



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON ENVIRONMENT,
CLIMATE CHANGE AND BIODIVERSITY**

(Reference: [Inquiry Into Annual and Financial Reports 2022 - 2023](#))

Members:

**DR M PATERSON (Chair)
MS J CLAY (Deputy Chair)
MR E COCKS**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 14 NOVEMBER 2023

**Secretary to the committee:
Mr J Bunce (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

Office of the Commissioner for Sustainability and the Environment.....40

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Amended 20 May 2013

The committee met at 2.33 pm.

Office of the Commissioner for Sustainability and the Environment
Lewis, Dr Sophie, Commissioner for Sustainability and the Environment
Gardner, Mrs Miranda, Director, Complaints and Investigations

THE CHAIR: Good afternoon and welcome to the public hearing of the Standing Committee on Environment, Climate Change and Biodiversity for the inquiry into annual and financial reports. The committee will today hear from the Office of the Commissioner for Sustainability and the Environment.

The committee wishes to acknowledge the traditional custodians of the land we are meeting on today, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome any Aboriginal and Torres Strait Islander people here today or listening online.

I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement on the table. When you first speak, can you please confirm for the record that you understand the implications of the privilege statement and that you agree to it.

MS CLAY: Good to see you, Commissioner. Thanks for coming in. I was interested to read the table of submissions that you have made, in the back of your annual report. One of them was about Canberra's urban footprint and it was a submission to the draft Territory Plan about 70-30 targets and 80-20 targets. I was interested that you said that at least 80 per cent of Canberra's development should be within our existing footprint and that there should be a moratorium on expanding Canberra's footprint beyond the existing Molonglo areas. That would rule out things like the western edge. Can you talk me through some of the reasons that you think it is important Canberra restrict its development?

Dr Lewis: Yes. I have read and acknowledge and accept the privilege statement. That is correct; in that submission we did talk about strengthening that target for the composition of development, being urban infill versus greenfield development, from a 70-30 per cent breakdown to 80-20.

The reason is that it is well known that greenfield development and expansion of the urban footprint of cities, not just Canberra city but all cities, is a tremendous pressure on our natural environment and has huge impacts on our threatened species and ecological communities, our temperate grasslands and our woodlands. It is really important that we protect the natural environment around our city through curbing that expansion—putting a limit on the urban footprint so that we do not grow beyond an urban growth boundary—and one way to do that would be to progressively increase those targets.

An important thing to note, in addition to those specific targets, is what they are measuring in particular. They are measuring the number of dwellings that are counted in the existing areas of Canberra and those that are outside, in future growth areas, but they are not actually counting the area lost through expansion. The distinction I am

making there is number of dwellings, counting how many dwellings—and that can include things like apartments, where multiple apartments occupy the same land footprint—compared to looking at how much land we are actually losing from our green spaces through urban development. While that is really important, we also have to be looking at what we are measuring and what that actually means for our natural environment.

MS CLAY: We have discussed this quite a bit in our office. We were surprised when we found out they were planning knockdown-rebuilds as new dwellings. We have also kicked around the idea that, the way we are counting at the moment, if you put one big Geocon tower within our footprint that then gives you permission, I suppose, if you have 500 apartments in there, to set out 200 freestanding houses in greenfields. Is that what you mean by saying that perhaps it would be better to restrict the expansion geographically, rather than to just measure it by dwellings?

Dr Lewis: Yes, absolutely—not “perhaps”. Categorically, if we are committed to protecting those environments around our city, the natural environments, we do have to limit the growth of the city; otherwise all non-reserved areas could be occupied by urban development. It is also really important that we have an accurate measurement of the number of natural spaces that have been lost to development. I do not think we get that when we, for example, count knockdown-rebuilds as infill or we are solely focused on the number of dwellings in one type of development versus the other, compared to the actual amount of land that has been lost.

MS CLAY: I hear what you are saying very clearly. We have also noticed that some of the categorisations have changed over time. Lawson stage 2 at the moment, for instance, is classified as infill, and I believe in the past that was listed as greenfield because it had not previously been developed. We have seen changing categorisations over time. Do you think that maybe limiting development geographically, just by drawing a line, would be a simple way to do it?

