



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**STANDING COMMITTEE ON PLANNING, ENVIRONMENT  
AND TERRITORY AND MUNICIPAL SERVICES**

(Reference: [Annual and financial reports 2011-2012](#))

**Members:**

**MR M GENTLEMAN (Chair)**  
**MR A COE (Deputy Chair)**  
**MR A WALL**  
**DR C BOURKE**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**MONDAY, 4 MARCH 2013**

**Secretary to the committee:**  
**Ms V Strkalj (Ph: 620 50435)**

**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**

<b>Environment and Sustainable Development Directorate.....</b>	<b>106</b>
<b>Office of the Commissioner for Sustainability and the Environment.....</b>	<b>90</b>

## **Privilege statement**

The Committee has authorised the recording, broadcasting and re-broadcasting of these proceedings.

All witnesses making submissions or giving evidence to committees of the Legislative Assembly for the ACT are protected by parliamentary privilege.

“Parliamentary privilege” means the special rights and immunities which belong to the Assembly, its committees and its members. These rights and immunities enable committees to operate effectively, and enable those involved in committee processes to do so without obstruction, or fear of prosecution.

Witnesses must tell the truth: giving false or misleading evidence will be treated as a serious matter, and may be considered a contempt of the Assembly.

While the Committee prefers to hear all evidence in public, it may take evidence in-camera if requested. Confidential evidence will be recorded and kept securely. It is within the power of the committee at a later date to publish or present all or part of that evidence to the Assembly; but any decision to publish or present in-camera evidence will not be taken without consulting with the person who gave the evidence.

*Amended 9 August 2011*

## **The committee met at 10 am.**

Appearances:

Office of the Commissioner for Sustainability and the Environment

Neil, Mr Robert, Commissioner

Burrows, Ms Sarah, Senior Manager

**THE CHAIR:** Good morning everybody and welcome to the annual and financial report hearings of the Standing Committee on Planning, Environment and Territory and Municipal Services. Today we will be examining the reports of the Office of the Commissioner for Sustainability and the Environment and the Environment and Sustainable Development Directorate. We will commence with the commissioner, Mr Rob Neil, and follow with all areas of ESDD, apart from the planning, delivery and city planning divisions, which will be considered this afternoon. We will have a short break around 11.30 if required and a break for lunch at 12.30.

Visitors, could I ask that you confirm that you have read the privileges card lying on the table before you and you understand the implications on the statement?

**Mr Neil:** Yes.

**Ms Burrows:** Yes.

**THE CHAIR:** Mr Neil, would you like to make an opening statement to the committee?

**Mr Neil:** Yes, thank you; I would. I would just like to say that 2011-12 for us was a fairly busy year. There were a couple of significant reports and also changes to our legislation.

When I walked in we ended up completing the 2011 *State of the environment report*. It was completed within the legislative timetables, and it was tabled in the Assembly on 19 April 2012. The government responded on 5 June. What comes out of that report is the fact that we are very lucky that we have a very liveable city, but we need to remain very vigilant about both monitoring and protecting our environment. The report identified a number of emerging issues. The two largest would be our consumption and balancing our urban development with the protection of ecosystem values and services.

Investigations in the financial year saw the completion of the report on the state of the watercourses and catchments for Lake Burley Griffin. We are looking forward to the government's response, which is due fairly shortly—April, I think. During the same period, the government responded to my predecessor's report on Canberra nature park, which included the Molonglo River corridor, Googong foreshores—all of Canberra nature park. The government responded in June, and we are looking forward to seeing the government implement the recommendations that they agreed to.

Finally, I think the changes to the act were quite pleasing. They now have explicitly changed the title to “Commissioner for Sustainability and the Environment Act”, so

“sustainability” is now clearly part of the role. They have also included objects in the act, which previously they did not, which gives us a bit of guidance about how we should interpret the act. That has a clear role for ecologically sustainable development. And there are the time frames: it is now incumbent on ministers to table reports from the commission within six sitting days, as opposed to, previously, 15 sitting days.

Let me go to where I am at the moment. I am trying to build on the work of previous commissioners. They have left a wonderful legacy and a beautiful building block to lean on. I hope, over the next couple of years, to get our office to integrate sustainability and the environment, recognising the critical role for social, economic and environmental outcomes. I will continue to reach out to all the directorates. We have a huge number of academics and community members who are willing to provide their advice—not always for free, but they are a very experienced lot. We will continue to reach out to all those sources.

Looking forward, we have begun a number of important projects. One was to look at the 2011 *State of the environment report* and review that report. It was the first time we had used the driving forces-pressures-state response model. We are going to stick with that, but we think it can be improved a little in terms of accessibility. That has been the suggestion from some of the working groups. We are having a look at ESD and what that may mean for the ACT. Finally, for those who do not know, the commissioner for the environment act came in in 1993, so it is the 20th anniversary of the commissioner’s role in the ACT; we thought we might try and celebrate that in some way.

**THE CHAIR:** Thank you, Mr Neil. We will pick up with questions, then, members.

**DR BOURKE:** In your report into the health of Canberra’s waterways which affect Lake Burley Griffin, how much of the barriers to resolving water quality is the primary responsibility of the NCA?

**Mr Neil:** I think our problem with our lakes is shared by all of us. It is very difficult. The NCA gets to manage the last little bit around the lake. That report identified stormwater, in particular, as a major pollutant source. And there are just the in-lake processes—the chemical, bio and physical reactions within the lake. So there is no easy answer. I think that just to say the ACT government or the commonwealth or our adjoining councils in New South Wales have got some major component is a bit difficult. I do not think you can identify the individuals—apart from, in the main, our urban development. That, clearly, is Canberra and Queanbeyan. They are the two major urban developments that affect the waterway.

**MR COE:** With regard to the ACT’s performance on climate change, the report suggests, on page 19:

... waste generation per person has increased by 28 per cent since 2007-08, while population has increased by only 5.5 per cent.

Obviously, we are going in the wrong direction. Do you see any particular reasons for that? You cited the affluent lifestyle, but that would have been so in 2007-08. What has happened in those five years which has led to the situation worsening, so to

Speak?

**Mr Neil:** There has been a very large increase in commercial and industrial waste, basically from construction and, to a lesser extent, commercial premises. What I found a bit interesting was that even our household waste increased; I think it was around five per cent, from memory. So across the board we are generating more waste than we were previously.

**MR COE:** The issue of commercial waste has been identified for some time. I know that the government is investing in an MRF. However, do you see anything in particular which can be done in that area that the government is not doing?

**Mr Neil:** The MRF is a step in the right direction. They have also initiated what I think they call “Aussie smart” for commercial buildings—not construction and demolition waste, but commercial waste. There seems to be a fairly reasonable take-up of that. The industrial waste, the construction and demolition waste, is a hard one. I am not quite sure whether it is just waste material from the site or whether it includes some of the land and some of the earth moving quantities. During that period there were quite a few commercial sites, and I think they were looking for places to put soil at that stage. It contributes quite significantly.

**MR COE:** Yes.

**DR BOURKE:** So in actual fact site remediation generates an enormous volume of waste?

**Mr Neil:** In the case of the Molonglo ponds, there was quite a significant amount of material taken to what they call the borrow pit out in west Belconnen, because it had the potential to have—and did have—some asbestos waste in it and that was the appropriate place to dispose of it. But by and large construction and demolition waste was increasing purely because we were building and growing.

**MR COE:** So all that waste from Molonglo—would that have all gone over weighbridges?

**Mr Neil:** I could not answer that; I do not know.

**MR COE:** I just wonder how we generate the statistics about the total waste.

**Mr Neil:** Most of it goes across a weighbridge. In terms of the material from Molonglo, I am not 100 per cent whether it went across the weighbridge or whether they measured it by truck, by volume. I am not sure.

**THE CHAIR:** There is a cubic measurement on trucks, from my memory, and then a ratio to weight as well, I think.

**Mr Neil:** Yes. It could well be. I do not know the ins and outs of how they determine it. It was disposed of at the borrow pit, and that was the appropriate place.

**THE CHAIR:** What has been the ratio or comparison in relation to this generation of

waste to landfill? Has it been the same ratio?

**Mr Neil:** Waste to landfill has gone up, but our recycling has also increased. So we do have a higher level of recycling than we did previously, but the total amount of waste to landfill is increasing, despite our increased recycling.

**THE CHAIR:** That would bring some pressure on the Mugga tip, I would imagine?

**Mr Neil:** Yes.

**THE CHAIR:** It is getting close to finishing.

**Mr Neil:** Yes.

**THE CHAIR:** What steps have you taken to look for another site?

**Mr Neil:** We have not. I did see—I do not know whether it was in the paper—that they were looking at extending Mugga.

**THE CHAIR:** Okay.

**MR SMYTH:** Just on landfill, if we do not change the way we are addressing waste, then inevitably we will have to build a new landfill site.

**Mr Neil:** Eventually, if we keep putting waste in a hole—and invariably there will be some waste that you have to deal with by burying it—then invariably somewhere down the track we will fill the hole. If you increase substantially recovery and resource use, which the government now have in their waste strategy, then, hopefully, we will reduce and limit the total amount that goes into landfill.

**MR SMYTH:** So going back to something like the no waste by 2010 strategy—obviously it would now be 2000 and whatever—it would be a worthy step to actually set firm targets and have that zero target as the ultimate outcome?

**Mr Neil:** From a personal point of view, I think you will always have a residual stream that you have to dispose of in some way. That is not to say that at some point in future someone could come back and mine it, but to my knowledge, with our current waste treatment facilities, we will always have a small residual component.

**DR BOURKE:** What impact would the MRF have on that?

**Mr Neil:** The MRF should prevent what now goes to landfill that could be beneficially reused going to landfill, but at the end of it all you still end up with a small component that you have to deal with in some way.

**MR SMYTH:** You said in your report—I just read from the executive summary:

However, recommendations regarding organic waste collection, promoting waste minimisation and waste minimisation/avoidance action plan have not been implemented.

Where is the government falling down on that, and what should they be doing?

**Mr Neil:** At that stage they were still developing the waste strategy; it was not finalised. I do not even remember if it was in draft form. Clearly they needed to look at that; the draft strategy did come out in, I think, October last year.

**MR SMYTH:** So the lack of a waste strategy—has that impacted the amount of material going to landfill?

**Mr Neil:** I think a lack of alternative recycling opportunities and the broader aspect of education around waste could have been helped by an earlier release of that strategy.

**MR SMYTH:** You just mentioned education. Have we stopped educating the public about the need to recycle?

**Mr Neil:** No, I do not think we have. But I suspect that we need to highlight it a bit more. Recycling is only one part of the answer. I think refusal at the front end is just as important—do you actually need what it is you are getting? And then resource recovery comes into play afterwards. But certainly any waste strategy is not just based on the recycling; it is based on the refusal at the front end.

**MR SMYTH:** So is there not enough emphasis on reduce and reuse?

**Mr Neil:** I do not think there is, no. I think reduce would be the first step that we should look at.

**DR BOURKE:** What is the evidence to support the effectiveness of education campaigns?

**Mr Neil:** I do not know whether there is any. I am unaware of any, although I do know that in the ACT our recycling rates are exceptionally good. And I think that is probably from both previous education and current education and a fairly informed community.

**DR BOURKE:** You were talking before about a 5.5 per cent increase in population but only a five per cent increase in household waste, which means that households have actually reduced their waste output in that period of time.

**Mr Neil:** That is from the roadside collection.

**THE CHAIR:** Are you aware whether the education opportunity still exists for MURF at Hume? Do they still use that facility?

**Mr Neil:** Yes, they still run schools through there.

**THE CHAIR:** Good.

**MR WALL:** The organic waste function, I understand, was only ever rolled out to businesses and government office blocks. Was there ever any scope to roll that out



into a residential trial? And do you believe there would be benefit in doing so?

**Mr Neil:** I think there was a trial that was done on organic waste in Chifley.

**MR SMYTH:** In 2000-01.

**Mr Neil:** There you go.

**MR SMYTH:** That was delivered in March 2001?

**Mr Neil:** I think there were some concerns, health concerns, around that. The outcome was that it was not the preferred way to do it.

**MR WALL:** I may not have been specific. It was more the one that is currently underway for food scraps, paper towels and the like. Has that one been considered to be rolled out further than corporate?

**Mr Neil:** No, it was specifically around government institutions, schools and things like that, government offices, but also commercial businesses.

**MR WALL:** Do you think hand and hand with that some further education for householders and families would be beneficial to get composting more a prominent form of recycling? I know most people take the easy option and put it in the garbage.

**Mr Neil:** That is always interesting. I think we have a really high recycling rate for green waste where we take the material to the resource recovery centres at the various landfill locations and out at Mitchell. In terms of education, education is always good, but knowledge of itself does not necessarily lead to behavioural change. So I think a little more work around that, to see whether you do get behavioural change, would probably be a good investment.

**MR WALL:** I guess, in fostering behavioural change, would the provision of a compost bin or a worm farm or something along those lines to residents improve the rate of recycling?

**Mr Neil:** I do not know. I could not even guess as to whether that would happen or not. I would just be speculating.

**DR BOURKE:** Would you be speculating also that everybody who wants a worm farm has already got one?

**Mr Neil:** I have got no idea.

**THE CHAIR:** Since we have talked about landfill here, have you looked at the operation of other areas in regard to landfill? I am aware that New South Wales do a lot of landfill. They ship the waste to Tarago. They use that there to generate renewable electricity. Have you looked at those operations as well?

**Mr Neil:** I have not, but I am aware of them. I am aware that the Tarago mine was an old hard-rock mine. So it is actually a really good site for that sort of thing, and they

can cap it and trap it fairly easily. In the ACT, it is very pleasing to see that they have got methane extraction at Belconnen and at Mugga. I think the ACT community is making a fair attempt really at the bit that they can control.

**DR BOURKE:** What sorts of celebrations are you envisaging for your 20th anniversary?

**Mr Neil:** Fairly small. There have only been five commissioners. Dr Joe Baker was the inaugural commissioner, followed by, I think it was, Dr Purdie, then Daren Stinson for a short while, then Dr Cooper and then me. I have written to the previous commissioners and just asked them to give us a couple of pages of their thoughts on what their challenges were and how they think the ACT is travelling. Hopefully, we will put it together in a reasonably small booklet and invite some people to morning tea. It is very hard to have a big celebration, with budgets the way they are. So I do not envisage anything major.

**MR COE:** Commissioner, with so many different trials and different reports having taken place over this 20-year period—and I commend the commission for going through some of the past recommendations and doing a bit of an audit of where things are at—how do you keep track of them and how does the government get held to account for all these trials so that they do not just become another report on a bookshelf?

**Mr Neil:** What the government does with their reports is, I guess, the government's business and the directorate's. You can ask them later this morning. But in terms of the reports that come from the commissioner and the recommendations, there is a legal obligation on my part to look at recommendations from investigations and state of the environment reports. We also ask questions around some of the complaints that have been done by me and previous commissioners.

We write to the directorates and ask them how they are going, and they usually write back and give us a reasonable assessment of what they are doing. And, for the first time to my knowledge, last year I actually asked them to show me how they had implemented some of them. That was more of an audit. Normally because there are so many and we do not have the knowledge, they provide information, which is usually pretty good. Last year, for the first time, we actually asked for a little more. We asked to see the proof. Where they said they had implemented something or something had happened, we said: "That's great. Show us the documentation."

**MR COE:** And all that documentation was forthcoming?

**Mr Neil:** What was available was forthcoming. What was not available, I think, just highlighted that our recordkeeping was probably not as good as it could be.

**MR COE:** And are you confident it is a matter of recordkeeping as opposed to actually not having done the substantial nature of the work?

**Mr Neil:** In the main, it is recordkeeping. I look at Tidbinbilla nature reserve, where they are planning to have commercial tours out there. And some of the recommendations that came out of the office were to monitor the impacts. We know

that the rangers out there actually do travel up and down the maintenance roads and they do keep an eye out for impacts, but they do not actually record it and tell us. It is that kind of recordkeeping that is very helpful when you are trying to audit something.

We know that these people do go up and down the track and we know that they do keep their eyes open, but when you ask where it is, it is not forthcoming. Given a bit of time, since this is the first time we have done it, the recordkeeping may well improve, because they are likely to be asked to demonstrate where they have made progress.

**DR BOURKE:** Presumably that is information you have asked to have in the future?

**Mr Neil:** Yes. As part of every annual report, it is my intention to write to the various directorates and ask them how they are going with implementing all the recommendations and then to write to them with a selection and say: "I actually want to see how you are going with these. I want to find out where you're up to and where the paper trail is." It is just like an audit function, to keep them a little more focused on some of the recommendations.

**MR COE:** Other than general recordkeeping, were there any other systemic issues that were identified?

**Mr Neil:** I do not know whether you would call them systemic, but certainly there are communication—not difficulties—challenges among directorates and among individuals. And I do not think that is to be unexpected in any decent-sized organisation. You are always going to run into that kind of difficulty. It is how you manage it that becomes the important part.

**MR COE:** Was there always awareness of the recommendations or was it news to some staff that actually they had received some advice that was meant to be enacted?

**Mr Neil:** I never actually got to ask that question, because we send the—

**MR COE:** You gave them the refresher before they had a chance to ask, yes.

**Mr Neil:** We send it formally to the director-general and then it is fed down the line. So I am not quite sure what their response was but, by and large, the people that we deal with know the recommendations and they know where they are up to and what impact their actions are having.

**MR COE:** Do you have any recommendations on the recommendations? Do you have any thoughts on how you make greater awareness of the recommendations and how you make sure that they are a priority as opposed to a one-day story?

**Mr Neil:** You have got to look at the recommendations that have been put out there. Particularly when you look at the grasslands, some were urgent; others were less urgent. So for us, I think it was pretty simple. You look at the urgent ones and find out what they have done. By and large, most people are aware of the recommendations purely because, as you go through writing the state of the environment report, you actually have to talk to these people. You have to try to figure out what it is that

makes sense and what it is that can actually work. So they are generally pretty aware.

**MR SMYTH:** You mention in the state of the environment report a need for a regional approach. Has the government not adopted a regional approach to climate change?

**Mr Neil:** I think the government is probably leading on that now, because they are now a formal member of SEROC. I think last week a committee was established around regional matters. From my perspective, the state of the environment reports are trying to reach a little further and take a regional perspective because we are part of the broader region.

**MR SMYTH:** We used to do a state of the regional environment—

**Mr Neil:** That was a separate report. That was done on a cost-recovery basis for the councils and it was trying to pull together the information they had and turn it into a coherent story. It was not done last year for various reasons—the cost and the timing. Normally there was an opportunity to set aside money every four years and then pay for it. Last year it was only going to be two years. The local government reporting requirements have changed in New South Wales so some councils were due to have a state of the environment report at the end of last year and some I think at the end of next year. They will all align in 2016. I have spoken to the general managers and said that, if they are interested, we are interested in doing it for them but that they would need to think about it and that we would not do it until 2016, because that is when they all line up.

**MR SMYTH:** You say in the executive summary that climate change impacts are not limited by jurisdictional boundaries and that much would need to be done across the region to adapt to climate change. What is required to be done?

**Mr Neil:** That is a very interesting question. You quite often hear about resilience and adaptation, and trying to get a handle on that is sometimes a little difficult. But if you look at the ACT, in simple adaption terms we have reduced our water use, and the way we manage for bushfires is actually quite adaptive. If you look more broadly across the region, there are things like renewable energy, and the ACT is just a part of that bigger picture. That is where I see the adaptation; it is more broadly regional. The solar farm is fantastic step, but it is not the only step. There are other regional opportunities.

**MR SMYTH:** You go on to say in recommendation 14 that we should develop a regional approach to planning for climate change.

**Mr Neil:** Yes.

**MR SMYTH:** Are you saying that we do not have a regional approach to planning for climate change?

**Mr Neil:**, I would suggest that that be done—a regional approach for climate change.

**MR SMYTH:** What would be the basis of a regional approach?

**Mr Neil:** I think they need to identify the adaptation they need to make, and that is part of action plan 2. Whilst there are specific indicators in action plan 2, it is a little bit broader than that. It talks about adaptation. We will probably look at that. I think they have to report on that in 2014.

