



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

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

(Reference: [Inquiry into annual and financial reports 2020-2021](#))

Members:

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

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 24 FEBRUARY 2022

**Secretary to the committee:
Mr M Riordan (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

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

APPEARANCES

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Amended 20 May 2013

The committee met at 9.30 am.

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

Iglesias, Mr Daniel, Executive Branch Manager, ACT Parks and Conservation Service

Walker, Mr Ian, Executive Group Manager and Conservator of Flora and Fauna; Environment, Heritage and Water

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

O'Neill, Ms Carolyn, Executive Group Manager, Planning and Urban Policy

Cilliers, Mr George, Acting Executive Group Manager, Statutory Planning

Access Canberra

Lhuede, Mr Nick, Acting Executive Branch Manager; Construction, Utilities and Environment Protection

THE CHAIR: Good morning, and welcome to the first public hearing of the Standing Committee on Planning, Transport and City Services inquiry into annual reports. On behalf of the committee, I would like to acknowledge the traditional custodians of the lands we are meeting on. I would like to acknowledge the continuing contribution that our First Nations peoples are making to the life of this city and pay our respects to Elders past, present and emerging.

We are recording and broadcasting this hearing. When you take a question on notice, if you could state that you will take that question on notice, that will also help our committee secretariat to follow up and to make sure that we lodge all of those answers.

This morning, we are speaking to Minister Gentleman and his officials. We will be speaking about a number of topics. We are talking about the Government Architect; the land release policy; Parks and Conservation; planning and development; site identification and facilitation for major land and property projects; strategic land use; survey and leasing, and the Access Canberra functions relating to that. I am happy for members to ask whichever question they would like about any of those topics, rather than to segment it up too much.

I remind witnesses of the protections and obligations afforded by parliamentary privilege, and I draw your attention to the privilege statement. Can I get a show of hands from around the room? Has everyone who is likely to give evidence seen that statement and do you agree to be bound by that? Excellent.

We are not having opening statements, in the interests of time. I will skip straight to

questions, and I might take the first question. Minister, we are having a look at the number of FTEs in our ranger program, and we are wondering whether we have enough FTEs in our national park and Canberra Nature Park. Can you run me through the number of FTEs we have working in those areas and how that compares to other similar councils and regions looking after those sorts of areas?

Mr Gentleman: Yes. Chair, I think you raise an important question—ensuring that we have enough FTEs in PCS to manage our parks, particularly after we have seen the devastation from recent flood events and the bushfires. We want to make sure that we can open up the parks in a reasonable manner that is safe for Canberrans and others to attend into the future. In regard to the specific numbers, I will go to our parks people to give you that detail.

Mr Rutledge: I will talk more broadly; then I will ask Mr Iglesias to add any further details. To answer the first part of your question, we have not done a comparison of our parks service against similar parks services. It is probably a difficult task to do. As you know, the ACT has the benefit of over 75 per cent of our land being national parks and reserves, which means that, for a small city of 400,000, we have a massive parks estate. I do not think there would be any comparable jurisdiction that would have that mix of small urban population and enormous parks reserve.

That said, we do have about 300 people within our parks service. They are all highly trained in their specific roles, but some of them would be post-doctoral ecologists; some of them would be more operational but highly trained in the use of chainsaws, in bushfire prevention. We have a fire team involved. We have seen over the years a broadening of the skill set of the parks staff. Threatened species experts can work across the threatened species. We have trained up more and more people in fire, so that we can do a lot of cross-skilling. We have done a lot of cross-skilling, so there are a lot of opportunities to work around our parks in various different roles.

We have seen more recently a lot of recovery work, as Minister Gentleman said. In the last year, and certainly this year, we have seen a real focus on recovery, invasive species and weed removal, in response to La Nina. The team moves towards the emerging and current needs of the parks as a whole. If we see that we do need further resources, we take that to government. Minister Gentleman has been very supportive and very successful as minister in getting new resources as required. Mr Iglesias, do you have anything further to add on that?

Mr Iglesias: That is a pretty good answer, Geoffrey. You have stolen all of my thunder. I would add that, within the ACT jurisdiction, it is unique for a parks service to have the broad range of responsibility that the ACT parks service has. If you were to look at our neighbouring jurisdictions of New South Wales and Victoria, you would have a number of agencies covering the space that we do in the parks service.

That is a good thing because, as Mr Rutledge has explained, we bring a degree of mix of expertise into the one agency, which means we can be responsive and we can shift to meet particular challenges of a particular season. This one has been a particularly wet season, so we have been able to bring in a large group of our people to focus on engaging with the challenges of a wet season, which means that we have difficulty in getting out into our parks and reserves, but we have more time to engage with our

volunteers, and we have more time to engage with our public presentation and public engagement.

I would summarise it by saying that the parks service is multidisciplinary and it is very well set up to meet the challenges of managing the ACT parks system.

THE CHAIR: I might follow up on the multidisciplinary nature and the adequacy of the ranger service. I am interested in knowing exactly how many Indigenous rangers we have within that group of people. I would also love to hear a comment about your rate of staff turnover across the rangers and whether you are benchmarking whether that is changing from year to year.

