.
- In consideration of these issues I have directed that a review should commence immediately. I have written to appointed Heritage Council members to notify them of the review and that whilst the review is being done the work and meetings of Council will be suspended.
- The review will be undertaken by a consultant over the coming weeks.
- Appointed members of the Heritage Council will have the opportunity to meet with the consultant to discuss their observations.
- Whilst the review is commencing it is inappropriate for me to comment in any further details on the issues reported to me.

#### **Heritage Workloads and Extended Assessment Timeframes**

- There has been a significant and sustained increase in demand for ACT Heritage Council (the Council) advice and approvals in recent years.
- Council advice increased 122 per cent between 2014 and 2021, as a result of growing demand for advice on urban infill projects, greenfield development, and residential works.
- Industry and the community are experiencing ongoing project delays as a result of extended Council advice timeframes.
- The Government is implementing a range of measures to address this additional workload.

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Cleared for public release by: Executive Group Manager Ext: 78628  
Contact Officer name: Edwina Jans Ext: 59237  
Lead Directorate: Environment, Planning and Sustainable Development

## Key Information

### Workloads

- The Council has a key role in development and planning in the ACT as:
  - It is the statutory authority and decision maker for a range of Heritage Act applications, including Conservation Management Plans, Statement of Heritage Effects and Excavation Permits.
  - It is a mandatory referral entity for other decision makers where works relate to heritage, such as the ACT planning and land authority and the Conservator of Flora and Fauna.
  - Its endorsement is required to undertake exempt development at heritage places, including at residential heritage blocks.
- Requests for Council advice have increased steadily since 2014:

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
<b>Total Council advice</b>	436	517	601	621	663	904	970	741
<b>Pending advice</b>								263 (1004)

- Increased demand has impacted the ability of the Council to provide advice on development applications. Only 64 per cent of advice issued within the statutory referral period, well below the 90 per cent target.
- Private owners are disproportionately impacted by advice delays, as most private submissions do not have statutory timeframes. Many owners are now waiting over 60 working days (three months) for advice, and some are waiting 80 to 120 working days (four to six months) for advice.
- While response timeframes are impacted, measures have been adopted to minimise risk to heritage. For example:
  - Advice is prioritised where there are public safety risks, or where heritage buildings and places may be damaged by delayed advice.
  - Advice is prioritised on development applications that propose works that may damage or diminish heritage values.

## Background Information

- ACT Heritage within EPSDD provide administrative and operational support to the Council, and also undertakes some Council functions under delegation.

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- The ACT Heritage Approvals and Advice team support delivery of Council advice. The team consists of four permanent FTE (one SOGC Manager and three ASO6 Conservation Officers), which have been supported by a number of temporary contracts.
- ACT Heritage has implemented a range of actions to improve its efficiency and expedite heritage advice, including expansion of Council delegates and internal process changes. These improvements resulted in a 36 per cent increase in heritage advice in the 2019-20 year alone, without additional staff resources.
- Current staffing levels are unable to meet the increasing demand for heritage advice and approvals in a timely manner; and additional permanent positions within the team are required.

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**Portfolio:** Heritage

## CONSERVATION MANAGEMENT PLANS

### Talking points:

- Conservation Management Plans (CMP) are important documents in managing heritage places and objects, by setting out policies and management actions that will conserve the heritage values of a place.
- CMPs can also explore opportunities for adaptive reuse and change at heritage places, and define development opportunities that will not diminish heritage values.
- CMPs also provide certainty to heritage owners in their management of heritage places, and can approve conservation works at a heritage site.
- When prepared, CMPs are submitted to the independent ACT Heritage Council (Heritage Council), and can be approved for five or ten year periods.
- Two important CMPs have been recently approved by the Council, being:
  - The Canberra Brickworks Precinct CMP was approved in August 2021.
    - This CMP is a significant heritage milestone for the redevelopment of the Canberra Brickworks Precinct, as it will inform detailed design by Doma Group and the long term conservation of the site.
  - The Sydney and Melbourne Buildings CMP, approved in January 2022.
    - This CMP will provide detailed guidance to the many owners of the landmark Sydney and Melbourne Buildings, on external works to the buildings.
- Preparation of CMPs for registered heritage places is often a funding priority of the ACT Heritage Grants Program, and owners are encouraged to consider these opportunities.

### Key Information

- CMPs are submitted to the Heritage Council under Part 13 of the Heritage Act, and are approved when the Council is satisfied that CMPs will ensure the conservation and responsible management of the place or object.
- CMPs are voluntarily prepared by heritage owners, however, the Heritage Council can also direct ACT Government authorities to prepare a CMP under Section 110 of the Heritage Act.
- Council currently has 13 CMP submissions requiring assessment, with the majority coming from government agencies or their partners.
- Heritage Council policy on CMP information requirements is found on the EPSDD Heritage website, at: [https://www.environment.act.gov.au/heritage/heritage-and-the-community/heritage\\_grants\\_program](https://www.environment.act.gov.au/heritage/heritage-and-the-community/heritage_grants_program)

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Contact Officer name: Edwina Jans Ext: 59237  
Lead Directorate: Environment, Planning and Sustainable Development

## HERITAGE NOMINATION LIST

### Talking points:

- The ACT Heritage Council is an independent statutory authority established under the *Heritage Act 2004*. The Council is responsible for the assessment of nominations to the Heritage Register and decisions on the inclusion of heritage places and objects in the Register.
- Heritage nominations are prioritised by the Heritage Council for assessment based on a range of factors including imminent threat, thematic representation, and pressures from development or other works.
- Since reaching a peak of 320 nominations in 2008, hundreds of decisions have been made, resulting in a current nomination list of 77.
- ACT Heritage within EPSDD conducts research and makes recommendations to the Heritage Council, which then reviews this work before making a decision, applying the knowledge of Council members. The steady and carefully considered addition of places and objects to the Heritage Register is a significant conservation outcome for the ACT community.

### Key Information:

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

### Background Information

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

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

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

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 Contact Officer name: Daisy Chaston Ext:77379  
 Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio:** Heritage

## **DOMA Group development at Mount Ainslie**

### **Talking points:**

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

### **Key Information:**

- National Land (Campbell Section 38 Blocks 4 and 5)
  - The *Heritage Act 2004* has no effect on National land, and so the ACT Heritage Council has no jurisdiction to make a decision on this part of the Nomination. Doma Group and the nominator have been advised of this.
- Territory Land (Campbell Section 63 Block 4; Ainslie Section 60 Blocks 2 and 3; Wolseley Road Reserve)
  - The Territory land part of the Nomination will remain nominated to the ACT Heritage Register, until such time as the Council makes a decision to, or not to provisionally register the place under the Heritage Act. Doma Group and the nominator have been advised of this.
    - A provisional registration decision requires the Council to assess whether the place meets, or does not meet one or more of the heritage significance criteria under section 10 of the Heritage Act.
    - The Nomination includes outcroppings of the Ainslie Volcanics geology which have overlapping Aboriginal heritage values that the Council will be required to assess in the future as part of the heritage registration process.
    - The nominated geology and overlapping Aboriginal heritage values are protected by, and subject to the requirements of the Heritage Act.
    - The Nomination also includes the following species/habitats (the ‘Natural Values’) which are protected under the *Nature Conservation Act 2014* (NC Act):
      - Natural Temperate Grasslands;

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- Yellow Box Blakeley’s Redgum Woodland;
  - Canberra Spider Orchid habitat;
  - Golden Sun Moth habitat; and
  - Hoary Sunray habitat.
- The planning and land authority (PLA) is the decision maker on development applications that occur on the Territory land portion of the Nomination.
  - Any development on Territory land would be subject to the provisions of the *Planning and Development Act 2007*. Development in an area where the *Nature Conservation Act 2014* applies triggers a requirement for an Environmental Impact Statement and a referral would be made to the Conservator of Flora and Fauna as part of that process.

### **Background Information:**

- At the time of accepting the Nomination in December 2020, the Council understood that Territory enactments do not bind a Commonwealth entity unless agreed to by the Commonwealth, however, the matter of private entities on National land was unclear at that time.
- The Heritage Act stipulates conditions under which the Council can dismiss a nomination application, and the Ainslie Volcanics nomination did not meet any conditions for dismissal.
- Note that acceptance of a nomination does not equate to heritage listing on the Register. Nomination acceptance is a separate and preliminary step.
- The Nomination includes Blocks 4 and 5 Section 38 Campbell, which Doma Group propose to develop as ‘The Foothills’ residential complex.
- As the Foothills is National Land, development approval authority does not lie with the ACT Government, and the National Capital Authority (NCA) granted approval for the development on 26 February 2021.
- Redevelopment has also been subject to heritage impact assessment under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
- The NCA advise that a 2020 Aboriginal Cultural Heritage Assessment by Navin Officer Heritage Consultants sufficiently informs the management of Aboriginal heritage matters on the Foothills development site, enabling approval of the Foothills development.
- In December 2021, site clearing activities were undertaken on Blocks 4 and 5 Section 38 Campbell, as part of preparation works for The Foothills development. These works occurred only on these blocks, which are National Land.
- Environment, Planning and Sustainable Development Directorate is considering whether the area could be incorporated into the reserve estate. The area in question contains several ecological values which should be maintained and protected, including remnant patches of Natural Temperate Grasslands, a small area of Box Gum Woodland, and habitat for multiple threatened species.
- There are also notable challenges associated with the potential management of this area as nature reserve, particularly as the site is not completely contiguous with Mt Ainslie Nature Reserve, is small in size, and is surrounded by urban development. Inclusion into Canberra

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Nature Park would afford the area additional protection measures, so these benefits and challenges will be carefully considered in the coming months.

- If it is determined that the area should be incorporated into the reserve estate, a Territory Plan Variation would be required.

## **GINNINDERRA CREEK CORROBOREE GROUND CULTURAL GATHERING AREA**

### **Talking points:**

- The ACT Heritage Council registered the Corroboree Ground at its meeting on 27 May 2021.
- The registration decision was preceded by a provisional registration period of five months, which included a period of public consultation, which closed on 15 March 2020.
- Two comments were received from members of the public during this time. Both submissions expressed support for the provisional registration.
- One comment was received from the Director-General (DG) Environment, Planning and Sustainable Development Directorate, who did not put forward a view on provisional registration, but indicated support and interest in the long term conservation management of the place following registration.
- Additional comments received outside the public consultation period revealed a preference to see the name of the place changed in favour of a more culturally appropriate title derived from the language of the Traditional Custodians of the ACT region.
- The Council supports this and intends to re-title the heritage listing under a separate process following additional consultation and engagement.

