



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON PLANNING, TRANSPORT
AND CITY SERVICES**

(Reference: [Inquiry into ACT Budget 2021-22](#))

Members:

MS J CLAY (Chair)
MS S ORR (Deputy Chair)
MR M PARTON

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 28 OCTOBER 2021

Acting Secretary to the committee:
Ms J Rafferty (Ph: 620 50557)

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.

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Amended 20 May 2013

The committee met at 2.30 pm.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Environment, Planning and Sustainable Development Directorate

Ponton, Mr Ben, Director-General

Rutledge, Mr Geoffrey, Deputy Director-General, Sustainability and the Built Environment

Brady, Dr Erin, Deputy Director-General, Planning and Sustainable Development

Sendaba, Ms Bethel, Executive Branch Manager, Planning and Urban Policy

O'Neill, Ms Carolyn, Executive Branch Manager, Governance, Compliance and Legal

Cilliers, Mr George, Executive Branch Manager, Statutory Planning

ACT Parks and Conservation Service

Iglesias, Mr Daniel, Executive Branch Manager

THE CHAIR: Good afternoon. Welcome to the 2021-22 ACT budget inquiry by the Standing Committee on Planning, Transport and City Services. We are here with the Minister for Planning and Land Management and the Environment, Planning and Sustainable Development Directorate, City Renewal Authority, and Suburban Land Agency in relation to budget statements E; and the Chief Minister, Treasury and Economic Development Directorate, Access Canberra in relation to budget statements B.

I would like to start by saying that the committee would like to acknowledge the traditional custodians of this land, the Ngunnawal people. We would like to acknowledge and respect their continuing, ongoing contribution to our culture and acknowledge that sovereignty was never ceded. I would like to welcome any Aboriginal or Torres Strait Islander peoples who might be here today or watching from wherever you are.

This afternoon we are recording the hearings. Before we begin I just ask: can all our witnesses do a thumbs-up that you have read and that you understand and agree with the privilege statement? I think that should be pretty familiar for most people in this room. Excellent. We will be recorded by Hansard and we are, of course, being live streamed. When you take a question on notice, if you could just clearly state that you are taking the question on notice, that would be very helpful.

Minister, I might begin with the first question, and that is a question about our Parks and Conservation Service funding in the budget. I notice that in our parliamentary and governing agreement we have got a commitment to increase our PCS funding to manage Canberra Nature Park and manage Namadgi, and we were hoping to increase that by \$4 million over four years. I have had a look at the budget and we have got a decrease actually. From 2020-21 it looks like we have got a decrease from about \$73 million to about \$62 million. Is that what has happened in the budget?

Mr Gentleman: Can I say good afternoon to all of our audience, too, including our fantastic EPSDD staff that are online with us this afternoon. I will go to the directorate shortly on those accountability figures that you have mentioned. I will say, of course, that we intend to keep up a level of resource funding into parks and conservation to ensure that we can keep up to date with the needs for Canberrans.

The Parks and Conservation Service, as you said, looks after some of our most unique, endangered areas across the ACT and it is important that we keep those resources up to date from now into the future. It takes up about 65 to 70 per cent of the territory and it is world renowned for its use by Canberrans for recreational uses and for our environmental heritage, as well. Directorate officials will have some details for you there on those particular figures.

Mr Rutledge: Thanks for your question. It came up in one of the other hearings as well. Overall there is a slight increase in the environment portfolio but we have done two things. One, we have changed the output classes, where we have moved some output classes to separate water, which is in output 2.4, and then made clearer that the Parks and Conservation Service is separate from the environment, water and heritage parts of the organisation.

The other thing that we have seen in the environment portfolio is that last financial year there was the finalisation and the final payments of a number of Healthy Waterways capital works programs. That one-off—not inflates—appears in last year's budget but does not appear in this year's budget. If you go through the ins and outs of the portfolio, at the moment we are projecting about a \$3½ million increase over the forwards once you take out the Healthy Waterways and the ins and outs of finishing up initiatives and coming-in initiatives.

THE CHAIR: Can you just state for me what last year's PCS budget would have been and what this year's PCS budget is if you were reporting in the same way, without the Healthy Waterways amounts?

Mr Rutledge: I will get back to you by the end of the hearing but I think you will find that it is a slight increase. I will get you the exact figure between now and the end of the hearing.

THE CHAIR: That would be extremely helpful. Is the funding there adequate at the moment to fund the number of rangers and the amount of work that we need to be doing on the ground?

Mr Rutledge: Governments will prioritise different areas. What we have seen in the Parks and Conservation Service for the last couple of years is a lot of expenditure on recovery after the bushfire. Two things happened. During the bushfire, of course we had an inflated staffing expense because there was a lot of overtime and a lot of work done in the bushfire. Then, in response to that, the recovery has seen a large amount of expenditure in the recovery space.

We are continuing to meet the challenges and the demands of our parks and reserves and we will continue to put forward to government if we feel that these are spots

where we need additional resources.

THE CHAIR: I was pleased to see that we have got six new Ngunnawal rangers and I saw that we have got an Indigenous water ranger coming on board too, which is great. Are we expanding that amount of Indigenous rangers?

Mr Rutledge: This is a direct effort to try and identify the positions and get Ngunnawal people to help us. As you say, last week we talked about Bradley Bell, who is a new starter with us, particularly to help with water and particularly to help with water policy. That is a new area of focus for us.

Yes, in the Parks and Conservation Service, again we have got the positions, we are recruiting to them and we hope that over time, as a department, we do above the benchmark for recruiting and retaining Aboriginal and Torres Strait Islander peoples. That is something that is a focus for our directorate. We are better than we were, certainly three years ago, but that does not mean that we do not have more work to do.

We hope that in the Ngunnawal ranger program particularly and then also in the water policy we will continue to grow our staff and prove to ourselves and others that we are a culturally safe, culturally aware organisation, and then build on that and attract more staff.

Mr Gentleman: If I could just add to that, too, I have had some fantastic experience working with our Ngunnawal rangers there, particularly around block 33, clearing up around the xanthorrhoea trees. The stories that they can tell you about their history and the way that they used to manage the bush, if you like, are quite phenomenal. It is a wonderful experience. I would recommend it to you, if you get the chance.

MR PARTON: Minister, can I get you to explain what exactly is meant by 70 per cent of new housing development within Canberra's existing urban footprint per the parliamentary and governing agreement? Does that mean only land currently zoned for residential? I will be specific. I am asking this in the context of the planned light rail corridor to Woden in particular, because a lot of the surrounding corridor is greenspace and I know that there is some community concern about that. Again, my question is: does that 70 per cent of new dwellings within the urban footprint mean only land currently zoned for residential?

Mr Gentleman: It is a very good question and an important decision that government made back in 2018. Delivering this target is partly through, I should say, the government's land release program and partly delivered by the private sector, too. When we look at our urban footprint, our urban footprint is the circumference of the area that we reside in, if you like. We recreate, as well, in the urban part of the territory.

When we talk about greenfield development, usually that is the area outside, currently, that urban footprint. So a very strong decision was taken to ensure that we can be economically viable and sustainable into the future. I can say that I am pleased that we had reached that target already in the past financial year. Indeed, it was about 72 per cent urban infill compared to greenfields. It is a mix, as I said, of government private sector as well.

You will see figures in the IRP that give you an indication of what we are doing as a government. As I mentioned also, it sends a message to the private sector in the work that they are doing as well.

You will see some really good intensification in areas such as Braddon, Turner and Dickson, where you have seen blocks previously occupied by single dwellings now replaced by medium-density townhouse developments. They have been well taken up.

There is still though—and I need to reiterate this—quite an amount of choice for Canberrans. There is still quite an ability if you want to live on a large block and a single residential house, plenty of availability for that across the territory. But the opportunity to live in townhouses, or indeed in apartments if you want to, is the choice that we want to provide for Canberrans into the future.

MR PARTON: My question specifically was: does that 70 per cent of new housing development within Canberra's existing urban footprint mean only land currently zoned for residential? That was the question.

Mr Gentleman: No, it can be for land that we will zone later on for different uses. As I said, the main criteria is within that current urban footprint that we have.

MR PARTON: Just in closing, in my supplementary stream on this, I would contend that your suggestion that housing choices are available for people to live on a block or in a townhouse or a unit is fantasy. When you consider that 7,000-odd missed out on the ballot in Taylor and we had a block of land selling for \$1.2 million in Denman Prospect, how could you possibly suggest that first home buyers had the option to get into the market into a standalone house?

Mr Gentleman: We are delivering land for everybody in the territory, not just first home buyers. That choice enables people to move. Indeed, the choices we have made around taxation policy in regard to land use, as well, give people the chance to move across the spectrum of housing in the territory.

If, for example, you are in a house like I am, on a large block in Tuggeranong, I have the choice to move to a smaller block, if I wanted to downsize; and, indeed, when I move, other people will have a chance to move into that property. It is much more flexible than what you are suggesting for a single decision. It will mean that, as I said, you have a flexibility to look at housing across the territory.

MR BRADDOCK: As you mentioned, there are two main sources to achieve that 70 per cent target. The first is the indicative land release program for which, on my reading, the target was 54 per cent. The question I have is: how many residences are going to be required on privately leased land in order for the government to be able to achieve that 70 per cent target and what measures is the government using to encourage that to happen?

Mr Gentleman: We are looking, as I said, at a mix of government produced land and private sector land as well. We have seen the take-up of the private sector, as I indicated earlier in my response to the question, in areas like Torrens and Braddon,

where you have seen different developments on different blocks. The incentive, I think, is allowing those sorts of developments where they are requested, particularly if it is RZ2, for example, and we need to look at providing some different housing options in some other areas too. We have had a look at the demonstration housing program to see what can be achieved in different zones across the territory at the same time.

Mr Ponton: I was just going to, if I could, add to that and then I might ask Dr Brady to expand further. Mr Braddock, you mentioned the amount of land in terms of infill for the 70 per cent identified in the indicative land release program as 50 per cent or thereabouts. It is important to note that the indicative land release program and, therefore, the government work in this space does not do all the heavy lifting.

There is the policy objective in terms of achieving 70 per cent of development within the existing urban footprint but that is not just for government; it is also to include the private sector. The private sector does undertake development on land that it purchases within the private sector off other leaseholders, not just land that is put to market by government. We are doing some further work in this regard. I will hand over to Dr Brady now just to expand a little more on that.