Dr Lewis: That would be a very simple way, from the perspective of a good outcome, which is protecting nature. I think there are multiple ways to do that. Having clear definitions would be immensely helpful in undertaking information collection for the *State of the Environment 2023* report and in requesting information from EPSDD regarding the specifics of infill versus greenfield accounting. Particularly around what areas count as greenfield and what areas count as infill, I was not able to find clear information that I found satisfactory from the directorate.

MS CLAY: If government did not decide to set a clear boundary, if they decided to continue these accounting methodologies for how far we expand, where should the authoritative source sit for what is Canberra’s footprint and what is greenfield? Where does that formula sit, given that your office and many other individuals have noticed there are changing definitions over time, so it is actually really hard to find out? Do you have a view on how we should make sure that government is setting a clear formula and setting clear definitions?

Dr Lewis: We would certainly have a sense in terms of what should be protected in our natural environment. It is about making sure that our strategies and plans are clear about what is being measured; having terms that are ambiguous—like “up to 70 per

cent”—made clear; and, in particular, that these targets are legislated. I will just get some additional information.

Mrs Gardner: I have read and agree to the privilege statement. To expand on what Sophie was saying, I think it is also about taking Canberra in the direction that our planning strategy and so on states that we want to go in—that is, being a compact and efficient city. The other aspect of this continued outward growth is that those new suburbs, by their very nature, are going to be harder to access. They are going to require a lot of new infrastructure, more hard surfaces, more embedded carbon ingrained into the actual builds. It is not just the immediate destruction of habitat and wildlife that is the issue with that sort of expansion; it also embeds all kinds of matters into the fabric of that new development which are contrary to our stated sustainability goals as a territory.

MR COCKS: I am interested in the other side of the issue, in terms of the green spaces that we have within our suburbs at the moment. Have you considered at all what the impact of things like hard surfaces and the urban heat island effect would be if we lost, for example, the green spaces around Curtin, which is something that there seems to be the potential for in that planning strategy?

Dr Lewis: Yes. I am certainly not keen for us to lose green spaces, regardless of whether they are on the urban fringe or in existing suburbs. Regardless of whether they are those grasslands and woodlands that I referred to or green space, in terms of our urban canopy, or important areas within the green network across Canberra, all of them are important.

MR COCKS: Have you looked at what the impact might be if we lose those green spaces within established areas?

Dr Lewis: No, not specifically. That is—

MR COCKS: You have not looked specifically at that. Have you considered at all what the impact of limiting the footprint would be if people simply move across the border and we see areas like Googong continue to expand?

Dr Lewis: Do you mean across the ACT border into New South Wales?

MR COCKS: Across the ACT border into New South Wales.

Dr Lewis: No, I have not. The legislation that governs my role is particularly clear that it is referring to the ACT, so it is not of particular concern to me if people decide to move to New South Wales.

MR COCKS: That is not something that you have the capacity to look at? It would seem that the value of green spaces and forests straight across the border would be relatively similar, in terms of sustainability, to those spaces that are within the ACT.

Dr Lewis: Yes; it is absolutely correct that the environment is important and contiguous across these jurisdictions, but the commissioner’s legislation is pretty clear that we are to focus on ecological, sustainable development for the ACT.

MR COCKS: In that case, do you consider the impact of increased vehicle movements as people have to move increasingly across the border for work and things like that?

Dr Lewis: In the 2023 *State of the Environment* report, which is forthcoming, we do refer to the increase in transport that occurs as the city grows. The expansion of greenfield developments and people having to travel further is something that is considered, but not in a quantitative sense. That is more a general discussion of some of the broader impacts of greenfield development.

MR COCKS: On wood heaters, I wanted to get a feel from you about how significant the health impact of smoke from wood heating is, in comparison to that which occurs naturally, for example, as the result of bushfires or from fuel reduction burns and that sort of thing. Is there a difference?

Dr Lewis: In the health impacts of exposure to smoke from those separate solid fuels?

MR COCKS: From wood heaters versus other sources of smoke.

