



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON PLANNING, PUBLIC WORKS
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: Annual and financial reports 2008-09)

Members:

**MS M PORTER (The Chair)
MS C LE COUTEUR (The Deputy Chair)
MR A COE**

TRANSCRIPT OF EVIDENCE

CANBERRA

FRIDAY, 11 DECEMBER 2009

**Secretary to the committee:
Ms N Derigo (Ph: 6205 0435)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

APPEARANCES

ACT Planning and Land Authority	34
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Privilege statement

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Amended 21 January 2009

The committee met at 1.02 pm.

Appearances:

Barr, Mr Andrew, Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing

ACT Planning and Land Authority

Savery, Mr Neil, Chief Planning Executive

Meyer, Mr John, Chief Operating Officer, Client Services

Ponton, Mr Ben, Director, Development Services

Walsh, Mr Kelvin, Director, Planning Services

Simmons, Mr Craig, Director, Construction Services

Walsh, Mr Adrian, Manager, Corporate and Human Services, Client Services

Wurfel, Mr Peter, Chief Financial Officer, Corporate and Human Services, Client Services

THE CHAIR: Good afternoon, minister, and good afternoon, members of ACTPLA; I hope we do not keep you away from your Christmas party for too long.

Mr Barr: That is all right; it starts at 5, I am told.

THE CHAIR: Okay. I presume you have all read the buff card, the privilege statement, are familiar with its implications and are happy with that.

Mr Savery: Yes.

THE CHAIR: Good. Welcome to this annual report hearing of the Standing Committee on Planning, Public Works and Territory and Municipal Services. We have ACTPLA appearing before us this afternoon. Have you any opening remarks?

Mr Barr: I do. Thank you, Madam Chair, for the opportunity to appear. This annual report period that we are covering this afternoon has largely been about improving the planning process to make the system both more effective and more efficient. In the context of a global financial crisis, there have been a number of challenges that the Planning and Land Authority has risen to over the course of the annual report period.

To set the scene, it is worth noting that the various planning reforms and initiatives that occurred during this annual report period have streamlined our planning system and enabled 1,925 merit-track development applications with a value of approximately \$1.5 billion to be assessed and determined in the calendar year. That number of DAs is a considerable workload for the authority and I think there is no doubt that having \$1.5 billion worth of work out in our economy during this period has been particularly important to maintain the territory's economic position.

DA processing times have been steadily improving since the introduction of the new planning system in 2008. As I think I may have advised the Assembly, and I now advise the committee, the average processing time for development applications under the new system is approximately 35 business days. When you compare that with other

jurisdictions, and particularly councils in surrounding New South Wales, it is a very favourable comparison. So it will not surprise the committee that I will take the opportunity to publish some more comparative details on development application processing times in the new year.

ACTPLA has achieved its best result in November 2009, reaching 82 per cent of merit-track applications determined within the legislative time frame. I think we can have some confidence that this improvement will continue into the future.

A couple of specific initiatives occurred during the annual report period. Firstly, the commonwealth came forward with the building the education revolution program. As education minister I can say confidently that, as a result of the changes that were made to the ACT planning system, our response and the response in the ACT have outshone those of every other jurisdiction in Australia in delivering this commonwealth program.

I had the opportunity to have a luncheon with the Institute of Architects, who indicated their pleasure at being involved in the design of all of these school buildings and new school infrastructure that simply was not possible in other jurisdictions. I think a large part of that goes to the flexibility that the new planning system showed and the capacity for the education department to work effectively with ACTPLA around the development application process to ensure that those projects were able to go ahead. In total, about \$438 million worth of additional building work was approved in record time—113 different building projects and a significant achievement.

Earlier this year we also launched e-development; I think the committee did ask some questions about this during last year's annual report hearings that were held earlier this year. I am advised that about 40 per cent of all development applications are now being lodged online and that this number continues to grow. That is a very positive thing, again, for streamlining the development assessment process. It certainly enables those who are lodging applications to keep track of them as they progress through the planning system, and to be able to do that online is clearly valuable.

All of these are very practical results that help illustrate the on-the-ground reality of a lot of work from planning nerds to ensure that our system meets the needs of industry and certainly meets community needs in what has been a difficult economic period. Having said that, I look forward to the committee's questions over the next three hours or so.

THE CHAIR: I presume “planning nerd” is supposed to be a—

Mr Barr: It is a term of endearment, yes. The city would be lost without planning nerds, and over time I hope to gain entry to said class, but I am possibly a little way away—but I am getting there.

THE CHAIR: Thank you very much. That was helpful, minister. I might just begin by asking some questions around the improved processes that you were talking about. Page 16 of the report mentions a number of changes, including the creation of chief operating officer on the board and the recruitment of assessment officers, which I presume would be some of those improvements you are talking about. Could you give

us some information about outcomes of these changes? Page 20 talks about an industry monitoring group, which meets monthly, so could you tell us about the results of the formation of that group as well, please, minister?

Mr Barr: Sure. In a minute I will get Mr Savery to talk through the organisational impacts that these changes have had, but essentially they stem out of the ACTPLAN policy initiative from just over 12 months ago that really did seek to engage directly with industry in relation to the implementation of the new planning system. We had always anticipated in making such a dramatic shift from old to new that there would be a period of adjustment for industry and that there would be issues of a minor technical nature and some substantive policy issues that would arise during that implementation phase.

It was important to establish an industry monitoring group to work very closely with the key stakeholders, to hear directly from them, and the feedback has been overwhelmingly positive around that process. The Industry Monitoring Group, together with the periodic industry roundtables that the Chief Minister has convened that involved the Treasurer and me, provided that opportunity for dialogue direct with industry and certainly resulted in an amendment bill or two, and some technical changes as well, that have streamlined the system.

As to the administrative functions within ACTPLA, I think I will hand over to Mr Savery to outline how dramatic an effect that has had on the operations of the Planning and Land Authority.

Mr Savery: ACTPLAN was introduced at the start of this year to respond to a number of concerns that were being expressed by industry and the community about the responsiveness of the planning system and ACTPLA to development approval processes. We took a more comprehensive approach in responding to that. There were five legs to the exercise, some of which picked up on previous work we were already doing, and some of that is represented at the table today.

We have Mr John Meyer as the Chief Operating Officer, which is one of the key initiatives in terms of organisational change that we undertook in order to free up the Chief Planning Executive from some of the more mundane elements of the day-to-day operation of the organisation—not being overly fussy about it.

Mr Barr: The non-nerdy bits.

Mr Savery: The non-nerdy bits, yes. This was to enable the Chief Operating Officer, as I have described it, to focus on the back of house operation of the organisation. That has enabled me, in my capacity and as a planning professional, to be more involved in the technical aspects of the organisation's operations, bearing in mind that the legislation specifically requires a person of professional qualification to occupy the position of chief planning executive, so its intent was quite clear to distinguish it from the chief executives of some of the other government departments.

We also have Mr Craig Simmons, who is the construction occupations registrar but has taken on the new role of Director of Construction Services, which was another key part of the organisational change process that enables two things to happen. The

first is that we put as much emphasis on what I call the tail end of the development process, where things like certificates of occupancy, auditing processes and technical regulation over the licence trades are properly funded, resourced and supervised. The second is that it allows Mr Ben Ponton, who is the Director of Development Services, to concentrate more of his time and effort on the front end of the development process, being development applications and leases.

So, all in all, the new organisational arrangements give us a much greater capacity and responsiveness to industry and community needs in those areas. I should make the point that that flows from the recommendations of Ernst & Young, whom we commissioned to assist us in understanding where improvements could be made in the organisation.

Parallel to that are the changes or the review processes we are undertaking for the amendments to the territory plan, which will primarily start to flow early in the new year. Subdivision and residential codes and the community facility code will be the forerunners of that work.

We also made further changes to processes and procedures around development assessment and that has enabled us to achieve some of the outcomes that the minister has already highlighted. So, whereas at the start of the calendar year we had in excess of 500 development applications in the system, as of 27 November we have 183 development applications in the system. We are not seeing a spike in development applications coming in at Christmas, as we normally do, in part because of some of the changes that we have made, like exempt development applications, but also because we have changed the Christmas arrangements where we do not have a cut-off date for development applications to be received. We are actually receiving them right through the Christmas period, but we are extending the public notification period beyond Christmas. We think that that has created a change and it is well accepted by the community groups who we liaised with through our planning and development forum as well as the industry groups through the Industry Monitoring Group.

The last thing I will say on this, just to repeat the observations of the minister, is that the Industry Monitoring Group, which has been established since the start of the year, has met on a monthly basis and has got to the point where after six months it signed off on a report to the minister that said, "We believe these are all the positive changes that have been undertaken," to the point where at our last meeting I asked the question, "Are there any other additional matters you want us to address at this stage?" There were none listed. It is not to say that there will not be any in the new year; there are always things that people believe can be improved. But also it put a recommendation to the minister, which I understand the minister has agreed to, to extend the operating life of the IMG for a further 12 months because everyone around the table believes it has been a great success.

THE CHAIR: Thank you very much, Mr Savery.

MS LE COUTEUR: Mr Barr, I must say I thought your second speech yesterday qualified pretty much in the planning nerd line; it was very impressive.

Page 142 talks about design policy. I would like to know how you are going with

solar access. It is a design policy I am very interested in.

Mr Savery: We are at the point of incorporating the recommendations into the residential codes and the subdivision code, which are the documents I referred to earlier that will be coming out for public consultation early in the new year. Since we briefed you on the work that we were going through on that, we have spent more time trying to deal with that particular issue of infill development. With greenfield, we are pretty confident we have got a methodology that will work and it will work in a number of scenarios, both in terms of changing the slope of land topography as well as with different block sizes, compact lots versus, say, standard blocks.

But infill is a completely different proposition and I have to say to you that it is proving extremely difficult to build in effective mechanisms for all types of circumstances that might arise, for how you might protect solar access for properties that, say, already take advantage of it through the use of photovoltaic cells or solar hot-water systems or, alternatively, new properties that are seeking to redevelop but will have difficulty gaining that access because of what they are adjacent to.

There are a number of options that we are exploring at the moment—and we have not even discussed these with the minister—that need quite detailed resolution before we can take anything forward. It might be that we approach this in two parts, one to do with greenfield, just so that we get that underway, and another that looks to spend a bit more time on infill. But we are still aiming to deal with both in those documents that will be released in the new year.

MS LE COUTEUR: I was actually going to make that suggestion that you have just made. If it is too hard to do both of them together, at least do the comparatively easy one, because it is all but criminal—the orientation of some houses that are being built.

Mr Savery: The orientation issue is not problematic, and it is primarily greenfield development, because your blocks are already established in your infill areas. That is not to say it is not relevant, but with the subdivision code it is more the solar access issues, the solar rights.

MS LE COUTEUR: I am thinking of Crace, where we have subdivisions where people's houses are not facing north at all.

Mr Savery: Yes.

MS LE COUTEUR: When will we change the code so that that will not happen?

Mr Savery: That will be in the subdivision code that will be released in late February. I think that is the current time frame.

MS LE COUTEUR: And that will basically solve the greenfield problem or are you going to need an additional body of work for the greenfields?

Mr Savery: No. I believe that greenfield is in hand.

MS LE COUTEUR: And it will be out in February?

Mr Savery: I am making a distinction between solar orientation and solar rights—solar access.

MS LE COUTEUR: So the subdivision code will deal with solar orientation and will not address solar access?

Mr Savery: No, it will deal—

MS LE COUTEUR: Will it deal with both?

Mr Savery: Because the subdivision code is to do with greenfield development, greenfield development is not proving problematic for us, for both orientation and solar access. Solar access is a problem caused for us with infill development.

MS LE COUTEUR: Is solar orientation okay for infill?

Mr Savery: Solar orientation typically has not presented a problem for us. If you are thinking of infill development being, say, an East Lake or a North Watson, they are essentially still greenfield developments, and the subdivision code would apply in those circumstances.

MS LE COUTEUR: But if you are thinking of infill like dual occupancies, people putting up multi-units in the middle of—

Mr Savery: But they are still, in some respects, constricted by the current orientation of their block. We cannot change the block configuration. It is someone redeveloping an existing site.

MS LE COUTEUR: But will your changes mean that new dual occupancy, new infill, is more likely to face north and have decent solar access?