Dr Brady: I have read the privilege statement and acknowledge that. Just to add to that, the work, for example, that we are doing in Woden, to go back to Mr Parton's question, for the city to Woden corridor and some of the broader work that we are doing is looking at, within that urban footprint, what is the capacity already under the current zoning that we have. That is one of our initial baseline positions to look at. There is actually quite a lot of capacity already within the land that is zoned.

As the planning strategy sets out, we are encouraging that around corridors and in the centres. One of the things that we are looking at is the capacity there and at the moment it is looking like there is quite a bit of capacity.

To go to some of your other questions, the other parts that we are examining, as well, then are: what are the different typologies that we need? Is that going to give us those different typologies and accommodate the different brackets that people fall into? That is part of ongoing work that we are doing about how we are planning, particularly for the infill area.

MR CAIN: Minister, related to your 70-30 target, what percentage of current greenspace do you anticipate being developed into residential areas?

Mr Gentleman: It is a loose term "greenspace". Are you talking about greenfield development or are you talking about rural areas or are you talking about recreation areas in the territory or?

MR CAIN: I am happy for you to break it down accordingly.

Mr Gentleman: Only the area that would be zoned for urban areas. We would not—

MR CAIN: Do you include community ovals and recreational spaces in that?

Mr Gentleman: No, certainly not.

MR CAIN: As you are aware, there is a bill before the Assembly for the SLA to be able to purchase land beyond the ACT. What would the impact of that—

THE CHAIR: Mr Cain, can I suggest that it sounds like it might be a different topic, rather than 70-30 on the LRP.

MR CAIN: It is developed on whether the target is still going to be kept, given the territory's ability to buy land elsewhere.

MS ORR: It also probably goes to the SLA output and it is also before the Assembly. I have another question. I am very keen to get the questions—

MR CAIN: It is the minister's planning target.

THE CHAIR: If you could perhaps hold that question for a substantive and then we will see if it lands. We will take a question from Ms Orr.

MS ORR: Minister, there is additional funding in this budget relating to the Franklin grasslands. Could you please outline what the funding is for, the time frames of the work and any other details about how that particular project is going to be progressed?

Mr Gentleman: It is, I think, a very important resource across the ACT, grasslands, particularly in Franklin. There is \$3.2 million towards enhancing nature reserves. That includes the Franklin Grasslands Reserve and Budjan Galindji, as well.

The government will continue, of course, to deliver environmental biodiversity offset commitments to support land release as part of the west Belconnen and Gungahlin strategic assessment as well. That includes employment of rangers and other staff to deliver environmental protection and biodiversity conservation outcomes. Some of those, of course, are requirements under the biodiversity conservation act and are an important part of an offsets program that we have as well. You will see that in the indicative land release program too.

Grasslands, of course, form a very crucial part of Canberra's natural habitat. They are home to many endangered species, and we ensure that they are protected.

As I responded to Mr Cain earlier, we will not be building on these environmental assets into the future. They are certainly set for the Canberra community to enjoy and, of course, the youth of Canberra to learn about our biodiversity well into the future.

Franklin supports both natural temperate grassland and the golden sun moth, along with a small patch of yellow box and red gum grassy woodland. I know Ms Orr has been quite an advocate for Franklin—I thank her for that advocacy—and I have had the opportunity to be out there with Ms Orr and our rangers, too, who were able to go into detail about some of the unique assets we see at Franklin, particularly the Ginninderry peppercress.

It was there that I was able to have my first learnings about the intricate way that

grasslands work in our biodiversity. I think it is a very good investment, and we certainly need to do more of these into the future.

MS ORR: Can I just get a bit more detail on the funding specifically for Franklin? The landscape plan for Franklin has been put forward. It has got a range of items that are coming up. How are we going to see that landscape plan implemented through this funding?

Mr Gentleman: I might ask officials to go through some of that finer detail for you.

Mr Iglesias: We have got a great opportunity with this funding to really showcase what is, quintessentially, a Canberra icon. Our grasslands remain as functioning units, almost to the exclusion of all other grasslands in Australia. We have basically got the best of what is left, and the unique position we are in with Budjan Galindji, which by the way means water bird in—

MS ORR: This is what we have renamed the Franklin grasslands, is that correct?

Mr Iglesias: Exactly. That means water bird and in a wet year like this one this particular site gets boggy bits in it. It has actually had, in the past, Latham's snipe which migrate all the way from the northern climes of South Korea and Japan, a tiny little bird that manages to make its way all the way down to the wetlands of the ACT, Budjan Galindji included.

One of the things that we want to do with this money is articulate how we are going to look at this site as a public engagement site. As you know, it is right in the suburb. If we do this right, if we support our public engagement with boardwalk, with signage, with engagement via social media and via online platforms, which of course we can do within this site because it is right in the urban area, we have got great coverage. Then we can start to present to the broader community what I believe is a highlight of living in Canberra.

One of the key problems with the site are two large earth stockpiles that are actually a relic of previous land use. It has been something that we have been racking our brains on in the park service as to what we are going to do with it. I would like to think that we could get rid of those and rehabilitate the area. This money, I am hoping, will give us the capacity to do that.

MS ORR: I know that the landscape plan had short-, medium- and long-term initiatives within it. Am I right in my understanding that the money in this year's budget is really focused on those stockpiles, which are at the Well Station Drive end of it, and looking at how to remediate those? Are you looking at just removing them, flattening them out so that it can be a viewing platform, or all options are on the table right now?

Mr Iglesias: All options are on the table. It really does depend on what it is going to cost us to just shift all that out and whether we can be certain about the contents of the piles. We are pretty certain that it is clean fill. If that holds true, then we may have the capacity to shift them away and then rehabilitate to a more natural surface. Our fallback position is to rehabilitate on site but I would like to really investigate the

possibility of moving it out.

MS ORR: There is a wetland area down that end, is there not? Is that going to be part of the considerations in—

Mr Iglesias: That is right, yes, absolutely. That is a natural drainage line to that low point and, prior to the stockpiles coming into play, that was always boggy and naturally wet. We would look to try and maintain that as much as possible. Luckily, we have got good access to Well Station Drive; so that should be doable.

MS ORR: If that is the particular focus, is there anything else that you would be looking at doing this financial year on the grasslands?

Mr Iglesias: Absolutely. What we will be doing is bringing to a final sketch plan a proposal to deliver a trails network in the area. It will be modest, because it is a small area, as you know, but that could include some boardwalk elements, it could include some seating elements, it definitely will include interpretation and it will also include some elements related to traditional ownership.

It will look at the best access points for people in Franklin to walk across to the light rail stops on Flemington Road and potentially other little elements that the locals might say, “Put an opening here, put some signage here.” We are totally open to that sort of thing. We should be able to achieve that.

MS ORR: It is the stockpiles and essentially the plans for the trails, but the trails will have to be implemented in a future—

Mr Iglesias: That is right.

MR CAIN: Minister, you just mentioned yet again that there is no intention to develop on ovals and recreational areas. Does that mean you will be reconsidering the development on Kippax Oval?

THE CHAIR: Is that a supp on this matter, the grasslands?

MS ORR: I think that that has absolutely nothing to do with grasslands.

THE CHAIR: Mr Cain, I do not object to the question but it was meant to be a supplementary on the Franklin grasslands. Did you have a supplementary on the Franklin grasslands?

MR CAIN: No, I do not.

THE CHAIR: Maybe that is a good one to hold for your substantive. I will pass to Mr Braddock for a substantive question.

MR BRADDOCK: I just want to draw attention to page 26, budget statements E, which talks about new accountability indicators, output 2.2. There is a new indicator called ecosystem condition score. I am just trying to find out a bit more information about what that score is. What does a two mean? Who determines that score, and what

are they based on?

Mr Gentleman: I might ask the directorate to give you those details.

Mr Rutledge: I will kick off and then if Mr Iglesias has anything further to add, he might want to do that. What we are doing there, as you might know, is that we have a conservation research branch that works in-house with us alongside our Parks and Conservation Service. What we do is we use, I suppose, our research branch to monitor the conservation outcomes that we are achieving by the management of our parks.

We have an overarching plan, the CEMP—and I am just trying to think of the acronym of the CEMP—the Conservation Effectiveness Monitoring Program. That gathers all of the data, particularly in our offset sites but actually right across the parks estate. Then it measures that and it benchmarks that against the national standards. It is that interaction that gives you, I suppose, a health check. This measurement is more of a health check of the conservation values of that area. Mr Iglesias, did you want to add anything further to that?

Mr Iglesias: Yes. Mr Rutledge describes it very accurately. Effectively, it is like a natural system scorecard. Our ecologists will identify the various elements of the natural system that are important or critical to the wellbeing of that environment. We then, over the course of time, measure key indicators which might relate to the presence of weeds or the presence of threatening processes, such as pest animals, and we are able to derive a score based on that relative presence. That, together with a bunch of other factors, adds up to an overall score for that particular area.

In that way we can measure over time the movement of the condition of particular ecosystems and it becomes a meaningful way to understand in which direction the protected areas are moving. Are they getting less healthy or are they getting more healthy? As a land manager, that enables us to then reflect and think, “We might need to invest more time and effort over here, and less time and effort over here.”

It is also a very good way to share with our community what our particular challenges are and it focuses, in some instances, on the activities of communities because we can say, “We have got an issue over here, we need your help over here.” It is a very meaningful way to understand the health of the ecosystem.

MR BRADDOCK: What is the range of scores and is two great, unhealthy, underperforming?

Mr Iglesias: I am not exactly—

Mr Rutledge: It is a score. In effect, it is closer to a star rating. Two is moderate, one is poor, three is good, four is excellent, if you will. I think this score has been developed by ecologists. As I say, it is a benchmark across Australia that we can use, and actually the Conservation Council of the ACT have been quite strong in recommending that we use this scorecard.

I am taking from this that I think we probably need to put some more words around it

when we are explaining that scorecard because it makes a lot of sense to ecologists, it makes a lot of sense to driving where our land managers operate; but, from the questions today, clearly we need to probably put some more interpretive information on our website around that. I will take that as an action.

MR CAIN: Minister, when can we expect to see the exposure drafts for the Territory Plan and the forthcoming Planning and Development Act?

Mr Gentleman: It is a very important question, a very important piece of work, that, I think, EPSDD and staff have been working on over the last 12 months or so—even a bit longer actually—and that work is continuing. There has been some consultation, of course, with the community most recently and during the process you have been involved with stakeholder community consultation, as well. I expect to see that in about February 2022.