### **Key Information**

- The Ginninderra Creek Corroboree Ground Cultural Gathering Area (the Corroboree Ground) was nominated in May 2020.
- The nomination was submitted by the Ginninderry Aboriginal Advisory Group (GAAG), which is comprised of Aboriginal knowledge holders from within and around the Canberra region.
- The Corroboree Ground is associated with intangible heritage values relating to corroborees. As such, the place is relevant to the history of the region and Aboriginal cultural values.
- Corroborees were special community events and as such have endured in oral resources and collective consciousness. The place has a strong association for the Aboriginal community in the ACT.
- The importance of the place is also embedded within a broader associative cultural landscape.

### **Background:**

- The ACT Heritage Register Database (HERO) records **87** Aboriginal places and objects on the Register.

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- Many of these registrations contain information about more than one Aboriginal place or object.
- Citations on the Register currently include information on over **3000** Aboriginal sites, of which many have been recorded as salvaged.
- Development of a new ACT Heritage Register Database and Website will assist in being better able to capture Aboriginal heritage information, including the types of places registered, and the current location, status, and condition of many places.
- In 2019-20, the Council registered three Aboriginal places on the ACT Heritage Register:
  - Aboriginal Places HA12 and HAC2 in Hume; and
  - Mulligan's Flat Aboriginal Stone Quarry.
- In addition to the Corroboree Ground, the Council has registered Aboriginal place Yeddung Dhaura, Forde, in the 2021-22 reporting period.
- Yeddung Dhaura translates to mean 'good ground' in the Ngunnawal language, and, with its high-density of stone artefacts in situ, is an important campsite for the Traditional Custodians of the ACT.

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**Portfolio:** Heritage

## COUNCIL MEMBERSHIP

### Talking points:

- On 22 February 2021, I notified the appointment of a new Chairperson, Deputy Chairperson and five members of the ACT Heritage Council for a three-year term commencing 2 March 2021.
- The Council membership is follows:
  - Dr Ken Heffernan – Chairperson (expert in the discipline of archaeology);
  - Mrs Alison Archer – Deputy Chair (representative of the community);
  - Dr Laura Dawes – Member (expert in the discipline of history, other than Aboriginal);
  - Prof Roz Hansen, AM – Member (expert in the discipline of town planning);
  - Dr Doug Hassall – Member (expert in the disciplines of history, other than Aboriginal, and town planning);
  - Prof Nick Brown – Member (expert in the discipline of urban design);
  - Ms Sarah Jane Brazil – Member (expert in the discipline of architecture);
  - Dr Caroline Hughes – Member (representative of the Aboriginal community); and
  - Ms Gay Williamson – Member (representative of the property ownership, management and development sector).
- A new Deputy Chair, Mrs Alison Archer was appointed on 20 July 2022 following the resignation of the former Deputy Chair.
- All appointments are made in line with the Governance Principles Appointments, Boards and Committees in the ACT.

### Key Information:

- The Council is an independent, statutory body established under the *Heritage Act 2004*.
- The Council's role includes, among other functions, identification and assessment of nominations to the ACT Heritage Register, providing advice on appropriate conservation of cultural, natural and Aboriginal heritage places and objects in the ACT and encouraging public interest in, and awareness of the ACT's heritage. The positions of Chairperson and Deputy Chairperson have a key role in Council's decision-making and delegation functions and in appearing as expert witness in ACT Civil and Administrative Tribunal cases relating to the Council's decisions on heritage matters. Additionally, the positions act as the spokesperson for the Council in media, public forums, and stakeholder meetings.

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Contact Officer name: Edwina Jans Ext: 590237  
Lead Directorate: Environment, Planning and Sustainable Development

## Background Information:

- In addition to two permanent ex-officio members - the Chief Planning Executive and the Conservator of Flora and Fauna - a maximum of nine members are appointed to the Council by the Minister.
- Expressions of interest for membership were invited on 17 July 2020 from persons in the ACT Region with experience in the following areas of expertise; Aboriginal culture; Aboriginal history; archaeology; architecture; engineering; history; landscape architecture; nature conservation; object conservation; town planning; or urban design.
- Two membership positions are due to expire in June 2023 and the appointment process is due to commence shortly:
  - Professor Roslynnne Hansen AM (Expert in Town Planning); and
  - Dr Douglas Hassall (Expert in history, other than Aboriginal history, and town planning).
- Appointment to Council is for a three year period.

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**Portfolio:** Heritage

## ACT Heritage Grants Program 2022-2023

### Talking points:

- The ACT Heritage Grants Program (Program) is an annual funding program administered by the ACT Government to assist the community to identify, conserve and celebrate the history and heritage of the ACT.
- Enhancements to the 2022-2023 Program include a new focus on the history and heritage of the ACT's diverse communities, and the more explicit recognition of the increasing role of preservation and interpretation through digitisation, and community involvement in digital heritage experiences.
- On 5 March 2022 I announced the opening of the 2022-2023 Program and expect to announce the projects that are successful in early September 2022.
- The funding amount available for the 2022-2023 Program is \$350,850 comprised of the Territorial funding allocation of \$344,000 and an additional \$6,850 from two cancelled/underspent 2019 projects.

### Key Information

The funding priorities for the 2022-23 round are:

- ACT Heritage Register:
  - Conservation works that enable the continued preservation, protection, use and access to places and objects registered on the ACT Heritage Register.
  - Conservation Management Plans for registered places and objects, and Aboriginal places and objects.
- Community Participation
  - Projects that increase the utilisation, awareness and engagement in heritage places and objects through education (of all ages), oral histories, tourism, digitisation, interpretation and events.
- Aboriginal Heritage
  - Projects initiated by or involving local Aboriginal communities in cultural heritage activities
- Partnership Projects
  - Projects that provide partnership opportunities between community organisations and ACT Government agencies.
- Diversity

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Contact Officer name:	Jen O'Connell	Ext: 72179
Lead Directorate:	Environment, Planning and Sustainable Development	

- Projects that reflect the Territory's diversity and equality. Documenting and recording the histories of women and Indigenous, multicultural, disability and LGBTQIA+ communities of the ACT.

## Background Information

- The 2021-22 Program funded 18 successful individual projects, the Heritage Emergency Fund, and three Community Heritage Partnership Projects – the Heritage Advisory Service, Heritage Assessments, and the annual Canberra and Region Heritage Festival.
- The Ngunnawal and broader Aboriginal communities will also be engaged and assisted in developing project ideas.
- The decision to fund heritage grant projects and emergency heritage grants will now be taken by Environment Planning and Sustainable Development Directorate (EPSDD) Executive with applications to be assessed by a panel of heritage staff, experts in their specific fields.

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# Minister for Sustainable Development and Construction

## 2022-23 Budget Estimates

Friday 19 August 2022

<b>SUSTAINABLE BUILDING AND CONSTRUCTION</b>		
1.	Opening Statement	
2.	Delivery of Remaining Taskforce Functions and the Ongoing Loose Fill Asbestos Insulation Eradication Scheme Post June 2022	Building Reform
3.	Mr Fluffy Legacy - Place of Reflection	Building Reform
4.	Home Swimming Pool Safety	Building Reform
5.	Building Quality Initiatives (Engineer Registration, and Government Certifiers)	Building Reform
6.	Property Developer Regulation	Building Reform
7.	Minimum Accessibility Standards	Building Reform
8.	Fidelity Fund	Building Reform
9.	Government Response to the Building Quality Inquiry	Building Reform
10.	Building Reforms and Building Confidence Report Implementation	Building Reform
11.	Energy Efficiency and Minimum Energy Efficiency Standards for Rental Properties	Building Reform
12.	ACT Government – Response to Asbestos	Asbestos Response Taskforce
13.	Cladding Rectification	Major Projects Canberra

**2022**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2022-23 Budget Estimates**

**OPENING STATEMENT**

**Rebecca Vassarotti MLA  
Minister for Sustainable Building and Construction**

I would like to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people, and pay my respects to their elders, past and present and acknowledge their long connection to this land and their continuing contribution to the life, culture and wellbeing of our city. I also pay my respects to other Aboriginal and Torres Strait Islander people who are with us today.

It is my pleasure to be able to inform the Committee of the work undertaken across the Sustainable Building and Construction Portfolio, a key portfolio for promoting health, safety, amenity and sustainability outcomes and maintaining quality of living standards for Canberrans.

### **Building Quality Initiatives**

As the Minister for Sustainable Building and Construction, , I am incredibly proud of the work our Government has done, and continues to do, to improve the ACT's building regulatory system and support the construction industry to deliver high quality design and building, and integrity, accountability and compliance with building standards.

Through our Building Reform program, and in considering recommendations from the Shergold-Weir Building Confidence Report, and the Legislative Assembly Standing Committee Inquiry into Building Quality, we are progressing initiatives which are intended to give greater choice and protection for the community, and make those working in the building and construction industry accountable for their actions.

The ACT Government's Building Reform program is available in detail on the Build, Buy, Renovate website, which will continue to be updated on a regular basis to provide the community and industry with information on the status of reforms as well as planned initiatives and reforms. This transparency is important to me and we have heard positive feedback from Industry when communicating these updates.

I would also like to acknowledge the impacts the pandemic has had on the building and construction industry such as supply chain and workforce issues which have now been compounded by recent devastating natural disasters and global events.

I look forward to continuing the spirit of collaboration that has developed at a local level between the Government and Industry as we navigate these challenges, and indeed on a national level through our consultation on updates to the National Construction Code (NCC) and my involvement in the Building Ministers' Meeting, the next of which will take place in a week's time.

My fellow Building Ministers and I will look to make a final decision on matters relating to minimum accessibility provisions for residential housing and apartments in the NCC 2022 based on Liveable Housing Design Guidelines silver standards. These 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, now or into the future.