**MR SMYTH:** The urban footprint is covered fairly well in your report. Something like more than 70 per cent of development is still on greenfield sites. What can the government do to get more development and densification in the inner city?

**Mr Neil:** I suspect if we knew the easy answer to that we would have done that.

**MR SMYTH:** But from your point of view.

**Mr Neil:** I think you have to make the density attractive. You have to get people who actually want to go there. I do not think that is necessarily an age thing; I think you have to make it attractive to the whole community. If you do that, the public transport routes could well benefit substantially.

**THE CHAIR:** Do you have a feel on what you think the ratio should be of densification compared to greenfield?

**Mr Neil:** I would like to see a much higher level of densification, but I would like to see it done in a very sympathetic way that improves environmental outcomes, social outcomes and, of course, economic outcomes. I do not think any of us have a magic wand. I think we are all struggling with trying to grow our city without continuing to develop greenfield only.

**DR BOURKE:** What does “sympathetic” mean?

**Mr Neil:** One that meets the balance between social, economic and environmental. It is easy enough for me as the Commissioner for Sustainability and the Environment just to say, “Well, that’s a bad environmental outcome or a good environmental outcome.” But it is not that simple. You actually have to look at the economic and social implications of what happens and what you are assessing. There is no easy answer. By “sympathetic” I just mean trying to balance those three things in a reasonable way. If you ask me what “reasonable” is, I would say it is the same as “sympathetic”—it is being well aware that there are competing needs and it is trying to balance those in a way that suits not just me but the community.

**MR COE:** I have a question about one of the complaints listed on page 13 of the annual report. The nature of the complaint is a tree in McKellar blocking solar access and management of this by the Territory and Municipal Services Directorate. Whilst this is some time ago now, the question of particular interest to me is about solar access and what right a household has to solar access and how that comes into play with regard to tree management.

**Mr Neil:** I will ask my colleague Ms Burrows to correct me if I am straying off track, but my understanding is that a tree, particularly a registered tree or a regulated tree, cannot be removed unless it has significant structural problems. If you wish to put

solar panels on your roof and there is an existing tree, you should look at making sure the panels do not fall within the shadow of the tree. If it is not possible, then you have a problem. From my reading of that report, the tree was on a nature strip, and it just needed thinning. There was structurally nothing wrong with it. There were a few dead branches, so it just needed thinning in that sense. That was done, and because it had been pruned a little bit for a short time it did not impact on the solar access. But it is something that we have not had to deal with very much. I suspect it is something that will come up into the future when people are looking more closely at having solar panels.

**DR BOURKE:** Do you have any data around the effect of overshadowing by trees on solar panel production?

**Mr Neil:** No. There was just this one complaint, and that is the only information we have.

**MR COE:** It is an interesting precedent that you could get a tree pruned for that reason. Is it only for solar panels or is the broader right of solar access—

**Mr Neil:** No, the tree was actually pruned to make it safe, not to provide solar access. The secondary outcome was that the crown was thinned a bit and the gentleman was happy with the outcome. But the actual pruning of the tree was done on a tree-surgery basis.

**MR COE:** The last paragraph on page 13 in the comments section says:

The TAMSD undertook some pruning in April 2011. This work and the tree were later assessed by a second independent arborist who recommended further pruning to focus on safety and solar access while ensuring the integrity of the tree. TAMS agreed to those recommendations ...

Could it be that solar access actually was a consideration rather than just safety?

**Mr Neil:** Quite clearly, yes.

**MR COE:** Is that a worry that that is a consideration? Does that mean that anybody can now seek to have some trees removed, or at least significantly pruned—

**Mr Neil:** Well, I would say—

**Ms Burrows:** Sorry, in this particular case, the primary reason for pruning was safety. As it was being pruned for safety, we asked that they consider solar access as they were undertaking pruning anyway. It was not undertaking pruning purely for solar access reason. But, given there was a solar access reason and they were pruning it, that was considered in doing the pruning.

**MR COE:** Is there a reason why this particular complainant's issue lasted so long?

**Mr Neil:** I would suggest there was probably the original complaint and someone would have gone to look at it. This is before my time, and Ms Burrows can correct me,

but the assessments would have been done and then the pruning would have been done. Clearly, the pruning was not done to the complainant's satisfaction, so they had another look, and then that resulted in the second pruning, I would suggest. That is a standard way of dealing with complaints, even though I have no specific knowledge of the timing. That is generally what happens. It usually takes a little bit of time to get the story, to get those who have the answers and to actually talk to the complainant to make sure not necessarily that they are happy but that they understand the outcome.

**MR COE:** Is that about the usual length of time in which issues like this are dealt with?

**Mr Neil:** Some are shorter, some are longer. I think it depends on the complexity.

**MR COE:** In the complete time line of decisions and actions in a process like that, what is taking up the most amount of time?

**Mr Neil:** With this one, I am not sure.

**Ms Burrows:** There were almost two complaints in one in that there was the initial complaint and then there needed to be an independent assessment and pruning, and timing of the pruning was also a consideration with seasonal issues and things like that. Then there was this additional issue when the complainant was not happy with the outcome of the first pruning. There was a gap between when the pruning was taken and the second concern that the complainant had about it. Then that process went around again.

**MR COE:** Yes, that makes sense.

**THE CHAIR:** On the next page is another complaint about trees but this time as part of a development application. What are the time lines there and what things do you take into account when making those decisions? I would imagine there would be more trees removed for DA than solar access or safety?

**Mr Neil:** Whenever they wish to remove a registered tree, clearly the conservator has to give approval—I think the conservator is on later on this afternoon—in terms of DAs.

**Ms Burrows:** Looking at the time frame, this was a bit more of a straightforward complaint—it was a single complaint time rather than the two. The tree had already been removed and the complaint was regarding the process and whether appropriate grants, approvals and processes were undertaken. In this particular case it was really looking at the process rather than going out and looking at the tree, because there was no tree to look at. That was a lot more straightforward because we were seeking information from the department around the processes, and they can usually provide that in a more rapid and straightforward way than undertaking independent assessments of trees and that process.

**MR WALL:** A case listed on page 16 regards a tree in city west that was part of a planning decision and there was contradictory advice given between your office and ACTPLA. Is that a common occurrence?

**Mr Neil:** It would not have been contradictory advice from our office. That would be the conservator.

**MR COE:** The first dot point talks about the contradictory advice.

**Ms Burrows:** That was ACTPLA's—

**MR COE:** Within ACTPLA; is that right?

**Ms Burrows:** That was within ACTPLA.

**MR COE:** Is that a common occurrence—those sort of slip-ups?

**Mr Neil:** No.

**MR COE:** I know this was a lone complaint several years ago but it has obviously got a run in the annual report for a reason. There was a significant contradiction which obviously had significant consequences. Can you recall that particular one?

**Ms Burrows:** I would have to—

**Mr Neil:** The planning authority's advice to the conservator was contradictory. Basically there were two sets of advice. In these situations, under certain circumstances trees can be removed if keeping them is likely to impede the strategic plan.

**Ms Burrows:** The territory plan.

**Mr Neil:** The territory plan. There is a set of rules around when you can and can't remove trees.

**Ms Burrows:** In developments there are occasions when the chief planning officer provides recommendations or advice to the conservator. When you get these trees or animals interacting with planning, they have to talk to each other and provide advice to each other.

**DR BOURKE:** Just coming back to Mr Coe's point about complaints being in the annual report, these are all the complaints?

**Ms Burrows:** Yes.

**DR BOURKE:** Ever?

**Mr Neil:** No.

**Ms Burrows:** No, just for the financial year.

**DR BOURKE:** When I look here, there are not really a lot of complaints.



**Mr Neil:** No, and in fact—

**DR BOURKE:** Why do you think that is so?

**Mr Neil:** Probably by and large most of the things that people complain about are dealt with by the directorates. We would only get involved when it could not be resolved. So if people who have a legitimate complaint come to our office, the first thing we say is, “You need to go to the directorate. You need to talk to the right people, the appropriate people.”

If they have already done that and still have had no satisfaction and there is merit in what they are saying—and usually there is a bit of merit around communication. We tend in the planning system to have quite a lot of information but sometimes little bits do not get through and people miss them. It is sometimes a little difficult to know, when you put in a submission, the timing of when that should happen and when it takes effect. So, by and large, the directorates do deal with the complaints, and we only get involved if it is significant enough to be systemic—that would be my view—or if it deals with particular issues that are of relevance to the territory’s environment.

**DR BOURKE:** Do you have a sense of the number of people who come to you, you suggest they go and talk to the directorate, and then they do not come back?

**Ms Burrows:** We actually get quite a number of inquiries put through to us that we then put back to the departments. They can be anything from what might be a complaint issue potentially or simply an inquiry. Because we are listed as “environment”, people often ring us straightaway, looking for advice on managing trees, waste or a whole range of environmental issues. A lot of calls come through that we then direct to the appropriate departments. We do not see them again unless they have a particular complaint, and then they can come back to us.

**THE CHAIR:** I know we are still on complaints. On page 17 there is one in regard to Glenloch. It says that it is pending. Do you have any update on that?

**Mr Neil:** Yes. We have now completed that one. We have written to the people who put in the complaint and to the directorates about how they might better look at some of the land management agreement issues.

**MR SMYTH:** In the executive summary of the state of the environment report, on page 16, under “How can we improve?” the paragraph reads:

It is acknowledged that work is being done to encourage emission reduction by government and the wider community and that business and community must play a role ...

You go on to say:

However, there needs to be a framework to effectively measure and evaluate progress.

What is currently deficient in the evaluation and the measurement, and what would you like to see the government doing?

**Mr Neil:** I think the government have actually come up with the answer in action plan 2. They are now going to measure the emissions by sector. There is some suggestion about whether our adaptation plans are fit for purpose. So that is a little bit of work that we will be doing between now and next year, since we have now been given the task of reporting against it, with guidance from the Climate Change Council. So it is one of those things that are a little unclear, and we are hoping to clear that up. I think the numerics are pretty simple. The emissions by sector are a simple numeric measurement that the ICRC will produce.

**MR SMYTH:** How are you going to go about clarifying that?

**Mr Neil:** With guidance from the Climate Change Council and also with a bit of guidance from academics and experts in the field and the directorates themselves.

**MR SMYTH:** Is what the government has put in action plan 2 adequate or does there need to be improvement there as well?

**Mr Neil:** I think what they have put in is quite adequate because it allows for it to be measured and assessed every three years and allows for them to then adapt AP2 if they need to, to make sure that what they are after they can get.

**MR SMYTH:** Are you worried about the effective measurement? Are there numbers there that give you concern or are the processes in place okay?

**Mr Neil:** I think the processes are okay. They are done by the ICRC, so they are pretty independently scrutinised. In any dealings I have had with the staff over there, they have not raised any great concerns about it.

**MR COE:** How many FTE staff are there?

**Mr Neil:** All up?

**MR COE:** In the office.

**Mr Neil:** Including me, six.

**MR COE:** How has that changed over the course of 20 years?

**Mr Neil:** I think it changed significantly about six years ago, when Dr Cooper was the commissioner.

**MR COE:** And before that?

**Mr Neil:** Before that, I am not sure how they operated.

**Ms Burrows:** Before that it was a part-time commissioner and one or 1½ FTEs. It was significantly smaller.

**MR COE:** In regard to complaints, there are not too many complaints coming in, it

seems. Part of that would be because they are being dealt with by the directorate and another part may be because of lack of awareness of the function of the office. Do you suspect that is a factor?

**Mr Neil:** I think it is a factor. I guess it rolls into part of the role of advocacy that the office has. So it is not just about ecologically sustainable development but it includes the functions that the office does. It is quite clearly something that we are working on promoting.

**MR COE:** With most of the tasks that the office does, is it mainly reactive or do you have scope to be proactive?

**Mr Neil:** It is mostly proactive. Even when you look at the state of the environment report, there are a lot of background papers that are provided that lead into that that are actually quite proactive. The report, by its nature, is actually reactive, because it looks at trends over the last four years rather than into the next four years. But, by and large, most of the other work is pretty proactive. It is around some of the driving forces that cause environmental change and some of the things that happen.

**MR COE:** Is there any particular capability that the office lacks that you simply cannot roll in either to the six FTE or to the budget?

**Mr Neil:** No. I think we do exceptionally well in terms of seeking academic support. We have quite good links with both universities and there are a lot of retired or semi-retired academics who have worked in the environmental area. It has been my experience that they have all been more than happy to contribute where they can.

**MR COE:** The peer review groups are listed in the appendix. There are a lot of people from different directorates. Is the government over-represented in these peer review groups?

**Mr Neil:** No. If you look at Lake Burley Griffin, with the peer review group there they are more of an advisory body. There were the EPA, the Health people who did the lake closures and the TAMS people who looked after the stormwater system. You have to have that expertise in the room. So I would say that, no, the government is not over-represented. You just need to pick the right person.

**THE CHAIR:** Would members like to take a short break before the minister comes in?

**DR BOURKE:** Yes, please.

**THE CHAIR:** We thank you, Mr Neil, and staff, for your appearance here today. If there are any questions, members will get those to you. Thank you very much.

**Short suspension.**

Appearances:

Corbell, Mr Simon, Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development

Environment and Sustainable Development Directorate  
Ponton, Mr Ben, Acting Director-General  
Fitzgerald, Mr Bruce, Chief Finance Officer, Strategic Finance  
Traves, Mr Alan, Executive Director, Policy  
Simmons, Mr Craig, Director, Construction Services  
Brady, Dr Erin, Executive Director, City Planning  
Meyer, Mr John, Executive Director, Regulation and Services  
Walsh, Mr Adrian, Director, Corporate  
Corrigan, Mr Jim, Executive Director, City Planning

**THE CHAIR:** Thank you, members. We are resuming our inquiry into the annual reports with the annual report of ESDD. Welcome, minister. Minister, would you like to make an opening statement for the committee?

**Mr Corbell:** Good morning, Mr Chairman, and good morning, committee members. Thank you for the opportunity to appear this morning. I do not propose to make an opening statement but, as always, I and my officials will try to answer the committee's questions.

**THE CHAIR:** Thank you very much.

**DR BOURKE:** Minister, perhaps you could tell us something about the corroboree frog breeding program and how successful that has been, or not successful?

**Mr Corbell:** Yes, thank you very much, Dr Bourke. The directorate is responsible, in conjunction with TAMS, for facilitating the corroboree frog breeding program. The corroboree frog is a critically endangered species in the ACT. It was very heavily disrupted in terms of its habitat following the 2003 bushfires. The frog relies on the sphagnum moss bogs of the upper areas of the Namadgi National Park for its breeding habitat, in particular. As a result, there has been an active program of breeding those frogs in captivity at the Tidbinbilla Nature Reserve. That breeding program is continuing and is showing considerable success.

**THE CHAIR:** Minister, you mentioned the sphagnum moss up the top of Namadgi. There was, in my memory, some damage to that from the 2003 fires. Has that been brought back up to scratch?

**Mr Corbell:** Yes. Territory and Municipal Services are probably in a better position, Mr Gentleman, to provide you with more detail on that. It is their ranger staff who are responsible largely for the rehabilitation of those areas. But there has been a significant rehabilitation program put in place and we are seeing significant recovery of those very valuable bog areas.

**MR COE:** Minister, I have a question regarding the financial statements, in particular

the credit risk in note 60 on page 108. The last paragraph says:

With respect to receivables, the Directorate has appointed a private legal firm to undertake debt recovery services.

Can you please give me a rundown of what debt collection takes place and how it is undertaken?

**Mr Corbell:** I will ask Mr Fitzgerald if he can assist you with that question, Mr Coe.

**Mr Fitzgerald:** We undertake debt recovery for a range of our services. Primarily, they are for land rents. We have quite a few situations where we have people who, after much correspondence with the directorate, fail to pay. So we use Trinity Law to actually undertake those services on our behalf.

**MR COE:** What is the nature of the agreement? Are they on a percentage or are they on a set fee?

**Mr Fitzgerald:** They are on a set fee—well, they are on, effectively, an hourly rate. We assess based on what the cost-benefit analysis would be to the directorate as to which ones we pursue down that path.

**MR COE:** So it is an hourly rate regardless of whether they recover the funds or not?

**Mr Fitzgerald:** That is correct, yes.

**MR COE:** Is there a reason you use a law firm as opposed to a debt recovery firm?

**Mr Fitzgerald:** The background, I am not sure of. We do actually have quite a large success rate in using a law firm. I think certainly from my point of view I find that a lot less confrontational than a debt recovery firm.

**MR COE:** Yes.

**Mr Fitzgerald:** We approach it in quite a professional manner, and the law firm certainly does as well.

**MR COE:** How much money did you spend, say, in 2011-12 recovering debts?

**Mr Fitzgerald:** I do not have the exact figures with me. As an estimate, I would suggest around \$2,000 to \$3,000, but I can take that on notice.

**MR COE:** \$2,000 to \$3,000?

**Mr Fitzgerald:** \$2,000 to \$3,000.

**MR COE:** In total?

**Mr Fitzgerald:** In total, yes.

**MR COE:** Right.

**DR BOURKE:** To recover how much?

**Mr Fitzgerald:** Last year we recovered—again, sorry, I not have the exact figures with me—in excess of \$20,000, from memory. But I can certainly give you exact figures on what we did recover through that process.

**MR COE:** So what role does ESDD have in collecting land rent payments as opposed to the Revenue Office or Treasury?

**Mr Fitzgerald:** We are talking rural land rent; so we have—

**Mr Corbell:** Rural leases.

**Mr Fitzgerald:** Rural leases, correct.

**MR COE:** How many rural lessees would be behind in their schedules?

**Mr Fitzgerald:** I would have to take that on notice. I do not have those figures.

**MR COE:** Sure. Do you know whether there is a government-wide policy for debt recovery for rental payments?

**Mr Fitzgerald:** I am not aware of that.

**MR WALL:** On page 136, note is made of two investigations that were undertaken with issues relating to compliance under the Heritage Act, one of them being demolition, or partial demolition, of two heritage-registered cottages in Yarralumla. At the time of printing, it says that the investigations were underway and a resolution was expected in 12 months. Has a resolution been reached on whether or not there was a breach?

**Mr Corbell:** Yes, thank you very much, Mr Wall. In relation to the Yarralumla cottages, as the annual report highlights, a stop-work notice was issued under the Building Act in relation to those works. The civil and administrative tribunal upheld the issuing of that stop-work notice. What has now occurred is that a new development application for the realignment of the common boundaries between the two blocks has been put in place.

Alterations and additions to the existing two dwellings and construction of four additional attached dwellings, including basement car parking, was all approved in January this year. In relation to the investigations under the Heritage Act, I might defer to one of my officials in relation to that side of the matter.

**Mr Traves:** This investigation touched on both building and heritage. The works, while they did affect a heritage property, were undertaken without any kind of building approvals whatsoever. The building approvals area-investigations area is particularly well resourced, and a lot of the investigations have been headed up by that unit so far. In terms of heritage penalties themselves, that option is open to us, and

that is something that is still under review by ourselves and the GSO.

**MR WALL:** So if it were commenced without a development application, how did the department become aware of it?

**Mr Corbell:** Through a complaint from a member of the public.

**MR COE:** With regard to the government cottages, the demolition was upheld or the stop-work notice—

**Mr Corbell:** A stop-work order was issued because the demolition of the dwellings exceeded the conditions of the development approval. So the development approval required that certain heritage features of the existing cottages be retained as part of the redevelopment. A member of the public identified that the demolition had gone further than the approval permitted. As a result, in the heritage unit and the building inspection area in ACTPLA both attended. The powers under the Building Act were exercised to stop the demolition work.

**MR COE:** So ACAT ruled in favour of the development?

**Mr Corbell:** Yes.

**MR COE:** And who paid costs of ACAT?

**Mr Corbell:** I would have to take that on notice.

**MR COE:** Please.

**Mr Corbell:** Generally speaking, ACAT is a no-cost jurisdiction.

**MR COE:** So what was the hindrance to the developer? How many days or weeks would the site have been out of action?

**Mr Corbell:** A considerable period of time. What happened in this instance was that the developer had a development approval, but they started quite late in the period of time. Their development approval, as you would appreciate, is valid for a set period of time. They commenced work, but then failed to extend their development approval, and their development approval lapsed.