Mr Savery: There will be provisions—whether they are rules or criteria, because these things have not yet been resolved—that will create a greater expectation for buildings to try to maximise their solar access. Whether that is by the way they orientate the building on the block, as I say, I cannot change the shape—

MS LE COUTEUR: No.

Mr Savery: or the orientation of the block, but how the house is positioned on the block may be one of the means. These are likely to be performance based, so it may be one of the ways in which they achieve the objectives that we build in.

MS LE COUTEUR: Are you going to be looking at protecting the rights of existing people who have windows which—

Mr Savery: That is where I am saying—

MS LE COUTEUR: That is where your problems come in.

Mr Savery: we are trying to reconcile those issues, yes.

MR COE: I have a series of questions about the government's supermarket review. When did ACTPLA first become aware of the review that was being undertaken?

Mr Savery: I do not know the specific date but it would have been when it was announced or advised.

MR COE: So did ACTPLA get involved in the review?

Mr Savery: Very much so. We were on an implementation committee.

MR COE: What sort of information would ACTPLA have provided to the review?

Mr Savery: I make the point that we met with Mr John Martin. That was done quite separate from any other conversations, so no-one else was involved in that conversation. I make that point because I understand that Mr Martin endeavoured to meet with all of the key industry groups, community associations and government departments without any other views sitting around the table. So he wanted to hear quite independent views from the different interests. We provided him with a range of information.

I would not be comprehensive in this, but the ACT Planning and Land Authority collects information and data on things like retail floor spaces across Canberra by geographic area, broken down by different retail groups, whether it is grocery, clothing, textiles et cetera, and he would also have been apprised of our current planning processes. So we would have given him the provisions of the territory plan and the retail hierarchy policy within which we operate, in order to give him a fundamental understanding of how retail planning and development assessment processes are undertaken within the ACT.

MR COE: You would have briefed the minister on those discussions as well?

Mr Savery: I do not know that we specifically briefed the minister. The minister would be aware that we would have been meeting with him.

MR COE: Did you liaise or discuss this review with other planning bodies around Australia or with the federal government?

Mr Savery: Not specifically about the Martin review. I am involved, as you may be aware, with the planning officials group where, quite separate from the Martin review, there is the broader inquiry by the commonwealth government via the Business Regulation and Competition Working Group into supermarket policy, and land use planning and zoning as part of that. Dr Craig Emerson made a statement earlier this week after the COAG meeting about a decision of COAG to instruct the Productivity Commission to undertake a review of some structures. So I am inputting into that process and part of my input into that process will be the Martin review in the ACT.

MR COE: Have any development applications or any developments that are perhaps in the pipeline been held up, delayed or even rejected as a result of the review?

Mr Savery: No.

MR COE: One of the reasons for this line of questions is that the office of Zed Seselja put in an FOI on supermarket review documents within ACTPLA, and only five documents came back, of which this review is actually one. So there were only four documents, whereas usually this sort of review, I would imagine, would attract a lot more documents. We got an impression that ACTPLA were not overly involved, based on this FOI. Are you saying that ACTPLA were in fact quite heavily involved?

Mr Savery: Involved, but not in producing documents. We have been sitting on an implementation committee, so we are not producing anything for that. Largely, it is about providing information and educating people about our processes and what we do. It is not that we went away and produced policies and therefore there were lots of emails between staff, because the effort in doing the Martin review was in another government agency.

MR COE: But if you are providing information such as on floor space and all of this other information, surely this information would actually come up in an FOI request?

Mr Savery: I do not know. It is the transmittal of documents. It is not as if an email has gone backwards and forwards. Our representative potentially takes a bundle of documents along—and I am making assumptions here.

MR COE: So you do not anticipate there would be any minutes, meeting notes or emails with Martin himself?

Mr Savery: I know that, for instance, in the meeting that I held with Mr Martin, I did not take any notes. It was an informal chat. He was sitting on a couch and asking me general questions about planning and what processes we undertake. I then undertook to provide him with the relevant extracts of the territory plan, the retail hierarchy policy and other relevant information.

MR COE: Has ACTPLA contributed to other reviews of supermarket policy, either federally or in other states?

Mr Savery: No, not in other states—certainly not that I am aware of. We are, through the planning officials group, contributing to the collective planning jurisdictions' response to the BRCWG.

MR COE: Would it be fair to say that the Martin report did not thoroughly consult with ACTPLA, based on what information you have given me?

Mr Savery: No, I do not believe so. I might invite Mr Ponton to comment here, because it was actually one of his representatives who was sitting on the implementation group. I believe that we have been well served and felt well involved.

Mr Ponton: The committee that the chief planning executive has referred to is the implementation committee that was formed after the Martin review was released. So

we have been involved in terms of going through the recommendations and providing advice in relation to technical matters as to how to achieve certain outcomes, such as territory plan variations and the like. So our representative was not that involved in the early stages.

MR COE: I find it hard to believe that it could have been an overly thorough consultation, given that there are only four documents other than this one, the actual report, there are no briefings, there are no minutes, there are no other notes. I find it very hard to believe that ACTPLA was thoroughly consulted and provided a lot of information to the Martin review.

Mr Savery: The other thing I should mention of course is that I would expect that, when the Martin review went to cabinet, there would have been cabinet documentation, which we would not have released under FOI.

MR COE: Yes, sure. I understand that. But I would have thought there would have been, for a thorough consultation with ACTPLA, more than four documents floating around the entire department.

THE CHAIR: I want to ask a few questions on some of the projects that have been undertaken. It mentions, on page 19, a partnership agreement with the CSIRO in relation to East Lake. I was wondering whether you could give us the progress on the project. I particularly want to know about the sustainability aspects of that.

Then, on page 21, it talks about climate change, the sustainability future program and the national strategy for energy efficiency. It mentions the Molonglo development as well. I was wondering whether we could have an update on the sustainability features of the Molonglo developments as well as the East Lake one, and how that general thrust mentioned on page 21 is going.

Mr Barr: That would be about four questions in one, so I will—

THE CHAIR: It was on sustainability. Instead of keeping on going to it, I thought I would give them to you all at once.

Mr Barr: Certainly. Let us work through them one by one. The partnership with the CSIRO on the East Lake project is moving to its second year and second phase. In a minute, I will get Mr Savery to go to some of the detail of that.

Sustainable futures was a series of workshops that were held throughout this year. I launched the outcomes of those workshops by way of a discussion paper last week. Yes, it was last week; the days are merging together this month. That is now out for further community consultation and feedback in relation to the issues that are contained within that project.

THE CHAIR: How long is that out for?

Mr Savery: End of February.

Mr Barr: Yes.

THE CHAIR: To take into consideration the Christmas period?

Mr Barr: Effectively three months, December, January and all of February. It closes towards the end of the final week of February, from memory. We will then, having had a look at that community feedback, be better able to make some decisions on implementation in the various areas.

Molonglo sustainability measures obviously overlap with the new subdivision code work that Mr Savery was talking about earlier. But then there are some specific issues that clearly are the subject of ongoing discussion between the government and the Greens party in relation to the parliamentary agreement. There were some measures that relate to the whole of the Molonglo Valley outcomes.

Then there are some more specific measures that are, if you like, portfolio related. An example of that would be—and I change hats and become the sports minister for a moment—that we are working on a particular project on the sporting facilities in the Molonglo Valley, utilising non-potable water sources, for example, in the new north-western pond. So there is dialogue between sport and recreation services and ACTPLA on their location within the broader claim for the Molonglo Valley and how we can utilise effectively a third pipeline to bring water to that sport and recreation precinct.

Was there a fourth question?

THE CHAIR: Yes. I wanted at some stage—

MS LE COUTEUR: East Lake.

THE CHAIR: No, we talked about that. At some stage, I just want to know about the national strategy for energy efficiency.

Mr Barr: Certainly, yes. That is a fairly extensive piece of work that is occurring through COAG processes. It has been the subject of some debate in the Assembly as to whether that is occurring quickly enough and whether, in fact, the outcomes will be in advance of some particular measures that were adopted, some more controversially, earlier this year. My hope is that the time frames that COAG have agreed to will be held to and that, in fact, we will see an advance, through this national process, on what was agreed in the Assembly locally.

I might get Mr Savery to comment firstly on East Lake and the CSIRO partnership and then I suppose more broadly.

Mr Savery: In terms of the CSIRO partnership, the main piece of work that they are now concluding for us is the development of the performance measures that we want to recommend to government some time next year should be used as the basis for any contractual arrangement, in effect, with whoever the developer of the land is. Performance measures across things like sustainability, which includes adaptability, community services or community needs, environmental leadership, prosperity, which includes economic performance, are being developed now and have to be tested and

grounded and have to be seen to be financially responsible as well. So you have got to go through that process.

But on the flipside, they are also developing the development assessment tools so that whoever ends up developing the land, when they put proposals forward and claim that they can meet the performance measures, we have a tool that enables us to help the development assessment officers be satisfied that in fact that is what can be achieved. So we are developing sophisticated tools, in other words, in order to ensure that any showcase development actually achieves what it sets out to achieve.

Other pieces of work that the CSIRO has been undertaking for us include, for instance, the wetlands interface study. You would appreciate the sensitivity of putting development adjacent to the Jerrabomberra wetlands. What we are endeavouring to do through that piece of work is ensure that not so much the development has an adverse impact on the wetlands but what opportunity is there for the wetlands to actually integrate into the development—things like reinstating natural creek systems instead of having them as concrete culverts, improving stormwater quality and allowing some of the biotics of the wetlands to importantly transition back into the development, improving water quality, air quality and other things. That work is all being undertaken.

You asked the minister about Molonglo. It is difficult to give a comprehensive list but probably the most important thing to say about Molonglo is that we are obviously wanting to ensure that its environmental credentials are demonstrated through satisfying EPBC requirements. Whilst the first two suburbs of Coombs and Wright have been approved through the EPBC process, the balance of Molonglo, which is a considerable part of the entire valley, is still subject to the completion of the strategic assessment under EPBC. We are anticipating that will be completed around March-April next year. Of course, we cannot predict the results of that but, whatever comes out of that, we will obviously endeavour to respond to and satisfy.

We have completed our own EIS processes but there is a further one yet to be undertaken in relation to stormwater management options for the Molonglo River. We are doing some preliminary studies to inform that work. We are obviously seeking to develop concept plans that maximise solar orientation so that, when the land developers come along at a subsequent point, they can achieve those requirements.

We are putting in a variety and mix of development, because sustainability is not just about the environment; it is social sustainability and economic sustainability. So we are looking at a number of housing types that will provide for social, affordable and other socioeconomic groups. That mix will also include apartments, higher density development, particularly along the transport corridor and the group centre. The transport corridor itself, the main one, will have a busway built into it that can be adapted for future use for light rail if a future administration believes it has got the capacity to put those vehicles in.

We are looking at alternative energy and water systems. The minister has already referred to a third pipeline or variations on that and how we can reduce potable water use throughout the entire development. But things like distributed energy systems or greater opportunities for solar energy should not be ruled out.

Obviously, one of the key features of the development, which has not been through any major public process yet, is the future group centre. The future group centre is a hybrid between a town centre and a group centre, if we think about Canberra terminology. So there is no comparison to this. It has to provide local employment opportunities so that part of that population has the opportunity to work within the local area rather than migrate to other town centres.

Bear in mind that the whole town centre network of Canberra was designed ideologically to retain people, who live in an area, working in an area. It does not happen, however, because of the mobility of people. The best performing town centre we have got is Belconnen, which keeps 25 per cent of its population as a workforce. Even though we would seek to aspire to people who live in the area working in the area, the reality is that that will not necessarily be the case.

They are some of the macro features. Once you get into the detailed development there will be more micro design features that will respond to the issue of sustainability.

I might invite Mr Craig Simmons to comment on the national strategy for energy efficiency as well. But the national strategy for energy efficiency is multifaceted. We are not responsible for all aspects of its implementation in the ACT. The main areas for us are the BCA, the Building Code of Australia, the six stars for residential and other performance measures for commercial and other types of buildings for 2010 and mandatory disclosure. The ACT already has mandatory disclosure for residential buildings but the national strategy for energy efficiency projects is going more broadly.

But the one thing that I want to focus on for a moment is what sits beyond six stars in 2010, and that is that the national strategy for energy efficiency provides for the establishment by the end of 2011 of an alternative methodology for energy efficiency within the BCA. That is where the real gains are to be made and that is where, I believe, we should be focusing our energy and efforts. Certainly that is what I am doing as a member of the Building Codes Board.