Introducing minimum accessibility standards for new homes will increase the availability of homes able to be adapted and accessible to all members of the community regardless of age, ability, or other factors. The ACT Government has a long-standing commitment to universal design standards, of which I will continue to champion.

I have also been a strong advocate for new energy efficiency requirements for residential buildings proposed for NCC 2022 which, if agreed, will include an increase in the level of thermal comfort and a whole-of-house energy use budget. The changes also include measures that will reduce the cost of installing on-site renewables and electric vehicle charging at a later date.

The Directorate and I have also been having regular conversations with industry and other advocates on options for commencement and transition timeframes and I look forward to being able to provide clarity on these issues following the Building Ministers meeting later in August.

We have also been doing important work on the adoption of automatic mutual recognition in the Territory and considering how we can implement this for construction occupations. An exemption is currently in place for construction occupations, and we are exploring measures to address the identified risks during the term of the exemption, which runs to 2025, to support the future operation of Automatic Mutual Recognition for construction occupations in the ACT.

I would now like to share some quick updates on current priority initiatives and work currently underway:

- Public consultation on a registration scheme for professional engineers will occur soon. This delivers on findings of the Building Confidence Report, that design practitioners, such as engineers, should be accountable for the work they do, and any contribution that work makes to non-compliant and defective buildings.
- In responding to recommendations from the Legislative Assembly Inquiry into Building Quality, options are being assessed to supplement and strengthen existing building certification services. This includes continuing work on a government-run building certification service that would run alongside private certification services currently available. We are moving this work forward, with analysis of the regulatory and economic impacts of the different options underway, to support public consultation next year.
- The Parliamentary and Governing Agreement for the 10<sup>th</sup> Assembly also includes a policy commitment to 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. Just last week the Directorate met with Queensland officials who are reviewing similar issues, to share ideas and identify takeaways for the ACT context. Policy and regulatory analysis is continuing to consider options for improving the accountability of developers and providing consumers with greater information about developments and the developers behind them. This will include engagement with stakeholders in industry and the community. Through a range of forums, the ACT Government has already received valuable feedback and suggestions for matters to be addressed.

- We are documenting and finalising this work, in preparation for conversations with industry and the community in coming months.

Finally, I was happy to hear of a recent comment from an industry representative that there has been a noticeable shift in the certification industry and that work practices across the industry were continuing to improve. I am pleased that the broad program of reforms that we have implemented over recent years is delivering results.

### **Private Buildings Cladding Scheme**

The Private Buildings Cladding Scheme is designed to encourage and assist in the replacement of higher-risk combustible cladding on privately-owned buildings where their multi-owner nature may otherwise present a practical impediment to the replacement of such cladding.

Applications for the testing and assessment phase of the Scheme opened on 21 July 2021 and closed on 21 July 2022. This Scheme offered owners corporations a 50% rebate on the costs (up to \$20,000 excl. GST) of the testing and assessment of the cladding on their buildings to determine what risk, if any, the cladding posed.

This month, I announced the Scheme's concessional loan which is available to eligible owners corporations to remove and replace potentially combustible cladding from their buildings. The Government has committed \$50 million to the Scheme.

Costs covered under the concessional loan will include the cladding remediation design and works, any 'make good' works necessary due to cladding remediation, and regulatory fees, such as building approvals.

The ACT Government is providing assistance for the entirety of the cladding identification and remediation process.

The key elements of the concessional loan include:

- a fixed interest rate at the rate of Government borrowing, which is currently 4.2%;
- a loan repayment period of 10 years, which starts after works are completed;
- no application or other loan fees;
- individual loans generally up to \$15 million per owners' corporation; and
- no penalties for repaying the loan early.

I wish to thank the owners corporations who have chosen to participate in the Private Buildings Cladding Scheme. Together we will continue to make the ACT community safer.

I am pleased to provide this update for the Committee on the considerable work and progress across the Sustainable Building and Construction Portfolio.

## **Loose Fill Asbestos Insulation Eradication Scheme**

Following extensive discussions with industry experts, asbestos assessors, and homeowners in 2014, the ACT Government announced the Loose Fill Asbestos Insulation Eradication Scheme (Scheme). The Scheme is supported by a \$1 billion loan from the Australian Government and is designed to eradicate ongoing exposure risks through the removal and remediation of residential properties affected by Mr Fluffy loose fill asbestos insulation.

The Scheme was administered by the Asbestos Response Taskforce (Taskforce) from 28 October 2014 up until Taskforce closure on 30 June 2022. The Taskforce over its eight years of operation made significant progress to realise the ACT Governments goal of eradicating loose fill asbestos insulation from Canberran's homes.

As at closure of the Taskforce on 30 June 2022:

- 991 properties (975 affected and 16 impacted) had been purchased under the Scheme at a total cost of \$714.2 million;
- 1020 properties (1006 affected and 14 impacted) had been demolished – either through the Scheme or privately;
- 1006 remediated blocks had been removed from the Affected Residential Premises Register;
- 969 blocks had been sold (exchanged) for a total value of \$653.2 million; and
- 1125 Relocation Assistance Grants had been paid to the value of \$12.7 million.

Noting that a small number of residential properties affected by Mr Fluffy loose fill asbestos insulation continue to exist across the Canberra community, and it is possible that additional properties may be identified in the future, the Government in this budget is providing \$9.5 million to establish a Loose Fill Asbestos Insulation Coordination team (Coordination team) within EPSDD. Since 1 July 2022, the remaining functions of the Taskforce are being delivered by the Coordination team with a focus on:

- Administering the ongoing work of the Scheme and the voluntary Buyback Program;
- Providing ongoing support for remaining homeowners who are progressing through the Buyback Program or who are choosing to manage their property privately;
- Progressing the Demolition Program and resolving the challenges associated with complex properties within the Scheme;
- Supporting the renewal of affected neighbourhoods and contributing to a safer and more liveable city through delivery of an effective sales program which provides First Right of Refusal offers to former homeowners and the sale of remediated blocks to the public;
- Providing support, information and avenues for homeowners if other properties affected by Mr Fluffy loose fill asbestos insulation are identified in the future; and
- Finalising the delivery of key legacy projects.

This is an important investment to ensure that community remain supported and the transition of functions of the Scheme to occur over the next 18 months.

I am pleased to provide this update for the Committee on the considerable work and progress across the Sustainable Building and Construction Portfolio.

## Portfolio: Sustainable Building and Construction

### Delivery of remaining Taskforce functions and the ongoing Loose Fill Asbestos Insulation Eradication Scheme post June 2022

#### Talking points:

- After overseeing the demolition and remediation of 1,006 affected properties from Canberra suburbs over the last eight years, the Asbestos Response Taskforce closed on 30 June 2022.
- While the Taskforce has closed, it is possible that a small number of affected properties may continue to exist across the ACT that have not yet been identified, presenting an ongoing health risk to the occupants and the wider community.
- It is vital that Government continue its ongoing work to eradicate loose fill asbestos insulation from the community and provide avenues for homeowners if other properties are identified in the future beyond the lifetime of the Taskforce.
- Since 1 July 2022, the remaining functions of the Taskforce are being delivered by the Loose Fill Asbestos Coordination Team (Coordination Team) within EPSDD. The Coordination Team is managing the Loose Fill Asbestos Insulation Eradication Scheme and voluntary Buyback Program to provide ongoing support for remaining homeowners who are progressing through the Buyback Program or managing their property privately; and will also provide assistance to homeowners whose properties may be identified in the future.

#### Key Information

- As at 10 August 2022, a total of 1008 out of 1029 residential properties identified as affected by loose fill asbestos insulation have been demolished:
  - 976 by the Taskforce through the Scheme;
  - 12 through assisted private demolition;
  - 19 self-funded demolitions; and
  - 1 surrendered to the Territory following demolition.
- There are several key remaining and ongoing deliverables that will require a continuation of Taskforce functions beyond 30 June 2022.
- There remains 23 residential properties on the Affected Residential Premises Register:
  - 6 are owned by the Territory:
    - 1 has been demolished and is in the process of being remediated and deregistered; and
    - 5 have demolition planning underway.

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Contact Officer name: Rebecca Butchart Ext: 75804  
Lead Directorate: Environment, Planning and Sustainable Development

- 17 remain privately owned:
  - 1 is approved for Transition Assistance with a contract exchange pending; and
  - 16 have elected to not participate in the Scheme. Of these:
    - 2 homeowners have been approved to access waste disposal fee relief when progressing private demolition;
    - 1 homeowner has recently progressed their private demolition but is yet to finalise deregistration; and
    - 1 property is currently subject to Occupancy Prohibition following private sale.
- The individual circumstances of aging homeowners, the COVID-19 pandemic and the increase in housing prices over the past 24 months were a significant influencing factor in higher non-participation rates at the end of the Buyback Program on 17 August 2021.
- Additionally, since the beginning of the Loose Fill Asbestos Insulation Eradication Scheme, seven additional properties have been identified as affected by loose fill asbestos insulation in the community. It is likely that further affected properties exist across Canberra suburbs that have not yet been identified and will continue to present a potential health risk to the occupants and the wider community.
- Information has been updated and is available at:  
<https://www.loosefillasbestos.act.gov.au/>

## Background Information

- After operating for eight years, the Taskforce closed on 30 June 2022. However, the fundamental objective of the ACT Government, to eliminate the risk of exposure by eradicating loose fill asbestos insulation from Canberra homes is ongoing.

## Portfolio: Sustainable Building and Construction

### Mr Fluffy Legacy - Place of Reflection

#### Talking points:

- Actioning recommendation 5.1 of the Mr Fluffy [Legacy Project Report](#), Government has allocated \$165,000 to establish a forest shelter at the National Arboretum, as a Place of Reflection to acknowledge the impact of 'Mr Fluffy' loose fill asbestos insulation in the ACT.
- A place of reflection is seen as part of the healing process for thousands of Canberrans across the ACT, who owned, lived or worked in a Mr Fluffy home, or whose streets and neighbourhoods were forever changed by this dangerous substance.
- The recommendation to establish a forest shelter at the National Arboretum was made to Government in 2020 by the Mr Fluffy Community and Expert Reference Group, an advisory body to the now closed Asbestos Response Taskforce.
- The Loose Fill Asbestos Coordination team will undertake community engagement to seek community input into the educational themes to be shared through the site.