MR CAIN: Just regarding that community consultation, Friday one week ago we had three of the district council chairs express extreme dissatisfaction with the planning review. As you know, I have been attending many of the district councils. How are you planning to respond to their concerns about consultation on this review?

Mr Gentleman: Thanks for the comments. That is not the reflection that has come back to me. However, we certainly will be consulting further with the community as we move forward on this very important piece of work for the ACT. It will mean a complete change to the way that we do planning in the territory, being much more outcomes focused rather than [inaudible] based into the future. We see that as a much better way of providing a future sustainable or economic delivery of planning for the territory.

Certainly, responses from those community engagements have come back to the directorate and we will be, of course, going back to the community on those into the future, as well.

MR CAIN: Minister, on consultation, I have sought on two occasions within the last few weeks a briefing on development of master and district plans and I have been told that everything I need is publicly available. I do not consider that to be adequate consultation with the shadow planning minister.

Mr Gentleman: Your points are taken. As you know, we do not do—*interruption in sound recording*. You have been engaged in that process that we have been doing on the planning and review program.

MR CAIN: Does that include getting a briefing from your department?

Mr Gentleman: Certainly, if we can assist, I will have a look into it.

Mr Ponton: Would it be possible for me to add just on the community council chairs comment that Mr Cain made? It would be interesting if we could explore that. I will certainly be doing that with the Environment and Planning Forum, which does involve all the chairs of the community councils and other key community and industry stakeholders. We meet on a very regular basis with that group, and we have made it

very clear, very early on, that we will be using that group for community engagement in addition to the broader community engagement that we undertake on this project.

The purpose of the Environment and Planning Forum is allowing us to have much more free and frank conversations with those groups, and the agenda that has been set for those meetings has, in fact, been set jointly with the community councils. In fact, Peter Elford, chair of the Gungahlin Community Council, is co-chair of the Environment and Planning Forum and worked with me to set the agenda for each of those meetings so that we can make sure that we are giving the information that the community councils are calling for at those meetings. It is quite interesting that that comment has been made.

We have got a meeting on 4 November with the community councils in that forum, the Environment and Planning Forum, and I will explore that further because we certainly have not received that level of anxiety or upset in relation to the processes so far, in terms of working through the discussion papers and then outlining the further opportunities for engagement.

In fact, the last conversation that we had with the Environment and Planning Forum was getting them to help us to understand what will work best for them as we move into the next phase from the planning build into the district planning work that will result in district strategies.

Just in terms of the exposure draft, if I could clarify, the February date is what we are looking for, for the exposure draft of the legislation, and then we will be moving forward, as we have said, through the legislation to do finer-grain work in relation to the district strategies and the Territory Plan during 2022.

THE CHAIR: Mr Cain, do you have one further supplementary question on this topic?

MR CAIN: I do. Just on what Mr Ponton has said. If he is surprised by the concern from the community councils, he should go to the *Hansard* for Friday a week ago.

THE CHAIR: Do you have a supplementary question, Mr Parton?

MR PARTON: I do. Minister Gentleman, in your marketing spiel for the new territory plan and planning act, you said that it is going to be a complete change and a much better way of delivering outcomes. Is that a genuine concession from you, as minister, that the current planning system has failed and that it has not delivered the outcomes that are required? If that is not the case, why would we be trashing it completely?

Mr Gentleman: Well, thanks, Mr Parton. The planning system has not failed; it has delivered what its intention was when it was first developed quite a number of decades ago. We need to grow with the community and move to their expectations. What they expect from this government is that we will respond to what their needs are now and into the future. What they have said to us, Mr Parton, quite categorically, is that they want to see outcomes-based planning.

They do not want to see the harsh rules that have impeded, year after year, because of some particular interest in not allowing a particular access point in the Planning and Development Act to go forward. As we know, the territory planning sits about a metre high if you were to add page on page in a physical sense. It has grown to that because of the rules and conditions that have been put in place trying to stop a certain outcome rather than to coerce and entice an outcome that we all want. The community has been very frank with us, and we have responded to them and said, “Yes, we will change it, and we want your input.” Indeed, they are providing that on the way through.

So, no, it is a matter of growth with the community, and of course the territory. We look at other jurisdictions right across the world. We are not just looking at what is happening here in the territory or around Australia; we are looking at outcomes that have occurred in other jurisdictions as their planning systems have grown as well, and we have taken on expert advice from expert planners around the globe on what we should see for the territory. We are delivering on what the community has asked for, and we have taken on board the advice from those expert planners. While it will take some time, and while it will take some effort—that is the effort that directorate officials are making at the moment; indeed, the amount of consultation is quite strong—I believe that we will have a better system at the end of that.

MR PARTON: Thank you, Minister.

Mr Ponton: Could I add to that, Chair, if that is okay?

THE CHAIR: Yes. Briefly, Mr Ponton; that would be excellent.

Mr Ponton: Certainly. The current planning system was the result of the 2007 legislation that was followed by the 2008 territory plan. Mr Parton, I have been in other hearings where I have talked about the fact that it is really important that we do not set and forget, that we do not put things in place and then just never review what is happening and how policies are delivering for the community.

In 2007 the act, at the time, was nation leading. This was the first jurisdiction to implement the then development assessment forum model. It was leading practice, and other jurisdictions then followed. It is 12 or 13 years old, and it is absolutely time for us to review and see what we can do to make things better. As the minister said, that is in response to the feedback that we have been receiving from the community.

In relation to the legislation, it is also important to note that when the act was passed, there had been many amendments for various reasons to the legislation. An MLA might bring forward an amendment because of constituent concern. That is passed and then inserted into the legislation, which adds to the complexity and how cumbersome the act can become. When you start adding sections—section 138A, AB, ABC—it makes it more difficult to read. So this is an opportunity for us to do some tidying up of the legislation itself, and also, as the minister said, make sure that it is contemporary. It was best practice across the world in 2007 when it was introduced, but things change, community expectations change, and planning practice knowledge changes.

THE CHAIR: Thank you, Mr Ponton. I think we MLAs sometimes feel a bit

cumbersome, too, so we share your pain! I will move onto a new topic. Minister, I asked this question of Minister Berry and she suggested that I direct it to you today, so I am hoping that this is the correct place to land it. I would like to have a chat about community housing, and what we are doing to provide more access to existing land for community housing. I think that only about half a per cent of residences being released at the moment are allocated for new community housing.

There have been a lot of suggestions from the MBA and the Property Council and various stakeholders that perhaps we could allow more access to church land or other sites to allow more community housing, to address our homelessness and affordability issues. Can you talk me through what work you are doing to make sure that more sites for community housing are being released?

Mr Gentleman: This is very important work that is occurring through the new territory plan work, the review and reform project. I am pleased that it has been included in that because, as you have said, it is very important that we look at opportunities into the future. With that I will pass over to the directorate officers to let you know what they have been working on and the processes that we are working through.

Mr Ponton: I might make some opening remarks and then go to colleagues. In terms of providing land for community housing, that is part of our strategic planning work that is undertaken. Whether that be city-wide or for new suburbs, we look at what is termed “community needs” and look at both the community housing opportunities and various other community assets that might be required by those new and emerging communities or existing communities. Let me look to my colleagues. Dr Brady, do you want to make some comments, or would that be for Mr Green or Ms Durie?

Dr Brady: I can talk to it, Mr Ponton.

Mr Ponton: Thank you, Dr Brady.

Dr Brady: One of the things that we have found with community housing is that we have actually released quite a number of sites. We are trying to work with community housing providers to build up capacity to take forward those sites. I will just refer to some numbers. Since the housing strategy of 2018 through to July 2021, 287 sites and dwellings have been offered to community housing providers and through the affordable home purchase scheme. Of those, 26 have been taken up. So we realise there is something there. We are providing the land and the opportunities, but there are some other mechanisms that we need to work on to build up that capacity and a better connection with the community housing providers so that those sites come to fruition.

THE CHAIR: That is quite a lot of sites that have been offered but have not been taken up. What is the feedback from the community housing sector about what the disconnect is?

Dr Brady: I might throw to Ms Sendaba after this, but I think that one of the things that we have heard about is that it is more about the costs of development on some of those sites. Some of the other things that we have been looking at across the

government relate to tax and other methods that are incentives to get development to happen so that they can make sure that they come to fruition, and that they go to the right people. I might just see if Ms Sendaba has more that she might want to add to that.

THE CHAIR: That would be great. Ms Sendaba, if you could let me know if the cost of development means the cost of the land, that would be very helpful. Also, church land specifically seems to be an issue that continually comes up in this area, so those would be two areas I would love to hear some more about.

Ms Sendaba: Sure, thank you for the question. I acknowledge the privilege statement. Certainly, there are a range of actions under the housing strategy that are designed to build up on that capacity for community housing providers. Some of the work that has been done has looked at, as you have said, not just offering the sites but also offering other support incentives. There is an affordable community housing land tax exemption scheme; there is work that is going on to establish the affordable rental real estate management model, which is run by one of the community housing providers in the ACT.

Some policy work that we are looking at, which may support additional capacity for that sector, is around some options around potentially shared equity. Certainly, I know that there has also been a fair bit of work around build-to-rent and the possibility for that to include some affordability targets. That would make available sites through a partnership model for community housing providers to manage and offer to their clientele. To answer the specific question about the cost of development, Ms Clay, the sale price or the land price is what we are referring to there. I know that we have also done some work looking specifically at the valuations of those lands to take into account requirements for the provision of affordable housing to manage that side of things.

THE CHAIR: Thank you. Mr Parton do you have a substantive question?

MR PARTON: Yes, I do. Nicola Powell from Domain has a piece in the *Canberra Times* today about our housing affordability crisis, and I think that it goes directly to land release. Nicola writes about the biggest price upswing in the history of Canberra, and she points out that it is the first time since 2005 that we have been the second most expensive capital for home purchases. Dr Powell noted specifically that there was a record price gap between house and unit prices. Mr Gentleman, I have to ask in regard to land release, and long-term policy, why is your government intent on creating a vast economic chasm between the haves and have-nots on home ownership and the lack of housing choice?

Mr Gentleman: Mr Parton, I do not agree with the premise of your question at all. What we do is provide for population growth well into the future, and that is how the ILRP works. We work and look at statistics from the ABS on previous population growth across the territory and then we look at the land release that will be needed for the population into the future. Often we allow a little bit extra for movement, as well, in the land release program. If we look at the choices that Canberrans make—and we reflected on this in the previous discussion about the 70-30 split—calling apartment owners have-nots is a bit rude.