I cannot articulate that easily for you as to what it means. But it starts to move this focus and preoccupation away from star ratings and what five stars versus six stars means to what are the performance outcomes we want to achieve. Rather than concentrating on regulating tools, we are regulating the performance measure and enabling industry to come back with innovative ways of achieving those performance measures. At the moment they are being locked in to the types of responses they need to give because of the way the whole thing is structured within the Building Code.

Mr Simmons, do you want to add to that?

Mr Simmons: The national strategy for energy efficiency sits as one of three bodies we have dealt with over the last year. In this space there has been the senior officers group on energy efficiency, directed by COAG to oversight the work on the national framework on energy efficiency, which comes from the Ministerial Council on Energy. Each of those three groups have large, overlapping responsibilities but are all about driving improvements in energy efficiency and energy usage within buildings.

The main one of those that works under national strategy for energy efficiency is the national framework for energy efficiency which then has a series of subcommittees.

Obviously, it is a small jurisdiction. We have to make a series of decisions about which of those committees are the key ones. There are lots of them, far too many to mention. But the key ones for us, if you look at building and what happens about consuming energy in buildings, include obviously the Building Code of Australia, which goes to the fundamental fabric of the building. Then within buildings the two major things that use energy are the HVAC systems, the heating, ventilation and air conditioning, and the hot-water strategy.

The commonwealth is running subcommittees on a hot-water strategy, which we are involved in, as well as the energy efficiency of equipment that actually gets used in the building, that consumes large amounts of energy in the heating, ventilation and the air conditioning. That is the E3 committee. It looks at equipment and the energy efficiency of equipment, which is why it gets called E3. There is nothing like the commonwealth for finding a NFEE acronym for everything that they do. They are all coordinated by BIC, which is the committee that oversights that.

We work effectively with each of those to make sure that we are engaging with the commonwealth so that there are solutions which can be put into buildings in an appropriate time frame that meets the needs of industry and the industry capacity to deal with those things as well as moving the agenda on in terms of improving energy efficiency. Unlike the other jurisdictions, our energy consumption is disproportionately large in the building area. This is where the really big improvements in energy efficiency and greenhouse gas reductions are going to take place, what happens in these areas. We have been focused for the last 18 months to two years on making sure that we input those particular matters as effectively as we can.

We have been very active in the Building Code of Australia's Building Codes Committee to make sure that our views about moving to six stars and beyond are well understood. Until the outcomes of the Victorian bushfire, we were the first jurisdiction to become free of variation to the Building Code. A long-held dream of everybody working in the building space was that there would be no variation. We have achieved it. For very good reason, we made a variation to import the new, higher fire standards for buildings earlier this year, after the interim outcome of the Law Commission in Victoria, which is ongoing.

That is the broad sweep of what we are doing in terms of energy efficiency and coordination under the national frameworks that already exist in that space.

MS LE COUTEUR: There are a million questions I could ask as follow-ons. What is it all about? What I might start with is: all the energy modelling we are doing for energy efficiency et cetera is basically, as far as I know, based on the current climate. Given that we probably all here believe that the climate is changing—

Mr Barr: You might want to check that with Alistair. Two out of three might. What does Tony Abbott say about that?

MS LE COUTEUR: Many people here believe that the climate is changing. You say you are doing work about changing the number of stars but is there any work being done in terms of doing our modelling against what we expect from the future climate? One of the things I am particularly aware of—and I have been told—is that the reason people have black roofs on houses in Canberra is that we are seen as having primarily a heating climate, which is true now but which I suspect in 20 years time may not be true.

Mr Savery: If I could make a couple of observations. The first is that we mainly operate in the national sphere when we are dealing with issues on climate change because we do not have the capacity in our own rights and—

MS LE COUTEUR: I mean “you” in terms of your national work. I expect ACTPLA has done this work.

Mr Savery: Okay.

MS LE COUTEUR: That is okay. I appreciate that.

Mr Savery: With that qualification then the answer is yes. There is the work that is being undertaken, for instance, with the Building Codes Board, some of the work that we do on occasions with the Department of Climate Change. We know that they are doing modelling for future climate scenarios, which includes things like sea level rise, the migration of tropical cyclones further to the south, more frequent and more intense storm events, more extended droughts, those things. Built into some of the modelling that the Building Codes Board takes into account are those future climate change scenarios.

But when it comes to actually putting something together for the BCA on six stars, it is actually dealing with the here and now because it is essentially responding to what is the thermal performance of the building shell that we want to achieve in order to make it a six-star rated building. Then that obviously has to vary depending on the climate zones that exist around the country.

MS LE COUTEUR: Yes, I know all about that.

Mr Savery: Separate to that, though, the Building Codes Board is doing work with a number of other commonwealth agencies for building adaptation, in recognition that the future may mean that buildings have to perform differently. That is a piece of work that is in its genesis; it is not concluded. But a useful example of where it is being practically implemented is that building standards for roofing material in south-east Queensland have changed such that they have to be more robustly secured in order to reduce flying debris from buildings that might arise as a result of cyclones. And that is applied to an area broader than where cyclones currently occur, in recognition of what might happen.

Bushfires, I think, is a useful example. The BCA, the Building Codes Board, in all jurisdictions other than Victoria are really waiting for the outcomes of the royal commission to see what other changes might need to be made. We know that royal commission is looking into the future climate as opposed to what they are

experiencing now and, therefore, anticipating what standards might need to be imposed in anticipation of climate change.

Switching from building to planning, again, without being involved in modelling at a local level, I am not aware that there is nationally a piece of work going on where it says, “As a result of what we might anticipate as the future climate, the planning rules should change to accommodate for that.” But our strategic planning work necessarily looks to future scenarios. And I think sustainable future is a really good example of talking to experts in the first instance, gathering all of that material together, putting it out in an issues paper or a discussion paper, as the minister has done, to say to the community, “What do you think?” Then our intention is to pull all that back and say, “Having got all of that information together, what are the different scenarios that we might reasonably anticipate for Canberra and, therefore, going forward, what is the form and shape of this spatial plan that we should have in anticipation of those different scenarios?”

Then a more specific or detailed example, but not based on any modelling, is that one of the regulation changes that the minister made earlier this year was that planning controls actually required you to have a roof material—what is the terminology?—that was not white or off-white.

MS LE COUTEUR: It was not to be white anyway.

Mr Savery: We have now removed that restriction. It is actually available to people to choose which roof colour they want.

Mr Barr: Mind you, I get the odd email from people who are upset about reflections.

MS LE COUTEUR: I could keep on going with questions. You are doing a lot of work on East Lake. There are two things. One is that East Lake at one stage had been talked about as a zero emission development. Is that still the goal? And is the Eastlake work going to inform Molonglo or is the timing such that it will not really happen?

Mr Savery: Zero emission is part of the vision for East Lake and that takes into account both construction and operation of East Lake. So we are wanting the behaviour of the future community to act in accordance with the design that was built. We cannot guarantee that that is what the residents or the people who live there will do but that is certainly part of our goal. East Lake is clearly being designed to accommodate adaptation, and that is why one of the key result areas is resilience—not only the resilience of buildings and their adaptability for future circumstances but the resilience of the community.

MS LE COUTEUR: Will the stuff you are doing with East Lake inform Molonglo or is that—

Mr Savery: Absolutely. But I think we have to appreciate here that there are things we are doing at East Lake that will be superseded by something that someone will do in five years time and in 10 years time. Whilst ideally you would like Molonglo to almost wait until we know what comes out of East Lake, we cannot wait. This is all temporal. Things that we do now will inform what we do in the future.

MR COE: I have got a couple of follow-ups as well. When will the first homes be built in Molonglo?

Mr Savery: The first release occurred at the end of last financial year, which was north Weston. I might have to turn to Mr Ponton. Have we received the estate development plan for that?

Mr Ponton: We are expecting the first estate development plan within the next few weeks. It has gone through initial circulation with government agencies, resulting in a number of minor issues. Once it has been lodged, we expect a decision will be made within 30 days.

Mr Savery: This is the area around the school, the church, the Baha'i Centre.

MS LE COUTEUR: That will be early next year, probably?

Mr Savery: The estate development plan is in. Once that is approved, it is up to the developer but we would anticipate that they would be able to develop early next.

MR COE: And what about the first land outside north Weston?

Mr Savery: In regard to the first land outside north Weston, we understand, through the new Department of Land and Property Services, that will be progressed early in the new year. But they have to make the decision as to what way they are going to go to market with that land.

MR COE: What would be an average length of time between releasing the land to the blocks being settled and houses being built?

Mr Savery: I do not know that I can give you an accurate answer because it will vary depending on who the developer is, how the land has gone to the market, whether or not there are difficulties with an estate development plan. For instance, an estate development plan might trigger a need for an EIS, whereas the neighbouring one might not. It could vary. If we use north Weston as an example, the land was released at the end of last financial year, June, we are getting an estate development plan now, at the end of the year, six months, and provided there are no issues the land is potentially capable of development in the first quarter of next year, March next year. So it is nine months between release and development.

MR COE: And what modelling have you done and in general what modelling do you do for a development like this to determine what the optimum number of blocks is and at what time they should be released?

Mr Savery: That is done by a committee. It is not done solely by the ACT Planning and Land Authority. There is a chief executive's land supply committee and then, sitting under that, is a working group that involves ourselves, TAMS, Chief Minister's, the new department, the LDA, Treasury. There are different inputs coming in in terms of population projections, demographic change, how much land is already in the pipeline. Then there is advice given to government.

That is all pulled together under the land release program. The land release program is an annual program. It is adopted by cabinet, and that is put out close to the start of the financial year. Government budgets are also aligned to that program because that enables us to build the infrastructure in time for the land release. That is the methodology.

MR COE: In what form will the land outside north Weston be released?

Mr Savery: I could not tell you. That is the decision of land and property services. We do not determine how land is released.

MR COE: Can you give me an update as to what you think the proposed population will be in Molonglo?

Mr Savery: Based on all of the planning that we have done and looking at the density of development and that, we are estimating a population of about 55,000.

MR COE: Has that changed at all?

Mr Savery: It has changed. When we first conceived Molonglo and we had Central Molonglo, which was at the foot of Belconnen, we anticipated a slightly smaller population for what is known as East Molonglo because there was going to be about 70,000 to 75,000 people in the entire valley. Once Central Molonglo was removed, by that time things like the climate change strategy were being adopted, government was looking at higher density development along transport corridors, we reconfigured the design and increased the population of it. I am guessing but I think we might have gone from something like 45,000 to 55,000 or it might have been 50,000 to 55,000. But it is as a result of increasing the densities.

MR COE: Are there any tentative plans for a transport hub like a bus interchange?

Mr Savery: No, there are not. It is largely a transport corridor through Molonglo Valley, the two transport hubs being in Belconnen and Woden. The Department of Territory and Municipal Services is currently working on a strategic transport action plan which is to implement the sustainable transport plan. I would anticipate that they would see a very significant bus station at the group centre but not a transport hub.

MR COE: Will there be a capability to adjust those plans to put in a bus interchange if the need arises?

Mr Savery: We have not designed the group centre at this stage. I think we are only starting to look at that.

MR COE: When will that be ready?

Mr Savery: I will ask Mr Kelvin Walsh whether he is able to answer that question.

Mr Kelvin Walsh: We are commencing the design for suburbs 3 and 4 and the group centre in a very preliminary sense at the moment. The designs for those will evolve

over the next year to 18 months. The detail will fall out in the form of concept plans. That level of detail is not available at this stage, other than in the broad sense of the integration of transport as an important element within the sustainable development of those suburbs.

Mr Savery: It is important that the timing of the design of those suburbs and the group centre coincides with the government considering the outcomes of the sustainable transport action plan, the strategic transport action plan, which means we will be able to reconcile—

MR COE: The work that you are doing, Mr Walsh, over the next 12 to 18 months—how much of that will be made public along the way?

Mr Savery: They are concept plans. Concept plans take the form of territory plan variations. Territory plan variations are subject to a full public consultation process.

MR COE: I understand that, but we are not going to get a first draft as a territory plan variation and a second draft—if you like, the iterations. At what point—or at what points, hopefully—before we see a variation do we actually see what some of these draft concepts are?