So they were continuing to redevelop the site without an approval. This is illegal under the Planning and Development Act. So there were two factors at play: one was concern about the extent of the redevelopment work that was occurring—ie, that portions of the heritage-listed cottages were being removed that were not consistent with the previous approval that had lapsed.

The second was that the approval itself had lapsed, so there was actually no legal authority to be doing redevelopment because the development approval had lapsed and the developer had not renewed it or extended the approval. For both of those reasons, heritage officials and building inspectors became involved and the powers that were exercised, as I outlined, were exercised.

**MR COE:** But what was the ACAT ruling if they had not complied with those regulations—

**Mr Corbell:** The appeal was against the issuing of the stop-work notice. The ACAT upheld the issuing of the stop-work notice.

**MR SMYTH:** The Auditor-General in the financial audits for 2011-12 issued a qualified audit for the directorate because the directorate did not record all revenue associated with the extension-of-time-to-build fees. Why was that revenue not recorded?

**Mr Corbell:** Why was it what, sorry, Mr Smyth?

**MR SMYTH:** Why was that revenue not recorded?

**Mr Corbell:** Mr Fitzgerald can assist you with this question.

**Mr Fitzgerald:** We undertook an analysis at the end of last year to review all of our revenue streams to see where we may be incorrectly recording figures. We came across extension of time. The process to date had been that revenue was only recognised on application. Our audit committee suggested that that might be something that we needed to look at. We got external advice from Ernst and Young, and their advice was that that revenue should be recognised.

Because of the way the system had been done previously, it was only ever a manual process of examining the file. Basically, the time was not available to us to do the level of work required to put an accurate estimate into the statements.

**MR SMYTH:** When you said you did a review at the end of last year, was that last financial year?

**Mr Fitzgerald:** That is correct, yes.

**MR SMYTH:** How many such records exist in a year?

**Mr Fitzgerald:** The number, we are not entirely sure as yet. That work is still being undertaken. We have estimated that it would probably be \$7 million to \$8 million.

**MR SMYTH:** That is moneys we have not collected?

**Mr Fitzgerald:** That is correct.

**MR SMYTH:** When are they likely to be collected?

**Mr Fitzgerald:** We are undertaking that process now. It is quite a long process to undertake, through the assessment and through the other mechanisms that they have, before we actually get payment.

**MR SMYTH:** How many individual cases is that?



**Mr Fitzgerald:** I would have to take that on notice. I do not have the exact number of cases. We are still undertaking that work to make sure that we have a rigorous estimate before the end of this financial year.

**MR SMYTH:** Minister, has the system been modified to correct this fault?

**Mr Corbell:** My understanding is that my directorate is currently looking at options to move from a manual-based system to a more automated system.

**MR SMYTH:** And how much will that cost?

**Mr Corbell:** That is yet to be ascertained.

**MR SMYTH:** For how many years has this occurred?

**Mr Corbell:** Extension-of-time fees were initially put in place in about 2006-07. Can someone assist? Come up, Mr Simmons, if you are going to answer the question.

**Mr Simmons:** Extension-of-time fees have been with us since the creation of the leasehold system. So they are a creature of 1924 or thereabouts. There have been changes to the rates of extension of time, but they have been with us for a very long time. The sensory comes around: when do you realise the fee? If, for example, you had done a development back in 1998 and you had not actually completed all the requirements of your development consent, you might come to sell your property this year and when, at the point during the conveyancing, it was identified that there was something outstanding that had not been completed, the fee would be realised at that point. The difficulty has been trying to find every leasehold, every lease that may be non-compliant. What happens is that it tends to reveal itself at the point at which somebody is trying to sell their house or move a property on.

**MR SMYTH:** Do you have an idea of the number of leases involved?

**Mr Simmons:** It shifts in any given year, depending on how many houses get sold really. Some of the records we are talking about are pre self-government. So they can be quite long periods that we have to find.

**MR SMYTH:** This is accounting standard 118?

**Mr Fitzgerald:** That is correct.

**MR SMYTH:** From my reading of that standard, it is fairly clear that they should be included. Is there a reason why they were not included beforehand? Did you raise the issue or did your internal audit committee raise the issue, or was it because of the work of the Auditor-General that this became an issue?

**Mr Fitzgerald:** It was raised internally. It came to light in June, and that was when the audit committee also expressed an interest in this revenue source. And that was when we then sought further advice.

**MR SMYTH:** As a result of this, are there other areas of revenue that are not being collected or are underestimated?

**Mr Fitzgerald:** We perform quite a rigorous check. I do not believe so.

**MR SMYTH:** When will we know, minister? When will we know the cost of the upgrade and when will the upgrade to the computer system take place?

**Mr Corbell:** That is yet to be ascertained.

**MR SMYTH:** But you must have some indication?

**Mr Corbell:** No, I do not.

**MR SMYTH:** About all the processes—

**Mr Corbell:** No, I do not. That work is currently being undertaken, and I await advice from my directorate on the matter.

**MR SMYTH:** Mr Fitzgerald, do you have an idea of—

**Mr Fitzgerald:** We will have a rigorous estimate available by June for inclusion in the financial statements. We certainly are not expecting any further qualifications. So at that point I think we will have the systems in place or we will have a thorough understanding of the work that needs to be done.

**MR SMYTH:** When you say you will have the systems in place—

**DR BOURKE:** Minister, on page 15 of the annual report, it talks about the translocation of eastern bettongs—

**MR SMYTH:** Sorry, Dr Bourke, I am trying to finish this question. Will the computer system be in place by June?

**DR BOURKE:** Could you tell us how that is—

**Mr Fitzgerald:** I will have to refer to the guy. I do not know that.

**THE CHAIR:** Dr Bourke had a question, if he can get through.

**DR BOURKE:** Thank you. Minister, on page 15 of the annual report, it talks about the successful translocation of eastern bettongs. Could you tell us how that is contributing to the environmental outcomes in the ACT?

**Mr Corbell:** The eastern bettong program is one of the first instances of the relocation or the transfer of what is effectively an extinct marsupial on the mainland of Australia back into areas of the Canberra nature park. It is currently being implemented at Goorooyarroo and the Mulligans Flat area, because that is a nature reserve which has a fence to protect wildlife against introduced species like cats, in particular, and foxes. So the transfer of the eastern bettong program is being widely

watched around the country as the first instance of a successful reintegration of some of the small marsupial species that were previously considered extinct in areas of ecosystems like Mulligans Flat and Goorooyarroo.

**DR BOURKE:** And what learnings have come about from this program?

**Mr Corbell:** It is still very early days for the program. The program is being done in assistance with other scientific organisations, particularly the CSIRO and scientists based here in universities in the ACT. And that will be an ongoing monitoring program to look at how the bettongs adapt to their new environment.

**DR BOURKE:** Do you have any plans for any other species?

**Mr Corbell:** No, not at this time.

**THE CHAIR:** Minister, you mentioned Goorooyarroo. At page 15, in the nature conservation policy, it talks about carbon-storing landscapes. How important are these in combating climate change, and is it your intention to increase those landscapes?

**Mr Corbell:** Sorry, which page were you referring to?

**THE CHAIR:** Page 15. It is nature conservation.

**Mr Corbell:** Thank you. The government has been successful in securing some funding from the commonwealth, through their biodiversity fund, for building restored resilient landscapes in the ACT. This will help consolidate and connect the existing box-scrub grassy woodland communities in the nature reserve areas of Goorooyarroo. Basically what is happening is a partnership with Greening Australia, which will see the securing of seed stock from these landscapes, and then having that implemented through a planting program across those parts of the nature reserve.

The ACT is fortunate in that we have some of the largest extant yellow box-red gum grassy woodlands still in place in Australia, particularly in south-eastern Australia. The intent of the program is to consolidate those landscapes, fill in the gaps, if you like, in particular the connections between different elements of those woodland communities, and, in combination with other programs like the eastern bettong program, try to create a more complete and restored habitat which also, obviously, has the added benefit of assisting with carbon storage as part of our response to climate change.

**THE CHAIR:** Thank you.

**MR COE:** Minister, I have a question about the plastic bag ban. At page 142, it talks about the act providing for a review of the ban and that the review will begin post November 2012 so that a full year's data is available. Has that review commenced?

**Mr Corbell:** The legislation requires that a review of the ban be implemented after two years. That would be towards November this year, if I recall correctly. The government took the decision, given the topicality of the issue, that it would undertake an interim review earlier than the statutory two-year review period. So we undertook

that interim review, the results of which were released earlier this year. That included a survey of shoppers and views of consumers in relation to the ban, issues around consumer behaviour, analysis of impact on sales of plastic materials generally—bags and bin liners, for example—and issues around waste.

The results of that interim review have been released. That showed that 70 per cent of Canberrans want to see the ban continue. The government will complete the second stage, the statutory two-year review, which will occur towards the end of this year. So work on that has not yet started but it will commence later this calendar year.

**MR COE:** And how will that review differ from the indicative review a few months ago?

**Mr Corbell:** It is anticipated that we will further test the data ascertained in the interim review through the second review in terms of consumer attitudes, the volume of plastic bag and bin liner sales, the impact on the litter stream and looking at waste to landfill analysis in particular.

**MR COE:** What sort of approval rating would you need to have or what sorts of benchmarks are going to have to be returned to support the ban, in your view, or to support legislative changes?

**Mr Corbell:** At the moment, we are seeing a strong level of consumer support for the ban. Seventy per cent of Canberrans surveyed want the ban to continue. Sixty-six per cent would like to see the ban put in place nationally. We now see significant changes in consumer behaviour. Eighty-four per cent of primary shoppers now take reusable bags always or most of the time, versus 44 per cent before the ban.

What we also know is that the number of plastic bags being distributed has decreased by 67 per cent. We have seen an overall reduction in the total amount of plastic bag and bin liner material going to landfill. We have seen that total amount of plastic bag products, including bin liners being sold by retailers, has declined since the ban took effect, based on data provided by major retailers. At this point in time, we are seeing from consumers a strong level of support for the ban, and we are also seeing positive trends in terms of levels of waste generation.

**MR COE:** Are you saying that retailers are selling fewer plastic bags?

**Mr Corbell:** Yes.

**MR COE:** There are fewer plastic bags from supermarkets and fewer plastic bags being sold as well?

**Mr Corbell:** Yes.

**MR COE:** How does that tie in with the information in the annual report of the Commissioner for Sustainability and Environment that waste per person is still going up at a very fast rate, it seems? I think we have seen an increase in waste of 28.8 per cent since 2007-08, yet the population has only grown by 5.5 per cent. Do all these different stats, perhaps contradictory stats, ring alarm bells that perhaps the data you

have is not too crash hot?

**Mr Corbell:** They are not contradictory. There are a couple of observations to make. The first is that plastic bags are only a very small part of the waste stream. They are only one part of the waste stream and have to be viewed in that context. The second—and I note from the commissioner's evidence this morning he indicated this—is that a significant amount of waste generation in the city is a consequence of commercial waste, in particular waste from redevelopment and development sites. So you have to take a fairly detailed look at the waste stream overall. Plastic bags are only one part of the waste stream.

**MR COE:** How do you know how many plastic bags are going to the waste stream? You said earlier that there has been a reduction. How do you know that?

**Mr Corbell:** We can draw those conclusions from the amount of plastic bag material that is being sold by retailers. The review looked at and obtained information from retailers about the volume of sales of plastic bag products, that is, either bags they sell for carrying purposes or the bin liner-type products. The advice that the government has received from retailers—Woolworths, Coles, IGA, the farmers market—is that the total volume of plastic bag products they are selling has declined since the ban took effect.

**MR COE:** How does that tie in with Coles' head of communications Jon Church saying a year ago that bin liner sales had increased significantly?

**Mr Corbell:** A year ago is before this review obtained its data. So you would have to ask Coles. We got this information from the major retailers here in the ACT.

**DR BOURKE:** Minister, could you comment on the evidence this morning from the commissioner that, whilst the population increase in the ACT was 5.5 per cent, household waste increased by only five per cent?

**Mr Corbell:** Waste generation is a factor of a range of matters, including issues around people's level of disposable income. As the commissioner indicated this morning, a relatively affluent community in average terms has a higher level of disposable income, and that does drive a higher level of waste generation. That has certainly been the circumstance here in the ACT over the past decade—a very significant increase in income, a very significant increase in people's disposable income, during that time. That is combined with a very high level of redevelopment activity in the city; as the commissioner highlighted, construction and demolition wastes have grown considerably. These are all factors that are having an impact on the amount of waste being generated.

The government's strategy is to focus on these increases in waste generation and identify solutions for them. In relation to construction and demolition waste, and waste being generated from the commercial sector, a tender for a commercial mixed recovery facility has been let by Territory and Municipal Services. It has been let to SITA Australia, and they will be establishing a commercial materials recovery facility in the ACT.

The government has also indicated that it wants to tackle the amount of organic waste—food wastes, not garden wastes—that are generated by households. We have identified the development of a mixed waste recovery facility to separate domestic food wastes from the domestic waste stream as the next important step in reducing the amount of organic waste which is going to landfill. Of course, organic waste, food waste, is a significant generator of greenhouse gas emissions from landfill because of the nature of the material. By tackling that issue, we reduce significantly the amount of waste going to landfill as well as help tackle greenhouse gas emissions associated with landfill because of the amount of organic waste in the overall waste deposited.

**DR BOURKE:** Will that facility be cost-effective compared to other means of managing organic waste?

**Mr Corbell:** Yes. The development of the mixed materials recovery facility has been identified as a very cost-efficient way of recovering that waste. We estimate, through the work undertaken in the development of the waste strategy, that it would cost the territory around \$8.4 million per year by the year 2021 compared with other options, such as a garden and food waste bin per household with a cost of around \$20 million per annum. It is certainly the most cost-effective mechanism to divert a significant amount of organic waste from the waste stream.

**THE CHAIR:** Minister, while we are on waste, on page 142 there is a paragraph that talks about the new e-waste drop-off sites at Mugga and Mitchell. They were established last year. Can you tell us how that program is running and what costs are involved in that?

**Mr Corbell:** Territory and Municipal Services are the key ACT government agency engaged in coordinating, or assisting with the coordination of, that program. That program is being delivered through the Product Stewardship (Televisions and Computers) Regulation, which is commonwealth legislation under the Product Stewardship Act, which is a commonwealth act which all states and territories have agreed to implement. That provides for the retailers of electronic goods to meet the costs of recycling certain electronic products—in particular, televisions, computers, computer monitors and other computer peripherals. This is, if you like, a closed-cycle system, so the retailer who takes responsibility for generating the product also takes responsibility for dealing with it at the end of its life. Particularly with the switch to digital television, this has been an important measure for Australia.

The ACT is one of the first sites in the country to have the new e-waste recycling scheme put in place. We have seen a very large amount of e-waste deposited by Canberrans free of charge as a result of the implementation of the scheme here in the ACT. That is a service that is going to continue to be available to Canberrans free of charge.

**THE CHAIR:** Is there anything in those materials that have a value that you can collect out of the waste?

**Mr Corbell:** Yes. In short, yes. There is a significant amount of material in televisions and computers which can be recycled. The challenge is to recycle it in a safe manner, and that is one of the obligations on the retailers who run the scheme.

**MR SMYTH:** Is that recycling done in the ACT, or is it done elsewhere?

**Mr Corbell:** No, it is done outside the ACT.

**MR SMYTH:** Are there any firms in the ACT that are capable of doing that level of recycling?

**Mr Corbell:** Not that I am aware of. In any event, the scheme is run by the retailers, so it is not a program that is run by government. The retailers are mandated under commonwealth legislation to provide recycling drop-off points for consumers; then the retailers put in place their arrangements for the recycling of those products, and that is done in the context of a national rollout by those retailers.

By “retailers”, we are talking about the companies that sell these products—companies like Sony, Apple and others. They all have to contribute towards the running of the scheme. They have to run the scheme or pay for the running of the scheme and make their own arrangements for the recycling of the products that are collected. The government is not involved in the development of those logistical details, if you like.

**THE CHAIR:** Questions, members?

**MR COE:** I have a question going on from what I was asking about earlier with the plastic bag ban. How did you get the information from these retailers? How did Woolworths and Coles provide that information to you?

**Mr Traves:** I am glad you asked that. We actually have a plastic bag advisory committee which has helped us with the implementation of the ban. All of the corporate areas of the large retailers are represented upon that. They provided us with a range of commercial-in-confidence information about their sales before and after, and we drew the conclusions by bulking up those individual figures.

**MR COE:** So when Coles’ head of communications says, “We expect plastic bag sales to double,” he was just wrong, was he?

**Mr Corbell:** You will have to ask him that. We are relying on the data provided by retailers, including Coles.

**MR COE:** So Coles and Woolworths submitted commercial-in-confidence information to the review?

**Mr Traves:** Yes, they did.

**MR COE:** Was that given the same weighting as information from the farmers markets or was the market share actually reflected?

**Mr Traves:** The information from the farmers markets was largely about perceptions of how their consumers behaved. The big volume data came from the large retailers, Coles, Woolworths and the IGA, which make up the great majority of retail sales in

the ACT.

**MR COE:** One would expect that Coles, who have been quite happy to talk about the sales of bin liners in South Australia and the ACT, would back up that story that you have just presented?

**Mr Traves:** Certainly the figures were provided to us officially by the corporate areas of those large organisations. Presumably they have consulted internally in providing that data.

**MR SMYTH:** The Auditor-General's report also said that there were three errors of a material nature. What were those three areas, and how did this occur?

**Mr Fitzgerald:** From memory—I have not brought the report—there were errors basically related to the capitalisation of costs. We had capitalised costs which were of a feasibility nature and should not have been capitalised. We transferred those costs back to profit and loss, so they were corrected in the statements. I must admit that I do not have a copy of what the other—

**MR SMYTH:** Perhaps you could take it on notice and provide those.

**Mr Fitzgerald:** I can do that, yes.

**MR SMYTH:** Paragraph 6.179 of the report says:

The statement of performance provided to the Audit Office for review was corrected for three material errors. This indicates the Directorate needs to review and improve its processes for preparing its statement of performance.

Minister, what action have you taken to ensure that it has been reviewed and improvements to processes have been put in place?

**Mr Corbell:** I am aware that my directorate is putting in place the appropriate mechanisms to respond to deficiencies identified in the Auditor-General's report.

**MR SMYTH:** What does that mean?

**Mr Corbell:** It means I have every confidence in my directorate responding to the matters raised by the Auditor-General.

**MR SMYTH:** The Auditor-General also goes on to say that the directorate did not draw down 40 per cent of the funds appropriated for capital works. Why is that so? And will those funds be expended in the coming year?

**Mr Corbell:** There will be a range of capital works programs administered by my directorate that may be subject to delay or other circumstances in terms of the disbursement of funds. And there is a quite a large capital works program. It is inevitable that there will be some level of underspend in the program during the financial year period.



**MR SMYTH:** So with things like the north Watson ponds, have all the funds been expended there—the inner north stormwater reticulation network?

**Mr Corbell:** Which one are you asking about?

**MR SMYTH:** The inner north stormwater reticulation network.

**Mr Corbell:** I will ask Dr Brady to assist you with that.

**Dr Brady:** Sorry, could you ask the question again?

**MR SMYTH:** What is the delay on delivering the inner north stormwater reticulation network?

**Dr Brady:** My understanding is that there have been a few delays caused by weather issues and in terms of some of the contractors underestimating some of the work involved. That has been the main delay.

**MR SMYTH:** If the contractors underestimated the work involved, is the contractor responsible for the additional cost or is the territory?

**Dr Brady:** My understanding is that they are, but I would have to confirm that.

**MR SMYTH:** In the midyear review, there is a string of rollovers in ESD. Is it possible to get an explanation for each of those as to why they have been re-profiled?

**Dr Brady:** Is this with regard to the stormwater ponds work?

**MR SMYTH:** No; this is moving on to all of the projects. In the midyear review there are about a dozen projects under ESD that have been re-profiled. Is it possible to get an explanation for why the re-profiling has occurred in each of those projects?