What we want to do, as I have said earlier, is provide choice for people and that is why we have moved to an area of choice across the territory, whether you want to live in a single home on a larger block in the RZ1 areas or you want to live in an area that is a little bit denser. We know that people do make those choices. We see people wanting to live in funky areas like Braddon, yet other groups that want to live in what they might consider more family areas such as RZ1. We want to provide that choice. What we see in the market is market movements and it is done and managed by the market itself; we do not set those particular prices, Mr Parton, the market does.

MR PARTON: Mr Gentleman, you often talk in the chamber about your memories of growing up in Canberra. Do those memories include playing cricket in your backyard?

Mr Gentleman: No, we used to play up the street.

MR PARTON: Well, I would suggest, Minister Gentleman, despite your rhetoric today, that your land release program is going to deny a generation of children the right to play cricket in their own backyards, and I would just ask you to reflect on that.

Mr Gentleman: Okay.

MR PARTON: In closing on that, can I just note that the Auditor-General's report in 2020 on land supply and release provided some insight into the government performance on land release and why prices were so high. The Auditor-General said:

... policy and procedural guidance to inform the development and delivery of the Indicative Land Release Program is not yet effective.

Since then you have put out a new indicative land release as part of this budget. What has changed since the Auditor-General's findings were released?

Mr Gentleman: We do an ILRP in each budget. We look to the forward years on what is needed for the Canberra community's growth, and that is why we supply the land that we see as needed. We do that with a lot of work done in both EPSDD and across our government portfolios in determining where we will see growth. We see population growth, of course quite strong population growth over recent years, for Canberra. We have provided land for Canberrans in the ILRP on that population growth.

Of course you will see the private sector supplying residential outcomes for them as well in their programs—and I think it has been taken up well—and we have provided the choice that Canberrans have asked for in the past and will continue to do that into the future. I think we are in a good position.

If you want to look at expensive land you can look at other jurisdictions that have much more expensive houses than we have in the ACT. If you look at the balance of income to property purchase in Canberra, we are doing reasonably well, I think.

Certainly there is always the challenge of those people that have lower incomes, or

indeed have no income and are on government assistance, who will struggle into the future, and it is up to us as a whole of government to assist them both in housing, as we do through Suburban Land Agency and our housing strategy, and other supports across government as well.

THE CHAIR: Minister, can you tell me on housing affordability: will the planning review improve housing affordability?

Mr Gentleman: It is certainly part of the challenge that the review will be taking into account, and we will certainly do the best we can in the review but, as I said, across government. There are a number of levers, not just block release or the amount of work we can do with the community on which blocks they want to live on but other government levers that we need to work with too to improve housing affordability. And the government is working through that.

MR CAIN: Minister, in September 2019 the difference between the median house price and the median unit price was just over \$250,000. In September this year the difference between the median house price and the median unit price is over 580,000, a two-fold increase. You say, minister, you are going to provide choice, but it appears to me that you are actually denying choice for the residence that most Canberrans desire.

Mr Gentleman: Is there a question in that?

MR CAIN: Do you deny what I have just said?

Mr Gentleman: Yes. I made it very clear we are providing choice for Canberrans right across the territory. Whether you want to live in RZ1 in a large home, in a smaller home on a large block or in an apartment, the choice is what we are providing in our ILRP, and indeed the private sector is supplying that as well.

Mr Ponton: If I might add just very quickly, there are a range of levers, as the minister said, that are available to government but not all of the issues around affordability relate to what is in control of government. Obviously interest rates is one. My colleague, Mr Dietz, I recall, talked to this committee earlier in the week about the impact of interest rates in terms of the affordability of land and houses. As interest rates go lower there is more ability for people to purchase and with that demand there is an increase in price; so there is a market element to this as well.

But certainly in terms of those levers that are available to government, the housing strategy looks at all of those. Not all of it sits in the planning and land management space. Many actions in the housing strategy have been tasked out to colleagues in other parts of government, and we continue to work with our colleagues to do all that we can to address this particular issue. But I just have to make the point that it is not all about planning and it is not all within the control of the ACT government. There are others who have levers that they can also control.

Mr Gentleman: To be blunt, the biggest effect on affordability for Canberrans would be federal government taxation policies. They can change and make things more affordable for Territorians as well.

MR CAIN: That is nonsense.

THE CHAIR: Mr Cain, you have had your supplementary and if you could in future please phrase your questions as questions, that would be very helpful to our flow of the estimates. I think it is time to move on to a new topic. Ms Orr, do you have a question?

MS ORR: Yes, I sure do.

MR PARTON: Excellent!

MS ORR: Mr Parton, come on! I sat here quietly while you were doing yours. No need for heckling, mate.

Minister, we have had a number of groups appear before the committee talking about placemaking. We have heard a little from both the CRA and the SLA. I am actually quite interested to hear what does EPSDD do to support the placemaking process.

Mr Gentleman: There is quite a bit of work that the directorate does with SLA as well on placemaking now and into the future. I will hand over to the directorate to give you that detail.

Mr Ponton: Again I will start and then I will hand to my colleague, Dr Brady, to talk a little more about this. I am thinking, particularly in relation to Gungahlin and land release in Gungahlin, some conversations have been happening—

MS ORR: That was going to be my supplementary but broadly across the field, because I think some of my other committee colleagues actually do have an interest in this topic; so do not feel that you—

Mr Ponton: Absolutely. Belconnen is another area where we have been involved with our colleagues. I am just going to make the point that the role of the planning authority is that broader strategic planning work and precinct planning. We will be looking at the high-level planning work, say for a town centre, and then what we are proposing is to do finer-grain, precinct planning that will then help our colleagues in the Suburban Land Agency think about how they release land.

The placemaking component tends to be at that delivery level, and that is why you are seeing the Suburban Land Agency and our colleagues at the City Renewal Authority undertaking that finer-grain level of work in terms of what is the look and feel of what is going to occur on site. But there is certainly a role for planning and we need to work very closely with our colleagues, understanding individual roles and responsibilities, to make sure that we do achieve those outcomes.

Again it is not satisfactory to release land and not think about the place aspects, and certainly the Suburban Land Agency have dipped into their space a little. I know they talked about the Mingle program. They do not release land for new estates and just walk; they actually have a long-term commitment, at the request of government, to actually build that place and that community. Dr Brady, you might want to add to this.

Dr Brady: Yes, just to add to that, I think we do planning at different scales, and placemaking refers a bit more to when it is a large block or a super block or it is a collection of blocks—it is around a centre—where the controls and the previous planning might have set directions but we think that this is another level of detail. As Mr Ponton said, that informs the delivery a bit more but it is about coordinating how all of that is actually going to be designed in finer grain and then delivered.

As Mr Ponton referred to, in Gungahlin where we have big blocks that are going to be quite important elements of a centre or a particular area then it might be important and we coordinate across different directorates to make sure that all those aspects of the delivery, from infrastructure, roads, cycle paths, parks—those sorts of things—are designed in a bit more detail. For example, we have done it on section 76, where we have thought, “This is an important piece of land that is being released for development,” and we want to be able to clarify the various elements that will be on this piece of land and how they will all fit together and show that we have considered a range of factors to get the best place as an outcome. I think that is really what we are focusing on.

We do work quite closely. We do some of that ourselves on certain sites; we do a lot of it also with the SLA and the CRA as well, the City Renewal Authority.

Mr Ponton: If I could also just add that this is again—Dr Brady has talked about outcomes—the shift that you have heard us talk a lot about in these sessions in the past, the shift with the new planning system and looking at outcomes. These strategies will also help with some of this work as well as we start to look at that finer grain.

At the moment on the current planning system we have the high-level strategy, the ACT Planning Strategy, we have on-block controls. We are looking to fill that gap in terms of the district strategies that we are looking to develop. This is another piece of that evolution, if you will.

MS ORR: I agree with the sentiment that placemaking, and good placemaking happens, at all stages of a development; it is not just a set-and-forget and let the world go on. What I am really keen to better understand though is—you have said that you are working with colleagues and you are looking at this whole thing—what responsibilities fall into your jurisdiction then and what measures are you taking to make sure that, I guess, as we progress through the development process that everything is in place for good placemaking to happen?

Mr Ponton: Dr Brady, do you want to respond to that one?

Dr Brady: Yes. I think, as I mentioned and as Mr Ponton mentioned, it is those scales—and I think it is all the way down—making sure that you have got the planning in place, the zoning; you have thought about the landscape setting; you have thought about the infrastructure required. At all those different levels we consult with our colleagues to make sure that there is an integrated approach and then, as it gets to that finer-grain level, you are working a bit more at a design scale. You have probably got more design and development people involved.

I think a lot of it is at the different scales, making sure you have got the right people involved, but setting it at the different levels, which is what Mr Ponton was referring to. If you went from the planning strategy through district strategies all the way down, it is helping at the different levels.

MS ORR: Mr Ponton, here comes my question, which you perhaps pre-empted. How does this approach apply to the work you are doing for placemaking in Gungahlin, particularly the town centre in Gungahlin?

Mr Ponton: We are already engaged in conversations with our colleagues in the Suburban Land Agency to just work through the roles and responsibilities in terms of that placemaking task. There is some further precinct planning that we need to do, particularly for those two sections that flank Flemington Road. We are looking to kick that off fairly soon and then defining the roles and responsibilities for the release components and what will need to be considered by our colleagues in the Suburban Land Agency. It is very much front of mind for us, particularly given the Assembly resolution earlier this year—late last year?

MS ORR: Yes. We are still in 2021.

Mr Ponton: We are particularly mindful of that and, as I said, we work very closely with our colleagues to make sure that we are understanding that finer grain. We are doing some work, going back to the earlier conversation around the 70:30, in collaboration with our colleagues in the Suburban Land Agency, which will help feed into the Gungahlin work and, in turn, that will also assist us with future, broader district strategy work.

MS ORR: Mr Ponton, you have made reference to the greenfield sites in particular and the sites that the SLA is referring. Have you given any thought to existing sites that perhaps could do with a bit more attention that have changed over time or have developed through their life span and now present an urban outcome that has not quite got there but could get there with a little bit more focus on place making? I am thinking of some of those connections between the town centre and Yerrabi Pond in particular.