Mr Savery: It really depends on the time frame. There will be milestone points along that.

Mr Kelvin Walsh: There will be milestone points along that and a full design process. The scoping of the design work is occurring at the moment. That information will come forward. As to the process of developing other concept plans, as in the development of any concept plans, community and other stakeholder engagement is involved in that process.

MR COE: Perhaps at more than one or two points in the next 12 to 18 months we will see progress with regard to the draft planning of Molonglo.

MS LE COUTEUR: Can I just check something? You were talking about the—

Mrs DUNNE: Let the *Hansard* note the minister nodded.

Mr Barr: That is fine. I have no problems with that. There are limits as to how much design by committee can be done. That is the job of the Planning and Land Authority. They are the professionals tasked with this work. Of course they consult, as has been the case previously.

MS LE COUTEUR: You were talking about changes to the territory plan so that we would have better solar orientation on greenfield sites. Will that be in place for the work at Molonglo?

Mr Savery: I would prefer to answer that by saying that we are already taking those matters into account in the design of the suburbs. We are not waiting for them to be a statutory force. We have advance knowledge of what is in those. The design people are already taking those into account in the design of future suburbs.

Mr Kelvin Walsh: We already have in place the structural plan for the Molonglo Valley. It is really about adding flesh and detail to that structural plan through the concept plans that will evolve, aligned with the government's land supply strategy.

MS LE COUTEUR: The blocks are all going to be orientated for solar access in Molonglo?

Mr Savery: Can I answer that? I know that not every single block can be.

MS LE COUTEUR: Okay, not every single block.

Mr Savery: I just wanted to make that point because it is not possible to do that.

MS LE COUTEUR: I appreciate that some of them—

Mr Savery: I think I am right in saying that the solar orientation rule in the future subdivision code is 85 per cent of all blocks.

Mr Kelvin Walsh: Yes.

Mr Savery: As opposed to 75 at this stage. That takes into account issues of slope, road orientation and things. There will always be some houses that are at the back of a development section.

THE CHAIR: Mr Coe mentioned FOI requests a little while ago. On pages 172 and 173 the report lists FOI requests and the response times. Who in the main asks for these requests and what is the cost to the agency in furnishing this information?

Mr Barr: There are a variety of sources, Madam Chair. There is a lot of interest in the Assembly, but that is not the only place that FOIs come from. I will have to seek some advice on the exact cost of FOIs. It is considerable. Whilst we clearly recognise people's right to utilise the act, it does not come for free. It does not come without considerable staff time for the relevant agencies. As is always the case, we ask people to be judicious in their use of the act. Spurious and politically motivated FOIs are counterproductive to the territory. I am sure, when individuals make the decision to go forward with such a request, that they bear that in mind—certainly those who have a view for smaller government, for example.

MR COE: Have you had politically motivated FOIs?

Mr Barr: Over the years I think there has been more than one, Mr Coe. I imagine that—

MR COE: Of the 62 lodged this year?

Mr Barr: I make no comment in relation to—

MR COE: You just did.

Mr Barr: FOIs lodged this financial year. In the course of political history in this territory I would imagine that there have been some political motivated FOIs.

MR COE: That is a very profound comment.

MS LE COUTEUR: One would hope that there have been, in fact.

Mrs Dunne: Yes—

MS LE COUTEUR: Really?

Mr Savery: Chair, if I—

MRS DUNNE: I think I have done it myself.

MR COE: You're wracked with guilt, aren't you, Mrs Dunne?

Mr Savery: In order to answer your question—

THE CHAIR: Members—and Mrs Dunne, although you were not here at the beginning of the meeting—I am sure that you are aware of the standing request for people to speak one at a time and not over each other.

Mr Savery: Chair, I was just going to say, in order to accurately answer your question, we would have to take some of it on notice.

THE CHAIR: That is fine; thank you. I just thought that you might be aware of that and you might have some record of it. If it is going to cost a lot of money I do not want the answer to that question.

Mr Savery: Okay.

THE CHAIR: But it is fair to say that it does cost a considerable amount of money.

Mr Savery: It costs money and the majority of that is in the cost of labour—not only in terms of the individual who coordinates freedom of information within our office, and it is probably more than one officer, but also in terms of the people who have to go through and find all of the material and are typically the technicians.

THE CHAIR: With that in mind, I will not ask you to give me the full cost of it; an indication is fine. Thank you very much, Mr Savery.

MS LE COUTEUR: I would like to ask some more questions about greenfield development, although not specifically about Molonglo. Do you do any work on the provision of internet services, bearing in mind that Gungahlin is an area which people complain about because it does not have internet services? Is that part of your remit?

Mr Savery: No, it is not something we specifically do, but it might be of interest to the committee that, through the commonwealth government's announcement of the rollout of the national broadband network, there is discussion happening now at a

national level through the planning official's group on how planning systems or planning processes can assist in the facilitation of the delivery of the national broadband network.

For instance, one of the conversations is around the planning ordinance of individual jurisdictions, ours being the territory plan. Is that the appropriate mechanism to facilitate, through a new greenfield development, for a developer to be required to provide broadband infrastructure? We are at a very early point in that discussion. There are a range of considerations. In the territory, as distinct from other jurisdictions, if that was imposed through the territory plan, given that the developer has purchased the land to have certain rights, it might require the government to provide some funding. That is why we are at a very early point in the discussion.

MS LE COUTEUR: Continuing on this: in the new development obviously you are planning for roads and cycle paths. In what order do you do the planning? Do you plan the road first and then put the cycle path in or do you—

Mr Savery: Holistically and in an integrated way.

MS LE COUTEUR: Obviously. I knew the answer, Mr Savery.

Mr Savery: We do the structure plan initially. It is very broad brush: "Here are the corridors of movement." It does not go into the specifics of it: "Will it be a four-lane arterial road with a busway next to it and two lanes of bicycles?" It is just: "That is the way people are going to go from that point to that point." We then come to the concept plans. All of those things are given equal weight.

So we will be doing the roads and giving consideration to bicycles, pedestrian movement and public transport, in conjunction with other government agencies—and the movement of horses, in this case, in Molonglo. I know that the equestrian people do not feel we gave them the level of attention that they needed, but it was built in. We have built more in as a result of ongoing conversations in relation to that, including public open space networks and the location of stormwater and stormwater detention ponds. The whole thing happens at that point and it is done in an integrated way.

MS LE COUTEUR: So at that time, if, for instance, a large road is being built, like what is planned to be built in the middle of Molonglo, you would plan how you could get from one side to another, if you are on a bike or on your feet?

Mr Savery: Yes, very much so.

MRS DUNNE: And is grading taken into account?

Mr Savery: Yes, definitely. We do not have the capacity in house to do the technical design of those, so we bring in consultants, engineering consultants. All of the land has been surveyed and we have to take account of fall.

MS LE COUTEUR: In East Lake you talked about provision for potential light rail in the future. Is that going to be the case for all arterial roads?

Mr Savery: All of the work that we do in structure planning and concept planning for new suburbs takes account of future public transport access. Depending on where it may be in relation to the network, it may or may not seek to accommodate for a busway or future conversion to light rail. That is certainly the case in Molonglo because we know that any strategic transport plan for Canberra is going to have a major public transport corridor from Belconnen through to Tuggeranong and Woden, and through the valley. So that is the case.

East Lake is slightly different because it is not necessarily naturally aligned to a rapid transit corridor. But we have been talking to the strategic transport action plan people about the potential for a light rail vehicle connecting as an interchange with the passenger rail facility in East Lake. That would then potentially go up Wentworth Avenue and it may go on to Canberra Avenue; no-one knows the precise route. So it is going back to that issue of adaptability. We are ensuring that our designs do not rule out the potential for that to happen.

MR COE: I have got a question or two about petrol stations in the ACT. I imagine that you have seen yesterday's *Canberra Times* with regard to the NRMA's comments. Is ACTPLA's view consistent with the NRMA's in that perhaps future sites should be quarantined for independent operators?

Mr Savery: Our position will inherently be different from other government departments because we are not involved in the issue of competition. With respect to whoever the operator is, it is irrelevant to our consideration of the issue. More broadly, we obviously support a diversity of operators in the marketplace. Therefore at a strategic level we would want to ensure that there are appropriate and an adequate number of locations. But who ends up operating it or owning it is not our concern. It is also useful, in the context of the NRMA's comments yesterday, to have regard to future scenarios and electric vehicles. Mr Simmons has been involved in some very early discussions, given his role around electrical regulation, of what might be the location of—there is no term for it yet, an electrical power station or electrical—

Mr Simmons: Charging points.

Mr Savery: Electrical charging points.

MR COE: They are called juice points in London, I think.

Mr Savery: Right. Of course, they do not take the form of what we might conceive of as a traditional petrol station. These things are potentially in car parks. Obviously, people are powering up at home. So that is a new element that we are now having to have some regard to.

MR COE: Has ACTPLA received any advice from the minister—or, minister, have you given advice—about allocating more spots to independent operators or allocating more spots for petrol stations in general?

Mr Barr: Have I provided advice to ACTPLA? No. Not by way of any formal planning direction, no.

Mr Savery: Typically, that would happen through the chief executive's land supply committee, where what was is now Land and Property Services would be monitoring all aspects of development within Canberra—industrial, commercial and residential—and saying, “Okay, we have a need for additional service station sites,” and then saying to ACTPLA, “We need you to give us the advice and input.” That has not come up on the agenda, as far as I am aware.

MR COE: Have you provided information to any other agencies about the number of petrol stations and the overall number of providers and number of blocks et cetera?

Mr Savery: Not that I am aware of. The most recent thing we have been involved in was petrol station locations in Gungahlin and, in particular, Gungahlin town centre. There were issues around trying to resolve both number and location—not operator, because, again, that is not our concern. Of course, the flipside to that is what we are observing nationally. As a result of Woolworths and Coles now being major petrol station operators, they are closing service station sites. That is obviously having implications. You would be aware of some of the consequences of that, whereby we now have a number of vacant sites around the city that are not easily converted or adapted to other uses. They are issues that we are trying to work through.

MR COE: So ACTPLA's position and policy regarding petrol stations have remained unchanged for some time?

Mr Savery: We do not have a policy per se on petrol stations other than the closure of petrol stations and their conversion to other uses. But in our strategic planning, for instance, with Molonglo, when we come to design the hybrid group centre, we will be looking at the opportunity for the location of the service station sites. But with respect to the detail, it is the role of the estate developer to determine precisely where they might want to put that.

MRS DUNNE: I have a couple of different lines of questions, but on the subject of disused service stations—I am sure Mr Coe has had this question asked of him a lot—what is the fate of the disused service station in Page which has been vacant for a long time? I know what is happening with Latham.

Mr Savery: I will ask Mr Simmons to respond to this. One of his capacities is obviously land use regulation and compliance. But just as a general observation, it is extremely difficult for us to redress the issue around closed service stations and getting them decontaminated where decontamination is necessary. The difficulty that the owners of the sites often have is that it is cost prohibitive to decontaminate the site and it is a matter of whether or not the territory then wants to inherit the problem of decontaminating sites. So our approach is very much one of trying to work with the owners of the sites, to get them to cooperate and encourage them to work through a process. But this takes a very long time.

Mr Simmons: The Page service station has been one of those very difficult issues for us to solve in terms of enforcing at least compliance. In this particular case, the site has changed ownership. The question then is: with the encumbrance that is already on the block, by the time they transferred it they were already outside of their lease

covenants, so what do you do? Somebody new has come in with an attempt to do something about it, so do you burden them with the problems of the past when, having purchased it, you have to assume there is a genuine attempt to do something about it?

Unfortunately, there are extenuating circumstances which we are aware of which have necessitated us giving the new lessee, the second lessee that we are dealing with, more time than other people necessarily would have had. For reasons which I am sure you would appreciate, I am not at liberty to go into what those issues are, but there are extenuating circumstances and we have given these people more time. My understanding is that, last time I looked at it, we had in fact had a DA in on the matter. However, there were some issues with that and they were coming back to us.

There are a number of sites around the city which are very difficult to manage in the sense that the alternative is to terminate the lease and then remit the site back for sale and start again. The process of termination is a long one, as would be the resale, given the condition of the site. In terms of the time to get a product on the ground, the quickest way is still to work with the current lessees. We do put an amount of pressure on people. We do not leave them alone. We are in regular contact with the people at Page service station about progressing this matter. It sits with a number of cases where this is the way we deal with people. We have to work with them but we do maintain an amount of pressure on them to make sure they are at least getting their development applications in or getting in front of Mr Ponton's people to make sure that we can get a product which is acceptable to the territory to go forward. There are a few of these but they are very difficult circumstances to fix. None of them have a quick end to them. They are difficult sites.