**Mr Corbell:** Yes, we can provide that, Mr Smyth. But if you want a full list, we would have to take the question on notice.

**MR SMYTH:** That is what I am saying. I am happy for it to be taken on notice, minister. Also, the total stationary energy greenhouse gas emissions increased by 18 per cent from 2010-11 to 2011-12. Can you explain why the department responsible for reducing greenhouse gas emissions has in fact increased its own?

**Mr Corbell:** Because it is larger than it was before.

**MR SMYTH:** How is it larger?

**Mr Corbell:** I think the comparison you are making—I am happy to stand corrected—is between the operations of the Department of Environment, Climate Change, Energy and Water, which was an agency of about 100 people, and the new Environment and Sustainable Development Directorate, which is an agency in total of around 470, 500 people. So it is a fivefold increase. Obviously a fivefold increase relates to an increase in the amount of space and the amount of building that is used,

and therefore the amount of energy that is consumed.

**THE CHAIR:** Minister, what actions are you taking to reduce emissions?

**Mr Corbell:** The directorate has put in place a range of measures to improve its energy efficiency over a number of years now. They have shown some very good results. I might ask Mr Meyer if he can assist with that.

**Mr Meyer:** The very good news part of the reduction strategy is the savings that have been achieved particularly in Dame Pattie Menzies House. In terms of power savings, something like 78 per cent of provisional power consumption over the last three years has been saved through the installation of LED lighting, various controls over our air-conditioning systems and the like. So savings in that area are very significant and I think will contribute greatly to the reduction strategy.

**MR SMYTH:** Is that for the same level of staff?

**Mr Meyer:** That is for the same level of staff in Dame Pattie Menzies. We are gradually increasing the numbers in that building, and that gives us the opportunity to look more widely at our property holdings and to look at introducing similar measures, Mr Smyth.

**Mr Corbell:** At the moment the directorate is spread across two main sites—parts of Macarthur House and Dame Pattie Menzies House.

**THE CHAIR:** What other action will you be taking at Macarthur House to help reduce emissions and make savings?

**Mr Meyer:** At Macarthur House we are similarly looking at C-Bus and related initiatives. From the directorate's perspective the staff that were originally housed in that building are being moved to Dame Pattie Menzies as well as to Mitchell, which is our other major site. Again those areas are being looked at in terms of further initiatives, particularly with lighting and air-conditioning savings.

**DR BOURKE:** Minister, the ACT public service—

**MR SMYTH:** Sorry, just before we get off that, can we just follow up on that? Minister, you said that—

**THE CHAIR:** Mr Smyth, Dr Bourke has been pretty patient and has been waiting to ask a question.

**MR SMYTH:** You came down the line and you eventually got here, so I asked a question at your behest. I was just wondering if I could finish the question. I can come back to it later; I am happy to come back to it. But you asked me to ask a question, and I did, and I have not finished.

**THE CHAIR:** Go ahead, Mr Smyth.

**MR SMYTH:** Thank you, Mr Chair. Minister, you said that the increase in

greenhouse gas emissions was because the department grew from some 100 to several hundred, yet if you go to the chart on page 272 and then look at note 2, it says:

Data for 2010-11 is the sum of all data reported in the 2010-11 ESDD and ACTPLA annual reports.

So the data has actually been consolidated. It shows that staff have gone down. The total in 2010-11 was 487; it is now 466. Yet if you go down to outputs L26 and L27—

**Mr Corbell:** Which page are you on, Mr Smyth?

**MR SMYTH:** Page 272 of the annual report, minister. If I am going too quickly, I can slow down. So the numbers have been brought together. The actual number of staff in your department has gone down, yet the output of total stationary energy greenhouse gas emissions has gone up by some 18 per cent. Why is that?

**Mr Corbell:** Again, Mr Smyth, the point to be made is that the directorate has grown from 100 people to, in this report, 466 people.

**MR SMYTH:** Yes, but the number for last year was 487, when you compare the two. You have actually added the data together, minister.

**Mr Meyer:** I think that comes back to the issue of where the staff are being located, with Macarthur House, Crace and Mitchell, in some of those buildings which had not had initiatives that were undertaken or introduced at that stage, and with some of the older buildings being quite inefficient. I expect that is what is influencing the figures that you are looking at.

**MR SMYTH:** But if you go back to the previous page, 271, it actually lists all the locations. They are all taken into account in the 487 staff, I would assume.

**Mr Meyer:** I am still seeing it as being a factor of a lot of work being done in Dame Pattie Menzies, but we still have not managed to introduce the full range of initiatives in the other buildings.

**MR SMYTH:** But even if some work was done, would not the total go down?

**Mr Corbell:** Which total are you referring to, Mr Smyth? Total of what?

**MR SMYTH:** L26, greenhouse gas emissions. And while we are there, under L27, total transport greenhouse gas emissions have also gone up, by some 35 per cent. If you go up to the top, your vehicle numbers have gone up, in L10, and then in L11, the total number of kilometres travelled has gone up from 821,000 to 1.3 million.

**Mr Corbell:** I think the issue we need to highlight is that a range of resource use has declined. For example, electricity use has declined significantly. The amount of renewable energy being consumed is also reported comprehensively there. The only level of resource use that appears to have gone up is in relation to natural gas.

**MR SMYTH:** Which is detailed quite nicely in the chart. But you still have not

answered why your greenhouse gas emissions have risen. As the department responsible for implementing the government's policies on reducing greenhouse gas and the effect of climate change, why have your emissions gone up some 18 per cent in total stationary energy greenhouse gas emissions and some 35 per cent in your total transport greenhouse gas emissions?

**Mr Meyer:** The only thing I could add to that is that we obviously have a very large inspectorate, in terms of the numbers of vehicles and so forth through the construction services, through EPA and other areas of the organisation, that are required to be on the road all day, most days. I think that will be a factor.

One of the issues we have been looking at there is the size of the vehicles that we have been using. We have been downscaling so as to try and tackle that as an issue. I would expect that those sorts of figures that you are pointing to will improve over the next 12 months as a number of the initiatives that we have been putting in place are only now starting to take effect. Certainly, with a mobile workforce, that does present a challenge to us.

**MR SMYTH:** Why have the kilometres gone from 827,000 in 2010-11 to 1.3 million in 2011-12?

**Mr Meyer:** I will have to take that on notice.

**MR SMYTH:** Perhaps you could take it all on notice and give us a reconciliation as to why the ESD department's greenhouse gas emissions have risen 18 and 35 per cent respectively against criteria L26 and L27.

**THE CHAIR:** Minister, on this comparative increase in stationary emissions, explanatory note 9 on page 273 describes you moving away from the green power program. Has that contributed to a saving in costs for the department?

**Mr Corbell:** The government has taken a decision to reduce its green power purchase and, instead, to use the money associated with green power purchase to assist with energy efficiency measures in government office buildings. So the saving from not purchasing the same amount of renewable energy allows us to divert that money into actually reducing the total amount of energy that we use. Electricity use in ESDD continues to decline, as reported in that table. We expect to grow that figure as a result of the further energy efficiency measures that Mr Meyer mentioned earlier.

**DR BOURKE:** Minister, the ACT public service Aboriginal and Torres Strait Islander employment strategy has a target of doubling the number of Aboriginal and Torres Strait Islanders employed in the ACT public service by 2015. What progress has ESDD made in the implementation of the strategy?

**Mr Walsh:** ESDD has actually got some good stories on the Indigenous employment front. Generally speaking, we have been a part of the wider ACT government initiatives, including the Indigenous traineeship program. Through the course of the year we had two trainees, one of whom successfully completed the traineeship and went on to permanent employment. The other one terminated earlier. So that is a 50 per cent outcome, I suppose.

The really good story has been the activity in Yurung Dhaura. We currently employ four Aboriginal trainees and a supervisor who together form the land management team. The team is part of the caring for the Cotter catchment project and involves environmental restoration in the Cotter catchment. There is a strong training component for the trainees, and, importantly, documenting traditional ecological knowledge which the community is able to bring to bear.

We employ an Indigenous natural resource manager facilitator with an important role in promoting Indigenous participation in achieving better environmental outcomes. As I mentioned before, we participated in the Aboriginal and Torres Strait Islander trainee program, with two trainees who came in. One trainee did complete; the other successfully completed certificate III and IV. We also employ an Aboriginal liaison officer within the heritage unit, which has an important role across the heritage front. This officer liaises with Indigenous communities and promotes Indigenous participation in establishing heritage places and objects, as well as natural and Aboriginal heritage.

We are actively working to look at what further initiatives we can take in this general space. As a general story, though, we are confident that we are moving in the right direction, albeit with further to go.

**DR BOURKE:** What proportion of the directorate's employees are Aboriginal and Torres Strait Islander?

**Mr Walsh:** I believe the number is 2.6 per cent. That is about 13 employees of our total staff. Again, it is a relatively small proportion but certainly in front of the Indigenous representation in the ACT community. From memory, that is less than two per cent. There is always room to do more but it is a respectable number at this stage.

**DR BOURKE:** And where are they mostly located?

**Mr Walsh:** We do not necessarily know. Of course, identification of Indigenous staff is by self-declaration. There may well be more, or maybe some of the numbers we are counting are not real Indigenous people. We have no way of knowing that. Nor can we easily identify specifically the location. Sometimes, of course, we know. We know where the trainees are. We know the people we have in the program in the Cotter, but beyond that we can only assume that they are broadly distributed through the organisation.

**MR WALL:** Mr Walsh, has the increase in Indigenous employees been as a result of self-identification or through recruitment?

**Mr Walsh:** It is very hard to recruit actively, in and of itself. While we look towards the traineeship program, in and of itself it is difficult to simply seek to recruit Indigenous staff. We are obliged to use standard merit processes and so forth. I do not believe that people are necessarily self-declaring more regularly, although, across the whole ACT government, of course, we are actively encouraging people to do precisely that.

So the answer is that I do not know the answer to your question. Nor is it something that I think we can reasonably take on notice. By definition, self-identification is self-identification. We want people to tag themselves, if they come from one of the areas we are particularly interested in. We are not able to make that happen, though.

**MR COE:** I have a question for Mr Simmons about audits or investigations into installations. The target was 100 per cent for new electrical, gas and sewerage connections for installations. What is the impact of not getting to 100 per cent? That is on page 121.

**Mr Simmons:** The answer is that they do get to 100 per cent. It is just not on that day. If, for example, an inspection was done on 30 June, it may not go into our records until 1 July, which would mean that it is always about the cut-off date; there is a lag. And that is what we record. We are actually recording the lag time in those sewer connections. Because you cannot get a certificate of occupancy issued for a building without having those inspections done, we know that in the life of a building project there will be 100 per cent inspection of those things, but at the point at which it is recorded, the accurate recording, there is a delay. You find, particularly around the changeover from the end of the year, things are in the system but not yet recorded.

**MR COE:** As a rule of thumb, is it one in 20 that are going over that time frame? Five per cent?

**Mr Simmons:** It is usually well under five. It is usually under five per cent. We did a lot of inspections in 2010-11 of the PV arrays, which really pushed back our other inspections for a while. So the number got a bit bigger in that year. That 18 months had a slight distorting effect. But, generally speaking, it is sub-five per cent in that target group. It really does depend on how busy the construction industry is in any given year.

**MR COE:** That all sounds pretty reasonable. I think it would be worth while including that as a note, just to give that background. You mentioned the PV installations and the high workload that that generated. What were some of the delays that people experienced in terms of getting the green light?

**Mr Simmons:** It varied. At our busiest I think three months was the longest delay that we had, noting that both ourselves and ActewAGL as the network provider had to be satisfied with respect to safety that the installations were up to the standard that they needed to be. The feed-in tariff did not commence for anybody until after the inspection had taken place. So with respect to the 20-year period, nobody was disadvantaged. The determination was that the most important thing to do was to maintain the safety of the installation both for the consumer and for the network.

**MR COE:** I read somewhere in the annual report that other states or other jurisdictions do not have the same inspection regime that we have here in the territory regarding PV. Why is that? Is it overregulation here?

**Mr Simmons:** We would say no, it is not overregulation. The ACT is unique in that it does not have some of the logistical challenges that, say, Western Australia or Queensland have. The compactness of our city enables us to maintain a level of

inspection that used to be the norm across the country. Over the years, other jurisdictions have found that they could no longer resource the level of inspections. The inspections we do are for safety, and the record of people who came from interstate to do the work, given the failure rate, really justified the level of inspection we undertook.

**DR BOURKE:** What sort of safety issues have arisen in other states as a result of the lack of inspection?

**Mr Simmons:** It is hard to say, Dr Bourke, because it is very hard to tell what the other jurisdictions are going to see, and our take-up rate was pretty high compared to other jurisdictions. People were coming here because there was a good take-up and a lot of labour was needed over a short period of time. The thing we saw—there has been a response at a national level to this—was incorrect switching gear. Some of those switches then failed subsequently under use. The Australian standards have been modified to deal with that.

They used a type of switch which was, for the technically minded amongst us, a non-polarised switch. They have moved to double polar non-polarised switching now to make sure that when you are switching DC you actually break both conductors, not just one, which had been happening. Some of the equipment that was used was not properly used for DC circuits, so they failed; they tended to have burnout failures. Sometimes they did work when they were coming through roofs where they actually damaged the roofs and had problems that then breached the building code.

We holistically looked at the management of compliance within the building and construction industry, and that means we were a bit more aware of the fact that some of the electricians were actually breaching the building code by the work they were doing, so we were able to correct their behaviour along the way.

**DR BOURKE:** What sort of dangers to householders would these faulty installations have caused?

**Mr Simmons:** The best thing that happens is the equipment just does not work, and so they do not get the benefit they think they have. The most extreme events are when some of the switching equipment breaks down and catches on fire. There were a few incidents of that which led to a product recall and some further work being done by Australian standards. That is pretty much the worst event. The other thing they do is they just tend to damage equipment.

We had installers not properly fire rate the switchboards once they replaced them or they did some work on them. They needed to fire-stop them, and they had not done that. There were incidents of people breaking the main earthing point; the MEN point was being broken when they put in new switch gears. In terms of electrical safety, that is quite a serious matter. People did things wrong across a whole range of things. But we had a handle on that. We are not sure how that will play out in the other jurisdictions. But we are very confident that everything that was done here was done to a standard we are happy with.

**MR SMYTH:** Last year's estimates report had a recommendation about allowing

landscapers to get a limited licence to connect to the mains system. I think the government's response was that it would be looked at. Has that been progressed?

**Mr Simmons:** We raised that issue with the plumbing industry. It did not get the overwhelming support the landscapers may have been seeking. That would not be one of our mainstream activities at the moment, Mr Smyth.

**MR SMYTH:** So what is the process now? Given that in New South Wales you can go to the TAFE and do a limited plumbers' licence and, as a landscaper, connect quite legally, why can that not happen in the ACT?

**Mr Simmons:** Because the Water and Sewerage Act does not allow for it. Once you actually touch the drinking water supply, there is a requirement for a fully licensed plumber to do that work. The issue is essentially around backflow of material. In periods of high water use, the mains can actually create a backflow condition where the water that is in the house's plumbing system is drawn back into the main. That is the highest risk that we run in those events. So the installation of backflow devices is a specialist endorsement on plumbing licences. It is a safety issue.

**DR BOURKE:** What would be the consequences of that?

**Mr Simmons:** You end up with material that is in contact with the irrigation system potentially back in the water supply.

**DR BOURKE:** You mean the compost and dirt and everything else?

**Mr Simmons:** Yes. And then it gets spread through the rest of the network, which is why water networks are very sensitive about backflow.

**MR SMYTH:** So how can they do it in New South Wales and we are not capable of doing it in the ACT?

**Mr Simmons:** Because their laws allow for those things to happen. There are various plumbing laws in and around the country—some allow for it and some do not.

**MR SMYTH:** Is it a problem in New South Wales that there is backflow and contamination?

**Mr Simmons:** I do not know, Mr Smyth.

**MR WALL:** Mr Simmons, page 298 shows a number of electricians that were disqualified during the period and the type of contravention is listed as exceeded demerit point limit. What normally constitutes demerit points being awarded and then exceeding the limit?

**Mr Simmons:** I am very familiar with the top two record holders. They were attempting to connect a noncompliant device to a network. They had installed a number of PV arrays and had failed to do them safely. They had three demerit points for each occurrence of that. They are our current record holders.



**MR WALL:** Am I reading it correctly that they were disqualified for a period of one day?

**Mr Simmons:** No, no. They were disqualified from 30 September, and they have to go back and complete the certificate IV in alternative energy systems, which is how to install PV arrays under 5033. They are not entitled to come back until one day after they have completed that.

**MR WALL:** So one day after they complete that they are entitled to—

**Mr Simmons:** Yes.

**MR COE:** What does that course involve?

**Mr Simmons:** That would be the course they should have done before they started the work. That would have been the course that was the minimum requirement to be registered by the Clean Energy Council. That is the standard cert IV on how to comply with AS/NZ 5033.

**DR BOURKE:** How long does that cert IV take to do?

**Mr Simmons:** It is not a long course; it is done inside a week. Because it assumes the entire knowledge of an electrician before you start to do that work, it should not be that difficult. It proved for them much more difficult than they imagined.

**MR COE:** On another topic, page 116 has the factual findings of the Auditor-General's report. I am wondering about that negative line in there and the explanation for that?

**Mr Meyer:** Mr Coe, is that in relation to the customer survey?

**MR COE:** Yes.

**Mr Meyer:** That was an oversight. The oversight came about as a result of changes to the directorate and we had substantial changes to staffing arrangements in the areas that would normally take responsibility for that. That one simply fell through the cracks. We have since done a full customer survey, so we have the results of that and we now have in place a mechanism to make sure that we do not miss that in future.

**MR COE:** So the one you have just done, is that for 2013-14?

**Mr Meyer:** No, it was undertaken in September of last year.

**MR COE:** So you will do another one for the subsequent annual report?

**Mr Meyer:** It was undertaken in the current financial year. There will be another one probably around about September of this year.

**MR COE:** So that will be the new annual survey date roughly?

**Mr Meyer:** That is right.

**MR COE:** So it is not a matter of it not being reported; it actually was not undertaken?

**Mr Meyer:** That is correct.

**MR COE:** And is that usually done by consultants?

**Mr Meyer:** No, we usually do that through our customer services area. We have a number of touch points of key areas—it might be development lodgement, it might be licensing, building applications and the like. There are something like 15 of what we call touch points. We do that through a survey of our clients and through industry associations as well. They have the opportunity to provide us with feedback on our we are performing in those areas.

**MR COE:** Are there any consequences of not complying with the FMA?

**Mr Corbell:** Statutorily, no.

**DR BOURKE:** Minister, the energy efficiency improvement scheme started this year. How is it working?

**Mr Corbell:** Thank you, Dr Bourke. The energy efficiency improvement scheme is the new piece of legislation designed to assist householders and businesses to reduce their energy use. That scheme commenced on 1 January this year and is now being rolled out by ActewAGL.

The scheme requires all energy retailers to provide energy efficiency services to households. We anticipate around 70,000 households will be assisted by this program, or about one in two Canberra households. They will be provided with free or otherwise subsidised energy efficiency services and products. I note that ActewAGL currently have commenced their delivery of the program through doorknocking of households and offering those households with free draught sealing around doors and windows as well as measures to reduce energy use inside the home, such as offering households free stand-by power controllers and providing householders with information on how those controllers should be used to reduce energy costs and, therefore, reduce greenhouse gas emissions.

We expect over the life of the scheme average bills savings per household will be in the order of \$305 per household. This will be variable depending on the actual uptake in individual households, but the assessed average saving is \$305 per household.

**DR BOURKE:** Minister, what will be the benefit for small businesses with regard to this scheme?

**Mr Corbell:** Small businesses are not yet included in the scheme, but the government is currently assessing the cost benefit of including small businesses in the scheme. Small business operators often have fairly high energy use, particularly if they are running fridges, heating or cooling. Those types of businesses are currently being

assessed for their suitability to be included in the scheme, and that is subject to a regulatory impact assessment which is being prepared by my directorate.