Mr Ponton: That will be part of that district strategy work that we are doing for Gungahlin and other parts of the city. The work that I was talking about earlier with our colleagues in the Suburban Land Agency is for release; so that is new areas, the planning that is required for that and then what needs to be done in terms of the sales process to make sure we get the best possible outcomes. Then there is the broader planning system work that needs to be done—and that we are doing—and filling that gap in terms of the strategy.

Again, it comes back to what I said before: not setting and forgetting but actually looking at how a particular area has developed, what the current community is saying about that area and making sure that we are catering for future communities. That is a key component of that district strategy work. The exciting period is in 2022, as we really ramp up that work.

MS ORR: Okay. I am going to note that comment down, Mr Ponton, and I am going

to hold you to it.

MR BRADDOCK: I am interested in an update on the build-to-rent scheme in Gungahlin. I can see in the budget documents that there is a functional design brief that is to be finalised by June 2022. I am just interested in milestones beyond then and what the project is going to look like.

Mr Gentleman: The director will be able to give you that detail.

Mr Ponton: I am going to go straight to Mr Green to provide comment on that, as the project lead.

Mr Green: I have read and acknowledge the privilege statement. The parliamentary agreement has included a commitment to construct a build-to-rent affordable rental model co-located on Common Ground in Gungahlin. We have been successful this year in getting some funding, as you note. There has been an allocation of \$640,000 for due diligence activities, site investigations and some concept planning work to facilitate that project.

We will be doing the majority of that work to move this project forward. Work has also commenced to explore a range of planning-related issues that we will need to resolve in order to respond to the constraints and delivery of build-to-rent developments more generally. At this point in time, the government commitment is around that funding for the site investigation and due diligence activities.

MR BRADDOCK: Are you able to predict, in a rough time frame, when such a build-to-rent building will be open and people will be able to move in?

Mr Green: I do not think I could necessarily speculate on that. In terms of the construction costs and ongoing, that would be subject to further cabinet consideration.

MR BRADDOCK: Thank you.

MR PARTON: I understand that this straddles a number of other portfolios, potentially. Given that the announced outcome for this revolves around affordable housing, is the government offering any concessions such as reduced rates, reduced land tax or reduced stamp duty for build-to-rent investors? I am just keen to know, when you consider the outcomes of other build-to-rent projects around the country and the world that do not necessarily deliver affordable outcomes, how it is that we are going to achieve those outcomes in our jurisdiction?

Mr Gentleman: We are looking at levers across government. With regard to the work EPSDD is doing, though, I will hand over to the directorate to give you that information.

Mr Ponton: As I understand the nature of the question—stamp duty and the like—I think that would be a question for another part of government; I suspect, the Treasurer. Regarding the work that we are doing, I might hand to my colleagues to talk a bit more about the range of things in terms of build to rent. There are some actions in the housing strategy, but there is also demonstration housing and understanding some of

the challenges with demonstration housing. There is certainly one project that is build to rent going through that process.

I might ask Mr Green to start on that one because I am not quite sure, given that we are going through a procurement process, how much I am actually allowed to share on that one. So that I do not get myself into trouble, I will ask Mr Green to talk to demonstration housing, some of the initial learnings and what we expect to get out of that process, and then we can see whether we have adequately answered that question. On the taxation-related issues, that would be a matter for the Treasurer.

Mr Green: I think it is worth mentioning that it is about trying to get a broader understanding of demonstration housing and the project. This was about testing and showcasing how we can best deliver a compact, sustainable, accessible and active city through a bunch of innovative planning and design outcomes.

The other important element that we need to mention is that the demonstration housing project responds to the Assembly resolution back in June 2017, which asked the government to engage with the community and industry stakeholders on how to deliver demonstration housing proposals. As Mr Ponton mentioned, there have been several proposals, some of which sit in the affordable space. I might ask my colleague Ms Durie to talk about those specifically.

In relation to the broader question around build to rent, I think there is some level of confusion perhaps around affordable build to rent and build to rent as a product. We have certainly seen across the world, and we are starting to see across the nation, movements to build-to-rent products as opposed to build-to-sell products and there are a number of challenges associated with that. One is the availability of land and one is the economic balance of being able to maintain and hold that level of building to make it economically viable. There are other parts of government, as Mr Ponton explained, looking at the economic elements. I might just hand over quickly to Ms Durie. Ms Sendaba might have some comments from a housing strategy perspective. Ms Durie will probably be able to provide you with some more information around one of the specific demonstration housing proposals.

THE CHAIR: Mr Parton, is that the information you are after?

MR PARTON: I don't know. Could we hear briefly from Bethel, just because she gives good info in here?

Ms Sendaba: Thanks, Mr Parton. I will do my best to answer the specific question, just picking up from Mr Green's comments about build to rent and the differences between build to rent as an asset class that will provide additional rental stock into the market and what we often refer to as build to rent in the context of affordability. The two are not necessarily the same thing.

Models that we have looked at in other jurisdictions have necessitated a specific requirement for an affordability component. That is some of the work that Mr Ponton was referring to in responding to the work that our colleagues in Treasury will look at. They will look at those economic elements in making sure that, if the government is requiring designated land—for example, through a land release—for build to rent with

an affordability requirement, there are additional incentives or supports needed to make that stack up. Certainly, in the work across EPSDD, and also the work that Ben and his team are doing around Common Ground, we are looking at a range of different ways in which we can facilitate and encourage build to rent, not just for affordability but for additional supply into the rental market.

MR PARTON: Thank you.

Mr Gentleman: There has been a bit of a theme from Mr Parton and Mr Cain on housing affordability and what we can do as a government to ensure that people do get a house in the territory. I have explained how we work with our ILRP and what we can do with industry, particularly, to bring about some more affordable opportunities for the ACT. But I will go back to federal government taxation issues. Where they incentivise investment into property across Australia, I simply quote from the Reserve Bank of Australia in their submission to the housing affordability inquiry. They say:

Some features of Australia's tax and transfer system incentivise owner occupation and investing in property, and discourage mobility. This affects the balance of demand and supply in the housing and rental markets, and may contribute to affordability pressures for some.

Housing prices have risen relative to income in many, but not all, areas. At the same time interest rates have been low for a prolonged period, which has lowered the cost of debt service for borrowers. For those looking to purchase a property, the combination of low interest rates, low income growth, and high median housing prices have made it harder to save a deposit.

RBA assistant governor Luci Ellis, in testimony in hearings before the house economics committee, said:

The Bank has always held the view that the combination of negative gearing and concessional capital gains tax—and indeed the way we tax older Australians or don't tax older Australians—combines to encourage essentially speculative investment in property.

It is not me saying that. That is a quote from the RBA in an important inquiry in the federal parliament. It goes to my point earlier about the incentivisation of tax policy from the federal government for investment in housing across the territory. We can do as much as we can, and we will continue to do that, but we need other players to do their bit as well to ensure affordability.

MR CAIN: I refer to the Indicative Land Release Program for 2021-22 to 2025-26, page 7. This is a different substantive question, just to be clear. In the table at the bottom of page 7, "Summary of proposed dwelling mix for the five year residential program", it is stated that there will be single blocks totalling 4,171—3,815 will be in greenfield areas and 356 will be infill. I am particularly interested in where the 356 will be located, and also what are the intended greenfield developments to pick up that 3,800?

Mr Gentleman: We did highlight those areas in the ILRP budget papers. I will ask

the directorate officials to give you that detail.

Dr Brady: I would probably need to just step through all the tables that are at the back of the document, which I think start at page 14, and go through where those releases are each year. The 3,000 for greenfield is because, over the next five years, there will be some releases in Gungahlin and Molonglo. Those are our main greenfield releases. We are trying to get as many single blocks in there as possible. I would have to go through the tables each year to nominate how those numbers get added up, if that is what you wanted to focus on?

MR CAIN: I am happy for you to take that on notice.

Dr Brady: Okay.

MR CAIN: Just to confirm, that will be provided on notice?

Dr Brady: Yes, we can provide it. Just so that I am clear, it is the breakdown of the single dwelling ones over the years and their location?

MR CAIN: That is correct.

Dr Brady: Okay.

THE CHAIR: We will move on to a fresh question. We have talked about a lot of big issues. I would like to delve into some of the detail. We have had a look at accountability indicators on the processing time for DAs and it looks like we are not meeting our interim targets; it looks like we are taking quite a long time to process development applications. Can you let me know what is going on with that? Is the target wrong? Is it taking too long to process them? Do we need more resources? Do we need to be more efficient or do we need to change that target?

Mr Gentleman: There has been quite a bit of work happening in this space over the last couple of years. We did have a backlog of DAs to process. DAs, as we have seen, have become more complicated as we move forward. We did need some more staff, so we put them on in the previous budget, and we have seen the backlog of those DAs reduce quite dramatically. I am very pleased with the work that Ben and the team have been doing to get that backlog down.

Indeed, I think what we will see now, from the reduction of the backlog, is no backlog at some point in the future. But what we see now is far more intensive DAs, far more detail in the development applications. I might go to the directorate to give you the detail on what they are seeing in those new DAs.

Mr Ponton: Again, I will make some opening remarks and then I will ask my colleague, Mr Cilliers, to talk about the detail. In terms of those performance targets, there are a number of factors that influence the outcome. As the minister said, we are seeing more complex applications, and that is because we have been shifting over a number of years from more greenfield development. Again, going back to government policy of 70 per cent of new development being within the existing urban footprint that, by its very nature, means more complex proposals. They are more complex

proposals in terms of the way that they are structured—that is, multi-unit developments, open space placements, impacts on adjoining properties and consideration of community input into those projects—and they tend to generate a greater level of interest. Then we need to work through that. That all takes additional time.

Also, with more complex applications we are seeing that, unfortunately, a very large proportion of proponents do not always get it right in terms of the quality of the application that we are seeing—and Mr Cilliers might talk a little about this shortly—but we are doing quite a bit of work with the industry. There are a number of opportunities that we have, in terms of groups that we meet with on a semi-regular basis, to help educate the industry on what they can do to improve the quality of their applications so that we are not asking for more information, because when we ask for further information that adds time.

The point I am making there is that the time taken to assess a DA is not all with the planning and land authority. A lot of that is in fact the proponent responding to a request for further information and also us working through input from the community and often asking the proponent to respond to certain aspects of that. Again, that takes time.