MS LE COUTEUR: Do I take it there has been very limited or possibly no take-up of the waiver of fee for the development of ex-service station sites?

Mr Ponton: That is correct. There has been no take-up of the waiver at this point in time.

MRS DUNNE: Mr Simmons, when did the Page property change hands?

Mr Simmons: I would have to get back to you on the exact date of the transfer.

MRS DUNNE: That is fine. Is the DA that you spoke of still operative or has it been withdrawn?

Mr Ponton: The DA was submitted but not formally lodged. As I recall, the DA was submitted for a completeness check, there were some issues around that, it was rejected and the lessees have gone away to deal with those issues.

MRS DUNNE: So is that a recent event?

Mr Ponton: In the last several months.

MRS DUNNE: In the last—

Mr Savery: Several months.

Mr Ponton: In the last few months. I could not give you the exact date.

MRS DUNNE: So what you are telling me is that there is activity afoot that might resolve the problem for the Page residents who regularly ask me what the story is and how long it is going to be before this is fixed up?

Mr Simmons: The duck's calmness is not matched by the ferocity of its leg movement.

MS LE COUTEUR: Can I just ask another quick follow-up question?

Mr Savery: Sorry, I was just checking something with Mr Ponton. Given that the waiver for the change-of-use charge on these service station sites expires, subject to any further consideration, at the end of this financial year, we think that the application may in part have been incentivised by that. Therefore, if they are wanting to take advantage of it, they are going to want to come back and lodge before the end of the financial year.

MS LE COUTEUR: I assume from a couple of comments you made that ACTPLA would not be intending to do small business impact statements for large commercial developments. I ask about this because it is one of the items in the Greens-Labor agreement and we are trying to find a home for it.

Mr Savery: We believe we already do that through our processes on large commercial sites.

MS LE COUTEUR: You were talking earlier about not caring about who owns things.

Mr Savery: In terms of actual ownership, that is not a relevant planning consideration.

Mr Barr: There is a distinction.

MS LE COUTEUR: Yes, I know; I do appreciate that.

Mr Barr: There is a distinction between the impact of a new supermarket on existing operators but whether the operator of the new supermarket is Woolworths or Coles, for example, is not a consideration for the Planning and Land Authority. There are separate considerations in relation to particular competition policy areas, some of which sit with the ACCC, clearly, at a national level. It is not just supermarkets; the small business impact is much broader. But the Planning and Land Authority would not, in its assessment, say, "It's a Dick Smith Electronics and not a Tandy," and you are going to have a different position. They are owned by the same people, aren't they? It is not that level of determination but if another electronics store is coming in then that is the assessment that needs to be had, not the brand of said store.

MS LE COUTEUR: Yes, I think we have to consider it. Business and Industry Development are not doing anything on this, so I am just trying to work out where it is happening.

Mr Savery: It is not happening in planning. Planning will not incorporate any sort of business impact statement that assesses who the operator is. There are other arms of government that may have a broader perspective. Obviously, we have got the example, as Mr Coe has just been talking about, in relation to supermarkets where that broader policy environment would be considered.

MS LE COUTEUR: I agree it would seem to be a reasonable place; they said that you guys were doing it but they were wrong.

Mr Savery: Sorry, I mistook your question. My point was that, in terms of the agreement, we believe that on major commercial developments we require the equivalent of business impact statements through the type of material that has to be submitted.

MRS DUNNE: Where are we with our thinking on stormwater containment in Molonglo—lake, no lake, ponds?

Mr Savery: I can answer that quickly. I did touch on it briefly. We are not at that point. We are just doing the preliminary investigations to determine which options should be considered as part of any future EIS process.

MRS DUNNE: Okay.

THE CHAIR: We will break for afternoon tea.

Meeting adjourned from to 2.27 to 2.48 pm.

MRS DUNNE: I have a couple of lines of questioning that are related. How long will it take for the 1,000 blocks that were announced yesterday to be released to owners? And when do you think the planning process will be sufficiently complete for the people to move into those blocks?

Mr Savery: It really will be down to the new Department of Land and Property Services to determine which of the lots are to be released. As far as we are concerned, there is adequate capacity for those to be released. So the actual decision is for a different department.

MR COE: When were you made aware of the 1,000 blocks being released?

Mr Savery: Not with any accuracy, in the last few weeks I was made aware.

MRS DUNNE: And what input does ACTPLA have into determining which blocks should be released?

Mr Savery: We do not—

MRS DUNNE: None at all?

Mr Savery: We are part of the chief executive's strategic land supply committee, so

we are invited to contribute views, but the actual decision making is with the Chief Minister, government and the Department of Land and Property Services.

MRS DUNNE: There has been commentary today about bottlenecks in the land supply market and the housing market generally. What practical measures has ACTPLA undertaken to speed up the approval process for new developments?

Mr Barr: Well, if you were here at the beginning—

MRS DUNNE: I was listening.

Mr Barr: you would have heard the variety of policy initiatives that have been in place. You would be aware that there are essentially three ways that land is developed in the territory once it has got through that initial planning phase—by the LDA, by the LDA with a joint venture partner or a direct englobo release to the private sector—and there have been examples of each of those sorts of land releases in the last 12 to 18 months.

MRS DUNNE: So how will these 1,000 blocks be divvied up?

Mr Barr: Again, that is not a matter for ACTPLA; that is a matter for the Department of Land and Property Services, so you will need to ask the Chief Minister. What I can advise around planning-ready land is that ACTPLA endeavours to have a supply of about 15,000 blocks, as I understand it, of planning-ready land that it can then hand on to the Department of Land and Property Services to release to the market through a variety of different mechanisms.

Mr Savery: Your question, if I have got it correctly, was simply what measures have we taken, so can I add—

MRS DUNNE: Well, what measures will you be taking?

Mr Savery: First of all, the key part when we become involved in land release is when the estate development plan comes back to us for development approval—when either the Land Development Agency or a private developer have worked up the land that they have got to a point where they want it approved so that tomorrow or the day after they can physically go on and develop it. All of the estate development plans are approved within the statutory time frames of 35 to 45 days, depending on whether or not there is an objection. Earlier this year, again as part of ACTPLAn, we undertook to revise the estate development plan guidelines to provide greater advice and information to developers of estates. That was very well received by the MBA, the Property Council and the HIA, as well as the LDA.

We also are currently involved in a project to standardise, or capture the engineering standards of, the Department of Territory and Municipal Services so that they can be incorporated into territory plan codes that enable the developer of an estate up-front to know what standards it has to satisfy. So it removes some of the guesswork out of the process. That is actually in train at the moment and will come out with the subdivision code that I have referred to.

Mr Ponton: One different thing that I would add, with the EDP guidelines that Mr Savery referred to, that process—

MRS DUNNE: Sorry, which guidelines, Mr Ponton?

Mr Ponton: Estate development plan, EDP, guidelines.

MRS DUNNE: Okay.

Mr Ponton: We have reduced the amount of information that we require to be submitted with applications, so that allows developers to get their approvals faster as they do not have to produce quite so much information.

MRS DUNNE: And what modelling is conducted by the government—you must participate in this—to ensure that we have enough land to be released?

Mr Savery: I have already referred to the chief executive's land supply committee, and I mentioned earlier that we provide information into that process. We also host, on behalf of the government, the Residential Advisory Committee, and that brings a number of government agencies together with industry groups to enable them to give us information and feedback about what is happening in the marketplace. That includes financial institutions and the property development industry represented by the peak bodies. Then, in addition to that, we monitor the uptake and development of land. So we obviously have statistics around building approvals, and that sort of information all gets fed into that land supply committee so that a level of information is available to make informed decisions and give advice to government.

MR COE: And do you employ economists within ACTPLA?

Mr Savery: I do not know. We may have some with economics degrees; I would not necessarily call them economists. We have statisticians. We have researchers. I do not know that we have necessarily got an economist per se.

MRS DUNNE: There used to be planning economists in ACTPLA. There aren't any more?

Mr Savery: As I say, as far as I am aware we have not got an economist, but bear in mind that some of our responsibilities changed when land release was taken about three years ago and transferred across to the Chief Minister's Department. It is now with the Department of Land and Property Services.

MRS DUNNE: Will ACTPLA's role change at all with the creation of the new Department of Land and Property Services?

Mr Savery: I do not believe so. The way that we work with other government agencies might change because bear in mind that the Land Development Agency is now subsumed within that new department. We have yet to see how we work with the new department versus how we worked with the LDA. The personalities are still the same and the roles and responsibilities. The administrative arrangements orders have not changed. So I am not aware of any change, and there is nothing obvious.

MRS DUNNE: When did you become aware that this new department was going to be created?

Mr Savery: I could not say accurately, but before it was announced.

MRS DUNNE: Okay.

Mr Barr: But some time well before.

Mr Savery: Yes. I could not give you a precise date.

MR COE: Just going back to the question about the economists, are you saying there is no econometric analysis done within ACTPLA regarding your activities?

Mr Savery: Can you clarify what you mean by that? We do an enormous amount of analysis and research, and where we do not have the expertise we engage people. For instance, some of the work we are doing at the moment is modelling opportunities and capacity for infill development. We have got SGS Economics assisting us with that. When we did work on the city centre we had Hill PDA economists doing work for us. We have had the Centre for International Economics doing work for us. We do not necessarily have the resident expertise to cover every field.

MR COE: That seems to be very much project based as opposed to as a matter of course having that capacity in-house to be able to assess the external operations of ACTPLA. It seems surprising to me.

Mr Savery: Again, I am not quite clear on what you mean but there are other departments within government. If it is around this whole question of land supply and land release, there are other government agencies that have that expertise and then it is worked as a collaborative exercise.

MR COE: But everything from the size of blocks to the zoning of commercial or residential land—absolutely everything—has got economics involved.

Mr Savery: Absolutely, and economics is a core course of every planning course in the country. I have done economics as part of my courses. It is part of the certified practising and planning professional development. The one person we have pretty much dedicated to this is almost recognised as a national expert, but I do not know that he is necessarily an economist.

MR COE: Okay.

THE CHAIR: I just wanted to talk about page 135. I thought it was rather interesting that it mentions the Australian and New Zealand Land Information Council that we are part of. Could you explain to the committee the significance of this council and ACTPLA's role on that?

Mr Barr: Mr Meyer sits on this council, I understand.

Mr Meyer: As part of my responsibilities, I look after the land information office, which includes the chief surveyor's office. Quite some years ago, a national committee was formed. It is not a ministerial committee; it became a council of senior officers, typically department heads that are involved in land information across Australia and New Zealand. The purpose of that particular council is effectively to share spatial information and geographical information. We ensure that there is adequate information available to users of spatial data—for example, emergency services, counterterrorism and so forth—and that provides seamless access across, through and around Australia.

There are a range of other initiatives in terms of GPS and related technologies in aerial photography which, in sum total, mean that we have a much more accurate view of Australia for purposes of planning for emergency services, climate change and all that goes with it. Effectively, it is a peak body that coordinates a wide range of land information and land-related activity across Australia.

THE CHAIR: Would some of that work at a local level have informed with respect to the bushfire? ACTPLA, I notice, has been involved in the review of the latest bushfire strategy plan. So some of that work would have fed into there. Is that what you said is missing at the local level? Is that where it is applied or is it not at that sort of level?

Mr Meyer: It does to the extent that we have maintained a survey-accurate cadastre and we have up-to-date aerial photography and satellite imagery. That enables our local planning, our local emergency services operations, to look very strategically at what is happening and what planning needs to take place to deal with the risks around bushfire. Victoria is the most recent example where spatial information was used very extensively in terms of communicating what was happening during the various fire fronts. As a result of the inquest that took place, there are some fairly significant recommendations about how best to use geographic information to help plan out a response to a bushfire in the field.

THE CHAIR: That reference to the bushfire plan is on page 145, minister, under a list of things that have been done under development policy.

MS LE COUTEUR: In your opening statement, or at least fairly early on, minister, you mentioned in passing that the Assembly had passed legislation about energy-efficient hot-water services. What is ACTPLA—and I assume it would be ACTPLA—doing to inform the industry about this? If it is someone else, who else would it be?