**DR BOURKE:** Are there any other energy savings for households through the scheme apart from draught sealing and the power controllers?

**Mr Corbell:** Yes, there will be a range of other measures. In the first start of the scheme energy efficient light bulb replacement will be included. But retailers will need to look at a range of other measures, including issues around appliances, particularly refrigerators and other heavy energy-use appliances and opportunities to replace or upgrade with more energy efficient models. They will also need to look at other matters such as space heating and cooling as ways to reduce greenhouse gas emission and energy consumption in households.

**DR BOURKE:** How will this help low income households?

**Mr Corbell:** It is a mandated part of the scheme that a certain percentage—25 per cent—of households assisted must be low income households. So ActewAGL will have to devote a particular amount of their time to assisting those low income households. Of course, many of these households will be rental households, so people in private or public housing properties—either private rental or public housing properties. So the rollout of devices such as stand-by power controllers, draught sealing and appliance replacement will be particularly valuable for those low income households.

**DR BOURKE:** Who is going to be determining who is a low income household?

**Mr Corbell:** That is established in the regulation that sets out eligibility. ActewAGL will need to reach those households. ActewAGL will also rely on their own data holdings to assist them in identifying those households.

**DR BOURKE:** You mentioned appliances. How is that going to fit into the scheme?

**Mr Corbell:** The types of eligible activities include, for example, appliance replacement. So ActewAGL may choose, and is able to choose under the scheme, replacement of appliances, particularly, say, old, inefficient fridges with more efficient fridges. That may be done either free of charge or through a subsidised arrangement with some partial contribution on the part of the householder.

That is designed to assist those households to significantly reduce their energy use. Certainly, the replacement of old, inefficiency fridges is one of the most valuable things that can be done to cut a household's electricity bill and also reduce the household's greenhouse gas profile.

**DR BOURKE:** Do you have any sense, minister, for, say, the typical household, what amount of power a fridge is currently consuming and what benefits might accrue from its replacement with a more efficient fridge?

**Mr Corbell:** I am sorry, I do not have that information to hand, Dr Bourke, but we could certainly give you an example of that on notice.

**MR SMYTH:** Minister, I go back to the table on page 272, lines 28, 29 and 30. The greenhouse gas emissions per person in the department have gone up some 23 per cent. Can we have an explanation why that has gone up?

**Mr Corbell:** Yes, since your last range of questioning, Mr Smyth, I have got some further clarification on these matters. It is worth highlighting that during 2010-11 the then department of environment, climate change, energy and water purchased 100 per cent certified green power in order to offset its stationary energy emissions.

This additional purchase to offset 100 per cent of ESDD emissions did not continue during 2011-12. As a result, there has been a comparative increase in the emissions profile of the directorate. That is because of the shift on the part of the government to move away from green power purchase and to focus money that would previously have been used for green power purchase on energy efficiency measures.

This is consistent with the government's whole-of-government energy efficiency program or carbon neutrality program. We do anticipate in the short term for there to be a slight rise in the emissions profile of government directorates as we reduce our green power purchase and divert that money into energy efficiency measures, recognising that energy efficiency measures can take a period of time to take effect before emissions profiles decline. But in the longer term we expect it to be a more cost-effective option for Canberrans. It will save the taxpayer money on the overall amount of electricity needing to be purchased and it will also reduce our emissions profile.

**MR SMYTH:** I refer to line 30. The number under transport greenhouse gas emissions per person for last year was 1.58 tonnes. I suspect that that number may be wrong. The total is 241 tonnes divided by 487 staff. You might just want to check that number and, if necessary, correct it for the committee. It does seem to be wrong. Again, the transport emissions have gone, on my calculation, from about 0.5 to about 0.7. Why is that so?

**Mr Corbell:** Again, I would have to take that on notice, Mr Smyth. But I draw your attention to the explanatory notes and, in particular, the note that highlights that it is difficult to accurately compare the 2010-11 financial year with the 2011-12 financial year because of the merger of DECCEW and ACTPLA into the new directorate. So some caution is required because of that merger and the amalgamation of data sets.

**MR SMYTH:** But you will check that L30 line number?

**Mr Corbell:** Yes, I have taken that on notice, Mr Smyth.

**MR SMYTH:** Thank you.

**THE CHAIR:** Thank you, members, minister and staff. We will break for lunch now. We will resume at 2 pm to hear from the planning delivery and city planning divisions.

**Meeting suspended from 12.28 to 2.01 pm.**

**THE CHAIR:** Welcome back to the annual report hearings for the Environment and Sustainable Development Directorate. Minister Corbell and staff and members of the committee, welcome again. Minister, we are looking at, first, planning delivery and then city planning. Is there anything you would like to say to the committee before we begin questions?

**Mr Corbell:** No, thank you.

**DR BOURKE:** Minister, could you talk to us about the role of the ACT planning strategy? What is it?

**Mr Corbell:** The planning strategy is the key strategic planning document for the territory. It informs the statutory land use planning framework, which is set out in the territory plan, and it seeks to coordinate efforts around land use and transport planning in terms of settlement patterns for the city. So the planning strategy is very much about recognising that the city has a particular pattern of growth that needs to be accommodated over the coming 10 to 20 years and seeks to identify how we make provision for that growing population, additional dwellings, additional needs for infrastructure and how that can be achieved in the most sustainable manner.

So the government, through the planning strategy, has identified that development should be coordinated in town centres, in Civic and along public transport corridors to better support people's ability to move around the city more efficiently and, at the same time, has recognised that there will continue to be a number of greenfield development fronts that will need to be planned and ultimately developed to meet the demands of a growing city.

**DR BOURKE:** For the Belconnen town centre, what are the guiding principles regarding the placement of tall buildings, and how tall can they be?

**Mr Corbell:** I do have some information on Belconnen, if you would just give me a moment. Apart from the city centre, there are no building height limits for town centres, including Belconnen but also including Woden, Tuggeranong and other town centres. Under the Belconnen precinct map and code, there are a number of criteria that buildings must meet to manage issues around height, and I might invite Mr Ponton to give you a bit more information around that.

**Mr Ponton:** In relation to Belconnen in particular, whilst the criteria talk about consistency with the design character, scale appropriate to the function of the use and minimal detrimental impacts, including overshadowing and excessive scale, we have had some work done, through an earlier 2001 master plan and some subsequent urban design work related to land release, in particular for, I think it is, section 52, which is known as Altitude.

That work set a general indicative height at 60 metres, which for Altitude was at about 18 storeys. That was used also to assess the application against these criteria in terms of future design character for the Sentinel development, which also sits at about 60 metres. I believe the site adjoining Westfield is just over 60 metres. So while it is not a rule, it is an indicator as to what might be an appropriate scale for that particular town centre.

Dr Bourke, you would be aware that there is also a proposal for a more significant building. As I recall, it is looking at about 112 metres. But that is not yet the subject of a development application. The proponent there is currently working with the community to get a better understanding of what the community thinks might be a reasonable future design character for that particular part of Belconnen.

**THE CHAIR:** Minister, page 6 of the report, in the overview, talks about master plans. I am very interested in those in my electorate, of course. Can you tell me where we are with the Tuggeranong town centre master plan and perhaps go on to the Erindale one?

**Mr Corbell:** The government has committed to a rolling program of development of master plans to meet the needs of growing and changing centres. To date, the master plans that we currently have underway are for the Weston Creek group centre, Coleman Court, the urban intensification area comprising the Woden town centre, Athllon Drive and the Mawson group centre, and at Pialligo, Oaks Estate and Tharwa.

In the recent past, we have completed master plans at Dickson, Kingston, Kambah and Erindale and the Gungahlin and Tuggeranong town centres. You were asking particularly about Erindale. Is that right?

**THE CHAIR:** And Tuggeranong town centre.

**Mr Corbell:** The Tuggeranong and Erindale master plans have been completed. There has been a strong level of community support for the principles and actions outlined in those master plans. So those master plans will now inform future changes, as needed, to the territory plan and will also help inform future government decisions around either infrastructure upgrade or land sales and future development in those centres.

**DR BOURKE:** With regard to town plans, what is the status of the Belconnen town plan now? You mentioned 2001. That was some time ago. Are there plans to update it?

**Mr Ponton:** Yes, there are. 2001, as I said, was for the Belconnen master plan. Development is really just starting to take off now, responding to that earlier master plan. But we are getting feedback from certainly the Belconnen Community Council and others. At Woden, we also had a master plan undertaken in 2004. Perhaps it is time to review those master plans. In fact, that is a key action in the ACT planning strategy, given that the planning strategy does look at identifying and intensifying development within town centres and transport corridors. They are priority areas for future master plans. So we will be going back and engaging with those communities to review those master plans.

**DR BOURKE:** There seems to be an emphasis on tall, thin, residential towers. What kind of benefit does that offer to amenity for residents as well as surrounding neighbours?

**Mr Ponton:** In terms of a tall, thin tower, certainly it gives that sense of a town centre

being a town centre, and that allows also us to keep the suburbs as suburbs, by actually increasing that density within the town centres. But to the point of your question around tall, thin buildings, they tend to be better than shorter, stockier buildings in that they reduce shadowing effects, because the shadow will pass sooner whereas, with a shorter, stockier building, the shadow may actually impact neighbours and public spaces for longer. That is probably one of the key benefits of a taller, thinner building rather than a shorter, stockier building.

**DR BOURKE:** What public consultation is required of the developers of high-density residential developments, and how far has Grocon gone with its public consultations to date?

**Mr Ponton:** The government recently passed amendments—I think it was at the end of the last Assembly—and those amendments to the Planning and Development Act came into effect in December last year. They required, for certain types of development—I might ask Mr Corrigan to jump in shortly and talk about what those triggers are—certain triggers. There is a need for a developer to engage with the community. It may be through a letterbox drop, it may be through engagement with the community councils, it may be through placing ads in newspapers and the like.

In terms of GEOCON, they are at the point of engaging with the community council. I understand that they have now had two meetings with the community council. I know that they are also talking with the youth council. They are particularly interested to hear what the youth of Belconnen have to say about this type of development. Following on from that, they will prepare a written statement to submit with their development application, explaining to the Planning and Land Authority the extent of consultation that has been undertaken.

Mr Corrigan, did you want to add anything with respect to the triggers specifically?

**Mr Corrigan:** The triggers relate to size and scale for redevelopment. For commercial, it is, I think, approximately 5,000 square metres but I can confirm the actual details with you at a later time. The important one, the other one, is that deconcessionalisation of a lease is also a trigger. So it is mandatory pre-consultation for the proponent to consult with the community.

How the proponent does that at the moment is up to them. The community council is an excellent vehicle, and obviously letterbox drops and things like that. But we are also in the process of developing a guideline to assist proponents for pre-consultation as well.

**DR BOURKE:** There was a note in the previous Auditor-General's report about pre-application advice. What pre-application advice has the directorate provided with regard to this development?

**Mr Ponton:** Pre-application advice is a formal advice under section 138 of the act, and that is only upon request. It answers specific questions. So there are the two aspects. There is the pre-application meeting that might be held with the Planning and Land Authority to provide general advice but in regard to the Auditor-General, as I recall the reference to advice there, that is formal advice around the track. Is it merit

track or impact track? There are a series of other specific questions, the zoning of the land, what is permitted in the zoning.

As I said, in terms of that formal advice, the proponent has not yet asked for formal advice under section 138. However, there have been informal pre-application meetings to discuss the proposal in general terms with the proponent. And the key message out of those conversations is that the proponent needs to engage with all relevant sectors of the community. So we have directed them to the Belconnen Community Council and groups like the youth council so that they can have those conversations before they come back to us with a more resolved proposal.

We have also encouraged them, given that the land was sold to them by the Land Development Agency, with some guidelines in place—not statutory guidelines but sales agreement guidelines—to engage with the Land Development Agency’s design review panel. They have been doing that concurrently with talking to the community as they resolve the proposal.

**DR BOURKE:** Could you explain the difference between those two guidelines you just mentioned?

**Mr Ponton:** Between section—

**DR BOURKE:** The sales guidelines and—

**Mr Ponton:** Sure. One is statutory, one is not. The Land Development Agency, as a seller of land, might want to achieve a particular outcome for a parcel. They will deal with those particular outcomes through the sales documents. So it is a contractual arrangement between the parties. That is separate to a statutory requirement under the territory plan. For example, whereas the territory plan requires in Belconnen no specific height limit but has those criteria that I talked about earlier—and that is what we would assess a development application against—the requirement under the sales agreement use is not a consideration for the Planning and Land Authority at all.

It is not uncommon, particularly in residential estates—Forde is a good example, I think—for house owners, when they buy their parcel of land, to need to get the developer’s consent, essentially, before they lodge an application with the Planning and Land Authority. And that is so the developer can be satisfied with respect to the look and feel of the particular estate.

**DR BOURKE:** You have talked about the pre-lodgement consultation with residents. What about the surrounding small businesses who would surely have some interest in this development?

**Mr Ponton:** Certainly we would encourage, yes, the proponent to engage with those lessees in the immediate vicinity. As Mr Corrigan said earlier, there is no specific, hard and fast rule as to who needs to be consulted but we would certainly be encouraging, for a development of that scale, mixed-use development, the proponent to talk to those people within the immediate vicinity, which would include other small businesses, particularly around Emu Bank, I would have thought.



We are, again as Mr Corrigan said, developing guidelines to assist proponents to better understand the types of people that they need to engage with prior to lodging the development application. We had done some initial work on that and we had worked with the community councils in particular, but we got to a point where we were not entirely comfortable with the nature of the guidelines. They were getting a little cumbersome. So we are going back and reengaging with the community councils and the industry to make sure that we get that balance right and that the guidelines themselves do not become a document that makes passing through the system difficult.

**MR WALL:** The public consultation on a development application, I understand, has now become part of the application process, and it is reliant upon the applicant or the builder to notify surrounding residents of proposed building works.

**Mr Ponton:** That is for exempt development as opposed to a development application.

**MR WALL:** What was, I guess, the thought-streaming in introducing that consultation process?

**Mr Corbell:** That was a matter which was debated in the last Assembly quite extensively and, as you would appreciate, there is a range of work that builders can undertake without the need for a development approval and they only need a building approval, which is not a public process; it is just an approval from an authorised certifier.

The types of instances that were raising public concern were matters such as demolition of property. For example, for a knockdown rebuild of a home, frequently that type of development would fall into the exempt track, would not require a development approval and, therefore, the first a neighbour might hear of it was when they woke up one morning to hear the crane knocking down the house next door. And that was often a concern for residents.

So the government introduced a requirement in regulation that, in certain instances, a notice would be placed on the property and immediate neighbours would be notified of the intention to commence building work so that there would be no surprises about instances such as a home being demolished next door to where you live, for example.

**MR WALL:** I guess a demolition would not normally fall under an exempt work, though, would it?

**Mr Corbell:** Yes, it does. Yes, quite frequently it does. If you are knocking down a home and just replacing it with a new home, if you are knocking down a single dwelling and replacing it with a new single dwelling, that is exempt work that does not require a development approval.

**MR WALL:** Still on development applications and the approval process, on page 122 of the annual report it states in relation to the average processing time in working days for development applications that the original target was 40 days and the actual result was up at 52 days. What was the general cause for that? And what steps are being taken to ensure that those targets for the sake of industry come in on time?

**Mr Corrigan:** I will answer that. It is a range of matters that can affect the time of a DA. Obviously we seek to get the majority through within time. It is usually the larger, more complex DAs that can take some time. That can be anything. It can be what is submitted by the proponent in support of the application; we may have to seek clarification for certain things. It does not mean that there is an issue in itself with the DA; it is just more supporting documentation. It can take time for the proponent to get that in, so that adds to the time.

There are issues raised during consultation. That can take some time. Maybe the proponent needs to look at the application, make amendments and do certain things. That can all add to the time. And there are the complexities of the assessment. We have mandatory referrals for entities, other ACT government agencies. They can raise matters that a proponent may need to resolve. All those things can add time to the assessment of a development application. And there are other performance indicators I notice in the annual report there. We have a 75 per cent target to get the DAs through within time frames, and we hover just below that so we are constantly looking at ways to improve.

Overall we are doing quite well, especially relative to other jurisdictions, but there are those complexities that I explained might cause delays that mainly occur. The other thing is with the statistics. We assess around 1,600 to 1,700 DAs a year. It only needs a small percentage of quite complex applications to affect those results, and that is what happens. We constantly work with our colleagues in other agencies, the proponents and communities to keep the processing time minimal—the most efficient time possible.

**Mr Ponton:** If I could just add to that, when that target was set we had a lot of other developments, single residential developments, in established areas—knockdown rebuilds. We have maintained that target even though the government has exempted those developments from requiring a development approval. So essentially what is left in the system is more complex, which tends to mean that you start to push out from that 40 days. That is why we are seeing that 52 days.

**DR BOURKE:** You mentioned that things were much worse in other jurisdictions. Could you give us some examples?

**Mr Ponton:** Where to start, Mr Corrigan.

**Mr Corrigan:** Comparisons with other jurisdictions? Not off the top of my head, Dr Bourke.

**Mr Corbell:** I think there has been some widely reported assessment of performance of local government development assessment in other jurisdictions by organisations such as the Property Council in particular. It is not uncommon in other jurisdictions interstate at the local government level, which of course is where this work is done in other jurisdictions, for processing times to be well over 100 to 150 days. That is not an uncommon figure. But it will, of course, vary from jurisdiction to jurisdiction and from local government area to local government area.

**MR COE:** Minister, we have had correspondence in the last week or two about

changes to Planning and Development Regulation 2008—schools, new buildings and alterations to buildings.

**Mr Corbell:** Yes.

**MR COE:** And the extension there which you are seeking to put through the Assembly in the next sitting week. Would you please expand on the rationale for that?

**Mr Corbell:** Yes. The removal of the development assessment requirements for structures on educational facilities was initially put in place as part of the economic stimulus package back in 2010-11. As part of the requirement of the federal government for the significant amount of dollars that they put into new school facilities, not just here in the ACT but right around the country, the territory needed to do everything it could to facilitate development on the ground in a prompt manner. As part of that, the government negotiated amendments to the Planning and Development Act through the Assembly at that time that removed the requirement for DA assessment as part of those works. That applied to school facilities—both public and non-government school facilities.

Part of the changes made to the Planning and Development Act effectively put a sunset clause provision in place for this exemption and required that, for the exemption to continue, there needs to be a resolution of the Assembly to approve such an exemption continuing. This is a fairly unusual provision in the Planning and Development Act, but that is what is there, and that is what the Assembly at the time agreed to.

My position is that the exemption should continue. The exemption has received strong support from right across the educational sector, from public schools but also from non-government schools who are undertaking development work, whether that is redevelopment, extensions of buildings and so on or the establishment of new facilities. They find that the exemption provision facilitates a more timely delivery for them of these educational facilities.

So I am supportive of the exemption continuing. It has proved its value. It has not, based on the review that has taken place, had any detriment at all from what we can ascertain from communities. In fact, communities are overwhelmingly supportive of the provision. That is the reason why I am seeking the Assembly's agreement to continue the exemption.

**MR COE:** Why are you seeking to extend section 1.99C but not 1.99D, which is for minor alterations?

**Mr Corrigan:** Sorry, Mr Coe, I have not got that in front of me. I will take that on notice and get back to you on that. I am not quite sure what you are referring to.

**MR COE:** Just to refresh, if this helps, 1.99C includes more major works, so class 3 and class 9b buildings; but then we have got 1.99D, "Schools—minor alterations":

(a) the development will not increase the gross floor area of the building by more than 5%; and

(b) the development is not otherwise exempt under this division.

**Mr Corbell:** I am advised that there is no sunset clause in relation to that provision.

**MR COE:** It says:

(2) This section expires on 31 March 2013.

**Mr Corbell:** That is the advice I have.

**Mr Ponton:** We might have a closer look at that, but my understanding is that that particular provision, the minor works, did not have the sunset clause. I will have a closer look at that one, Mr Coe, and we will get back to you.

**MR COE:** Yes, I suggest you do.

**THE CHAIR:** Questions, members?

**DR BOURKE:** I notice that the table on page 122 indicates that 40 out of 41 decisions by the ACAT upheld the directorate's original decision. You exceeded your target by 15 per cent for decisions being upheld. Why have you got such a good result there?