#### Key Information

- In 2019, Mr Fluffy Community and Expert Reference Group (CERG) undertook a consultation process, including with former and current Mr Fluffy homeowners, on opportunities to acknowledge the significant impact of 'Mr Fluffy' loose fill asbestos insulation in the ACT.
- The Government response in May 2020 agreed, in principle, to consider the establishment of a place of reflection, if it is assessed that a public place could be developed sensitively and consistent with the following principles:
  - there is a general consensus among the impacted community of homeowners and residents that an identified place of reflection would be sympathetic to their collective experience;
  - the impacted community of homeowners and residents are engaged and there is agreement regarding practical matters including a site location and design; and
  - the public site will support broad community use as well as an understanding and appreciation of the impact loose fill asbestos insulation has had on the community.
- In alignment with the initial recommendation of the [Legacy Project Report](#) the forest shelter at the National Arboretum has been recommended by CERG as it:
  - is a central Canberra location which was revitalised and arose following the 2003 Canberra Bushfires, offering calming, natural and picturesque views across our city;

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Contact Officer name: Rebecca Butchart Ext: 75804  
Lead Directorate: Environment, Planning and Sustainable Development

- is a site that mitigates equity and access issues that might arise with selecting other sites in specific suburbs;
  - incorporates a garden feature unique to Canberrans; and
  - provides both reflective and educational opportunities for not only the Canberra community, but also interstate and international visitors to the site.
- In accordance with Governments response to recommendation 5.1 of the [Legacy Project Report](#) final community engagement is now required to confirm there is community input into the educational themes to be shared through the site.
  - Community engagement via the YourSay platform is anticipated to commence September 2022 for a six week period.

## Background Information

- The cost of the forest shelter is offset from capital savings identified in the Loose Fill Asbestos Eradication Scheme in 2021-22.
- The ACT Government Response to the [Legacy Project Report](#) was tabled in the Assembly May 2020. CERG has continued to progress Legacy Project work with Government since the Response to the Legacy Project Report was tabled.

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Contact Officer name: Rebecca Butchart Ext: 75804  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio: Sustainable Building and Construction****HOME SWIMMING POOL SAFETY****Talking points:**

- The Government is committed to measures that support the prevention of drownings and non-fatal drownings in home swimming pools.
- The Government, during the last term, announced it will begin to take steps to make sure every backyard pool in the Territory meets modern safety standards.
- The Government is considering whether additional safety measures, in particular regulatory reforms focused on pool fencing, are required. Proper pool fencing together with supervision, are vital to protecting children around swimming pools.
- The Government will consult with industry on matters such as fair transition times, potential exemptions for properties and a compliance framework, before making any decisions about introducing home swimming pool safety reforms.
- 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 modern 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 modern safety standards. 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. So for many people there may be no or low costs to have a compliant pool barrier.
- Any swimming pools or spa pools built since mid-2013 has to comply with the safety standard (AS1926:2012) currently in place through the National Construction Code (NCC). Pools built since mid-2010 have to comply with the previous safety standard (AS1926:2007). QLD apply a modified version of the 2007 standard. The NT requires compliance to the 1993 standard.
- A cross-directorate working group has been established to inform policy development and drafting of proposed legislation.

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Contact Officer name: Alison Kemp Ext: 75891  
Lead Directorate: Environment, Planning and Sustainable Development

## Portfolio: Sustainable Building and Construction

### **BUILDING QUALITY INITIATIVES (ENGINEER REGISTRATION AND GOVERNMENT CERTIFIERS)**

#### Talking points:

- The ACT Government has committed to several measures aimed at improving building quality and the operation of the building regulatory system in the ACT.
- 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.
- Work currently underway includes:
  - Assessment of a range of options to supplement and strengthen existing building certification services. This includes consideration of a government run building certification service that would run alongside private certification services currently available. It is also considering how this maybe applied to different types of buildings. This work responds to recommendations from the ACT Inquiry into Building Quality.
  - A registration scheme for professional engineers with public consultation to occur soon. This delivers on findings of the Building Confidence Report, commissioned by the Building Ministers Meeting that design practitioners, such as engineers, should be accountable for the work they do, and any contribution that work makes to non-compliant and defective buildings.
- 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 protection for the community and make those who are not up to standard accountable for their actions.

#### Background information:

##### Building Certification Services

- The Parliamentary and Government Agreement states that during this term the Government will ‘establish an expert team of publicly funded building certifiers within the ACT Public 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.

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- 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 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 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.

### Registration scheme for professional engineers

- The Parliamentary and Government Agreement states that during this term the Government will introduce a registration scheme for engineers.
- 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 has provided useful inputs to the development of an ACT scheme. 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

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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 scheme for engineers operating in the ACT, as a priority project, with legislation planned for introduction in the Legislative Assembly during the November/December 2022 sitting period. Consultation with the community is scheduled to commence in August 2022. Consultation is ongoing with industry.

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Lead Directorate: Environment, Planning and Sustainable Development

## Portfolio: Sustainable Building and Construction

### Property Developer Regulation

#### Talking points:

- The ACT Government remains committed to introducing greater accountability measures 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 greater accountability measures 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 for improving the accountability of developers and providing consumers with greater information about developments and the developers behind them.
- Further development of the scheme will involve engagement with stakeholders in industry and the community. Through a range of forums the ACT Government has already received feedback about this issue and suggestions for matters to be addressed.

#### Key information:

#### 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 and address the actual issue.
- EPSDD has identified a range of possible options 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.
- Stakeholder engagement will be required to inform the development of any regulatory scheme or alternative options. EPSDD will undertake targeted stakeholder engagement over the coming months before broader community engagement is undertaken. This engagement will inform any proposed regulatory changes that if required are planned to be progressed in 2023 subject to other priorities.

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Lead Directorate: Environment, Planning and Sustainable Development

## Background Information:

- The Parliamentary and Governing Agreement for the 10<sup>th</sup> Assembly includes a policy commitment to 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.
- EPSDD is considering a number of options for delivering the intent of this comment and is exploring the most appropriate mechanism for improving the accountability of developers for their developments.
- Policy considerations by EPSDD to date have included –
  - an appropriate definition of property developer,
  - interactions between the different parties involved in projects,
  - how to treat instances where the developer and builder are one and the same, and
  - 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.
- 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 licence developers; however, it does allow for oversight and sanctions to be issued to the developer.
- QLD is undertaking a review into how to hold developers more accountable and EPSDD is engaging with them and NSW to inform its assessment of this matter and development of potential options.

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**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. Building Ministers will be making a final decision on these matters in late August 2022.
- 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).
- Provisions for the accessibility standards have been included in the preview of the NCC 2022 which was released by the ABCB on 9 May 2022. This preview includes new liveable housing requirements for Class 1a buildings (houses and townhouses) and Class 2 sole-occupancy units (individual apartments) which put in place features based on the Liveable Housing Design Guidelines silver standard. These reforms were developed over many years, in close collaboration with disability support and advocacy groups, occupational therapists, building industry, and state, territory and local governments. It is expected that these changes will increase the stock of accessible housing, supporting Australians with disability, older Australians, their families and carers.
- At the BMM in March 2022, Ministers requested that senior building officials work with the ABCB to support implementation, including any exclusions, as well as appropriate transition timeframes. Timely implementation of these important new requirements needs to be balanced with the significant number of code changes associated with NCC 2022 and existing difficulties being experienced by the building industry due to bushfire recovery, flood recovery, supply chain problems, and global events such as the Ukraine conflict and the COVID-19 pandemic.
- ACT officials are participating in this work and further information will be provided ahead of commencement of NCC 2022.
  - As part of a final quality control review draft exemption for small units under 55m<sup>2</sup> (published in the Preview of Volume One) has been removed. This exemption, raised in public submissions, had not been formally assessed for suitability or impact and should not have been incorporated in the Preview.

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**Background Information:**

- A Public Comment Draft of NCC 2022 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.
- A proposed exemption for units under 55m<sup>2</sup> was included in the Preview and has since been removed.
- 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.

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## 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 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.

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

- In June, I announced that the ACT Government was commencing a review of the regulatory settings around approved fidelity fund schemes so that they remain contemporary and fit for purpose. The ACT Government is committed to the fidelity fund scheme continuing to operate to protect consumers in a viable manner in the long term.
- This review will respond to a number of recommendations from the Inquiry into Building Quality in the ACT.
- The review will include consideration of:
  - Current application and approval processes for fidelity fund schemes.
  - Insurance settings, for example, a potential increase in the minimum prescribed insurance amount.
  - Scope of matters covered. For example, if required, clarifying in legislation the treatment of claims for common areas by owners' corporations and/or methods for determining the amount the owners' corporation is entitled to.
  - Settings in other jurisdictions and reviews underway in Tasmania and Queensland.
  - Currency of a number of instruments that approved fidelity fund schemes, for example, the current prudential standards.
- The review will be led by EPSDD with expert advice obtained as required. Industry and community engagement is anticipated.
- The outcome of the review will be recommendations back to Government on any improvements required to the scheme that will support its efficient, transparent and continued operation.
- The review is expected to be completed by mid-2023.

**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.

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Lead Directorate: Environment, Planning and Sustainable Development

- 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).

## **Background information:**

### **Inquiry into building quality in the ACT**

- The 9<sup>th</sup> Legislative Assembly's Economic and Tourism Standing Committee conducted an Inquiry into Building Quality in the ACT.
- 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 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.
- 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.
- The Government did agree or agreed in principle to a further 3 recommendations relating to the MB 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.

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- 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 MB 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.

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## Portfolio: Sustainable Building and Construction

### Government Response to the Building Quality Inquiry

#### Talking points:

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

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Cleared for public release by: Executive Branch Manager Ext: 54877  
Contact Officer name: Alison Kemp Ext: 75891  
Lead Directorate: Environment, Planning and Sustainable Development

## Background information:

- The 9<sup>th</sup> 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.