Mr Simmons: At the moment we are in the process of putting a brief to the minister about this. As we were starting to put together our program about how we would inform the industry about the changes, there are some issues in the drafting which appear to have an effect which is other than what was intended in the legislation that will make its implementation more difficult than what has been expected. With some of those issues, we have to bring them before the government to be resolved. It is only in our work over the last couple of weeks, as we have started to go through this, that we have identified some of those issues.

MS LE COUTEUR: Given that the implementation date was the end of January, are you going to get it done? It sounds like you are leaving this somewhat late. It is the middle of December now.

Mr Simmons: I think the legislation is such that we can implement what it is, but the implementation will not have the effect that was intended.

MS LE COUTEUR: Could you elaborate on that somewhat cryptic statement?

Mr Simmons: Yes, I will give you an example. One of the phrases is that it is about hot-water services within the building. Hot-water services other than very small units tend not to be within the building; they are outside the building. So to the extent that they are outside the building, they are not covered by the amendment. If the hot-water service is outside the building then it does not fall within the scope of the amendment. Given that overwhelmingly they are outside the building then it has no effect.

MS LE COUTEUR: Okay, we will look at that little issue.

MR COE: Minister, can you tell me why ACTPLA did not participate in the graduate program? It is on page 188.

Mr Savery: It is not that we did not participate in the sense of not being interested in the program. It comes up on an annual basis. Each agency has to assess its needs on an annual basis, and in this financial year we have been under some very significant expectations around delivering government services. Graduate programs require quite a level of supervision. They essentially require a buddy. We made an executive decision—ultimately by me, obviously—that we would not participate in the program this year. But I understand that we are taking two graduates this financial year.

MR COE: When was the last time you did not participate?

Mr Savery: Can I ask Mr Adrian Walsh to answer.

MR COE: Yes, sure. I am talking about 2008-09.

Mr Savery: Yes, I know you are.

Mr Adrian Walsh: We took a graduate in 2008 and that worked very successfully. As Mr Savery has said, there was an executive decision, for all sorts of budgetary and other pressures, not to take a graduate in the 2009 calendar year. We are committed to taking two in 2010.

MR COE: I would see graduate expenses as being very much an investment in the future. Surely, that sort of investment is something that might be worth continuing each year as opposed to taking a short-term view of trying to save what might be a relatively small amount of money.

Mr Savery: There are a number of things you have to weigh up at any point in time. There are a number of programs being operated, such as future leaders programs. We are investing very heavily in the future leaders program to cultivate potential

managers or leaders not only within our organisation but within the ACT public service. There are Aboriginal and Torres Strait Islander programs. When you pull all of this together in terms of what your operational needs are, there were huge demands on ACTPLA in this time period and we, as an executive, took what I believe was a responsible view in order to manage the program and deliver the government's priorities.

MRS DUNNE: But according to the annual report—

Mr Barr: It is worth noting that this year's young planner of the year, Brooke Yates, works for the Planning and Land Authority. So there is a clear investment in the future.

Mr Meyer: I also make the point that a substantial amount of our recruitment is of graduates. Because of the range of specialisations that we have across the authority, we recruit people with a very broad range of academic and practical skills. I think the organisation is very well served in terms of the range of experience. We also have had some traineeships, for example, in the survey area which have worked well for us. We are very mindful of the need for effective succession planning from that point of view.

MR COE: Given that, does that suggest that the graduate program that does exist really does not suit ACTPLA's needs?

Mr Savery: No, I would not say that. The graduate program is a tailored program. It gives people who may have an interest in working in the public service the opportunity to participate in a number of organisations so that they can get some cross-sector experience and then potentially have the ability to nominate, provided the other party, the agency, supports them, to participate. I think it has worked well. Mr Ponton was just indicating to me that he is employing the current graduate that we have, and that would suggest that both they and we think it has worked effectively.

Mr Adrian Walsh: I think it is undoubtedly a great investment for the future but it does come at a cost to the organisation in the sense that you take a graduate initially for a three-month first rotation. You then have that person outposted to another agency. We get another new person in; that person has to be managed and brought into the organisation. You then do a third rotation again where your own graduate comes back and works in another area before then looking for a permanent placement. So there is a large management investment in an individual. Given the pressures we faced in this current year and what we knew we were going to have to manage, it was simply a value judgement that we were better off deferring. We are taking two, in fact, in 2010.

Mr Meyer: Another important initiative for the territory is that the University of Canberra runs a planning course which is, I think, one of the great initiatives for us. In the years to come they will look at some postgraduate studies as well and there is a cohort going through that at the moment and I think we will take on some—

Mr Savery: Just to interrupt Mr Meyer, I was with the new head of school yesterday, Barbara Norman, and indicated to her that we are committed to taking two graduates on their work experience year during their course, which is their third or fourth year.

MRS DUNNE: That is a welcome reinstatement of an old initiative?

Mr Savery: Absolutely, yes.

Mr Simmons: We also saw two years ago the recommencement of a building degree at University of Canberra. We have been involved with that course and with the people who run that course as well, in making sure that those graduates have much higher interaction than the Australian average with the industry as a requirement of their course.

Mr Savery: Given that we are going backwards and forwards here, I just remembered that we launched with CIT a few weeks ago the new trade experience package which we are partly funding with CIT. It is to encourage—actually it goes beyond encouragement—tradespeople such as electricians, plumbers and gasfitters to get exposure to the regulator, particularly in areas of sustainability. So that is a whole new initiative that is being funded by the government in this financial year, on a recurrent basis.

MR COE: Can somebody please explain to me why there would be a fairly significant underspend for superannuation expenses?

THE CHAIR: What page are you on?

MR COE: Page 45.

Mr Savery: We will ask Peter Wurfel, our chief finance officer, to answer.

Mr Wurfel: The superannuation is not an underspend; it is a provision that is made to all government agencies. As you probably are aware, over a period of time there has been a movement of people from various superannuation schemes, from the CSS scheme to the PSS scheme, to the fund of choice. Depending on the mix of staff that we have, that determines the superannuation entitlements that they have. More recent employees of course have less superannuation than the employees who were under the commonwealth superannuation scheme. We spend what their entitlements are, and the amount that is included in the budget is in fact a provision for us.

MR COE: How is that figure determined or derived?

Mr Wurfel: On a historical basis. The budget is determined on a historical basis. Over a period of time it reflected the composition of people, particularly on the more expensive schemes. We talk to Treasury each year in the budget process and we refine the budget for it based on the composition of staff that we have.

MR COE: What is the reason for the couple of million dollar increase in employee costs, employee payments?

Mr Wurfel: There are, in fact, three reasons for that. One reason is related to the application of new arrangements, or refined arrangements, related to the calculation of employee provisions. This is leave liabilities, long service leave liabilities and

recreational leave liabilities. That is a non-cash, one-off change of about \$1.1 million.

The second is related to the EBA, the enterprise agreement. That was a four per cent increase that added about \$800,000 or \$900,000 to our costs.

MR COE: When was that signed?

Mr Wurfel: 2007, I think.

MR COE: Why was that not included in the budget if it was signed in 2007? We are talking about the 2008-09 budget.

Mr Wurfel: It is nominally included in the budget but we are responding to the number of staff that we need to do the job that we have to do. I draw your attention to the third element, which is the cost of staff and the numbers of staff. Staffing numbers have gone up over the year compared to the start of the year. The chief planning executive might like to explain this in a bit more detail than what I can from a financial view point. But over a period of time it has been very difficult for us to recruit to the staffing levels that we sought to have achieved just because of the scarcity of the skills that we needed to do the job. Over the last year or so we have been successful in achieving better staffing levels and this has meant that we have got higher staffing costs than we might otherwise have had.

MR COE: I understand point 3 but to be honest I do not quite follow the EBA reason. Surely that is a staffing cost and it is a known staffing cost; so it should be incorporated in the budget,

Mr Wurfel: It is more staff at a higher cost, I guess.

MR COE: Surely the EBA in itself is not a reason for increased staffing costs because, if you have got more staff or you are paying them more, it has got nothing to do with the EBA.

MRS DUNNE: Especially if you have more staff.

MR COE: In terms of the unbudgeted amounts?

MRS DUNNE: The number of staff does not have anything to do with the EBA.

Mr Wurfel: I think that is true. I think if you compare the actual of 2008 to the actual of 2009, then that would pick up on the EBA variation.

MR COE: I am very curious why the projected increases that were signed in 2007 as part of the EBA were not incorporated in the budget. What confidence is there going to be in the future about increases that will come about as a result of an EBA?

Mr Barr: It would depend on what amount was Treasury funded under the GPR and what amount would have been agency funded, because the last EBA involved a range of productivity offsets that were to be determined and managed at an agency level. It is normally the case with whole-of-government EBAs that Treasury provides a certain

amount of funding and then each agency has to manage.

MR COE: With that in mind, would you please take on notice how much of the increases that take effect from the signing of the 2007 EBA came from Treasury and what portion of money was to be met by ACTPLA?

Mr Barr: It had to be met by the agency, yes, certainly. That is not a difficult one to ascertain.

MR COE: Following on from that, if it is a significant amount, then that will be a reason, perhaps, why the EBA contributed to these increases in employee costs. If not, I fail to see how an EBA could contribute to employer costs if it was incorporated in the budget.

Mr Barr: We will have to get that information in relation to ACTPLA. But just as an example of a more recent EBA: in education, Treasury funded the department at two and 2.5 per cent but we signed an EBA that was 6.1 over a period of time because we are agency funded.

MR COE: Surely you would know that education has to cover 3.6 per cent if the 6.1 per cent increase—

Mr Barr: Exactly.

MR COE: Surely ACTPLA would know that at the signing in 2007.

Mr Barr: But the question would then be: across the suite of agreed whole-of-government EBA outcomes, what work productivity offsets would have differential impact agency by agency?

MR COE: And that would be known in 2007?

Mr Barr: Not necessarily projected out over that period of time, no. From memory, the 2007 EBA had issues—

MR COE: We all have issues.

Mr Barr: That is true. I was minister at the time.

MRS DUNNE: The 2007 one particularly had—

Mr Barr: In relation to education, not the whole-of-government one, that was in 2006, the education one.

MRS DUNNE: That is right. I remember it well.

Mr Barr: There were some whole-of-government initiatives on reducing workers compensation premiums, for example, that would vary massively depending on which department. Obviously workers comp in health or education is much more complex than, I am assuming, the Planning and Land Authority in most of its activities. That

said, dealing over the counter at ACTPLA with stressed-out folk would have its moments, I am sure. But that is just one example. So it is more complex than it would initially appear. Clearly we will take on notice that question.

Mr Walsh: I am not sure that I can entirely answer the question but quite specifically in each of the years of the EBA, the current EBA where there were increases, up to and including the start of this year, there was a four per cent increase across the board in each of those years and Treasury provided three per cent in each year; so agencies were required to absorb one per cent through the efficiency dividends. I am not sure that entirely answers the question. That gives you the quantum of the issue.

MR COE: No, because on \$20 million that would be \$200,000 which should have been forgone.

Mr Barr: In year one but then its accumulative effect over a three-year period would be much more than that. Because you have a four per cent increase—

MR COE: It does compound but—

Mr Barr: Yes, a four per cent increase but then another four per cent on top of that and then another four per cent on top of that over a three-year period is—

MR COE: I would like to think the people who prepared the budget at ACTPLA could incorporate that sort of compounding into their budgets.

Mr Barr: Then the other variable is, of course, number of staff.

MR COE: I understand that reason for escalation in staffing costs but I am at a loss to understand how the EBA reason came about.

Mr Wurfel: I think it is part of the explanation. It is not—

Mr Savery: It is not the entirety. I am not sure we are capable of giving you a complete answer right now; perhaps we could take that on notice, yes.

THE CHAIR: I think that would be the best idea and you can get back to him or back to all of us.

MRS DUNNE: I have got a whole swag of questions. I want to link something that Mr Savery said with a question that Ms Le Couteur asked previously. Mr Savery, you talked about a new subdivision code and then talked about TAMS guidelines.

Mr Savery: Engineering standards.

MRS DUNNE: When you are developing a new subdivision code, going back to Ms Le Couteur's question, what requirements are made to make provision for internet services?

THE CHAIR: We did that before when you were not here.