**Mr Corbell:** I would suggest we got a good result because the authorities act correctly in interpreting the territory plan in its assessment decisions. Obviously a good test of how effectively the planning authority, in performing its statutory role, is performing is to look at whether or not its decisions are generally being accepted or upheld by the ACAT on review. For those matters that go to the ACAT for review, recognising that they are only a very small percentage of the total number of approvals that are considered by ACTPLA every year, it is a good indicator that, in the more contentious matters and those matters which are disputed before the tribunal, the authority is correctly interpreting the territory plan and applying it in a manner which holds up to independent review.

**DR BOURKE:** On that same table, just going back to the previous questions around development application processing times, I notice that there is a significant difference between average processing time and median processing time. Perhaps for our benefit, you could explain the difference between average and median?

**Mr Corrigan:** The reason for the difference, as mentioned before, is that it only takes a smaller number of DAs to be a long time to process. We do get to deal with very complex matters, and sometimes it takes quite some time for proponents to respond to us before a decision is made. You only need a handful of those to affect the average. That is, in a sense, why the difference. That is pretty much it. That is why we measure the two.

**DR BOURKE:** So "median" is actually a statistical reflection of the vast bulk of the applications you receive and most of them are actually being completed in 30 days?

**Mr Corrigan:** Yes, pretty much. As I say, there are 1,600 to 1,700. It sounds like a lot of DAs, but as I say there is a handful that can take time. It does happen. Sometimes we can take up to six months to work through a DA. If you have a handful of those, yes, it can skew the overall result. You can look at the average and go, “Oh, look, you’re not performing very well,” when in actual fact we are performing very well and there are just a handful that are taking a much longer period of time.

**THE CHAIR:** Minister, if we go to page 17 under “Land and infrastructure”, it talks about the Molonglo valley. I was around the suburbs on the weekend and noticed how well it is going ahead. It talks about the plan for the commercial centre there. Can you tell us where that is up to? That says it was completed in July 2011.

**Dr Brady:** With the Molonglo valley work, there was the river concept plan undertaken that has been completed for the river corridor. Stage 2 is now what is being focused on, and that includes the commercial centre. That is currently moving to concept plan with an implementation strategy. It is going into detailed planning. That is where that is up to, with the view that around midyear we should be able to move that toward territory plan variation. So it is ready for take-up for development.

**THE CHAIR:** Thank you.

**MR COE:** I have a question regarding the lease variation charge. Is the codification process complete for all parts of the city?

**Mr Ponton:** Yes, Mr Coe.

**MR COE:** I have been advised that recently—I do not know exactly how recently—works in Braddon had not been codified and still had to go to what I believe is known as V1 and V2.

**Mr Ponton:** No. I am absolutely certain that Braddon has been codified. I participated in the panel that reviewed the codes and the values for the current financial year. Braddon certainly is included in terms of residential aspects.

**MR COE:** Sure, but when were they completed?

**Mr Ponton:** Braddon was in place when codification first came in, and was then reviewed 12 months later. I think the issue with Braddon tends to be more around the fact that we are looking at mixed use development so it is not simply a case of adding residential use or increasing GFA: with mixed use and commercial aspects, that tends to push you into a V1-V2 scenario.

**MR COE:** Okay. Now that you have prompted my memory, I think it was a mixed use development that this person was telling me about. What are the complications there as opposed to commercial or residential?

**Mr Ponton:** With codification, if you have a commercial lease and, for example, you are wanting to simply add GFA, and that is all you are doing, that can be a codified value. Likewise, if you are wanting to add residential use to a lease, you can use the schedules, depending on the number of units that you are wanting to specify. But if

you are wanting to add uses—so if it is a mixed use development and you have got retail and you want to add office, for example—that is not codified. The structure does not anticipate that. That is why we have 117 of the act that allows for the V1-V2 process. Adding that particular use is done on the basis of the before and after values.

**MR COE:** Is that something that can be addressed or is it always going to be an area that is too difficult to codify?

**Mr Ponton:** That is a matter of policy that is probably best directed towards the Treasurer. In terms of the directorate's role, our role is in relation to essentially collecting the amounts. I could take that up and have a conversation with the minister in relation to that particular aspect. But it was always about—and very strong feedback from the industry at the time was that they wanted—the capacity for certain types of development, particularly mixed use, to have that option of V1 and V2. I would need to go back and have a look at the original policy development before I gave you a specific answer.

**MR COE:** Yes, sure. But in principle or on paper, it is actually possible to codify—

**Mr Ponton:** On paper, I would say yes, Mr Coe. But, not being a valuer, I would not want to say so absolutely until I have some further conversations. Certainly, from my perspective, we have codified other aspects so it seems reasonable that that is a matter that could be explored.

**MR COE:** Okay; thank you.

**MR COE:** I am going to go back to the Belconnen town centre and the master plan. As has been mentioned, it has been over a decade since it has been looked at in that form. When you have a development such as a GEOCON proposal coming forward, which is a huge investment in Canberra, do you not owe it to both developers as well as to the community to have a master plan in place that people can have confidence in? At the moment, I think it is fair to say that there is not confidence that the master plan is capturing the intention of either the government or what is actually happening on the ground? Do you owe it to the community at large to actually update that as a matter of urgency?

**Mr Corbell:** It is not as though we are operating in an environment where there are no planning controls. There are planning controls and there are criteria that would currently be used to deal with a proposal like the GEOCON proposal. The GEOCON proposal is not yet at development assessment stage. What the developers are doing there is going out and consulting with the community before they lodge a DA, because that is what they are now required to do as a result of changes made to the act.

So this is a mandatory obligation now on developers that if they have development proposals that set off certain triggers, and clearly this one does, then they need to go out and talk to the community about it. As Mr Ponton has indicated, there are existing criteria that would be used in assessing a development of the size of the GEOCON proposal. Generally speaking, what you have got with the GEOCON proposal is a building the height of which is significantly above what the current criteria anticipate.

So it does not exclude it, necessarily, but it does put in place some fairly tough expectations around design outcomes and addressing amenity value, overshadowing and those types of concerns. If you are asking me the question: would it be wonderful to refresh a master plan and have a master plan up to date that is no more than 12 months old for every centre in the ACT, yes, it would. Is that realistic or feasible? No, it is not. So we work with the planning framework that we have and a master plan that is less than a decade old is not a completely out-of-date document. But certainly some things have changed since then. It is not practicable to have master planning that is less than six months or a year old in every centre around—

**MR COE:** We are not talking here about six months or 12 months. We are talking a decade.

**Mr Corbell:** How long is too long, I guess is the question.

**MR COE:** I would say, given the changes that have happened in Belconnen over the last few years, it is out of date.

**Mr Corbell:** Yes, but how long is too long before a master plan is out of date? I think this is the dilemma that you face with development assessment and guiding development in centres. The government will look closely at the issues arising from that proposal and, if we determine that the existing framework and the existing criteria that guide development are not adequate to respond to community concerns or views, we will take that into account in deciding to make policy changes. But we are not at that point at this stage.

**MR COE:** But you must admit that it makes it hard for the government and also for the developers to communicate with the community when you have got an out-of-date document, as this is. Whereas, if you did have a document that was more current and that was actually reflecting what is happening on the ground, you would then be able to point to the master plan and say, “This is the direction we are going.”

**Mr Corbell:** I have to say that I have had no complaint from the GEOCON proponents—

**MR COE:** I am not talking about the GEOCON project. I am talking about—

**Mr Corbell:** You are specifically referencing it and—

**MR COE:** No, I did not specifically reference it in that question.

**Mr Corbell:** I have had no complaint from them. Indeed, they have briefed me on their proposal and they fully understand the context in which they are operating. They certainly have not said to me in any way that it is a hindrance or a problem, nor have I heard that from any other development proponents in Belconnen. I think Mr Ponton would like to add something to this matter, too.

**Mr Ponton:** I was just going to add, Mr Coe, that a lot of what you are seeing in Belconnen town centre now is in fact as a result of the 2001 master plan. So the master plan is doing its job in that it is starting to deliver taller buildings. The bus

interchange has been reconfigured. We are looking at higher densities and, as I said earlier, there was some urban design work done as part of that master planning work that identified 60 metres as being a not unreasonable height and getting people close to the bus interchange, having marker buildings and the like. So the development that you are seeing is not inconsistent, I would argue, with the existing master plan.

But the territory plan is drafted in a way that is sufficiently flexible to not preclude innovation, and that is what I guess we are seeing with the GEOCON proposal. They are coming forward with a proposal that they believe is innovative in terms of design. They are looking at the mix and also building materials and how they actually treat the urban open spaces around where the building grounds. I think that we would need to be careful from a planning perspective not to overprescribe what can occur, particularly in town centres. I think that we do need to allow sufficient flexibility so that we can have those within the industry think about innovative ideas.

**MR COE:** It is not just a matter of maximums. It is a matter of semblance as well. For instance, the police station that has been built there is single storey for much of the site.

**Mr Corbell:** It is a two-storey building.

**MR COE:** Part of it is single storey.

**Mr Corbell:** A small part.

**MR COE:** Does the master plan say that new buildings should be two storeys?

**Mr Corbell:** They have to be appropriate to use. I do not think there is any need for a 10-storey police station, to be quite frank. Building design responds to building use. If you are suggesting that the police need a 10 or 15-storey police station, I am afraid you are just wrong.

**DR BOURKE:** Minister, if you are going to change your town plan every couple of years, what sort of message does that send to developers and the community?

**Mr Corbell:** I think, as Mr Ponton says, that the development outcomes we are seeing in Belconnen are driven by the thinking around the master plan that was drawn up and agreed to widely amongst the community, business and property interests in the early part of the 2000s. It was very much recognising that there needed to be intensification and more residential uses in the Belconnen town centre.

Now we are really getting to the pointy end of how that is realised on the ground. Discussions about height are legitimate discussions for a community to have and legitimate concerns for people to hold. Issues relating to heights around buildings are among the most common matters of debate in planning right around the world—in any city around the world. That is a discussion we are having here, and it is a healthy discussion.

I think the territory plan and the master plan, as Mr Ponton highlights, give us the flexibility to respond to these issues. I do not think at the moment that we have an



environment where development proponents feel there is uncertainty. Indeed, quite the contrary; development proponents are clearly prepared to invest considerable amounts of money in development in the town centre. That is a good thing for the strength of our town centres. More people living in town centres means more jobs in those town centres, means more activity in those town centres, and that is good for the strength of those town centres.

**DR BOURKE:** So what are the main elements of the parking code which affect high density residential and commercial development?

**Mr Corbell:** I would have to defer to my officials on the parking code requirements.

**Mr Corrigan:** The main issues we look at are, obviously, what the demands for car parking are. For a tower such as the GEOCON proposal, for example, it is really for the proponents to work that out in town centres, because they have got the ability to provide enough car parking for the residents that are living there. We have generation rates around that. So it depends on the mix of the units they put in, from either one bedroom through to two and three bedrooms.

Part of the proposal also is that there is hotel accommodation; so different rates apply there. In a roundabout way, what I am getting to is that there is flexibility enough there for developers, particularly in town centres, to put in what they think works. But as the minister explained before, within the planning strategy we want to focus development overall in the city, into the town centres, where there is most activity and also there is that link to public transport usage and things like that. So there is a balance there about the full demands for car parking and what needs to be given.

It is not quite the code that allows for minimums, but there are some things where we allow proponents to consider. I hope I am making sense, but what I am getting at is that a developer does not have to provide every unit in a tower like that with two car parking spaces. It could have average out at one per unit for the whole complex—something like that—because some may use more, some may not use any at all. There are things like that. So there is that flexibility there. Is that sort of what you were getting at with the parking code?

**DR BOURKE:** So it is really a guideline rather than being mandatory?

**Mr Corrigan:** Yes, absolutely. There is flexibility, particularly in town centres, because you get the mixed-use developments and you might get partly commercial and partly other things. Imagine if every office and commercial accommodation had to provide every car park that could be used. Our town centres would have a lot of car parking. It is not desirable in the long term. So we do have that flexibility.

**MR COE:** The parking code—is it right that it came into effect in 2007? It came into effect and that was when it was last substantially changed or reformed. Is that correct?

**Mr Corrigan:** The current parking code, yes. I am not sure exactly the start date, but it is with the Planning and Development Act and the revised territory plan. It came out at that time. The codes were revised. That would have been initiated around that 2007, 2008 period. Then obviously it is monitored—

**Mr Corbell:** As all those codes are.

**MR COE:** Does the government propose to make any changes to the parking code in the near future?

**Mr Corbell:** The government has identified in the transport for Canberra strategy the need to continue to monitor parking codes and, in particular, to reassess whether in certain locations in centres—so in Civic and in the town centres—we should continue with the existing generation rates and the existing minimums of parking provision or whether there should be more flexibility for some development in certain locations to have less private car parking.

We are not talking about public car parking. We are talking about car parking for either the residents of a building or the employees—the office workers in a building where there is private car parking—and whether or not the existing rates of provision are appropriate or whether, in some circumstances, they should be reduced.

**MR COE:** Are there any restrictions at the moment on a developer constructing car parking?

**Mr Corbell:** What do you mean by “restrictions”?

**MR COE:** For instance, if somebody was to do a residential development and simply not have car parks available for residents and also commercial car parking. Is that permissible?

**Mr Corbell:** To run as a commercial car park? I think that is permissible. It is unusual for that to happen, but it is permissible, I think.

**Mr Corrigan:** Sorry, Mr Coe, I think if it is a commercial town centre and a developer has some residential and wants to build car parking for the residences but some in addition for other uses and say that he wants to enter some commercial arrangement, that is possible. Yes, it is unusual in the Canberra context.

**DR BOURKE:** Why would it—

**Mr Ponton:** Having said that, sorry, the lease would need to provide for car parks for separate and stand-alone use. I am certainly aware of one development in Barton where that occurs, where there was parking for residents, parking for commercial and parking as a stand-alone use in the lease, and that is open in the general public, for a fee.

**DR BOURKE:** Minister, why would that be unusual in Canberra?

**Mr Corbell:** Particularly for office development, it is quite often the case that the tenants of new office buildings want the parking to be theirs, even just for security purposes, so that only people who are authorised to enter that building are able to park in that building. Sometimes for commonwealth departments, they are obviously reluctant for security or other reasons to have the general public have access to a

secure car park for security reasons. That can be an issue.

Generally speaking, it has been the exception more than the norm but increasingly it will need to be considered. Certainly, as issues around demand continue to be managed in this city, it may be the case that at some point building owners will see it as commercially viable and an opportunity for revenue to provide and run car parking for general public parking. But that will be a commercial decision for them.

**MR WALL:** What kind of feedback are you receiving on the current criteria for car parking in new developments? In instances where a new building has gone into an established area and there has been a loss of some car parking spaces, what sort of feedback is the directorate receiving on the provision of new spaces and whether it is sufficient or not?

**Mr Corbell:** The first observation to make is that where there is a development and it has resulted in the loss of surface car parking, I cannot think of a development proposal where there has not been like-for-like replacement of surface car parking with structure or underground car parking. That is the first point to make. Certainly, for any land that the territory sells, it is inevitable that there is like-for-like replacement for loss of surface car parking. On top of that you have the generation rates associated with the people who either live or work in that building and how many spaces they notionally need as a result of that development happening.

In terms of feedback about parking provision, it is certainly the case that the government is increasingly getting representations from developers who would like to see more flexibility around parking provision rates. They are highlighting to the government some of the economic barriers they face in terms of the cost of parking provision and are looking for opportunities to trade off the need to provide a certain number of spaces with, say, potentially a contribution to a broader fund for transport provision. That is a measure that is identified in transport for Canberra—the development of a parking offset fund so that developers can cash out, if you like, at least a proportion of their parking obligations in a development into a central fund which can then be used by the government either to provide public car parking by the government or to use it for other transport-related initiatives which might be, say, to support other forms of transport—cycling, walking, public transport, for example.

The other trend I have seen as minister over the past 12 to 18 months is that a number of developers have said to me, “We’d like to provide slightly less car parking on site in our development, but we’d like to provide a car share service as an alternative for residents of a residential development.” To date, the government has not agreed to that type of trade-off because we are not yet convinced that at least in those instances where the issue is put forward it will reasonably satisfy demand around car parking. Those are the types of issues that development proponents are bringing forward.

**DR BOURKE:** Minister, how are the effects of the increased traffic that presumably results from these high density residential and commercial developments being assessed?

**Mr Corbell:** Traffic impact is obviously one of the assessments that the planning authority undertakes as part of its assessment of any large development, whether it is

commercial or residential—looking at capacity of roads, movements, the movements through intersections and whether there is a need for upgrades. These are issues that are commonly taken into account.

A good example is the Nishi development at the New Acton site. That is effectively two buildings side by side—a residential tower and an office building—both of which are bringing significant new movements in and out of that site compared to what was there previously. As part of the conditions of approval there, they have had to provide for improved intersection arrangements and so on to manage traffic movements. So that is the type of consideration that is taken into account in any new development of that size.

**Dr Brady:** One of the aspects of the transport for Canberra policy is the implementation program. We do have a program where we monitor changes in different areas. With the uptake of public transport, we are monitoring that. So we are looking in areas where there have been new developments to monitor how that is changing the travel behaviour and travel demand on public transport.

**DR BOURKE:** Under transport for Canberra, you have completed the planning for the Belconnen-city public transport facilities. What things can we expect in the future with that?

**Dr Brady:** Do you mean the busway?

**DR BOURKE:** Yes.

**Dr Brady:** I am not quite sure that I understand your question.

**DR BOURKE:** I am asking about the Belconnen to city public transport plan which was undertaken as part of the transport for Canberra work. What things can we look forward to in the future as a result of that plan?

**Dr Brady:** An immediate outcome of that is a better uptake on bus, because it is a more reliable, quicker service. So we are looking at more routes that are similar to that where we might be able to implement those sorts of things.

**Mr Corbell:** The Belconnen to city transit way is largely now complete. Final works are proceeding, particularly along the Barry Drive segment. There is a new bus station as part of the ANU exchange development. Buses travelling from the city to Belconnen, once that station opens, will no longer travel down Marcus Clarke Street turning left northbound on to Barry Drive and then proceed up Barry Drive and Belconnen Way to the town centre. Instead they will go through a bus-only right-of-way that goes through the centre of the ANU exchange. There are platforms city bound at the exchange and there is another platform Belconnen bound on Marcus Clarke Street. These are improved passenger facilities for people who get on and off on that city west side of Civic.

As Dr Brady indicated, the primary objective of that work is to improve transit time and to separate buses from the general traffic lanes, thus giving them a more reliable run without facing some of the problems of weaving in and out of traffic that they

have to deal with at the moment.

**DR BOURKE:** What sort of effect on transit times do you expect for the Belconnen to city run as a result of this work?

**Mr Corbell:** I will have to take that on notice, Dr Bourke. An analysis has been done on that.

**DR BOURKE:** You talked about the mix between cars and buses and the desire to have them separated. Could you tell us how that is going to be progressed on this new transit way?

**Mr Corbell:** That is effectively being put in place as a result of dedicated bus lanes on Barry Drive and Belconnen Way. It separates public transport from general traffic lanes for a significant proportion of that route—not all of that route but a significant proportion of it. That assists with running times, particularly at intersections. So for the very congested intersections on Barry Drive, basically from Northbourne Avenue up to Clunies Ross Street, buses are now going to get much better priority through there. That is going to make sure that their running times are reliable as general traffic levels continue to increase on those roads.

**DR BOURKE:** Do you expect that this will feed in to the development that we are already seeing in Belconnen and that will be planned in Belconnen town centre in the future?

**Mr Corbell:** There is no doubt that as congestion in the city continues to grow—and congestion in the city will continue to grow—our challenge is to moderate that growth and not simply accept that it will be at X level in 2020 or 2025 but hope that it is at a lower level and work to address that through encouraging more people to use public transport and transport modes other than the car. As that happens over time, it makes sense to make sure that long-term investment decisions about where housing is located gives people convenience and better choices around what sort of transport they use. So if they are living close to a rapid, frequent and reliable public transport corridor, more people are going to choose to use those corridors. That is beneficial in terms of meeting our transport mode split targets.