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## 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 deliver a building regulatory system that supports, drives and delivers:
  - High quality design and building;
  - compliance with building standards; and
  - integrity and accountability in the ACT building and construction industry.
- Compliance with building standards for health, safety, amenity and sustainability is an important part of maintaining our quality of life and the Government remains committed to improving our building regulatory system.
- The ACT Government has been undertaking a significant reform program of the building regulatory system, including considering recommendations from the Shergold-Weir Building Confidence Report (BCR) and the ACT Legislative Assembly Standing Committee inquiry into Building Quality.
- We will achieve this through initiatives that:
  - support continuous improvement and the effectiveness of the ACT's building regulatory system;
  - improve the quality of buildings;
  - support climate resilient and sustainable buildings - from building design and construction that situates, designs and builds new housing to anticipate and protect inhabitants from weather extremes and that is comfortable to live in, to advocating for standards that support these new buildings being affordable to live in;
  - respond to emerging issues;
  - provide robust public protection requirements;
  - deliver education and awareness campaigns;
  - deliver robust compliance frameworks supported by appropriate compliance activities; and
  - support a nationally consistent approach to regulation of the building and construction industry where appropriate for the ACT.
- Reforms to the building regulatory system are intended to give greater choice and protection for the community and make those working in the industry accountable for their actions.
- I acknowledge the impacts of the pandemic on the building and construction industry such as supply chain and workforce issues which have now been compounded by recent devastating natural disasters and global events.

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- I look forward to continuing the great spirit of collaboration that has developed at a local level over the last couple of years, between the Government and the Building Industry as we navigate these challenges, and continue to strive to deliver high quality buildings, and a building regulatory system that supports quality of life through building standards aimed at health, safety, amenity and sustainability.

**Background Information:**

- EPSDD has updated the Buy Build Renovate website to reflect its current and future reform program and the overarching goals of any reforms. These pages will updated on a regular basis to provide the community and industry with information on the status of reforms and planned initiatives/reforms.

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**Portfolio: Sustainable Building and Construction****ENERGY EFFICIENCY****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 update of the National Construction Code (NCC) are being considered this year, including a possible increase in the level of thermal comfort and a whole-of-house-energy use budget. These changes were included in the second tranche of the NCC 2022 public comment draft which was released and made available for community feedback until 17 October 2021, along with a Regulatory Impact Statement.
- Building Ministers received an update on the work of the Australian Building Codes Board (ABCB) in preparing improved residential energy efficiency provisions for NCC 2022 at the Building Ministers' Meeting on 28 March 2022. The ABCB advised Ministers that analysis is nearing completion and there are opportunities to improve residential energy efficiency with a net benefit to households in most parts of the country.
- The ABCB is currently finalising the Regulatory Impact Statement for improved residential energy efficiency provisions for NCC 2022 for the consideration of Ministers at the next Building Ministers' Meeting.
- The ACT Government is working with the ABCB and other jurisdictions on an appropriate implementation plan for the new national energy efficiency standards. Timely implementation of these important new requirements needs to be balanced with the significant number of code changes associated with NCC 2022 and existing difficulties being experienced by the building industry due to bushfire recovery, flood recovery, supply chain problems, and global events such as the Ukraine conflict and the COVID-19 pandemic.
- The Parliamentary and Governing Agreement (PaGA) 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.
- The PaGA also includes a commitment 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.

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- To support delivery of this action, a Regulatory Impact Statement was undertaken which considered minimum standard options along with consideration of issues such as safety. Two rounds of engagement with the community and key stakeholders were held. The first, to inform the RIS, was undertaken in April and May 2021, and a second, to gain feedback on a proposed standard and how it should be implemented, was undertaken in November and December 2021. These included surveys of renters and rental providers through the ACT YourSay website. Summaries of the feedback received, including from the surveys are also available on the YourSay website.
- 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.
- Recognising that a minimum energy performance requirement may potentially impose costs on rental providers, the PaGA also commits to a \$50 million program to improve energy efficiency of housing for vulnerable households and support the introduction of the minimum energy efficiency standard for rental homes.

#### 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.

Cleared as complete and accurate: 19/07/2022  
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Contact Officer name: Alison Kemp Ext:75891  
Lead Directorate: Environment, Planning and Sustainable Development

**Portfolio: Sustainable Building and Construction****ACT Government – Response to Asbestos – Asbestos Response Taskforce****Talking points:**

- As at 10 August 2022, 1008 of the known 1029 residential properties identified as affected by loose fill asbestos insulation have been demolished.
- 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.
- With the majority of known affected properties remediated, the Asbestos Response Taskforce (Taskforce) closed on 30 June 2022. A smaller coordination team has been established following the Taskforce closure and will be responsible for delivering the remaining work in the management of the properties within the ACT that remain affected by loose fill asbestos insulation.
- The Loose Fill Asbestos Coordination team (Coordination team) will continue to work to address the residual risks associated with the presence of loose fill asbestos in the community by:
  - administering the ongoing work of the Scheme;
  - administering the ongoing 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 Coordination team remains focused on supporting homeowners of the remaining known 22 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.

Cleared as complete and accurate: 09/08/2022  
Cleared for public release by: Executive Group Manager Ext: 77387  
Contact Officer name: Stacey Morton Ext: 75470  
Lead Directorate: Environment, Planning and Sustainable Development

- 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 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 Coordination team 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 02 6205 4700 or by email at [loosefillasbestos@act.gov.au](mailto:loosefillasbestos@act.gov.au).

### **Loose Fill 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 and Federal Governments committed \$16 million (\$8 million each) to establish a [Loose Fill Asbestos Disease Support Scheme](#) (Support Scheme) to provide financial support to people who contract, or have contracted, an asbestos related disease after living in a property affected by loose fill asbestos insulation in the ACT.
- The Support Scheme commenced on 25 March 2022, and is administered by Workplace Safety and Industrial Relations (WSIR) within the Chief Minister Treasury and Economic Development Directorate of the ACT Government.
- The Support Scheme provides financial support payments for people who have:
  - contracted an asbestos disease after living, permanently, in a loose fill asbestos insulation (Mr Fluffy) affected property in the ACT; and
  - had no substantial occupational exposure to asbestos that would allow a workers compensation claim to be made.
- Under the Support Scheme, eligible applicants and their families are provided with support payments to cover the costs of out-of-pocket medical and related expenses and loss of earning capacity.
- A lump sum payment and support for dependants of eligible participants who have died is also available.
- The Support Scheme is simple and streamlined to ensure that participants receive timely and comprehensive financial support to access to the services they need.
- Applications made to the Support Scheme will be managed by Employers Mutual Limited (EML), the ACT Government's workers' compensation claims provider. EML

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Lead Directorate: Environment, Planning and Sustainable Development

will be responsible for case management and assessing applications for Scheme participants.

- The Support Scheme has no fixed end date, recognising that asbestos related diseases have a long latency period of about 25 to 30 years from exposure. The Support Scheme is retrospective and available for applicants diagnosed from 1 January 2014.
- Interested parties can register for Support Scheme updates by sending an email to Workplace Safety and Industrial Relations at [wsir@act.gov.au](mailto:wsir@act.gov.au).
- The Coordination team 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 August 2022, a total of 1008 out of 1029 residential properties identified as affected by loose fill asbestos insulation have been demolished:
  - 976 by the Taskforce through the Scheme;
  - 12 through assisted private demolition;
  - 19 self-funded demolitions; and
  - 1 surrendered to the Territory following demolition.
- There are 23 residential properties remaining on the Affected Residential Premises Register:
  - 6 are owned by the Territory:
    - 1 has been demolished and is in the process of being remediated and deregistered; and
    - 5 have demolition planning underway.
  - 17 remain privately owned:
    - 1 is approved for Transition Assistance with a contract exchange pending; and
    - 16 have elected to not participate in the Scheme. Of these:
      - 2 homeowners have been approved to access waste disposal fee relief when progressing private demolition;
      - 1 homeowner has recently progressed their private demolition but is yet to finalise deregistration; and
      - 1 property is currently subject to Occupancy Prohibition following private sale.

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Lead Directorate: Environment, Planning and Sustainable Development

## 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); and
  - 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.

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## **Portfolio:** Sustainable Building and Construction

### **Cladding Remediation**

#### **Talking points:**

- The safety of our community is of the utmost importance and has guided our approach to the handling of potentially combustible cladding on buildings in Canberra.
- The Cladding Remediation Scheme consists of two elements:
  - an ACT Government Program to rectify combustible cladding on ACT Government owned facilities, and
  - the Private Buildings Cladding Scheme to assist in the testing and remediation of potentially combustible cladding on eligible privately owned buildings.

#### Private Buildings Cladding Scheme

##### *Phase 1 – Testing and Assessment Rebate*

- On 21 July 2021, the Government announced the Private Buildings Cladding Scheme which will provide grants to eligible Owners Corporations of apartment buildings to undertake testing and assessment of their building's cladding.
- The Scheme assisted owners of eligible apartment buildings by providing a rebate of 50% of the costs (up to a maximum of \$20,000 ex GST) for testing and assessing the cladding on their buildings.
- The Government made available \$1.8 million for the Testing and Assessment rebate phase.
- Testing and assessing cladding on apartment buildings:
  - confirmed whether the cladding on an apartment building is combustible cladding;
  - informed building owners of the level of fire safety risk to the residents by the presence of combustible cladding;
  - detailed the scope of any remediation works which may be required to reduce the risk to an appropriate level including potential costs; and
  - detailed any interim fire safety measures that should be implemented in the apartment building while remediation works are considered.
- Eligibility criteria for the Phase 1 Testing and Rebate Scheme were:
  - is an apartment building with a rise of three storeys or more, or a cluster of residential buildings close to each other that represents a high fire risk;
  - the building or buildings must have residential apartments, or they can have a mix of uses such as residential apartments with ground floor shops or offices; and
  - the Owners Corporation for the building must have made a judgement based on reasonable grounds that the building has combustible cladding.