As the minister said, with the injection of additional resources in terms of development assessment, leasing and unit titles last year—the government gave that injection—we have seen an improvement in those processing times and we expect that we will continue to see an improvement. But there will always be a challenge in meeting those time frames simply because of the fact that there are many things that are outside of our control—as I said, poor quality applications, needing to respond to community input, other agencies providing comments that need to be responded to and a range of things such as that.

I am now going to hand over to Mr Cilliers, who can take you through some specific numbers on that one.

THE CHAIR: Mr Cilliers, we are in a more complex development environment and we will continue to be in a more complex environment. Perhaps when you take us through those numbers, could you let us know: are the targets realistic, have we factored enough time in there for community and agency consultation and have we got enough time in the statutory time frames and in the targets or does that need review, given that we are in a more complex environment now?

Mr Cilliers: I have read and acknowledge the privilege statement. As outlined by the minister and by Mr Ponton, when we obtained those additional resources that also coincided with the introduction of the estate assessors' assessment and decision-making model. That model is really holding us in good stead and we are starting to reap the operational benefits from it, particularly in relation to integrity of decisions and seeing improved outcomes.

Before I get into the actual numbers, I just would like to emphasise that our focus is, in the first instance, on the integrity of the decision-making process. In the second instance it is on development outcomes. And then, in the third instance, it is on the

timing of the development. Of course we would try to get the development out in the minimum time frame, but the integrity and the resultant development outcome take precedence for us in our assessment.

Going to the actual time frame, in the 2020-21 financial year we determined 876 DAs. These DAs generated approximately \$1.2 billion of construction work for the ACT economy. In addition to that, what is not in the accountability indicator is that we have dealt with 248 DA amendment applications and 554 applications for satisfied conditions of approval. In the accountability indicators, the average assessment processing time was 61 days and the median time frame was 42 days. That is actually an improvement on the previous two years. The average time frame decreased by almost 20 working days to the current 42 days. Previously it was 61.

THE CHAIR: I think that will cover it. I am conscious of time and I am also conscious that my colleagues probably have some other topics that they would like to cover. That has given me a good insight into what is going on there.

MR PARTON: I think this is going to fit, but let's find out. In the 2021-22 budget you allocated around \$3 million for new trees, to try to reach your election target of 30 per cent by 2045. Can I ask: what are the trees that your government is purchasing for this program? Are they seeds, are they saplings or are they mature trees?

Mr Ponton: Minister, do you want me to respond to that one?

Mr Gentleman: If you could.

Mr Ponton: It is going to be a short answer, unless my colleagues have an alternative view. I believe that that would be a matter for our colleagues in TCCS. I think our role is in assisting colleagues in TCCS with selection and the like. I might ask Mr Rutledge whether he has anything to add on that. But in terms of the actual allocation, that is not for this session, I believe.

MR PARTON: Unless Mr Rutledge has got something—no? Can I ask—again, I think this fits in here, but I am just not sure—how many trees are removed in the ACT each year as a result of development? Is that something that falls under this umbrella or not?

Mr Ponton: Yes, that is certainly something that we can answer. I think what you are hinting at there is that under the development assessment process there is an opportunity for a proponent to seek approval to remove a tree or to damage a tree on privately leased land, through that development assessment process. That is where the conservator has made a decision that it is a healthy tree and there are no reasons because of health to remove the tree. Then we look at certain criteria under the Planning and Development Act in terms of appropriate design solutions and so on and so forth. We are looking at the objectives of the zone, what the government is trying to achieve in relation to that zone, what has been proposed on site, what alternatives have been considered, and then a decision is taken on whether or not to allow the removal of the tree.

To answer the specific question, we do not keep a database of every tree that has been

granted permission through that process. That would be quite an extensive exercise, to go through every single DA and look at what had been approved over the last couple of years. It is many thousands. It is quite resource intensive, I would suggest. We do not have that figure readily at hand.

The other complicating factor is of course that, because it is approved, it does not mean that a proponent has actually developed or will go on and develop in accordance with that approval. That is a long way of saying that we do not have that data readily available.

MR CAIN: Minister, what is the current percentage of Canberra's urban canopy coverage?

Mr Gentleman: I do not have it in front of me. I will see if my staff have a clue.

Mr Ponton: We do have that information. I am going to ask Mr Rutledge, who may be rapidly trying to get the exact figure. But we do have information in that regard. However, I should point out that it is through work done through a different portfolio area. But I think that information is available.

MR CAIN: I am happy for this to be on notice, if that is helpful.

Mr Ponton: I think we can answer this one.

Mr Rutledge: You may have seen that it is not exactly for this portfolio. The figure across the urban footprint is 22.5 per cent, but Minister Steel and Minister Vassarotti today—and they will talk further about this in the Assembly at the next sitting—released 2020 data that outlines by suburb what the canopy cover datasets are across the city. I thought it might have been a Dorothy Dixier because it was a media release that Minister Vassarotti and Minister Steel put out today.

MR CAIN: You can quote me as giving a Dorothy Dixier to the minister, if you like, but thank you for the information.

THE CHAIR: Thank you, Mr Cain, for phrasing your question as a question. We might move on to a new matter.

MS ORR: Minister, on output class 4, development and implementation, can you tell the committee about the progress and expected time line for the Gungahlin community centre feasibility study and design?

Mr Gentleman: Ms Orr, I know about your advocacy for that area. There has been quite a bit of work done through the directorate; indeed, we met just the other day with the Gungahlin Community Council. I will ask directorate officials to give you the details.

Mr Ponton: I will hand over to Mr Green to provide the detail.

Mr Green: Yes, as you are probably aware, \$300,000 has been allocated over two years to undertake feasibility and design through a community co-design process to

determine the most effective long-term solution to deliver community facilities in Gungahlin. That work is being informed by a separate consultancy that is close to finalisation. As you may be aware, we have had some engagement through Gungahlin Community Council, in particular, in relation to that piece of work. Also, a YourSay survey was recently undertaken; it had over 290 responses from our community.

Part of the work that we are doing to inform the delivery aspect has been this consultancy report. Interestingly, the views that have been expressed in that report and the views of the community need to be drawn together, because there are some differences in that regard at this point. The draft report, certainly, is not in the position of being finalised yet, but we expect that to occur at the end of the year. The YourSay information that was completed through June and July will inform some of that work.

It would be worthwhile touching on some of those survey results, more so to identify the diversity of views within our community and things that we need to work through. Of the 297 participants, there was some focus on sporting facility need across Gungahlin; there was some focus on community space, which I am sure you have heard about from your constituents; and there was also some focus on future need around other facilities, including library, arts and cultural facilities more generally.

At this point in time we expect the consultant to be able to finalise that report by the end of this calendar year. That will form part of future government consideration in terms of next steps. With the staging work with respect to the budget item for the facilities in Gungahlin itself, the first stage will look at developing a process for engagement, in consultation with target users. Certainly, the consultant's report that is being undertaken has already targeted many of the community sector groups.

We will then determine what users of such a facility will look like, and community programs and activities that will potentially be utilised within that facility. We will then look at the second phase, about exploring concept design and options, and identifying preferred concepts and costings, moving forward. We anticipate that those elements will be done over the next 12-month period. The feasibility is funded across 2021-22 and 2022-23, so we will look at finalising some milestones through that.

Importantly, this is about a broader context around community facility needs within the Gungahlin district, and utilising this provides a really good opportunity to further engage with the Gungahlin community in developing a co-design model for this element, moving forward.

MS ORR: The \$300,000 is over this financial year and the next financial year?

Mr Green: That is correct.

MS ORR: The first stage of that funding is for a process of engagement. That is looking at programs, activities and user needs. The second stage is the design and costings. What is the timing for each of those stages? Will one be in this financial year and the other in the other financial year, or it is more nuanced than that?

Mr Green: We are trying to finalise what that funding model looks like. It is \$150,000 each year, so we will need to make sure that we can deliver it in its entirety.

Depending on how far progressed we get with the first stage, it may be that we will be able to commence that second stage in this financial year. Those decisions have not been taken yet. Primarily, we need to await the report from the consultant and look at how best we can engage with the community. Now that we are coming out of lockdown, there have been a few suggestions in terms of engagement options, including a community panel, which is an option that we will explore. Certainly, that is where our focus will be once we have received that report—engaging with the Gungahlin Community Council and other key community organisations on what that can look like, moving forward.

MS ORR: Is the consultancy report that you are doing focused solely on the community centre or will it be focused on community facilities more broadly within the Gungahlin area?

Mr Green: No, that is certainly focused more broadly across the district. There are other sites across the Gungahlin district that I know are of keen interest to members of the community, including sites within Casey. We need to take a district approach to this, not just a single site. Whilst the funding is certainly allocated on that co-design model for that site within Gungahlin, we need to understand it in the broader planning context across the district.

MS ORR: The funding is there to do the broader project, as well as looking specifically at the community centre; is that right?

Mr Green: The funding itself is very specific around undertaking a feasibility and design study through the co-design process. But, to inform that work, we need to do the earlier piece around the broad understanding in this consultant's report.

MS ORR: Chair, I will leave it there, but I might have some follow-up questions in the future.

MR BRADDOCK: With respect to discussions about housing affordability and the impact of federal government tax settings, I will give credit where it is due: the New South Wales coalition government provided a submission to the federal government seeking changes to the capital gains tax. Minister, have you lobbied the federal Labor Party in terms of changing capital gains tax settings to increase housing affordability?

Mr Gentleman: Not personally, no.

MR BRADDOCK: Is that something you would consider doing as part of helping Canberrans to be able to afford a home?

Mr Gentleman: In the Labor Party we always discuss internally better opportunities for our constituents across the territory.

MR CAIN: My question relates to the western edge investigation. I make reference to budget statements E, page 34, which states that \$230,000 allocated for this investigation in 2020-21 has been moved to 2022-23—a jump of two years. Could you explain why that occurred and what the plans are for this western edge investigation?

Mr Gentleman: The time line was due to a budget cabinet decision. In regard to the western edge investigation, there is a bit of work that the directorate has been doing. It is important for us to have a look at this, Mr Cain, into the future, as that will be part of any greenfields development that occurs after we see the other suburbs filling up.

We expect Gungahlin to be full in the not too distant future. We are now, as you have seen, focusing on Molonglo, and within our urban footprint at the same time. We need to investigate those areas that may be available into the future. I will ask the directorate to let you know about the work they have been doing in that area.

Dr Brady: Yes; some of the funding has been pushed forward because some of the studies that we have to do are seasonal studies. Some of the studies that we have started are environmental investigation studies of the land. Our early stages of investigation will look at identifying and mapping where there are environmental values. We need to do a lot of survey work for that.