**DR BOURKE:** Do you think there is any synergy to be gained by the linking of our two major universities on this transit way?

**Mr Corbell:** Certainly it is a corridor that has a lot of uses along it. It has both universities, it has a number of significant private educational institutions, it has the CIT, it has even got the Canberra Stadium and the AIS precinct as well. So it is quite a significant corridor, and that is why the government has made the decision to invest in improved public transit along the corridor.

**MR COE:** When will the works be completed on Barry Drive?

**Mr Corbell:** They are being delivered by the Territory and Municipal Services Directorate. I would have to get some advice on the timing of that. I will take that on notice. It is close to completion.

**MR COE:** Could you also take on notice for TAMS when the bus timetables will be updated to reflect the improvements?

**Mr Corbell:** The development of the new network is, I understand, well underway. Again, that is a matter which Territory and Municipal Services are responsible for.

**MR COE:** Regarding your responsibility as minister for transport planning, would you please talk through how your directorate interacts with both JACS for transport regulation and TAMS as the delivery directorate? How do you communicate and get the right transport planning objectives at a time when TAMS are delivering all the services? It must pose challenges for you.

**Mr Corbell:** No, I do not believe it poses any particular challenges. These are routine matters of across-government coordination which are resolved through a range of intra-government fora to coordinate the positions of different directorates and to provide the necessary input. There was significant collaboration, particularly between Territory and Municipal Services and the Environment and Sustainable Development Directorate in the development of transport for Canberra, recognising that TAMS have responsibility in particular for public transport operations and also for the day-to-day management of the road network. So making sure that their input was fed into the development of policy was critical, and interagency fora were established to achieve that and to ensure that it was appropriately fed in.

Of course, at the end of the day, these issues are also tested through the cabinet process whereby each agency, and, indeed, each minister, is able to provide feedback and ensure that issues of concern to them are appropriately recognised in whole-of-government policy documents. So I do not see any particular challenges there beyond those that are normal for government in ensuring coordination across directorates.

In relation to JACS, transport regulation certainly does have input, but I would not say it is of as significant an order as TAMS, because TAMS are running the buses, TAMS are managing the road network and so on, implementing upgrades to cycle networks and so on, so they have quite a big stake. Justice do have a stake in terms of road transport regulation but it is not as significant as that of TAMS.

**MR COE:** Do you have an idea about how light rail will be progressed from a governance point of view? I know there is the body within the Economic Development Directorate at the moment, but going forth in the decision-making process, is it likely to be a subcommittee of cabinet? Is it likely to be wholly within one agency or is it going to be an interdirectorate-type body?

**Mr Corbell:** The Chief Minister has established a subcommittee of cabinet which has ultimate responsibility for overseeing that project. That is comprised of all ministers. But when the subcommittee meet, it is cabinet meeting specifically to deal with issues surrounding the strategic direction and governance of the light rail project. The exact details of governance are still being considered by that subcommittee. At the moment the arrangements are that the day-to-day management of works or projects associated with that overall project are through the Gungahlin to city project office, which is currently sitting within the Land Development Agency. The project office reports to

me and my directorate, ESDD, and other directorates, particularly Treasury and Economic Development, provide support and enabling staff, effectively, for the work of the project office to continue.

**MR COE:** If the project office reports to you, why is it in the LDA?

**Mr Corbell:** It is in the LDA because the government took the decision at the last budget that the project should be recognised not just as a transport project but also as a land development project.

**MR COE:** Quite so, but more so a land development project?

**Mr Corbell:** I think the challenge with this project, and what you have to appreciate, is that the governance arrangements that were put in place and which are currently still in place were put in place prior to a decision being taken on preferred mode—so prior to making a decision about whether it should be bus, rapid transit or light rail. The arrangements that were put in place in the LDA were put in place before that decision was made. Now that that decision has been made, and obviously the government's re-election commits to the development of that project, the government is reviewing the governance arrangements.

**MR COE:** When are we likely to see a change?

**Mr Corbell:** I am not in a position to pre-empt cabinet's consideration of those matters.

**MR COE:** Did you say earlier that the subcommittee comprises all members of cabinet?

**Mr Corbell:** Yes, it does.

**MR COE:** Are there any other subcommittees that involve all five members?

**Mr Corbell:** I think if you want to know that, you should ask the Chief Minister. She is responsible for the business of cabinet.

**MR COE:** Have you ever sat on a subcommittee that has the other four members of cabinet?

**Mr Corbell:** I sit in numerous fora that cabinet establishes, but it is not for me to disclose the ins and outs of all of those. If you would like to know those answers, you can ask the Chief Minister.

**MR COE:** I think I can ask whether the minister responsible for ESDD sits on cabinet subcommittees with four other cabinet ministers. That is quite a reasonable question.

**Mr Corbell:** As you would appreciate, our cabinet is not a large one and at times it is impracticable to have subcommittees that include some ministers and not others. In relation to the light rail subcommittee, I can certainly confirm to you that the subcommittee is made up of all members of cabinet.

**MR COE:** Sure, and is that because five ministers happen to have portfolios that warrant being on the subcommittee, or is it because the view is that all directorates should be represented?

**Mr Corbell:** The view of the Chief Minister is that this is a high priority for the government. It warrants a high level of engagement by all ministers given the significance of the project as well as the fact that there are a large number of directorates—not all—with a direct involvement in it.

**MR COE:** Do you chair the subcommittee?

**Mr Corbell:** The Chief Minister chairs all subcommittees of cabinet.

**MR COE:** And how often does the subcommittee meet?

**Mr Corbell:** As and when required.

**MR COE:** How often has it met?

**Mr Corbell:** It has met on a number of occasions since its formation.

**MR COE:** And what is that number?

**Mr Corbell:** It is not for me to disclose those details, Mr Coe.

**MR COE:** Well, this is very much the open government—

**Mr Corbell:** No, this is the business of cabinet government. As you would appreciate, cabinet proceedings are confidential.

**MR COE:** I understand that. I am not asking for the ins and outs on who said what. I think it is quite reasonable to say how many times the subcommittee for the development of light rail has met.

**Mr Corbell:** A number of occasions.

**MR COE:** Why would you be elusive about this? What is so tricky about—

**Mr Corbell:** I honestly cannot recall the number of occasions it has met, but it has met on a number of occasions.

**MR COE:** It interests me that the minister for transport planning would not be able to recall the number of times the subcommittee especially set up for light rail has met.

**Mr Corbell:** I am not going to go into all the details of the logistics of cabinet meetings and subcommittees.

**MR COE:** I am not asking for all the details; I am asking for when they met.



**Mr Corbell:** And as I have told you, I cannot recall.

**MR COE:** Yes, right. Pretty professional, minister.

**THE CHAIR:** We might take the opportunity to break for afternoon tea. I thank members for their attendance. We will come back at 3.30 and continue.

**Meeting suspended from 3.11 to 3.30 pm.**

**THE CHAIR:** We will return to the hearing and continue with the questions.

**Mr Corbell:** Chair, if I may?

**THE CHAIR:** Yes.

**Mr Corbell:** With your indulgence, could I just ask my officials to follow up on some questions that members asked earlier with some further information. If you do not mind, we will go to those.

**THE CHAIR:** That would be great, yes.

**Mr Ponton:** There were two questions that Mr Coe asked earlier, one in relation to the schedules for LVC relating to Braddon. I advised that Braddon was codified. Just to clarify, I have since spoken to my office and, whilst the panel did work on the schedules and a lot of work was done in relation to the valuations or the values for that schedule, they actually did not end up being included in the final. That was primarily because of the range of values. There were one or two large sales that were skewing the figures; the decision was made to not include those and await the further review that will occur in the lead-up to next financial year with a view to including Braddon and also the suburb of Wright into the schedule. I just wanted to clarify that.

The other was in relation to regulation 1.99C and D. The question was asked why, with both having sunset clauses, one was being considered by the Assembly and the other was not. That is because regulation C requires a resolution of the Assembly to continue whereas regulation D, whilst it ends, simply needs to be remade by the minister.

**Mr Corbell:** And I will ask Dr Brady to clarify answers she took this morning in relation to the north stormwater project.

**Dr Brady:** It was a question from Mr Smyth. I mentioned that the delays were due to weather and contractor changes. They were due to weather. Once they had started work, and the ground truthing in doing the work and implementing it, that resulted in some changes, but it did not result in any contract variations or changes to the budget.

**THE CHAIR:** Thank you. Questions, members?

**DR BOURKE:** Minister, how many former petrol station sites have been successfully redeveloped for other uses?

**Mr Corbell:** I will just give a quick response. I do not have an actual number in front of me, but I can tell you that there has been significant work done by my directorate to work with the lessees of former petrol station sites to encourage them and to get them to a point where they are in a position to both remediate and redevelop their sites. At the moment the directorate is currently involved in managing a number of complex crown lease issues for a number of sites. There has been work undertaken on a number of other sites, including Waramanga, which is subject to a fairly extensive redevelopment which is close to completion at this time. There still remain, however, a number of sites where there has not been significant progress. ESDD is considering what formal action can be taken to address the undeveloped nature of those sites if the evidence supports such actions.

**DR BOURKE:** Thank you, minister. Constituents have raised concerns with me regarding coal seam gas production and dangers of fracking. Is there any potential for fracking in the ACT, and what policies might govern it?

**Mr Corbell:** Mining and associated activities are a prohibited use in the ACT and are not able to occur, full stop. I am not quite sure whether fracking would be considered resource extraction but if it is it is not allowed under the territory plan anywhere in the ACT. Extractive activities like that are generally not permitted except in relation to sandmining. Sandmining is permitted at a limited number of sites, but I think that is about it in terms of extractive uses.

**Mr Corrigan:** That is correct, minister. Dr Bourke, there are some existing use rights. There are some that would be familiar, like near Fyshwick and Pialligo, where there is some sandmining and activities like that.

**THE CHAIR:** Minister, could I just bring you to page 21. I know we have dealt quite a bit with DAs here, but I notice that with all DAs under the Planning Delivery Division, it says that all DAs are now lodged online through the e-development program. I understand—this is a bit later on in “Outlook”—that the e-development platform is going to be refined. Can you tell us exactly what you can do with that program and how accessible it is to developers and/or the public?

**Mr Corbell:** I will ask Mr Meyer, who is kindly coming up to the table, if he can assist.

**Mr Meyer:** Yes, the e-development platform has been in place for a couple of years in its current state. We are going through a process with industry to review its functionality and look at ways of improving it. We met with the MBA last week to discuss some aspects of how we might improve the system. One aspect is the upload facilities, multiple file upload. As you will appreciate, some of the big development applications take a long time to load up through the system. We are working with Shared Services ICT, and we have a mock-up of that which we are testing at the moment and have tested with industry. They are quite excited about the prospect of that coming in in the next couple of months.

We are also looking at ways of refining the building application side of the platform—because it carries right through, from the DA right through to the BA end of the system—so that the lodgement of documents and the assessment of documents

will be easier to manage and more streamlined, and we provide more information to clients in relation to their applications so that they are getting more effective real-time information about where it is in the system and how it is progressing.

**THE CHAIR:** Is the community also able to look at those documents online through that program?

**Mr Meyer:** There is a separate system which deals with public notification of applications. That is available through our website. The information in relation to individual applications is available to the particular developer or their agent so that they can specifically monitor their own projects.

**THE CHAIR:** Thank you.

**MR WALL:** Since the system has gone completely electronic, has there been a decrease in the number of home owners putting applications in on their own behalf compared to when it was a manual present at the counter?

**Mr Meyer:** Sorry, I did not catch that.

**MR WALL:** Since the DA application lodgement system has gone completely electronic, has there been a decrease in the number of home owners, mums and dads, putting in a plan for a carport or a garage on their own behalf as opposed to having to go through a builder?

**Mr Meyer:** No; those numbers have remained fairly constant. What we have always realised is that e-development would not be fully electronic for everybody. The reality is that the mums and dads, and the one-off type project developers, can still lodge over the counter. What we do is assist them at the counter to complete the documentation online so it can be entered in there and then. We also assist with putting plans and other documents on disks, CDs, so that they can be uploaded into our system, again to make it as easy as possible. But there is that customer service contact for those that need it for that sort of application.

**MR COE:** Minister, ACTION put out a media release today saying that the bus network is being reviewed. I was wondering what involvement you or your directorate are likely to have with that review.

**Dr Brady:** There is a group set up that looks at network 13; that consists of people from ESDD, TAMS and ACTION. They get together and look at the network, and look at upgrades and timetabling changes.

**MR COE:** That has been done for some time, has it?

**Dr Brady:** Yes. My understanding is that it has been going for—

**Mr Corbell:** Up to six months, I think. Obviously, ESDD's primary interest in that is ensuring that network design takes account of and is informed by the policy settings in transport for Canberra. Transport for Canberra outlines key performance criteria that we seek to achieve around the frequency and reliability of services and also issues

around areas of demand and making sure that the network is designed to cater for growing areas of demand.

**MR COE:** What information does ESDD get from the MyWay system?

**Dr Brady:** At the moment it is TAMS that gathers that information. We will be seeking access to it for our measurements against transport for Canberra. As to the actual details, I would have to ask about the specifics of the data that we get.

**MR COE:** Does the directorate get a regular report or have you requested certain information that gets delivered on a regular basis?

**Mr Ponton:** Mr Coe, with transport for Canberra, there is an implementation group. That implementation group includes TAMS. It is through that process that, as data is required to report against particular actions, we will seek that data from the directorate. But in terms of answering your question, we do not get a regular report per se. It is as we need the data to report against particular items.

**MR COE:** What about plans for publishing MyWay data and other transport data? Now that it can be really localised, is that something that transport for Canberra would be interested in doing, either for commercial purposes or for communities that might be interested in such traffic information?

**Mr Corbell:** Day-to-day performance issues really are a matter for TAMS and for ACTION, and they are the custodians of the data. Obviously, though, it is government data. As Dr Brady has said, ESDD can access that data as needed to look at performance against the broader targets and objectives of the transport policy. But day-to-day monitoring of performance and day-to-day issues of relative demand really are matters for TAMS and ACTION, so I would refer you to them.

**Dr Brady:** Sorry, minister, can I just add something to that. One of the initiatives in transport for Canberra is to do a report card. It is subject to gaining funding to do all of the research that needs to feed into that, but it is similar to other states: they do a report card on some of their policies that tracks, and that is something that goes public but it would be a matter for government as well. That is one of the initiatives in transport for Canberra.

**MR COE:** Do you happen to know the specific titles of comparable report cards that would be done elsewhere as a comparison?

**Dr Brady:** I do not at the moment; sorry, Mr Coe. I believe New South Wales does do one, though, and we have looked at theirs.

**MR COE:** Do you know if it is a metropolitan one or whether it is across the state?

**Dr Brady:** I think it is a metropolitan one that we have looked at. I would have to confirm that.

**MR COE:** Yes, sure. What sort of information in Canberra do you think you would be likely to include on such a report card or would seek to report?

**Mr Corbell:** It is yet to be ascertained, but we would envisage that the government would want to see reporting against targets as set out in our policy documents and how we are performing against those targets and service delivery standards.

**MR COE:** How do you generate the figures for the numbers of people walking to work or cycling?

**Mr Corbell:** The primary source of that data is the census figure. Every time there is a census, every five years, a question is asked about journey to work mode for people completing the census. It is the only reliable or reasonably reliable indicator we have at this point in time for a city-wide indication of people completing the census of how they travel to work on census day. And that is the question: “How did you travel to work on census day?” Obviously, in Canberra that is usually towards the end of winter, and we know that that can have an impact on how many people, for example, are walking and cycling, given the weather that we can experience in August. So there are some limitations on that measure, but nevertheless it is the measure that is used across the country for the assessment of journey to work.

We also take account of other data, albeit not as wide-reaching as the census question. For example, we take account of assessments made by other organisations. I know that Pedal Power, for example, do a cordon count of the number of cyclists moving in and out of the city centre on a particular day each year. We certainly have regard to that, and to other measurements as necessary.

The beauty of MyWay data is that it will give us a much more accurate assessment of the number of riders and users of public transport, in particular, not just on one day of the year but across the year.

**THE CHAIR:** Any further questions, members?

**MR COE:** Yes. There was some talk recently—and I cannot remember exactly when—that created a headline about the heritage listing of Canberra. One of the proposals was to heritage-list streetscapes in and around the older suburbs. Have you been consulted on that, minister, and are you supportive of it?

**Mr Corbell:** Yes, I have been consulted on it. It is a matter the government as a whole has considered. Clearly, I have been involved in those discussions. In principle, I am supportive of the proposal. The proposal is essentially about recognising the significant landscape quality and the significant heritage nature of, if you like, the bones or the physical elements of the original Griffin plan, which are essentially the major avenues, the lake, the landscape setting of the central national area and the broader inner hills that sit around the central national area.

There is no doubt that the built environment of that central area of Canberra is unique in world terms. We are one of the few cities in the world to have seen a plan such as the Griffin plan realised in a central national area, albeit with modification, and to have it realised in quite a complete manner. The idea to provide for recognition of that through a national heritage listing is a measure that has the in-principle support of the territory. The issues are around the detail of what that means in practical terms around

how it is applied and whom it applies to. Those are matters on which the territory has been engaged in discussions with the commonwealth.

**MR COE:** Has the commonwealth given you a time frame for when the decision making is likely to take place?

**Mr Corbell:** Not that I am aware of. It is a decision for the federal minister. I do not think he has committed to any particular time frame on that matter. A nomination has been made, but if or when the federal minister receives a recommendation and makes a decision is a matter for him.

**THE CHAIR:** Any further questions, members?

**MR COE:** Yes, I have more.

**THE CHAIR:** Go ahead.

**MR COE:** Could you give an update as to where things are at with Giralang shops?

**Mr Corbell:** Yes. Just before I turn to Giralang shops, I have some further information on the nomination of Canberra to the national heritage list, so I might, for completeness, provide that material to you. The Australian Heritage Council assessed the proposal for inclusion on the national heritage list, and that assessment was finalised in December last year. The minister for the environment, heritage and the arts is yet to make a decision on the proposal to the national heritage listing, but the commonwealth has indicated its intention that a decision on the proposed listing should be made during the centenary year, which is obviously this year. We will continue to liaise with the commonwealth to ensure that the impact guidelines, if they are made, adequately address issues around managing development in the area.

Turning to Giralang shops, as you would be aware, I exercised my powers under the act to approve the redevelopment of the Giralang shops about 12 months ago or so. That decision was challenged in the Supreme Court. The Supreme Court upheld my decision, and the court indicated that it was a valid exercise of my powers under the act. It dismissed the applicants' position first and foremost on the grounds that they did not have standing—ie, their only interest was commercial competition and that was not sufficient to give them standing to challenge the decision.

The applicants to the original motion have now sought to appeal the decision of the Supreme Court in the Court of Appeal. That matter was heard by the Court of Appeal in the last couple of weeks, and the Court of Appeal has reserved its decision.

**MR COE:** Should the Court of Appeal rule in favour of the government, are you aware of any other avenues which can be pursued by the appellants?

**Mr Corbell:** You can always appeal a Court of Appeal decision. You would have to go to the High Court and you would have to get leave to go to the High Court. That would be unlikely, I think, but I cannot speculate on what may eventuate out of a decision that we are yet to see from the Court of Appeal. Obviously, it is my position that it would be desirable to have this matter resolved as soon as possible so that the

Giralang community can get a local shopping centre.

**MR COE:** Is it your understanding from the proponents that if and when they get the green light to proceed they will do so?

**Mr Corbell:** I have not had any formal or informal communication with the proponents for some time, but in the last communication I had with them they were certainly very committed to this project.