Dr Lewis: There is unlikely to be a difference in the impact of exposure to smoke on human health from those two sources that are both solid wood fuel. The main problem in comparing those two is that exposure to bushfire smoke is likely to be something that is unavoidable and highly sporadic. It is something that is occurring very occasionally—ideally, depending on hazard reduction burning—and something that we cannot control.

The distinction with wood heater smoke is that, for many people in the ACT, that is exposure that can occur frequently, during many days of winter, and is known to be a highly problematic source of air pollution in the ACT, from our monitoring stations. It is something that can be limited through policy intervention. Although the health impacts of those two smoke sources is likely to be the same, the exposure to wood heater smoke is likely to be much higher and potentially avoidable.

MR COCKS: Building on that, I would really like to understand why your report on wood heating recommended banning wood heating and not outdoor fire pits, given that there are practical benefits from the former, particularly in terms of more efficient burning and a range of other things. I am interested in the difference between fire pits and wood heaters.

Dr Lewis: I am sorry; can you clarify what you mean by the potential benefits of wood heaters?

MR COCKS: There are potential benefits from wood heaters providing heating for people on low incomes. Wood heaters are also more efficient in burning, compared with a fire pit.

Dr Lewis: The office rejects the idea that wood heaters provide an efficient and useful source of wood heating for people on low incomes. As I outlined, there are tremendous health impacts from wood heaters. They have multiple long-term

potential impacts. I think that people on low incomes deserve clean air, so I do not see that there is a benefit to wood heaters as a first choice of heating for people on low incomes. I certainly would not want people on low incomes to have an air pollution problem replaced with a cold home problem, but I do not think that people on low incomes have any less right to clean air than anyone else.

MR COCKS: That is reasonable, but I go back to the fire pit question. The heart of this is: why wood heaters but enabling fire pits? Do you have less concern about fire pits?

Dr Lewis: I would not say that I am keen on enabling fire pits. The focus of the investigation was on wood heaters because they are known to be a tremendous source of air pollution in the ACT. That was not something that was known about fire pits. If that was seen to be an issue, in terms of air quality monitoring and complaints from the public through other reporting mechanisms, then they may warrant investigation too, but the issues that came into my office, through complaints and through air quality monitoring, really related to air pollution derived from wood heaters.

MR COCKS: It might be my ignorance, but how can the air quality monitoring differentiate between a fire pit and a wood heater?

Dr Lewis: It cannot necessarily. They can look at various signatures that reflect the source. The issue is that we know that there are many wood heaters across the ACT and these have been problematic for a considerable period of time. There is also a lot of evidence from other jurisdictions, and from the World Health Organisation. There is a tremendous body of literature that demonstrates that wood heaters are a significant problem with air pollution. That is something that is reflected in the ACT and that is something that has resulted in numerous complaints to my office and to the EPA over decades. That has not been the case with outdoor fire pits.

MR COCKS: I will put the rest of that one on notice. Thank you.

THE CHAIR: Commissioner, what about pollen? There is really good pollen monitoring; people at the ANU do the pollen count stuff. It does have pretty significant health implications. Has any work been done on air quality and pollens and the trees that we are planting—that type of thing? Are particular trees causing a lot of the pollen?

Dr Lewis: Not from my office, no.

THE CHAIR: Would it be something that your office would consider doing? Is there an interest there to look at pollen in the ACT?

Dr Lewis: As an environmental pollutant?

THE CHAIR: Yes.

Dr Lewis: Again, that is not something that has been raised with us. That is not something that we have seen reflected in air pollution data. Are you going to contribute, Miranda, on the distinction between heater smoke and pollen?

Mrs Gardner: Yes. With pollen the impact is directly on human health, as an allergen, whereas wood heater smoke is a generalised pollutant in the environment more broadly, affecting wildlife and all people. I guess that is why pollen has not really come up as something that is perceived as an environmental sustainability matter.

Dr Lewis: Particularly as it does not have the same anthropogenic source as wood heaters.

THE CHAIR: In terms of the trees that we are planting and that type of thing, would that be something that you could look at—whether particular trees are causing high levels of pollen that have health implications?