We will also look at soil types, and those sorts of things. We will start to look at infrastructure constraints and opportunities. That initial funding is to start some of that initial site investigation and due diligence work. With some of it, this year, we are trying to catch up, regarding the lockdown, so that we can get people in to do some of the site survey work that we had planned to do.

That is part of a pretty long process that we undertake in doing all of the site investigations and getting all of that information, to be able to then work out where the different values are in terms of the land, in terms of environmental values and those sorts of things, to be able to start looking at whether there is land that we think is developable. That can look at topography and all of those sorts of things.

This is a 10-year process for us, going from due diligence and site investigations all the way through to the planning, getting to a point where we have planned, and getting to land release. We are in the early stages, and that is what that funding is being spent on.

MR CAIN: What is the expected impact of the 70-30 split of infill and greenfield housing?

Dr Brady: We are considering the western edge to be greenfield because it is outside the current urban footprint and it would be new development; so it fits within the greenfield definition. As I said, we have to do all of these studies to work out what the potential is; and, if there is potential, what the potential is for residential development or other uses, and what land might need to be conserved and held as environmental offsets.

MR CAIN: Is there any intended business or commercial development within the scope of the investigation?

Dr Brady: That would be part of the work as we progress further. If we get to the point where we see that there is land that is suitable for development, we will start doing the early planning work to understand what type of development it could be,

what yield it might have, and what supporting services it would need. That would include all of the infrastructure—whether it would have local centres, how much commercial development, and those sorts of things. It will depend on what the potential developable land is, and the potential yield, and we can then work out what commercial development and infrastructure are needed to support that, and how that fits within the broader region and city.

MR CAIN: Given that this is the only straight-line portion of the ACT's boundary, is part of this investigation including consulting on whether the ACT border should be extended?

Mr Gentleman: That is a separate investigation, Mr Cain. Certainly, we have had some early conversations about whether there would be any change to the border in the area that you have indicated. The western edge that we are talking about at the moment is to the south-west of where Molonglo is.

MR CAIN: It is indicated on the map that it involves the areas near Gungahlin and Belconnen, rather than the south-west, as you just said.

Mr Gentleman: The discussion on the border is a separate discussion to the western edge discussion.

Mr Rutledge: Mr Cain, you asked about that specific budget initiative, so I thought I would give you a quick update. Internally, we have already allocated, during this financial year, \$480,000 on western edge studies. Part of the rationale for those further studies, as outlined by Dr Brady, is that, with funding, we expect to spend about \$480,000 this financial year, pushed one year forward.

You asked about parks and conservation funding. If I compare apples with apples, our full expenditure last year was \$47.45 million. That included some commonwealth government funding. In this year's budget, going forward, we have \$46.1 million—so it is \$47 million versus \$46 million. We have a hope and maybe an expectation of supplementing that by another \$3 million or \$4 million of commonwealth funding. As I said in my earlier answer, we are roughly in front, by about \$3 million, in parks and cons. When we compare like with like, at this point we are slightly behind, with an expectation of commonwealth funding topping that up.

MR CAIN: Is that \$480,000 coming from that surplus or is something else being—

THE CHAIR: Mr Cain, you have had your questions. If you have something else to lodge on notice, you are most welcome to do so, but we need to move on. Would you like to lodge something on notice?

MR CAIN: Not at the moment; thank you.

THE CHAIR: The women's budget statement says that in order to increase women's safety and participation we need to be using gender-sensitive urban design principles. That covers a lot of the planning space. It involves the design and development of our public urban spaces. It involves our transport infrastructure and our way-finding. I just want to get a sense of who is applying those in the planning portfolio. Is that being

applied here?

Mr Gentleman: I will ask the directorate officials to give you that response.

Mr Ponton: Thank you, Minister. The short answer is yes. That work is done through the strategic planning work. It will be further refined through the Territory Plan 2022 and then ultimately will be a consideration for the statutory planning team. Having said that, crime prevention through environment design is related to that and is embedded in the current system. It is actually considered by Mr Cilliers and his team in assessing development applications. More work is being done in response to that particular reference that you have made, Ms Clay, in the strategic planning area, but it is not as though it is not considered now in on-the-ground consideration of developments.

THE CHAIR: How are you coordinating this? It is always quite difficult to get coordination across the different fields. We are finding, particularly when we ask questions about putting a gender lens on policy and programs, that one directorate is referring us off to the next directorate, and to the next directorate. Given that some of these things lie in city services, some in planning, some in the commercial sphere and some in private decision-making, how are you coordinating those to make sure that we actually get the outcome?

Mr Ponton: I might throw to my colleague Ms O'Neill, who was in a different position when she was doing some work on this a year or so ago. There is whole-of-government coordination to make sure that, as you quite rightly say, particular directorates that have actions are doing those in the context of understanding what other directorates are doing. I might ask Ms O'Neill to comment further on this particular item.

Ms O'Neill: Thank you for the question. I respond in simple terms that it is handled in two ways. At a whole-of-government level we have quite an active across-government working group that looks at supporting and implementing the actions under the women's plan. That is at a policy and a project level and that allows that necessary coordination and collaboration, across officials at an executive level and down through our working groups, to make sure that as we implement specific action it is done in an integrated and a coordinated way.

At a more meaningful level, when it comes to project-specific outcomes, that allows us to make sure that we have got the right networks connected across the top of projects, including in the urban realm and things like working with TCCS in connection with bus upgrades to interchanges to ensure that the design interface has that connection to the principles of the gender lens. Has that answered your question?

THE CHAIR: As much as you probably can, yes.

MR PARTON: Minister, you spent a substantial chunk of time in this hearing reading a pretty length article about housing affordability nationally but specifically about things that are way outside of the control of our Assembly. I gather it was a partisan push for me and Mr Cain and the absurd suggestion that we can pick up the phone to Mr Morrison and Mr Frydenberg to lobby for change in that space. When

Mr Braddock asked you directly whether you had lobbied your federal colleagues for change or even for clarity in the federal Labor platform, you instantly declared that you had not. Minister, when things are going badly in your patch, why is it that it is always someone else's fault and why can you not focus entirely on things that are within your control?

Mr Gentleman: I do not agree with your position there, Mr Parton. If I was going to lobby anyone, it would be the federal government. They are the ones that are in government at the moment, making the decisions, so that would be the appropriate avenue. Of course, Labor did take a policy platform to the last election and was not successful, Mr Parton.

We look at where we can make the best impacts. We have had some good responses from the federal government in particular policy areas, most recently in environment. I am very pleased with some of the outcomes that have occurred there. There are some areas where we need to work harder with our federal colleagues, as they do set national tax policy.

MR CAIN: Minister, you have not mentioned the biggest lever for the price of land in the territory, which is the ACT—

THE CHAIR: Mr Cain, the question was about federal tax and lobbying.

MR CAIN: Yes, but it is basically blaming the federal government for housing affordability problems, when the supply of land—

Mr Gentleman: Not at all, Mr Cain. I have allocated the blame to all of us. I think we as a community need to work together. I have certainly indicated that one of the big factors—

MR CAIN: Chair, I need to get a question in here.

THE CHAIR: Ask the question, Mr Cain.

MR CAIN: Minister, do you not agree that it is the supply and release of land that is the biggest factor impacting on the price in the market?

Mr Gentleman: No, I do not agree. In fact, you have heard economic argument against this many times, Mr Cain. You and I have had this discussion. It is certainly part of the work that we need to do in order to supply land for the future of the ACT, but it is not the only factor in determining house prices. The market certainly is the majority factor in that.

THE CHAIR: On behalf of the committee, I thank you all for your attendance today. The secretariat will be in touch with a transcript that you can check for accuracy. A number of questions were taken on notice and the secretariat will be in touch about those, too.

Short suspension.

Appearances:

Gentleman, Mr Mick, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

Access Canberra

Pryce, Mr David, Deputy Director-General

Lhuede, Mr Nick, Acting Executive Branch Manager, Construction and Utilities

THE CHAIR: I reconvene our estimates hearing. I think everybody is pretty familiar with the fact that we are obviously in video link and we are live streaming and recording for Hansard. Can I just get a thumbs up from a few new people in the room that you have read and understand the privilege statement? Thank you; that is great.

I will start with a question about Access Canberra complaints. Can you give me an oversight of how many complaints you have received in the last 12 months and the nature of those complaints?

Mr Lhuede: I have read and understood the privilege statement. In relation to planning complaints over 2021, we received 866. In terms of the breakdown of those complaints, it is across a fairly wide number of areas, but the bulk were in relation to untidy blocks, at around 232, and unapproved structures, at 230. Off the back of those, numbers of 75 around fencing boundary issues, and privacy, some safety-related issues, business-related issues and some abandoned properties made up the mix. But the bulk—and this trend has been pretty consistent over a number of years—is around unapproved structures and untidy blocks that account for about 500 of those 866.

THE CHAIR: How many enforcement actions have you taken on those 866?

Mr Lhuede: In 2021 we undertook a number. We had 14 show cause notices for controlled activity orders. After that we make a determination on whether we issue the order, and we issued seven controlled activity orders. Following from that we issued two prohibition notices under the Planning and Development Act and two infringement notices.

THE CHAIR: That is actually quite a low level of enforcement actions from a large number of complaints. Is that because you are getting complaints about matters that you do not think require action or is that because you are not resourced and tooled up to take action?

Mr Lhuede: That is a good question. In line with our compliance model, we do undertake a process of engagement, education and enforcement. Very much, in the first instance around planning complaints, where often these are citizens involved, we engage directly to achieve compliance. By and large that is how we do resolve the majority of these complaints. It may go to the next step of warning letters. They are not necessarily picked up in the figures that I gave you in terms of compliance actions. The last option or the next step is to those formalised compliance actions of controlled activity orders, prohibition infringement notices.

THE CHAIR: Are you doing any work with the 866 complainants to find out if their matter was resolved to their satisfaction? Do you have data on whether a matter was resolved?

Mr Lhuede: I would have to take that one on notice in terms of actual resolve. But in the sense of all of the complaints having been considered and investigated, all 866 are considered in one form or another. Whether they are resolved may depend on the perspective, often, of where it is coming from—the complainant or the respondent. In some circumstances the resolution we do achieve may not always be to the satisfaction of one or either parties.