- Applications for Phase 1 of the Scheme opened on 21 July 2021 and closed on 21 July 2022.
- Owners Corporations have until 21 December 2022 to complete and submit the testing and assessment report.
- Owners Corporations may seek consideration for access to the Scheme if they undertook testing and assessment of their cladding between 12 March 2018 and the date the Scheme opened, 21 July 2021. The ACT Government will decide applications for retrospective access to the Scheme.
- 90 privately owned buildings were identified in the ACT as having potentially combustible cladding. These were identified through a kerbside inspection process undertaken by ACT Fire and Rescue. From those 90 buildings, approximately 53 Owners Corporations were identified as being eligible for assistance.
- As at 26 July 2022, the application status is:

<b>Applications Submitted</b>	<b>74</b>
Applications approved	62
Applications Refused/Declined	5
Applications withdrawn	2
Applications under assessment	5
<b>Rebates</b>	
Rebates paid (number)	11
Rebates under process	1
Rebates paid (dollars)	\$113,488.13 (GST excl)

- Professional suppliers of services such as fire engineers, certifiers and project managers continue to be added to the Register of Potential Suppliers to grow the number of firms available to offer professional advice to building owners regarding cladding remediation.
- There are currently 33 companies on the Register: 22 local and 11 interstate.

### *Phase 2 - the Concessional Loan*

- This week, I announced Phase 2 of the Scheme which offers a concessional loan to eligible owners corporations to remove and replace potentially combustible cladding from their buildings. The Government has committed \$50 million to the Scheme.
- The ACT Government is committed to supporting owners corporations to remediate combustible cladding on their buildings and is providing owners with a loan that has significantly more favourable terms than available in the commercial market.

- This means that we are providing assistance for the entirety of the remediation process.
- The key elements of the concessional loan includes:
  - a fixed interest rate initially set at 4.2%
  - a loan repayment period of 10 years, which starts after works are completed;
  - no application or other loan fees;
  - individual loans generally up to \$15 million per owners' corporation; and
  - no penalties for repaying the loan early.
- Owners Corporations of eligible buildings will be able to apply for a loan to cover all costs associated with the removal and replacement of cladding that has been determined as combustible. Owners Corporations can have the cost of remediation of the cladding, statutory fees (such as Building Approvals) and professional fees for architects, engineers and project managers included in the loan. This will allow Owners Corporation to have only one loan to fund the remediation.

### ACT Government Program

- As the owner of various buildings, the ACT Government undertook detailed investigation of its own buildings which contained combustible cladding in 2020. These investigations included an analysis of the type of occupant, use of the building, nearby ignition sources and firefighting challenges in the event of a fire.
- The Government Cladding Scheme identified 23 Government owned buildings that contained cladding that needed replacing. These sites included schools, health facilities and public housing across the ACT.
- Of these buildings, 17 have had the cladding replaced under the Cladding Scheme by Major Projects Canberra and two (2) buildings have been remediated by the Education Directorate. The remediation options ranged from full replacement of all cladding to removal of certain elements of cladding to achieve a lower risk ranking. The recommended level of remediation varies by building and cladding elements based on risk assessment criteria.
- Of the four (4) projects that comprise the remaining program of work, all are underway and programmed to be completed in 2022.
- The current cost estimates indicate a total of around \$17m will be required to complete all works.

- The 19 completed projects so far are:
  - ACT Magistrates Court
  - Arawang Primary School
  - Canberra High School
  - Civic Youth Centre
  - Erindale College
  - Gungahlin Oval grandstand
  - Howard Florey House
  - Lyneham Primary School
  - Melrose High School
  - National Convention Centre
  - Tuggeranong Child And Family Centre
  - Three Housing ACT sites
  - Gungahlin college
  - Yarralumla Primary School
  - Palmerston Primary
  - Building 4 at Canberra Hospital, and
  - Building 12 at Canberra Hospital.
- Fire safety measures have been applied as part of managing cladding that remains on Government buildings, either on an ongoing basis or as an interim measure until the cladding is replaced.

### Stakeholder engagement

- A number of outreach activities have been undertaken to contact the maximum number of Owners Corporations who may be eligible for the Cladding Scheme. Refer to the Cladding Scheme Communications and Engagement QTB.

### **Background Information**

- In 2017, the Government formed the inter-agency Building Cladding Review Group to determine whether combustible materials had been used in Territory buildings in a way that poses a risk to building occupants.
- In December 2019, a Cladding Audit Response Team was established to progress the important work in addressing issues identified with ACT Government buildings through further detailed assessments and identification of remediation options.

## Portfolio: Sustainable Building and Construction

### Cladding Remediation - Communications and Engagement

#### Talking points:

- The Government recognises the challenges faced by apartment building owners to address combustible cladding without assistance.
- The Private Buildings Cladding Scheme (the Scheme) provides financial support in the form of a testing and assessment rebate and a concessional loan scheme to support remediation.
- A range of outreach activities have been undertaken to engage with eligible Owners Corporations who may have buildings with combustible cladding and strata managers who may be managing these buildings. This has included:
  - writing to all Owners Corporations of buildings identified by ACT Fire and Rescue in their kerbside assessment, advising them of the Scheme;
  - presenting on the Scheme to Owners Corporations jointly with the peak body for owners corporations in the ACT, the Owners Corporation Network (ACT);
  - contacting all the principals of strata agencies in the ACT individually, briefing them on the Scheme and obtaining their assistance to identify buildings they manage which may be eligible buildings under the Scheme;
  - presenting at meetings of Owners Corporations;
  - individualised and detailed one on one engagement with Owners Corporations and/or strata managers to explain the Scheme, application processes and rebate processes;
  - presenting to strata managers jointly with the peak body for strata managers in the ACT, the Strata Communities Association of Australia (ACT);
  - sending letters to owners of class 2 buildings that may have cladding;
  - e-newsletters to subscribers reminding them of the closing date for the rebate scheme; and
  - briefings from ACT Fire and Rescue to owners corporations on the practical steps owners can take to mitigate fire risk in apartment buildings.
- Engagement with Owners Corporations, strata managers, the Owners Corporation Network, Strata Communities Australia (ACT), and ACT Fire and Rescue has enabled the key stakeholders to feed into the development of the Scheme.

#### Key Information

- To date 24 presentations have been undertaken to over 250 people to promote the Scheme, with over 270 inquiries being answered, and over 9,700 unique page views of the Scheme's website.

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Contact Officer name: Adrian Piani Ext: 78499  
Lead Directorate: Major Projects Canberra

- Professional suppliers of services such as fire engineers, certifiers and project managers continue to be added to the Register of Potential Suppliers to grow the number of firms available to offer professional advice to building owners regarding cladding testing and remediation.

## **Background Information**

*A list of key communication activities with owners corporations and strata managers is attached below.*

## Communication outreach to owners corporations

Date	Target audience	Action
21 July 2021	All	Media launch of scheme
July 2021	Owners corporations	Minister Vassarotti letter to Owners Corporations on the ACT Fire and Rescue list, advising of the Scheme
4 August 2021	Strata Managers	Virtual briefing session for strata managers in conjunction with Strata Communities Australia
23 August 2021	Owners corporations	Virtual briefing session for owners corporations in conjunction with Owners Corporation Network
27 August 2021	Owners corporations	Virtual briefing session for owners corporations in conjunction with Owners Corporation Network
Week of 30 August 2021	Strata Managers	Phone calls made to principals of all strata management agencies in the ACT
From 6 September onwards	Strata Managers	Follow up of individual strata managers, who attended presentations including those who provided tips of strata colleagues with buildings which may be affected.
20 October 2021	Strata Managers	Presentation to all the strata managers in the Civium Property Group
October 2021	Owners corporations, Strata Managers	The Cladding Team undertook work to identify the correct addresses of buildings on the Fire and Rescue List which resulted in a Return to Sender response to the Minister's letter.
November 2021	Owners corporations, Strata Managers	Letterbox drop to Owners (where the letters from the Minister were returned to sender)
8 November 2021	Presentation for owners corporations	Virtual briefing session for owners corporations in conjunction with Owners Corporation Network
2 December 2021	Strata Managers	Presentation to all the strata managers in Vantage Strata
24 February 2022	Media	Media announcement – update on Government buildings progress including recycling statistics, including call for applications for Phase 1.
March/April 2022	Owners corporation	Letterbox drop to owners of buildings whose buildings were built after NCC amendments, but building approvals were given before the NCC amendments
25 March 2022	E-newsletter subscribers (owners corporations, Strata Managers, suppliers)	Update on concessional loan including key framework of the loan and update on procurement process (RFP underway).
17 May 2022	Owners corporation	OCN Community Forum & Panel - Minister attended

Cleared as complete and accurate: 15/07/2022

Cleared for public release by: Executive Group Manager

Contact Officer name:

Adrian Piani

Ext: 78499

Lead Directorate:

Major Projects Canberra

Date	Target audience	Action
23 May 2022	Building registration	Obtained the list of all building approvals between 2000 and 2018, from which the Cladding Team undertook google map search of all class 2 buildings and identified 55 buildings not on the Fire and Rescue List, which may have combustible cladding.
26 May 2022	E-newsletter subscribers (owners corporations, Strata Managers, suppliers)	E-newsletter announcing builders added to Register of Potential Suppliers
2 June 2022 23 June 2022	E-newsletter subscribers (owners corporations, Strata Managers, suppliers)	E-newsletter reminding subscribers applications for the testing and assessment rebate close on 21 July (including new infographic and overview video)  Reminder email also sent to owners corporations and Strata Managers not on subscriber list (including new infographic and overview video)
7 June 2022	Strata Managers	Strata Communities Australia ACT Branch Member Update – reminder that applications for testing and assessment rebate close on 21 July.
1 June 2022 3 June 2022 20 June 2022 28 June 2022 1 July 2022 13 July 2022 15 July 2022	Owners corporation	Discussions between ACT Fire and Rescue and owners corporations on the practical steps owners can take to mitigate fire risk in apartment buildings.  The Cladding Team worked with the Strata Communities Association to facilitate sessions for strata managers.

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**Portfolio/s:** Sustainable Building and Construction

## **Cladding Remediation**

### **Q+A**

#### **Government-Owned Buildings**

- *Why are you letting people continue to occupy the building if the combustible cladding makes it a higher risk? How can you guarantee it's safe?*

All ACT Government owned buildings have been assessed by fire engineers and have undergone a risk assessment, taking into account the use of the building. The risk assessments recommended that implementing a series of interim actions would maintain and improve the level of fire safety whilst remediation works are planned. These risk assessments were also reviewed by ACT Fire and Rescue who concurred with this assessment.