MRS DUNNE: Sorry. Ms Le Couteur asked the question and you talked about the national broadband. I am asking: when you actually design the suburb, are you saying there will be trenches that will take these sorts of things et cetera?

THE CHAIR: That is a different question.

Mr Savery: Through the chair, we do not get into that level of specificity in our designs. That is for estate developers to provide. It is up to governments to set policies as to whether or not they want internet provided to every home. That is not for a planning agency to determine. We do not get to that level of design.

MRS DUNNE: No, but, when suburbs are being planned, do you tick off or have any consciousness of whether the trenches, because everything is underground these days, are capable of carrying gas, water, electricity, cable, fibre, whatever? Is that sort of element ticked off? It is about the common trenching policy, I presume. It may not be called that anymore.

Mr Ponton: In the estate development plan we seek advice from various agencies. We also ask developers to speak with communication providers to ensure that communications, including internet, can be provided to the estate. At the moment it is possible for common trenching; so we do this without issue. We do not get involved in the detail of that but we have to be satisfied that it can be provided.

MRS DUNNE: So you do tick off on the capacity to deliver all these services?

Mr Wurfel: That is right.

MRS DUNNE: I suppose this is a quasi competition policy question again but it is also about planning for services. Perhaps it is an issue a bit like the service stations. If you go through the figures in the Access Economic report on childcare, it appears that there are substantial vacancies in childcare places in the ACT but anecdotally—and the minister and I have corresponded on this, especially when he was the minister for family services—there seems to be a high level of demand and undersupply of places. What role does ACTPLA have in the planning for the provision of childcare?

Mr Savery: That is the service provider or the service delivery agency, not ACTPLA. Our main responsibility in rolling that out is trying to ensure that there is sufficient land zoned for the purpose within the locations that those service providers want it. But we are not responsible for mapping and monitoring the number of childcare places.

Mr Barr: DHCS does some work in that area. You might be aware of the children's services forum, which I chaired when I was minister and that Minister Burch will now chair, where ACTPLA is represented, along with a number of other government agencies, together with diverse representatives from the childcare sector where some of these issues are discussed. The commonwealth also gathers some data. ACTPLA is involved. Keith Burnham attends the meetings. I have certainly seen him give updates on ACTPLA's assessments in relation to available land and available spots.

MRS DUNNE: So the children's services forum is the venue for that and that comes

directly under Minister Burch's responsibility?

Mr Barr: That is correct.

THE CHAIR: Going back to page 119, minister, it talks about the significant increase in the level of satisfaction in the service provided by the authority and in the notes below it talks about that satisfaction being at the range of satisfied to extremely satisfied, which is very pleasing.

On page 135, it talks about the website, improving access to information. You did make mention of this in your introductory remarks. I was wondering whether the website and e-development that you talked about before have led to this pleasing result or are there other factors that led to this pleasing result? And could you update us on all that e-stuff?

Mr Barr: Certainly.

THE CHAIR: Which I need updating on because I am not very familiar with it.

Mr Barr: I am very pleased that you noticed this in the performance indicators. I was waiting. There I was waiting for another committee member to ask this question. Clearly, it is a very pleasing result for the authority and I think it is appropriate to acknowledge—

MRS DUNNE: Is this a uniformly administered instrument? I keep talking to people who are not satisfied. How do we get a 100 per cent satisfaction rate?

THE CHAIR: Mrs Dunne, could we have the minister answer the question, please?

Mr Meyer: Could I just comment on who was actually surveyed. What we have been doing is working through different customer groups that we provide services to. This last survey was targeted at the electrical trades, plumbing trades, certifiers and related industries, including some of those that lodge development applications. What we were seeking there was some very direct feedback about how our policies and processes were affecting them and how that was working. It was a very positive response and I think it shows some changes to the way we have been working with these different groups—the information that we provide and make more accessible through e-development, which will go into its second phase by March of next year, which means that the building module will come on stream. Certifiers and other trades can then access that system for information on lodging applications.

MR COE: What is the sample size of the survey?

Mr Adrian Walsh: I have got some data: 156 were in this particular sample. Perhaps I should add that it has been reported as 100 per cent satisfaction, actually, on the direction of the Auditor-General. In fact, it was a multipoint scale. I do not have the average, but from memory there was around 85 per cent overall satisfaction. Because no respondent to the survey rated below the midpoint, the Auditor-General directed us to report it as 100 per cent satisfaction. And, believe it or not, chair, we actually did not set out to do that; it is by direction of the auditor—

MR COE: It should be dissatisfaction zero per cent as opposed to satisfaction 100.

THE CHAIR: You had set a target for 80 per cent I noticed. That is why I was very pleased to see that 100 per cent figure. I am a bit confused between the 80 and the 100 and the 25 per cent variation, but maths have never been my strong point so I accept that—

MS LE COUTEUR: Can I just get a bit more detail on what the Auditor-General said, because I am reading the footnote, which says that the result identifies customers surveyed with their satisfaction rate with ACTPLA services within a range of “satisfied” and “extremely satisfied”.

But you gave the impression, that in fact, there were some people who were below that.

THE CHAIR: No, no, no. These ones are the ones that are—

Mr Adrian Walsh: No. It was a six-point scale. People could not sit on the fence. They could not say, “We are not certain.”

MS LE COUTEUR: Okay. People could not be neutral. You are either happy or unhappy.

Mr Adrian Walsh: Okay. So you were satisfied, strongly satisfied or—

Mr Barr: Dissatisfied, strongly dissatisfied.

MR COE: One end of the spectrum was satisfied; the other end was extraordinarily satisfied. Everyone is standing there somewhere.

Mr Barr: No, Mr Coe.

THE CHAIR: Minister, you were starting to answer this question. Did you have anything to add?

Mrs Dunne: I thought it was a very good answer.

THE CHAIR: Did you have anything to add?

Mr Barr: Mrs Dunne interjected with that. Without giving too much of a commentary on who you are hanging out with, Mrs Dunne, you need to hang out with happier people. It is terrible. You always seem to find the one dissatisfied person but there may be—

Mrs Dunne: Only one?

Mr Barr: Maybe that is the task you set yourself each day.

THE CHAIR: Perhaps you need to refer to my adjournment speech yesterday,

minister?

Mr Adrian Walsh: May I add for complete clarity that, in fact, the overall satisfaction rating, based on the numerical scale, was 89 per cent.

THE CHAIR: Fantastic. So, minister, did you have any more to add?

Mr Barr: What we should turn to is the second part of your question in relation to e-development. As I did indicate at the start, we are seeing about 40 per cent of development applications lodged through that system.

Mr Meyer: Indeed, 47 per cent this week, minister.

Mr Barr: Forty-seven per cent this week; there we go. So we are about to crack one in two. Looking around the room, I think Mrs Dunne may have been in hearings before where this matter has been discussed and there has been some frustration about finally getting this system in place and recognising that it was a significant IT challenge. But, now that we have got it, I think it is making a significant difference. I might just get Mr Meyer to outline a little bit about how the process works and the benefit that it delivers for clients.

Mr Meyer: Certainly the online lodgement is a significant improvement. We have been working very closely with various industry groups, including one-on-one training in their office or home business, whatever the location is where they actually like to lodge their applications. There is still a significant number that we need to work with and we have got a program over the next six to 12 months to gradually increase the numbers that are lodging applications online. We will never get to 100 per cent because there are the mums and dads and others that simply do not want to use the technology, and that is fine. We have ways of introducing their applications onto the electronic system so that it gets processed that way.

It has identified a number of issues around how the system operates and we have been responding to that. The IT team is finetuning the system as we go and I think certainly in the new year that the EDA side of that will be refined to the satisfaction of most users. The DA side of that, as I mentioned, will come in by March. We are starting to work with a selection of certifiers and others that are actually in the building industry that would use that system, tailoring the system to make sure that it works effectively for them. It certainly speeds up the time for processing applications and just generally enables applicants to check online as to the progress of their application rather than trying to phone up or find information more generally.

THE CHAIR: And the website development; how is that?

Mr Meyer: We have been undertaking a review of our website in consultation with a number of community users and others that have actually put in comments about ways in which we can improve the website. Much of it is a rethink about how we package up information because there is certainly a lot of it on that site given the nature of our business and the range of responsibilities. We are trying to work to make that more user friendly, again over the next six months or so. So hopefully that will—

Mr Barr: There is active feedback. I like that ACTPLA website. You go on and at the bottom it says, “Was this page useful—yes or no?” and you can provide that.

THE CHAIR: Some people might not even get down to that point to actually see it.

Mr Meyer: So we will put it at the top of the page.

MS LE COUTEUR: I think you have got a number of questions about the occupation certifications et cetera. On page 127, you are talking about the discussion paper, which I was aware was released in April, but you say:

Consultation and the subsequent request to draft legislation to be completed by the end of August 2009.

Given that it is now midway through December, how are we going?

Mr Simmons: The energy assessors? There is material with government at the moment for sign-off for us to go for final approval on progressing that. If those sign-offs occur as we expect, we are aiming to line up the introduction of that regulatory system with the introduction of the new building code in the 2010 version of the building code.

MS LE COUTEUR: Which will be when?

Mr Simmons: 1 May.

MS LE COUTEUR: So why has it taken nearly a year longer than you thought it would?

Mr Barr: No. That is a request to draft legislation—not to have a bill passed in any sense.

Mr Savery: We cannot anticipate precisely when we will be able to get something through the Assembly.

MS LE COUTEUR: No, but you could probably anticipate being able to lodge it. Passing it is beyond ACTPLA’s powers, but—

Mr Savery: Irrespective, it is not inconsistent with what we have said here. Our intention has been to, first of all, ensure that we have an effective engagement with the community and particularly the energy assessors themselves; evaluate that, which was the purpose of the discussion paper; and then ensure that we had something sufficient to put through the legislative program. As Mr Simmons just said, that is now with the government to consider.

Mr Simmons: At the same time as this is happening within our jurisdiction as a part of the NFEE process, there is also a national project that substantially seeks to achieve the same thing. So, with the resources we have got available to us, we have to make a series of decisions. If the commonwealth makes a decision or the states make a decision that we are bound to as well as a COAG decision, we do not want to be doing

the same piece of work or a similar piece of work and then have to amend it within a couple of months of doing that work to come in line with the commonwealth.

As you would appreciate, trying to get seven jurisdictions who have no idea, who have never engaged in a process like this, against ourselves as the eighth jurisdiction who have been doing it for more than a decade, in terms of—

MS LE COUTEUR: We have not been certifying energy efficiency raters for more than a decade, have we?

Mr Simmons: No, we have not. We have had a system of mandatory disclosure and a regulatory system around this where no other jurisdiction does. So they are seeking to come into the same activity that we have been engaged in. From our perspective, we do not want to lose what we have got. But, likewise, there is a job to convince people and explain to people how those systems work.

The commonwealth has had, over the course of its development, some very specific views about how it sought to introduce this. For example, is this done as a single piece of national law? Does the commonwealth have constitutional power to legislate in this area? A bit of a debate goes on around that initially. If that is not the case, then do you do it? Does each state and territory pass their own law so that you have got eight different versions potentially, or do you use a referencing system? There are three potential models of doing this. So this debate is a live one and one that we have to participate in as we do not want that system to go out of control and us end up in a situation where we have to take a backwards step with respect to what we want to do.

The people that we have got available to us who have the kind of knowledge to be able to engage in that debate mean that we have to make some choices about where we are. We have always seen BCA 2010, the COAG decision to move to six star, as a key milestone for us in being able to line up something with that. Along the way, we have made a series of decisions about applying our resources to make sure that we put ourselves in a situation where we can maintain the integrity of our system but also act in a consistent manner with the commonwealth and the other jurisdictions, giving our more than a decade long advice and experience in this, which we think is valuable to the national debate.

Mrs Dunne: Will we sell it?

Mr Barr: Are we selling it?

Mrs Dunne: Yes. If we have got the experience, why aren't we contracting out to other jurisdictions?

Mr Savery: In a slightly different way, we are. Despite the fact that we are obviously the smallest, or the second smallest, jurisdiction, we have been more heavily involved in helping frame the commonwealth arrangements around this than anyone else, because of our experience. So, in that respect, we are selling it. What we are trying to do is ensure that the commonwealth learn from the issues that we have experienced over that 10-year period. Mandatory disclosure has revealed a number of issues around how you regulate it, how you enforce it. The fact that we are now going to be

in a regulatory regime is something that the commonwealth had not considered when it was initially talking about the NFEE. Critically, as Mr Simmons has said, their initial view was, “This will all be centralised through the commonwealth,” and we said, “Practically, how are you going to put that into force? You haven’t got any enforcement officers.”