Dr Lewis: Yes; that certainly could be the case if we were directed by Minister Vassarotti to undertake some investigation into that or if a complaint about tree plantings was raised with our office and it met the criteria for further investigation. I am not an expert on pollen, but I would be surprised if the health burden of pollen was derived from local tree plantings.

MS CLAY: Commissioner, you made a couple of submissions about single use plastics and the draft circular economy strategy there. Those submissions are a bit old now, because both topics have moved along. We have now got a circular economy strategy and some new legislation coming. We are hearing about some progress at the national level on product stewardship. We have also been told that the FOGO facility that was planned down at Hume has been pushed back to 2026 or later. How do you feel we are progressing on circular economy and waste issues? What are the biggest couple of issues that you would highlight now?

Dr Lewis: They were submissions that the office made late last year. As you said, those strategies have progressed since then. I should preface my addressing your question by noting that it is quite difficult for me to provide information to you about progress on multiple issues, because, as noted in our annual report, there was very little information provided to my office by EPSDD, in particular, regarding progress on recommendations. That is not an issue that was specific to EPSDD, although it is noted in the annual report that no response was provided to us within a reasonable time frame on progress towards recommendations made in the *State of the Environment* reports and special reports. We certainly found that many directorates were extremely delayed in providing information to us, which makes it very difficult for us to track progress towards recommendations and to publish information in the public domain.

MS CLAY: Thank you. Is it a number of agencies?

Dr Lewis: It was a number of directorates and it is not an issue that we found exclusive to the annual reporting, although we appreciate that this is a really important mechanism for transparency and accountability. In this case, EPSDD were more than three weeks late, beyond our deadline, and we did not receive any cleared input for publication. We also had delays from Health and TCCS. This is also an issue that we experienced with the *State of the Environment* report, where some information was

provided to us over 4½ months after our deadline. Again, with the investigation into the wood heater policy in the ACT we had difficulty obtaining information from multiple directorates.

What was your specific question on the circular economy and plastics? I may be able to answer that one.

MS CLAY: No; that has actually been extremely useful. I think that was probably a more useful piece of information than what you could have given me. You were looking at the circular economy and plastics a year ago, and things have changed quite a lot since then. We have been told we are not getting a FOGO facility until 2026. I believe government is still considering whether or not that FOGO facility would take things like certified compostable products. I think that is not yet decided. We are also hoping to see national product stewardship. I am wondering, of the biggest issues you are seeing in waste at the moment, what would you like government to do better and first, given that those things have changed?

Dr Lewis: I note that, regarding the submission on single use plastics and FOGO, the recommendation to expand the FOGO facility preceded the trial.

MS CLAY: Yes.

Dr Lewis: Within the discussion and exploration in the *State of the Environment* report that we are currently drafting, we do discuss the need to increase the amount of information that has been collected on kerbside waste collection, and auditing around that, making sure that that information is published regularly so that we can look at trends and the efficacy of education for the ACT community on appropriate waste sorting and management.

In terms of the circular economy, we also look at that in detail in the *State of the Environment* report. There is a dedicated chapter on the circular economy in the ACT, looking at encouraging circular procurement within the ACT government and other considerations around providing further information to the ACT community on businesses that are demonstrating those circular principles so that they have that information. It also talks about providing hubs to connect organisations and businesses, because a circular economy really only works when all of those organisations are part of a network, rather than operating in isolation.

MS CLAY: Thank you.

MR COCKS: I want to come to staffing and how you are going on staffing. Could you give me a bit of a feel for what sort of staff turnover you have had, whether you have done any surveys of staff satisfaction and what you are seeing in that space?

Dr Lewis: In terms of staff satisfaction, all of that occurs through EPSDD, with my team being employed by EPSDD. In terms of staff turnover, we had one person move back to EPSDD in the period relating to the 2022-23 annual report, and we have had no separations.

MR COCKS: Do you have any vacancies currently?

Dr Lewis: Currently, no.

THE CHAIR: Thank you very much for your time today. I do not think we took any questions on notice. The committee's hearing for today is now adjourned.

The committee adjourned at 3.00 pm.