- *Will the ACT Government sites with potentially combustible cladding be identified to the public?*

Out of an abundance of caution, we do not propose releasing a public list of the sites before remediation work has been completed, where there is any risk of it prompting untoward behaviours in respect of those buildings. Information on the identity of the buildings will be made to those who need to know as remediation activities continue.

Following successful completion of remediation works on sixteen (16) Government buildings, those buildings are: Yarralumla Primary School, Melrose High School, Arawang Primary School, Canberra High School, Palmerston Primary School, Erindale College, Lyneham Primary School, National Convention Centre, Civic Youth Centre, Gungahlin Oval, Tuggeranong Child and Family Centre, Building 4 The Canberra Hospital, Howard Florey House, ACT Magistrates Court and two ACT Housing properties.

- *How will the Government Buildings Program ensure that the replacement cladding products used on the Government buildings are safe and suitable?*

All replacement cladding products must comply with the 2019 National Construction Code, which addresses the combustible cladding issue.

- *What products will be installed and how do we ensure that the new products actually rectify the problem?*

The specification for the replacement cladding on ACT Government buildings is:

- proprietary panels comprising prefinished skins continuously laminated over a non-combustible core or solid aluminium panels
- NATA tested to comply with AS1530.1 (Methods for fire tests on building materials, components and structures – Combustibility test for materials) and the National Construction Code.

Cladding products are available in the market that meet this high standard as building owners across the world seek to remediate their buildings.

Cleared as complete and accurate: 02/08/2022  
Cleared for public release by: Executive Group Manager Ext: 55466  
Contact Officer name: Adrian Piani Ext: 54326  
Lead Directorate: Major Projects Canberra

## **Private Buildings Cladding Scheme**

- *Why are you letting people continue to occupy the building if the combustible cladding makes it a higher risk? How can you guarantee it's safe?*

It is important to remember that the presence of combustible cladding on the façade of a building does not necessarily mean that it is unsafe. Many buildings have this cladding in limited amounts or only on certain aspects of the façade.

Owners of private buildings are responsible for ensuring the ongoing safety of their buildings, including through the installation and maintenance of fire safety systems, such as fire alarms, sprinklers and fire doors.

By being aware of the risks of their building and by practising strong fire safety, building owners and residents together can best manage the safety of their building until any remediation works that may be required can be carried out.

- *Why isn't the ACT banning cladding products or making this compulsory for owners to take action by a deadline?*

The ACT is following a national approach to the National Construction Code and any further amendments that may be necessary to that code. The ACT Government has found local building owners to be positive towards this issue and the need to take action, and believes a voluntary approach is sensible in this instance. We will monitor action under this voluntary scheme and assess whether any further measures need to be put in place in the future.

- *Should the Government have approved these buildings and materials in the first place? As the ACT Government certified buildings with affected cladding, shouldn't the Government have responsibility to rectify them?*

All buildings in the ACT are certified through a private certification scheme to comply with the National Construction Code valid at the time they are given building approval.

The Government is required to issue a certificate of occupancy if satisfied that the work has been completed in accordance with the prescribed requirements and is fit for occupation and use as a building of the class stated in the approved plans. The building certifier's functions include advising the Government about the completeness of building work and compliance with the National Construction Code.

The Government recognises the difficulties that some Owners Corporations may face in addressing this issue, and has designed the Private Buildings Cladding Scheme to provide practical and financial assistance to those Owners Corporations.

- *Has the National Construction Code actually changed the requirements for cladding?*

The National Construction Code was amended between the 2016 edition and the 2019 edition to provide absolute clarity that in Type A or B construction (apartments over three storeys are Type A), the external walls and common walls including the façade covering, the framing and the insulation must be non-combustible. Previously, the NCC

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did not specifically mention these elements of the façade with regards to non-combustibility, which led to the general interpretation across Australia that the requirements for non-combustibility did not apply to cladding. This amendment came into effect in the ACT in March 2018.

- *Why has it taken the Government so long to implement a Scheme?*

Each state and territory has tackled this issue in a way relevant to its circumstance. Considered and careful planning has gone into developing the right scheme for Canberra.

The ACT has been able to learn from the approaches of other jurisdictions and their approaches to ensuring that cladding remediation works are carried out on the highest risk privately-owned residential buildings.

- *Is this the next Mr Fluffy-type issue for the ACT?*

Comparing combustible cladding to Mr Fluffy is not accurate for many reasons. A planned and considered approach to remediation by private Owners Corporations is what is required to deal with this issue. Cladding does not spontaneously combust, and having it is not necessarily an indicator of risk to a building or its occupants. By practicing good fire safety and taking some very reasonable measures such as reducing clutter on balconies and moving BBQs away from walls, residents can continue to occupy their homes and are not required to move out. Cladding is reasonably obvious to identify on the outside of buildings, and with some expert testing and assessment, owners and residents will know whether they have combustible cladding, what risk level it represents on their building, and interim fire safety measures they can take to manage the risk while they undertake remediation works. Unlike Mr Fluffy, it can then be removed if required in a safe manner, without needing to demolish the whole building or evacuate the premises.

- *Why isn't the ACT following the Victorian or NSW model to resolve the cladding issue?*

Each state and territory has chosen an approach according to its own circumstances. The ACT has closely monitored the approaches of other jurisdictions, but designed a scheme that suits ACT's needs: a comparatively small number of affected properties, much smaller in height and therefore cost per building and a voluntary scheme which recognises the positive approach of the ACT population towards fixing issues such as this.

While Victoria has offered a support package to rectify higher risk private apartment buildings, NSW is offering a concessional loan scheme to assist owners with rectification. In Queensland, Western Australia and South Australia, property owners are required to fund their own professional advice and remediation works.

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Key features of the Victorian Scheme are:

- Regulatory approach
- Class 2 apartment buildings, three storeys or higher, with a high or extreme fire risk are eligible
- The Victorian Government pays for and undertakes the works on those private properties, including providing a project manager, in a three way contractual arrangement with the Government, builder and Owners Corporation
- Remediation is to a low risk level, not always a complete removal of all cladding
- This is paid for via a new levy imposed on the property industry
- Required works to fix latent conditions are paid for by the Owners Corporation.

Key features of the NSW scheme are:

- Regulatory approach
  - Class 2 apartment building, three storeys or higher, with a high or extreme fire risk are eligible
  - The NSW Government is making available a concessional loan to assist Owners Corporations to fund these works
  - The Government has appointed a head contractor and project manager to provide assurance of remediation works.
- *Why is assistance not being provided to owners of buildings such as aged care, private hospitals or university student accommodation?*

Organisations that operate buildings such as aged care, private hospitals and university accommodation are professional, commercial operations with management structures and ownership structures used to dealing with risk issues such as this.

- *What steps has the ACT Government taken to contact apartment owners that may be affected by combustible cladding?*

The Government has engaged in many communication and outreach activities to contact and inform apartment owners about combustible cladding and the availability of the Scheme, including:

- Undertaking presentations to Owners Corporations and strata managers in conjunction with peak bodies such the Owners Corporation Network and Strata Communities Australia (ACT);
- Intensive one on one engagement with all the strata management companies in the ACT and with individual strata managers to raise awareness of the Scheme, and help them to alert their clients to the scheme, and
- Intensive engagement with Owners Corporations to provide information on the Scheme, explain the testing and assessment process and assist with applications.

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- *Will the Government step in to ensure that no building is left without building insurance coverage?*

There is a competitive national market for building insurance and combustible cladding is a well-known issue. The Insurance Council of Australia has advised the Government that they support a risk-based approach to cladding insurance, rather than a blanket 'no coverage'. However, individual insurance companies will offer their own products and settings. Therefore, Owners Corporations may need to consider sourcing a new insurer who will give them the coverage they need in the knowledge that the Owners Corporation is aware of and actively addressing the cladding risk. A comprehensive testing and assessment report as an outcome of the first phase of this Scheme should assist Owners Corporations to have well-informed discussions with insurance companies.

There could be multiple issues beyond cladding that impact insurance premiums for private apartment buildings, and it is the responsibility of Owners Corporations to address these.

- *How can the Government ensure that only skilled, insured professionals and companies with experience in cladding are undertaking work under the Private Buildings Cladding Scheme?*

To assist building owners, the ACT Government has established a Register of Potential Suppliers who have qualifications, experience, licences and insurance to provide assistance to owners of private buildings in the ACT. Potential suppliers can test and assess whether the cladding on buildings may be combustible and advise the building owners on next steps.

The Register is accessible to building owners on the MPC website and remains open for new applications from potential suppliers.

- *What can tenants do about cladding?*

Tenants can talk to their property owner or the managing agent for the property, who can alert the owners corporation to the issue. The Owners Corporation can investigate whether the cladding is combustible and take steps to improve fire safety and/or remediate the cladding.

Tenants should also be aware of the fire safety plan for their building and practice good fire safety including following any direction of the Owners Corporation or Strata Manager regarding fire safety practices required in the building.

Fact-sheets are available on the Major Projects Canberra website for owners, occupants, strata managers and managing agents.

- *Can an Owners Corporation apply for the Scheme if testing and assessment has already been undertaken on their building?*

Owners Corporations may seek consideration for access to the Scheme if they undertook testing and assessment of their cladding between 27 August 2020 and the date the Scheme opened, 21 July 2021. The ACT Government will decide applications for retrospective access to the Scheme.

- *What if buildings are ready to undertake their remediation works now?*

The Government is developing a concessional loan scheme to assist eligible owners with the costs of remediating the cladding on their building, where the testing and assessment process has demonstrated the need for this remediation.

- *What are the eligibility criteria for the concessional loan?*

Owners corporations who:

- have participated in the testing and assessment rebate scheme; or
- are transferring from a commercial loan and have an eligible building
- and have cladding on their building that poses a moderate or higher fire safety risk are eligible for the concessional loan.

An eligible building is a building:

- in the ACT;
- a class 2 apartment building or be a cluster of buildings;
- a mixed-use or solely residential use building; and
- that has a rise of at least 3 storeys under the National Construction Code.