**MR COE:** In the event the government's position is upheld, would the DA that was called in still be current?

**Mr Corbell:** I believe so, yes. It is a two-year period, so, yes, it would still be current.

**MR COE:** Does that two-year period get extended in the event of a legal challenge?

**Mr Corrigan:** Yes, it would. In effect the decision is set aside while the court hears the matter. If it finds in favour of the minister's decision, they still have the two years to—

**MR COE:** It will commence from that point?

**Mr Corrigan:** Yes. In effect, at the moment it is set aside. Time is not ticking while this is going on.

**MR COE:** Thank you for that update. Whilst on Belconnen suburban supermarkets, I will go across William Slim Drive to McKellar, where I believe there has been a development application approved to demolish the old supermarket site, or the block adjacent to it, and to build 22 residential units, is that correct?

**Mr Ponton:** That was quite some time ago, Mr Coe.

**MR COE:** Yes, that is right. I think it was about maybe not quite a year ago or thereabouts.

**Mr Ponton:** My recollection is that it would be longer than that.

**MR COE:** Would it? The question is about the role of the supermarket policy and how it is implemented in places like McKellar. Can a suburban shopping centre that is not commercially viable just be demolished and a new DA assessed simply based on the current zoning, or does the supermarket policy kick in?

**Mr Corrigan:** Mr Coe, the short answer is yes. If a lessee of a site of a local centre wanted to propose something completely different and did not want any shopping uses there, they could apply. A range of uses are permitted at local centres. They could do that if they wanted to. The supermarket competition policy is not designed specifically to ask, "Okay, what happens in the event of that local centre no longer being viable?" It addresses a whole range of other matters. A proponent could come to us under the territory plan and say, "I want to redevelop this site for other uses."

**Mr Corbell:** Generally speaking, though, the government, from a policy perspective, would want to ensure that convenience food shopping was still available, if that was at all feasible. If a proponent came to the planning authority and said, “I want to knock down the shops and completely replace them with units and have no retailing possible, either immediately or in the longer term,” they would have to demonstrate why it was no longer feasible to provide retail facilities there, even in terms of convenience, corner-store-type provision. It has certainly been the case in the past that where there have been proposals to simply replace local centres with apartments or townhouses those proposals have generally been rejected.

That was certainly the case at Giralang. As you might recall, there were a number of proposals by the owners of the Giralang site where they did not propose any retailing. Those proposals were rejected by the territory. As a result, we now have quite a large local centre being proposed to be built at Giralang. But even at other centres where there has been redevelopment of that nature, requirements have been put in place for some level of convenience retailing, even if it is just a local corner-store-type activity.

**DR BOURKE:** Minister, in the Molonglo valley—I am referring to page 179—your directorate has commenced work on a sewer odour study with ACTEW to determine odour control requirements and any impacts on land release timing. How is that study progressing?

**Dr Brady:** I will have to come back to you on the status of that, Dr Bourke.

**DR BOURKE:** Apart from the progress of the study, are you able to talk about the land release timing and how that odour control is necessary to manage that?

**Dr Brady:** I have to apologise; I do not have the formal background on that.

**DR BOURKE:** It is a stinker, isn't it?

**Dr Brady:** I do not know if I can say that.

**Mr Corbell:** As you would be aware, Dr Bourke, in the area around Weston Creek to the lower Molonglo water treatment plant in the Molonglo valley there is the big pipe that takes almost all of Canberra's sewage to lower Molonglo for treatment. The pipe would have a number of ventilation shafts along it, and some of those are in the proximity of the Molonglo development. For that reason, it is necessary to ascertain whether any further remedial measures are required on those ventilation pipes to protect against any odour problems in the nearby urban development area, and that is the purpose of the study.

**DR BOURKE:** Thank you.

**MR WALL:** There was an issue that I raised this morning with the commissioner for the environment, and it relates to a tree removal at the city west development. It was noted in his report that ACTPLA's advice on 27 July was in contradiction to the further advice that was provided on 17 August. How did this contradiction in information or advice happen to occur?



**Mr Ponton:** I am familiar with the advice. As I understand it—and I was not directly involved—the former chief planning executive prepared certainly the subsequent advice. As I recall, he signed off on the first piece of advice. But my understanding is that a piece of advice was provided with respect to the possible registration of the tree in question with the Conservator of Flora and Fauna with respect to the importance of that tree.

I understand, then, that as the matter progressed—and as you would be aware, there is a 12-month interim period for registration of a tree—the conservator, upon receiving further representations, sought further advice from the chief planning executive. That caused the chief planning executive at the time to reflect upon the earlier advice and to consider the issue in the context of broader government policy. He subsequently provided, I would call it, refined advice that supported the removal of the tree.

**Mr Corbell:** The issue at play was whether there was any practical alternative to the removal of that tree in the context of the development of the student accommodation building which was immediately adjacent to where the tree was located. As I understand it, initially and prior to all of the details of the development proposal coming forward, the chief planning executive was of the view that the tree could be retained. Subsequent to further details being provided around the design issues and limitations of the development proposal, the chief planning executive reached a view that there was no practical alternative but to remove the tree.

**MR COE:** Mr Ponton earlier updated advice about codification in Braddon. How is it that an area such as Braddon, which is a prime site for redevelopment and a prime site for densification, has not gone through the full codification process?

**Mr Corbell:** My understanding is that the Braddon area has recently been the subject of significant rezoning and changes to the territory plan to permit a broader range of uses, and that has necessitated a review and an updating of assumptions around land value in that location. As to the finalisation of the necessary instruments around that, that is a matter for the Treasurer.

**MR COE:** What territory plan variations are you referring to?

**Mr Ponton:** I do not recall the number. I can certainly get you the number but the variation took effect in 2008, as I recall, which essentially provided for increased densities, residential mixed use as opposed to more of the service-trades area.

**MR COE:** Does that mean that any suburb which has been affected by a territory plan variation since 2008 is likely to not have been codified?

**Mr Ponton:** In relation to Braddon, the area subject to the variation, it took some years for lessees to take advantage of the opportunities presented by the variation. So that meant, essentially, that there was not data available to understand what the values ought to be. As I said earlier, the panel that was convened did explore the schedules and looked at sales data, but there was not sufficient data. In fact, there were only one or two, as I recall, that actually could have skewed the overall schedule. So the decision was taken to set those aside and await further sales data in relation to potential redevelopment sites.

**MR COE:** Simply, that means that any redevelopments in Braddon that involve a change to the lease are not attracting the LVC as it currently is implemented?

**Mr Ponton:** They are attracting LVC but it is dealt with through a V1, V2 or section 117 process.

**MR COE:** Does ESD have a view as to when there will be sufficient sales data to be able to—

**Mr Ponton:** The panel, I expect, will convene prior to the beginning of the next financial year. We provide advice to the Treasurer at the beginning of the financial year in relation to all of the schedules. And I would expect that Braddon would be a particular focus during the deliberations of that panel.

**MR COE:** To take effect when?

**Mr Ponton:** Should the Treasurer choose to amend the schedules, they tend to take effect on 1 July.

**MR COE:** Minister, earlier I asked the commissioner about a tree in McKellar. As reported in the commissioner's report, a comment in the complaints section says:

TAMSD undertook some pruning—

of this tree—

in April 2011. This work, and the tree, were later assessed by a second independent arborist who recommended further pruning to focus on safety and solar access while ensuring the integrity of the tree.

What are the planning rules regarding solar access and trees?

**Mr Corbell:** What are the planning rules? The planning rules relate to the performance of dwellings. So dwellings are required to have a certain amount of solar access either into private open space or into the interior of a dwelling, depending on which provisions you are looking at, for a certain period of time during the winter solstice, which is obviously the day of the year when there is the least sunshine. That is the day on which performance of dwellings is measured. These planning provisions relate to new built, either renovation or redevelopment.

**MR COE:** There is nothing stopping a house, which is seemingly fine by way of solar access and is, therefore, energy efficient, having a large hedge which grows to five, six, seven metres and blocks out the sun, is there?

**Mr Corbell:** Over time, these things can happen, yes. We do not regulate what people can plant in their gardens once they have completed the conditions of a development approval. So if people, one to two years down the track, plant things that eventually grow into large shrubs or trees, there is no role for the planning system in that.

**MR COE:** Should regulated trees be able to be pruned or removed to improve solar

access?

**Mr Corbell:** ESDD is not responsible for the management of regulated trees. Trees on territory land are the responsibility of Territory and Municipal Services. So I think it is best that your question is directed to them.

**MR COE:** But you are, of course, the minister responsible for energy efficiency. Would it be the minister's view or the directorate's view that trees should be able to be pruned if that is going to enhance the energy efficiency of a—

**Mr Corbell:** I do not think there is any easy answer to the question, because what you are dealing with is competing environmental values, depending, of course, on the nature of the tree. If, for example, the tree is a remnant native tree, that is, a tree that was growing in the suburb before the suburb was built, the tree would have certain environmental values, perhaps because of its age or, indeed, its habitat, qualities for birds. Those are issues that have to be taken into account, as would issues around safety for members of the public who, say, might be walking under the tree if it is near a footpath or a park or near a house, something like that. You are dealing with competing environmental values and, ultimately, these are matters for judgement.

**DR BOURKE:** It was suggested in the hearing this morning by the commissioner that this actually related to solar access to a solar panel on a roof, which was obviously placed there after the tree had grown, and was an issue for some people. Do you have any data around the effect of tree shadowing on solar panels which are installed upright?

**Mr Corbell:** It would depend. That sort of data is highly variable, because it depends on the orientation of the property and the orientation of the panels, and that can vary from property to property. But generally speaking, it would not be an unreasonable observation to make that if solar panels are in shade for three or four or five hours a day, they are not going to generate as much electricity as ones that are not.

For people who are having solar panels installed, it is important that they get proper, expert advice as to the best location of their panels and whether or not they, indeed, have a roof area which is suitable, in terms of orientation but also in terms of other considerations, for the installation of those panels. People should not install solar panels assuming that the government will trim street trees just so they can improve their access to sunlight for power production.

**MR COE:** Minister, on solar installations, will ACTPLA not approve installations which are not the most effectively positioned? For instance, if an installer were to go and put a solar panel on a south-facing roof, perhaps because the customer is a vulnerable customer or whatever, is that something for which ACTPLA may say: "We're not going to give you the tick of approval here"?

**Mr Corbell:** I will defer to Mr Simmons on this matter in a moment, but I would make the general observation that you can install panels on a south-facing roof and still get some electricity generation. It comes down to what the consumer chooses or what the purchaser of the panel chooses to get from their investment. If they are happy with only four hours of sunlight a day for their investment, that is a matter for

them ultimately. But we would certainly encourage owners of properties to get that advice. I know that Mr Simmons's inspectors do point out, where they can, the types of issues that consumers should take into account in installing panels. But I might ask Mr Simmons to elaborate.

**Mr Simmons:** Thank you, minister. Mr Coe, the rules that we enforce are the wiring rules. The wiring rules do not have azimuthal orientation as a consideration for the purposes of inspection. So it is purely a safety inspection we undertake. The rules around subsidies that the commonwealth government pays require that orientational azimuth be a part of their considerations, but they are not part of our considerations.

The Clean Energy Council, who had the task given to them by the commonwealth to provide the education and to do the scheme verification, had that task. The commonwealth now has its own workforce of inspectors going around checking for the purposes of the subsidies it pays—first, that the panels are, indeed, where they are supposed to be, because there were some concerns during the peak of the scheme in other jurisdictions that there may have been some fraudulent activity, and also to check for orientation and azimuth. But they were very much about your not being able to get your STCs or the small-scale subsidies out of the commonwealth unless you could meet those requirements. So that is why you had to be registered with the Clean Energy Council.

Our laws are about safety. Orientation and azimuth are done by others. There are obvious things when we get to sites, but usually we arrive at the site when something has already happened. The local contractors that we work with generally have a fairly good record with those things. There were some lessons learned with the influx of people from interstate who seemed to have less understanding of where north was. All our inspectors have iPhones; so they have compass apps and are able to demonstrate clearly to people where north is. It has helped.

**MR COE:** Is it possible that there are installations in Canberra that are receiving ACT subsidies, or the feed-in tariff, that may not be optimally positioned?

**Mr Simmons:** Optimal—clearly not every house and not every roof has optimal—

**MR COE:** Well, optimal for the house—the property.

**Mr Simmons:** For the house, that is really dependent on quite a number of variables. The perfect position on any property may, in fact, be something mounted on the ground that would actually be clear of everything, a ground mount. People take various ways, and they also take various opportunities to see what will fit. Some people actually want their panels moved for aesthetics. The tariff is paid on the amount of energy generated. It simply means that ACTEW does not have to pay them as much back in the feed-in tariff.

It is really the individual home owner's choice. Some people think I am slightly strange about this, but when I fly into cities on planes, I do like to look out and see where things are located on people's roofs. It is not quite train spotting, but it is not far off. But you notice that oftentimes the solar hot-water service might be at 90 degrees to the solar panels. So either they are getting a lot of electricity and not

very much hot water or vice versa.

Depending on where you are and whether there are not a lot of trees, it is really not going to be too much of an issue. But optimal location is pretty difficult in any situation. As I say, a lot of people have choice. A lot of people just say, "I don't want it. I don't want it on the face that fronts the street. I want it around the corner, thanks." Our people will do it on—

**DR BOURKE:** So just to clarify there, poorly sited solar installations will get a lesser subsidy than well-sited ones?

**Mr Simmons:** They will just generate less.

**Mr Corbell:** The less energy you generate, the less feed-in tariff you get, because your payment is based on the amount of generation you achieve, the number of kilowatt hours you produce.

**MR COE:** Has the ACT government offered incentives for installation?

**Mr Corbell:** Only through the feed-in tariff.

**MR COE:** Only through the feed-in tariff, but no installation costs. Installation costs themselves, are they only through the federal government?

**Mr Corbell:** No, the federal government does not offer payment for installation costs. What the federal government offer is the small-scale renewable certificate scheme, which is basically a set of tradeable certificates. Generally speaking, the way it is operated is that installer has said, "We will install X number of solar panels on your property. It is going to cost you this much, so long as you surrender those small-scale renewable certificates to us, the installer." Then the installer trades those and gets some money from those. But it reduces the cost to the householder.

**MR COE:** Yes.

**Mr Corbell:** So that is generally how that market has operated.

**MR COE:** On a totally separate issue, there are one or two new developments around Canberra that I have noticed, and I am sure there are quite a few, whereby there has been a requirement to include commercial units at the ground floor that have not been fully taken up. In some instances, it has been several years whilst these commercial units have been vacant.

One in particular that I am aware of—I think it is called the Kelkiah complex in Bindubi Street, Belconnen next to the Canberra high. I think there are one or two tenants—or maybe a few tenants that have moved in—but there are certainly still vacant commercial units at the bottom of that building and other ones like it. Is it the view of yourself or the directorate that these costs which are being borne by developers are not bringing much return for the residents or for the community at large?

**Mr Corbell:** There are a couple of observations to make about that, Mr Coe. The first is that it is often undesirable to have residential uses in a large apartment building like that on the ground floor. Often those apartments are not as valuable as apartments that are higher up and they are often more difficult to let. But, also, if you want to achieve a planning outcome where there is a variety of activity on the site, it is desirable to require a small component of retail or commercial space on the ground floor.

In some instances, that has been required as part of a development approval. In other instances, developers themselves have made the decision that they can diversify their income stream, if you like, and the revenue they will get from their development by building and selling commercial space on a ground floor for a restaurant, a cafe, a hairdresser, a professional suite—whatever it might be.

There is no doubt that retailing is currently going through a bit of a low period in terms of demand in the city. There is a higher level of vacancy than we were experiencing, say, five years ago. But my view would be that, in the long term, it makes sense to provide for that type of mixed-use activity at ground-floor level in a number of these complexes and that, over time, they will prove to be spaces that are well utilised.

**DR BOURKE:** What effect does that have on security for the residents in apartment blocks when there are commercial businesses operating on the ground floor?

**Mr Corbell:** Certainly it can increase the level of activity, particularly during working hours, during daytime hours, and even potentially into the evening if the use is a restaurant or cafe-type use. But the main factor that we are trying to achieve is more active streetscapes. So rather than have buildings that are just sitting there with everyone driving in and out of the basement car park, you have got people walking around. You have got people going to and from different destinations in the building. Having that sort of active frontage is one way of achieving that.

**MR COE:** There are buildings such as that Kelkiah one which I mentioned that have several commercial units that have never been let out. They have been there for, it must be, three or four years now. What does that say? Obviously, it is not helping security. It is obviously not returning anything for the developer.

**Mr Corbell:** Look, it may say any number of things, and it is difficult to speculate. How much rent does the owner want? Is there simply a lack of demand for spaces at the moment? Are they only prepared to accept certain types of tenants? Who knows? It could be any range of factors, and I am not here to judge that. But from a planning perspective, in the longer term it is desirable to have active uses on our buildings rather than just very passive uses that do not have a lot of activity available. If you were to exclude those uses, it is very difficult to retrofit them into a building. So it is better to have them in up-front.

**MR COE:** So how can it be that a place like the Manhattan apartments around the corner from here on the other side of London Circuit does not require commercial units on the ground floor? They have got plenty of residential units at ground level, including residential loft apartments down the—

**Mr Corbell:** I am happy to stand corrected but my understanding is that the Manhattan development requires retail use at ground floor level.

**MR COE:** Sorry, not the Manhattan. I am confused here. It is next to—

**Mr Corrigan:** Civic pool?

**MR COE:** Next to Climate Change, around from Rydges.

**Dr Brady:** Edinburgh Street.

**Mr Corbell:** The Nishi development?

**MR COE:** No, it is on London Circuit. It is in between London Circuit—

**Mr Corbell:** The Metropolitan?

**MR COE:** Yes, the Metropolitan, for instance. The Metropolitan does not have commercial units on the ground floor throughout, and there are loft apartments and there are front balconies, in effect, or front yards, almost. What would be the rationale for demanding that a residential unit in Jamison, away from the Jamison shopping centre on Bindubi Street, have commercial units downstairs yet the Metropolitan does not?

**Mr Corbell:** The only observation I make about the Metropolitan is that it was built about six or seven years ago. So whilst it is relatively new, it is not like it was finished yesterday.

**MR COE:** Nor was the Kelkiah complex, mind you.

**Mr Corbell:** Kelkiah, I think, was finished about two years ago. It has not been there that long. In any event, providing more activation of ground-level areas of buildings is a sensible planning outcome. I cannot say whether it was actually required as part of that development or whether the developer itself chose to do it. I would have to look back at that to see.

**DR BOURKE:** Of course, a range of small businesses have opened up in the ground floor apartments in the Metropolitan complex. There are solicitors and a range of other businesses.

**Mr Corbell:** That is true. A number of those apartments are being used for professional suite-type purposes, as I understand it, for those types of services. Do we want buildings—

**MR COE:** So you are not locked in—

**Mr Corbell:** The question is: do we want buildings that just sit there and are relatively passive or do we want buildings that have active frontages, street frontages, that have activity around them? And do we want to try and build that into buildings when they are approved for development? The answer is that yes, we should try and

do that.

**MR COE:** If they are vacant, it is the ultimate in passive, isn't it?

**Mr Corbell:** They may be vacant in the short term, but at some stage or another of a building's life you are going to have vacancies.

**MR COE:** But if you can have a complex like the Metropolitan that has residential apartments that are then being used for professional suites, surely that means there is scope to get the best of both worlds?

**Mr Corbell:** Possibly. You probably cannot have a cafe, a commercial kitchen or those sorts of things.

**MR COE:** I have a question about the NCA and its future. Has anyone from the NCA been in contact with you, minister, about taking up more roles which are currently undertaken by the NCA or taking the full management of designated roads or designated parts of the territory?

**Mr Corbell:** These discussions tend to be managed at a whole-of-government level by the Chief Minister. But the government as a whole does discuss these matters. As you are aware, there was a review of the NCA undertaken by Allan Hawke. There were a range of issues that the commonwealth agreed to look at further, particularly around areas of overlap between the responsibilities of the territory government and the responsibilities of the commonwealth through the NCA. As I understand it, those considerations by the commonwealth are ongoing.

**THE CHAIR:** There being no further questions, that concludes the examination of the ESDD annual report. Answers to questions on notice are due by 13 March. The committee will resume proceedings on 8 March at 1.30, when it will give consideration to the annual report of the Territory and Municipal Services Directorate.

**The committee adjourned at 4.30 pm.**