Mr Simmons: They also had a view, for example, that it was a self-regulating system; that you did not need a regulatory regime; that you authorised people and it would work. We would say to them, “Our experience says not only is that not going to work but in fact we are at the other end of that; we are in a position to be saying to you that you need a higher level.” The same time as they are doing this for the purpose of residential displays, it is a separate project running for mandatory disclosure of commercial buildings, which is a space which nobody has been into. That is just two subsets of the NFEE project which are quite capable of being incredibly resource intensive where the actual on-the-ground knowledge of that is contained within a very small number of people.

MS LE COUTEUR: Can I just go on to broader certification issues? What happens if a building certifier certifies something which subsequently is found to not meet building standards?

Mr Simmons: The regulatory system available to us has two mechanisms within it. One is the demerit point system. A licence is granted; it has 15 points on it. If you lose points off your licence that loss of points stays with the licence for a period of three years. At 10 demerit points, you get a mandatory letter from the registrar saying you are within striking distance of losing your licence or having something happen to you. At 15 demerit points, one of three things happens to a licence: it is cancelled, it is suspended or an action which is available to ACAT becomes available to the registrar. The full suite of disciplinary actions available to ACAT becomes available if you accumulate 15 demerit points.

Alternatively, if the registrar determines that a licensee has committed a breach of such import that it needs to be dealt with directly and that they have committed a matter which falls within occupational discipline, once the registrar forms that view, under the ACAT, that is then referred to the ACAT. The effect is the registrar makes the appeal to the ACAT. The ACAT then hear the matter and they have all the disciplinary powers available to them. That deals with the licensing issue.

Typically, for a more efficient process, a disciplinary matter is dealt with first. Once a disciplinary matter is dealt with, the other powers are available, the powers of rectification. It is possible for the registrar to issue rectification outside of the disciplinary process, but our experience over the years has been that if a disciplinary matter was sustained by the ACAT, or before that the AAT, it was much easier to sustain the rectification. If you take both simultaneously it means you can be in front of two different members and come up with different results. Our experience over the last 4½ years that I have been the registrar has been to take a disciplinary matter first to establish the facts, because once the facts are established before the tribunal then the rectification becomes the issue.

When it comes to looking at how you deal with licensees or building certifiers, as a

requirement of the budget 10 per cent of the approved works are audited by us. When we do those audits we look for two things. Are we seeing systemic issues across the industry and are those things which are applying themselves things which every certifier does incorrectly? Therefore, that is a signal to us that we need to go and undertake an activity with that entire class. It says, “You are doing this wrong. You need to correct that behaviour.” Or are we seeing something where it is the work of an individual certifier who is doing the same thing consistently wrong?

There are different approaches, depending on what the audits show—whether the audit indicates a systemic issue with everybody or a systemic issue with an individual—and depending on the seriousness of the issues—whether it is a matter for demerit points, which is a corrective process, or whether it is something which is severe enough to move itself into a requirement to go down to the ACAT to have the matter prosecuted.

MS LE COUTEUR: The demerit points only come from your audit program?

Mr Simmons: No.

MS LE COUTEUR: If I am a householder and I am not feeling everything is right—

Mr Simmons: Once somebody lodges a complaint, under COL there is a formal complaints mechanism. Anybody can make a complaint. The complaint has to be made in a particular form, because there is a form declared for that, but once that complaint is made the registrar makes a determination. Having made that determination, any complaint about any person—if there is an appropriate demerit point—can be dealt with through a demerit point offence. It does not have to be something that comes solely from an audit. There is about a 50-50 split of where it comes from—whether it is complaints made by the public or by people who have had somebody working for them—when a matter is dealt with through demerit points.

MS LE COUTEUR: So you do not have to have been directly affected by this to complain and you do not have to have a direct contractual relationship? I still have quite a number of emails from people in multi-unit situations where they felt particularly aggrieved that the building was not up to scratch.

Mr Simmons: Those are matters—where you are talking about multi-units—that do not necessarily fall within the control of the Construction Occupations (Licensing) Act.

MS LE COUTEUR: Is it not the same certifiers, though?

Mr Savery: No.

Mr Simmons: No, not unless—

Mr Savery: You are talking about the quality of building products in many instances as opposed to what the certifier may have determined as being constructed appropriately.

Mr Simmons: The role of the certifier is to certify that the building is constructed within the building code of Australia. It is a vexed and difficult issue—issues where things have been built other than in accordance with what may have been sold to people. For example, people buy off the plans. They look at the plan and it indicates that the stairwell is made of wood. When they turn up they find the stairwell is made of steel. That is not a matter that the certifier has certified. A steel set of stairs is compliant with the building code of Australia.

The next question that arises is: what is the acoustic behaviour of that—the acoustic behaviour of wood as opposed to the acoustic behaviour of steel? People will say, “Well, the building certifier has failed because it’s noisier than I thought it was going to be.” That is not sufficient evidence for the registrar to act upon. I would need a report from an acoustics engineer that says that the noise generated in the stairwell exceeds the Australian standard that was caught up in the building code within the dwelling. Absent of that, I have nothing to act on.

MS LE COUTEUR: But it is still the same certifier. It is not different for the multi-units. I thought for a second—

Mr Simmons: No, it is the same certifier—

MS LE COUTEUR: you were suggesting that it was.

Mr Simmons: The question is—

Mr Savery: It is not necessarily something that the certifier has to sign off on.

Mr Simmons: The certifier is certifying that it met the building code. If the colour was wrong or something was not there that was on the plans—one complaint, for example, was that a pergola that was on the plans was not constructed. The pergola was not part of the deal and it was not a part of the building code. It was not essential to the fabric or the performance of the building. Therefore, it was not a role of the certifier to certify whether that was or was not there.

MS LE COUTEUR: Is there a time span in which you can make the complaints? One of the reasons I ask that is that we see a number of houses where, when they go for sale, they are re-assessed and their energy efficiency rating is such that it is all but unbelievable that they could have been five-star houses when constructed. I appreciate things can change, but they are not 4½ stars. They are three and 2½ stars. It is almost unbelievable that they could have been correctly certified.

Mr Simmons: The rectification powers exist for a decade past the completion of the work, so the date that the sign-off occurs. For a decade, the registrar has powers back to order rectification. Effectively, it reaches back a decade. The tool that does the energy rating for the purpose of the building code is not the same as—

MS LE COUTEUR: Yes, I know it is not the same—

Mr Simmons: That is where—

MS LE COUTEUR: That is why I said it is almost unbelievable because the differences are so great.

Mr Simmons: Yes.

MS LE COUTEUR: I know that if it was just a small difference you would assume it was the tool.

Mr Simmons: The issues that you have raised have substantially been part of the underpinnings of why the proposal has been put to government for an increase in the regulatory regime around those activities, to be able to give us a higher level of capacity to intervene in that market.

MS LE COUTEUR: My final question on this is: what about asbestos assessment? Are certifiers trained in asbestos assessment, given that they are doing commercial assessments which have asbestos—

Mr Simmons: The building certifiers do not have to be trained in it; they have to rely on people who are. In the same way that a building certifier is not a structural engineer, they rely on the certification of people that have the competency in those areas, to the extent that they are fully aware of what their obligations are. Recent events might indicate to us that there have been breakdowns in the system, not necessarily associated with the building certifiers. These tend to be more about breakdowns related to people undertaking work without the approvals they should have gained.

Had they gained those approvals, the building certifiers would have informed them of their obligations. In those circumstances, having said that, we are taking steps to reinforce, again, with our building certifiers what their requirements in residential buildings are and the residential building stock with relation to asbestos and its control.

MRS DUNNE: Do you certify asbestos inspectors and people who are authorised to remove asbestos?

Mr Simmons: We license in two classes, in two categories of people who work with asbestos. There are asbestos assessors, class A and class B. We are the only jurisdiction in Australia that licenses in that area or seeks to regulate in that area. They are the people who do the air monitoring. Typically, occupational hygienists are the people who have the skill to take samples, do the testing, run laboratories, that class of people. And they have the highest level of training. It tends to be degree level. That is the entry point for that. Then we have asbestos removalists, which are class A and class B. We have a different regime in that everybody has to have a minimum level of qualification in that.

That is not the case in other jurisdictions. The company can hold a registration in some other jurisdictions. Here we require the individuals to have undertaken the base level of training and to be under the control of a licensed person.

MRS DUNNE: The actual worker is certified and the company that employs them is certified as well?

Mr Simmons: Licensed, yes.

MRS DUNNE: People coming from other jurisdictions to do work here have to comply with our licensing laws?

Mr Simmons: Yes. They come through under mutual recognition and we recognise them. The bulk of those people come from New South Wales and come through the training course which is the New South Wales training course in asbestos. There are two types of asbestos: friable asbestos, the most dangerous, and bonded asbestos. There are training courses targeted at both those levels. But the minimum level requirement for everybody is being able to work safety with bonded asbestos. To have a licence you need to be able to demonstrate that you have done the course and had experience in working with friable asbestos.

MR COE: I have a question which you could take on notice. I am interested to know how many tree protection zones there are in the ACT and how many blocks are actually affected by those tree protection zones.

Mr Savery: I think I would be correct in saying that there are no tree protection zones that have been put in place.

Mr Ponton: Or are you talking about leasing development conditions?

MR COE: Yes.

Mr Ponton: That would be difficult. We would have to go through every single residential and commercial lease.

MR COE: That is not on a database or something?

Mr Ponton: No, it is not.

MR COE: If somebody was to legally have a tree removed, does the tree protection zone disappear or does the tree protection zone stay?

Mr Ponton: It depends on the way that it is worded. I am aware of some tree precinct or no-build zones that actually specify that they are to apply whether or not the tree remains. So it depends on the wording and the intention.

MR COE: So you could have a tree protection zone in place to protect a tree that does not exist?

MRS DUNNE: That is right.

Mr Ponton: Yes.

MRS DUNNE: I pointed out the folly of this in legislation past.

MR COE: Is there a view that that sounds a bit odd?

Mr Ponton: Again it depends on—

THE CHAIR: I do not think officials are required to give their view on whether something sounds odd or not.

MR COE: Does the minister think it is odd?

Mr Barr: It presumably has some history going back to a minority government.

Mr Ponton: I am aware of one particular situation where there are a set of lease development conditions that were included in a no-build zone. It was originally intended to protect remnant vegetation. However, it did specify whether or not the trees remain and, over a period of time, if those trees were to die, you would keep a corridor of open space behind the homes so that the trees could regenerate. That was the intent behind it.

MR COE: It is—

THE CHAIR: Mr Savery might have some more information.

Mr Ponton: So it is not necessarily tree protection; it is a no-build zone.

Mr Savery: Another way of looking at this—I have dealt with similar provisions in South Australia—was that, for instance, a tree was removed and, as you say, potentially legally but it was not necessarily so that the person could take advantage of the space in which the tree had been located. If, for good reasons the current tree needs to be removed, it may be unhealthy or something, the expectation is that the space should still be occupied by a tree at some future point.

MR COE: I would argue that the expectation for someone who owns a block of land with a tree protection zone would be that, if there was not a tree, the tree protection zone does not apply.

Mr Ponton: Although, as I said in a particular case I am aware of, the leasing development conditions, which form part of the lease, which form part of the sales contract, are quite specific. It actually said, “This is a no-build zone, whether or not the trees remain.” It is quite clear.

MR COE: In what situation? Does it always say that, does it?

Mr Ponton: Not always. I am aware of one particular situation where it does say that.

MR COE: Regarding the Wells Station Drive—

THE CHAIR: We might need to take this on notice because it is almost 4 o'clock and we need to finish. Let the officials take it on notice.

MR COE: I am happy to do that. Can someone please substantiate the \$6 million cost that was advised to my office as the potential cost of realignment of Wells Station

Drive and provide a detailed breakdown of the \$6 million which shows the costs in more detail than was provided?

THE CHAIR: We will take that on notice. Thank you very much, minister. Thank you very much officials. There will be some questions coming on notice.

The committee adjourned at 3.59 pm.