- *What supporting documentation will be needed to apply for the concessional loan?*

An owners corporation's application must include a comprehensive testing and assessment report that:

- confirms that the cladding on the building is combustible cladding;
- identifies that the risk to residents posed by the combustible cladding is above low risk i.e. moderate, high or very high;
- includes a costed (P80) Scope of Works;
- has been undertaken by a Professional Service Provider on the Register of Potential Suppliers (the Register) or eligible to join the Register; and
- details recommended remediation options to reduce the risk to residents to low risk or below.

Owners Corporations of buildings which fall into the definition of a cluster of buildings will also need to provide:

- evidence of the Class of building as defined under the Unit Titles Act 2001 and,

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- if a Class B unit titled building, proof of a resolution passed by 75% of owners at a general meeting agreeing to the submitting of an application to access the Scheme and undertake remediation works.

- *When will the loan be made available?*

Owners corporations can apply for the loan from 29 August, 2022. Applications will be open for 18 months, until 29 February 2022.

- *What works can be funded under the concessional loan?*

The following types of works may be funded under the concessional loan:

- works necessary to remediate the cladding
- “make-good” works only required because of the cladding remediation (for example repainting)
- works on the external wall necessary for certification.

- *What costs can be covered under the loan?*

Concessional loan funds may be spent on the following categories of expenses:

- the cost of undertaking the eligible works (including all materials and labour)
- project management costs and any other professional services required to complete the works;
- administration costs (up to \$10,000) to assist the owners corporation to administer the loan; and
- the costs and fees associated with regulatory approvals.

Expenses not covered are:

- pre-existing conditions unrelated to cladding, such as issues with waterproofing; and
- additional works not related to the cladding, such as general re-paint of the building or other improvements.

- *Why is an interest rate being charged on the concessional loan?*

The interest rate on the concessional loan reflects the Government’s cost of borrowing funds. The interest rate is considerably lower than owners corporations could expect to pay if they obtained a loan from a commercial provider.

- *How long will the Concessional Loan Scheme be open for?*

The Concessional Loan Scheme will be open for 18 months.

- *How will the application process work?*

A member of an executive committee or strata manager can apply on behalf of an eligible owners corporation. Approval to apply must be obtained from the owners corporation before an application is made.

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When an application is submitted, the owners corporation's eligibility will be checked by the ACT Government Cladding Team. If deemed eligible, the application will be referred to the loan administrator who will undertake a financial assessment. If the owners corporation satisfies the loan administrator's checks, they will be approved for the concessional loan.

- *How long will the owners corporation have to undertake the remediation?*

Owners corporations will have 24 months from the date they undertake their testing and design to complete the remediation on their cladding. During the remediation, owners corporations will only pay the interest on their loans.

- *How will the owners corporation access the loan funds?*

Loan funds will be provided to the owners corporation according to a schedule of milestone payments in the loan contract.

- *When must owners corporations make repayments?*

Owners can make repayments on a monthly basis.

- *What can owners corporations expect if they are approved?*

Owners corporations can expect to go through the following key stages of the concessional loan.

1. Application and Approval
2. Design and Tender, if this is not already done
3. Remediation Works (construction)
4. Repayment

Once approved, participating owners corporations will have two years to complete remediation works.

Owners corporations will also be able to fund the detailed design of their remediation works and the tender process through the concessional loan.

- *What assistance will be given to owners corporations to manage the administration of the Loan?*

Loan administration will be a significant undertaking for owners corporations and executive committees. To address this, owners corporations will have access of up to \$10,000 on their loan to fund administration costs such as administration support services, tools or additional strata management services related to loan administration.

- *What assistance will be given to owners corporations to manage the remediation process?*

Projects valued at more than \$1 million will be required to engage a project manager, whose costs can be funded through the concessional loan. Project managers will be able to provide support throughout the design and tender, and remediation works stages of the loan.

- *What are some key requirements of scheme participants?*

Owners corporations participating in the scheme will be expected to comply with the scheme guidelines such as:

- use suppliers from the Register of Potential Suppliers, or suppliers who are eligible to join the Register;
- ensure only non-combustible materials are used in compliance with the National Construction Code
- ensure all cladding products that are removed are recycled
- project managers must be engaged for works valued more than \$1million;
- apply for additional loan funds for variations over and above the allocated 20%;
- ensure safety on site and WHS requirements are met, and
- allow site access to a superintendent engaged by the ACT Government who will make site visits to view remediation works at critical stages and report on compliance with the scheme guidelines.

- *Can Owners Corporations who have taken out a commercial loan transfer the balance of their loan to the concessional loan?*

Yes. Owners Corporations who have taken out a commercial loan to remediate their cladding prior to the concessional loan being available will be able to transfer the balance to concessional loan.

In recognition of the fact that owners corporations have been proactive in remediating their cladding, and to ensure these owners corporations are not worse off, the ACT Government will offer transitional assistance in the form of a one-off grant. The grant will pay an amount of 4.25% of interest difference backdated to 21 July 2021 or the date a commercial loan commenced.

For example:

If you took out a Commercial Loan before 21 July 2021, your 4.25% grant will be backdated to 21 July 2021.

- *What about individual apartment owners who cannot afford repayments on a strata loan?*

It is expected that these Owners Corporations will impose a levy or increase levies on their Unit Owners to make these repayments. The increased levy burden on Unit Owners will vary across buildings, depending on the cost of the remediation work and the number of units in the Unit Plan Scheme amongst which repayment costs will be spread.

The Government is developing hardship options for owner occupiers of apartments who have genuine long-term financial hardship. This will be ready when applications open on 15 August.

- *Why is the loan only allowed for 10 years? Some Owners Corporations have indicated they would prefer a 15-year term.*

The 10-year term corresponds to the commercial arrangements the ACT Government has entered into to fund the loan. A 10-year loan term is a standard term in the strata loan sector.

- *Why a cap of \$15 million? What if the rectification cost is above \$15 million?*

The ACT Government was conscious of a need to set an upper limit to ensure a reasonable distribution of support across a number of projects. The vast majority of remediation works will fall within this cap. The ACT Government has the ability to extend the program to projects above \$15 million at its discretion.

- *How many buildings are expected to take advantage of the scheme?*

Although demand is hard to predict, given the interest in the Phase 1 program, Government anticipates up to 50 Owners Corporations may apply.

- *It will be expensive and onerous for Owners Corporations to undertake this work. How is Government going to assist Owners Corporations?*

Owners Corporations can include up to \$10,000 in their concessional loan to support their administrative costs. Owners Corporations can also incorporate the costs of professional services such as dedicated Project Managers to lead the delivery of the project. Any costs incurred by the Project Manager can be included in the concessional loan amount. Owners Corporations can also include their statutory costs for remediation works in the loan.

- *Will the Scheme offer reimbursement or support to include Development/Building fees paid to the Planning Directorate?*

The concessional loan can include the cost of remediation including regulatory fees. Reimbursement is not available to Owners Corporations who have self-funded these fees.

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- *Has an audit of all ACT buildings taken place?*

ACT Fire and Rescue undertook a kerbside identification of buildings with cladding material in the most likely suburbs of Canberra – around town centres, transit corridors and areas of apartment development. In addition, MPC has undertaken significant amounts of engagement and communication activities to ensure all eligible owners knew about the scheme, including:

- undertaking presentations on the Scheme to Owners Corporations jointly with the peak body for strata owners in the ACT, the Owners Corporation Network
- contacting all the principals of strata agencies in the ACT individually, talking them through the Scheme and obtaining their assistance to identify buildings they manage which may be eligible for the Scheme
- undertaking presentations to strata managers jointly with the peak body for strata managers in the ACT, the Strata Communities Association of Australia (ACT), and
- sending letters to owners of class 2 buildings that may have cladding.

Given the extent of communications outreach done to date any further audit is unlikely to be productive. However, we will review the outcomes of the rebate program once it is complete and consider whether any further action is necessary.

- *Is any support available for Owners Corporations who have not taken out a commercial loan or do not wish to take part in the concessional loan?*

The concessional loan is unlikely to include any subsidy or refund of remediation costs to owners who have paid levies to fund remediation.

- *Will Owners Corporations need a secondary source of funds for latent conditions?*

Evidence from other jurisdictions indicate that latent conditions will be found during remediation works. Owners corporations will need access to a secondary source of funds for latent conditions that are unrelated to cladding rectification works. This is to ensure that the works can continue if unforeseen latent conditions arise.

- *NSW concessional loan is interest free. Why isn't the ACT Government's loan interest free?*

Each state and territory has designed a scheme according to its own circumstances. The ACT has closely monitored the approaches of other jurisdictions, but designed a scheme that suits ACT's needs: a comparatively small number of affected properties, much smaller in height and therefore cost per building and a voluntary scheme which recognises the positive approach of the ACT population towards fixing issues such as this.

While Victoria has offered a support package to rectify higher risk private apartment buildings, NSW is offering a concessional loan scheme to assist owners with

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rectification. In Queensland, Western Australia and South Australia, property owners are required to fund their own professional advice and remediation works.

- *How will the combustible cladding removed from apartment buildings be disposed of?*  
 Owners corporations remediating cladding under the concessional loan will be required to recycle their cladding panels. This is the same approach taken by the ACT Government in remediation of Government owned buildings. Through this approach, the ACT Government has the resources to provide assistance to Owners Corporations to recycle their cladding panels.
- *Should the Government have approved these buildings and materials in the first place? As the ACT Government certified buildings with affected cladding, shouldn't the Government have responsibility to rectify them?*

In 2018 the NCC was amended to provide clarity that in apartments over three storeys the external walls and common walls including the façade covering, the framing and the insulation must be non-combustible. Previously, the NCC did not specifically mention these elements of the façade with regards to non-combustibility, which led to the general interpretation across Australia that the requirements for non-combustibility did not apply to cladding.

The Government recognises the difficulties that some Owners Corporations may face in addressing this issue, and has designed the Private Buildings Cladding Scheme with reference to legal advice to provide practical and financial assistance to those Owners Corporations.

## Background

Milestones	
1. Commencement of education campaign	July 2021
2. Opening of applications for the Scheme	21 July 2021
3. Reporting back on the levels of take-up of the Scheme	First half 2022
4. Closing of applications for the Scheme	21 July 2022 (12 months after commencement)
<b>Completion date of Phase 1 of the Scheme and receipt of all building reports (where there is sufficient take-up of the scheme):</b>	21 December 2022

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