In the sense that all are investigated, yes; in the sense of are they resolved, it ultimately depends on the perspective. That being said, often we do get recurrent complaints. From time to time we do get matters that are not resolved and they come back, and we will continue to work through those matters to achieve resolution.

THE CHAIR: If you could take on notice what follow-up you do with the original complainants that would be great.

MR PARTON: Minister, were there any delays to unit title assessment reports or registrations due to the COVID-19 lockdown? It is a simple, very specific question: were there any delays to unit title assessment reports or registrations due to the COVID-19 lockdown?

Mr Gentleman: Yes, I think there were, Mr Parton. There was a bit of work that I remember talking to the directorate about. I will get them to give you the details of that.

Mr Ponton: That is a matter that falls within my responsibilities in EPSDD in terms of the minister's planning and land management portfolio responsibilities. Minister, if you are happy for me to answer, given that this is an Access Canberra session, I am happy to do so. There have been some delays, but we actually learnt quite a bit through the unit title process during lockdown in 2020. At that time, we actually saw a greater level of impact of the lockdown on unit titling, but we put in place a range of new systems and processes to make sure that that was not going to be a significant issue, should we go into lockdown again, which we did. So those learnings were all put in place and they included us taking a risk management approach.

We knew that there were certain proponents that, whenever we go out and undertake physical inspections, they are compliant. Or we have smaller projects where we can rely on video or photographic evidence to undertake that risk. With others, where we know that we tend to get a lot of failures, we were putting processes in place to be able to undertake those inspections.

For the first little while when everything was shut down, that certainly was not possible, but we put in place the resourcing to make sure that we could catch all of that up. It was actually quite limited, given all the learnings from last year. So in terms of unit titling, it is in a pretty good place. In addition to that, of course, the government provided additional funding last year for that team to make sure that we could keep those moving through.

MR CAIN: Regarding land titles and the registration of titles, we heard this morning from the Attorney-General that e-conveyancing is beginning, which involves registration of the transfer with land titles. Are you confident that you will be able to fully adopt the e-conveyancing strategy by the end of the year, given the delays that Mr Parton touched on?

Mr Gentleman: This is work that is occurring with Minister Cheyne's office, and of course through EPSDD as well, in relation to how we lodge. I know it is a way forward. If we got it completed by the end of the year, that would be good. I know they have been working very hard with the Chief Digital Officer to submit a platform that will work in those circumstances. I have not received any briefing from Minister Cheyne over the last week or so. I certainly can chase it up for you.

MR CAIN: I would appreciate knowing that Access Canberra is actually able to adopt e-conveyancing by the end of the year, as the Attorney-General stated earlier today.

Mr Pryce: I acknowledge the privilege statement. Mr Cain, as Registrar-General, I am confident that we will be able to fully implement e-conveyancing, as indicated by the Attorney-General. Our milestones are very good at the moment with PEXA, but we are engaging with industry as part of that process. There are still some engagements to go, but, despite COVID impacts and given that we had our first transaction just the other day, I am very confident that we will have it implemented before the end of the year, probably around mid-December.

THE CHAIR: I would like to talk about Access Canberra's role in shopping centre leases. There is a matter before the committee that I obviously will not talk about because it is a live matter regarding the Giralang shops, but there are actually quite a lot of shopping centres that are either completely undeveloped or that have got individual sites where the lease is held but there has been no development there for some time. One of the ones I was thinking of is McKellar shops, in Ginninderra. How many complaints have you received in the last 12 months about McKellar and other undeveloped shopping centre sites where there is a lease in place but there is no action?

Mr Lhuede: I will take that on notice to confirm the figures. In terms of lease compliance cases that have been raised, there are 11 open cases in relation to business compliance. And in 2020-21 we had 62 business-related lease compliance cases. I will take that on notice as to what they were specifically in relation to, whether that was shopping centres or other matters. I do not have the detailed breakdown at the moment, so we will take that on notice, if I may.

THE CHAIR: Sure. When you come back, on notice, will you be able to tell me the sites? Will that come with information about where they are and what they are?

Mr Lhuede: Yes, we can provide that information.

Mr Gentleman: Chair, while we are discussing this we should be aware that, whilst there may be a lease in place, not being present at the lease does not mean to say that

they are in breach of the lease conditions. So there is a real challenge there about how we work with these lease owners and how we get the best outcomes for Canberrans. We see sometimes purposeful vacation from an area to ensure that they can do something with it later on, and that is of concern to the government. We are looking at that and at what policies we can put in place to ensure that these commercial areas are as vibrant as they can be. So there is some ongoing work there.

THE CHAIR: I am interested in knowing which ones they are. Having been through this matter in quite some detail with the one site, I am interested as to whether Access Canberra feel they have the tools that they need to enforce lease conditions or whether they feel there is some kind of regulatory or enforcement gap that might be met elsewhere in government. I do not know if you can make a comment on that in the abstract.

Mr Lhuede: I will not comment on the tools. We do have a range of regulatory tools available to us, some of which I outlined earlier, in going through the compliance actions that we have undertaken. And with that suite of tools we can take action as appropriate.

Mr Ponton: In terms of those tools, from a policy perspective Access Canberra deals with the regulatory side of things, but the policy is something that is actively being considered through the minister's planning portfolio responsibilities with respect to the Planning Act. We are working very closely with our colleagues in Access Canberra to see what adjustments might need to be made to those more local council-type tools that might be available, as opposed to what we tend to have, which are more state-based tools. We are doing that work and you can expect to see something in that space next year when we finalise the exposure draft of the Planning Act.

THE CHAIR: Is 2022 part of the planning review?

Mr Ponton: We are looking to make some adjustments through the legislation. I have talked about this in previous sessions in terms of those municipal versus state powers. We think there is some work that we can do. There are some improvements that we think can be achieved through administrative arrangements—again, we are working with our colleagues at Access Canberra in that respect—and at a legislative level as well. We will work through that in the next month or so.

MS ORR: I am interested to know, in the compliance and regulatory work that you do, are there any circumstances that you continually come up against that could be a bit of a trend or a bit of an anomaly, where the current suite of tools you have does not quite go to covering that issue?

Mr Lhuede: By and large no, there is not. As I outlined, the Planning and Development Act, in chapter 11, sets out a well-structured process of compliance actions, starting from how we manage and respond to complaints as they come in through a staged process of controlled activity orders and prohibition notices, which can stop particular activities through to rectification notices, and all the way through to the potential option of even lease revocation and injunctions. In terms of the tools that we have available, they are sufficient. Whilst, as Ben alluded to, there are always

opportunities to improve and enhance and look at them, they provide a range of scaled and proportionate mechanisms to deal with these lease compliance issues.

MR PARTON: With regard to building disputes and complaints—which I am gathering we can cover in this space, but sometimes things are not as clear as we would like them to be—I wanted to ask broadly what powers you have to resolve these? What is it that people can do to help when they feel they have nowhere to go? Typically speaking—and I know they come across every MLA’s desk—we are talking about disputes involving building projects, home building projects. It has certainly come to my attention that, for many, there seems to be no solution.

Mr Gentleman: There is a suite of actions and opportunities available under the act and under the enforcement regulations, and then there is also some remediation through ACAT. If people find they are not achieving what they want to achieve in a particular circumstance, they can take some court action. There is a lot of assistance in helping those constituents to go through that process if they need to.

As you have heard, a lot of the work that Access Canberra do in enforcement is an educative process, trying to show people what can occur in relation to neighbours or residents alongside and what is appropriate or not appropriate. Quite often there is a resolution in those situations, but sometimes there is not and that is why further work needs to occur.

I am pleased that, from the numbers you heard earlier, out of all of those investigations only a smaller number of actions needed to take place. That indicates that there has been some resolution along the way. Sometimes that does not occur and the angst builds up between neighbours and they end up going to ACAT for a resolution. I will hand over to the directorate for more detail.

Mr Lhuede: Thanks. Mr Parton, we talked about the range of tools within the Planning and Development Act. There are also tools within the Building Act and there are also contractual issues—it may well be a Fair Trading or another matter. With some of the building disputes you are alluding to, sometimes it may be a planning issue or it may be a building issue and sometimes it is both. If we reflect back on a successful prosecution from, I think, last year, it was charges in relation to planning and development but also building. I think in the end it was a Building Act prosecution.

There are a range of tools. Often for building disputes we apply powers under the Planning and Development Act. That may be a prohibition notice or it may be a controlled activity order. Again, it is about what is appropriate for the circumstances. For us, it is what achieves the outcome we are trying to get to in terms of the complainant and the respondent and the most effective and efficient way to do that. Again, we may utilise a range of different elements under our different statutory powers. In a way, it is why we have construction and planning compliance being undertaken by the same body within Access Canberra—to assist in applying the most effective tools in the circumstances.

THE CHAIR: We can see that there is \$120 million in spending in Access Canberra in the budget. I am just trying to get a sense of how much of that is in the context of

planning and development of land and land release. Is there a breakdown of that and how many FTEs are in those areas? Feel free to take it on notice, if you would like.

Mr Pryce: It is difficult to give a precise breakdown because we apply our resources across the agency against particular risks and harms and priorities as required. I will let Mr Lhuede talk about his branch and the resources that are specifically within the Construction, Utilities and Environment Protection Branch.

THE CHAIR: I was after a mud map of how many FTEs on lease regulation, how many on land, how many on planning, how many on development. Is that information available or able to be lodged on notice?

Mr Lhuede: In terms of building and planning regulation, as I alluded to in my previous response, we do combine those functions. But within our reactive response teams there are 18 FTEs. In our proactive teams, which go out and primarily look at building-related matters but do look at planning matters as they relate to building approvals, there are 13 FTEs. There are two dedicated officers focused on leasing compliance. I think that is 31 plus two—33 officers are involved directly in the planning and building regulations space, and on top of that there are other function and support areas that assist in those matters. In terms of investigators/inspectors, 33 is the number, noting that it is split between building and planning.

THE CHAIR: Thank you, Minister, for your time. We have come to the end of a rather lengthy estimates session. I am sure everybody is glad that that is resolved now. Thank you to our witnesses for your time this afternoon and for your answers. There was at least one question taken on notice, and the secretary will be following up on that. You will be provided with a proof copy of the transcript of the hearing so that you can check that for accuracy. Thank you, all.

Mr Gentleman: Thank you, Chair, and can I thank my officials for assisting today. They have done a great job, as they always do. Thank you for your chairing; it has been very concise and kept everybody to a minimum.

The committee adjourned at 5 pm.