Mr Rutledge: I might start with your last question first. We do not benchmark ourselves; we do not benchmark the parks service as a single cohort versus other agencies, as I said in answer to the last question. Our separation rate as an agency is around six per cent. When we compare that, say, to the ACTPS, that is equivalent or a little bit better, if you will. I could do that analysis, but the point I would say is that there is no easy benchmark for it, so we have tried to look for that. With respect to your first question around Indigenous rangers, I will introduce Mr Walker, to talk about some of the work that we have done to welcome Ngunnawal rangers into our parks service.

Mr Walker: In terms of our Indigenous employment and Aboriginal and Torres Strait Islander employment, we are currently sitting at around four per cent across the organisation, with an aspirational goal of 10 per cent, which is quite a significant push for this directorate. As stated earlier, with such a large land mass and such a large interest in the management of Country, that is a target we are working towards and will continue to work towards.

We have had great success recently; we have appointed seven new Ngunnawal and Aboriginal and Torres Strait Islander people. The way we go about that is through a couple of different levels. We are trying to increase the levels of positions that are occupied by Aboriginal and Torres Strait Islander peoples. We have an executive branch manager in the organisation that is of Aboriginal descent. We have people at different levels in the ranger ranks, as well as in policy roles. We are trying to get that hierarchy of positions as well as the breadth of roles.

We have ranger positions. We have recently appointed three rangers into the Parks and Conservation Service that will manage Country and work on Country with staff, and that builds on existing staff in that space. We have appointed an Aboriginal person, a Ngunnawal man, into the water policy space. We have another Ngunnawal man in the conservation research area and another Aboriginal and Torres Strait Islander person in our natural resource management area.

In addition to that, we have a suite of people that have been engaged corporately through connections with the universities. One of the key things about working with Aboriginal and Torres Strait Islander peoples is to encourage and support them as they develop new skills through universities or further training. We have been able to provide short-term opportunities for a number of Aboriginal and Torres Strait Islanders who are studying at university during their summer break, which is giving

an opportunity for those individuals to be engaged and work in government and understand that environment as they work through their university courses, which is really quite novel.

THE CHAIR: That sounds really good. I will just summarise. How many new Indigenous ranger positions have we created in the last two years? Is that seven in total that we have created?

Mr Walker: The seven I mentioned are across the division, not just in the Parks and Conservation Service. Certainly, three have started within the last six months, as part of the parliamentary and governing commitment to engage 10 Ngunnawal and Aboriginal and Torres Strait Islander people.

THE CHAIR: I would love an update, on notice, if I could, of how we are tracking on the 10 new Ngunnawal positions. I am very happy if you want to come back on notice with that. That would be great.

Mr Walker: We certainly can.

Mr Gentleman: Chair, if I could add to that, the wealth of knowledge that these staff bring is quite phenomenal. I have had the opportunity to go out with Ian, Daniel and the team. Near block 33 in Pearce is where the Xanthorrhoea trees are dense. They were doing a number of days of clean-up around the Xanthorrhoea trees. The knowledge that they were able to pass on to the teams that were working there was quite phenomenal. Certainly, I had never known about how Aboriginal people would use the trees. That brings with it the opportunity to spread that knowledge and give us all a better chance of looking after our parks into the future.

MR PARTON: I am looking at CMTEDD volume 1, Government Architect. I note that the community interests representative member of the board has been vacant since February 2020. Has this position been filled yet, given that it is almost two years since it became vacant?

Mr Gentleman: I will ask Mr Ponton to address that.

Mr Ponton: Mr Parton, you mentioned the Government Architect. The question, though, does not relate to the Government Architect; it appears to relate to the architects registration board, so they are two different things. The Government Architect, of course, is a position that has a range of duties, including chairing the National Capital Design Review Panel. The architects registration board relates to a group of people who assist with the continuing professional development and registration of architects as a profession. In terms of that particular position, I do know there have been some challenges. I will ask my colleague Ms Sendaba to talk a little bit more about the status of that appointment.

Ms Sendaba: As Mr Ponton noted, the role of the architects registration board is to oversee and make recommendations around the appointment of professional architects in the ACT. There are a number of positions that make up that board. We ran a recruitment round to fill some vacancies. Unfortunately, we did not find a suitable candidate with respect to the community representative. We are intending to run

another round this year—in fact, in the coming months—to fill that vacancy, along with other vacancies that are coming due.

MR PARTON: Why do you think it has been so difficult to fill? I do not fully understand, because we are more than two years down the track. Why is it so difficult to find people to fill that role?

Ms Sendaba: I would say that there are two factors. We have been able to run a single process in that time. The board is able to meet its quorum and continue functioning without that representative position being filled, although we do believe it is important to complete that role. We will be running a second round to fill that vacancy, along with upcoming board member positions which are due to expire.

Mr Ponton: With this next round, we will certainly be looking at how we can reach out further to generate interest. I do not know that it is necessarily one of those government boards that a lot of community members are familiar with. Maybe that is something that we can learn from, with respect to the previous round, in terms of not being able to secure a suitable candidate. We will do a little bit more, perhaps, in terms of, for want of a better term, marketing to generate some more interest in that particular role.

Ms Sendaba might correct me if I am wrong, but, as I understand it, there was also not an overwhelming response in relation to the other board positions. This is one of the boards where it has been a little bit more challenging to get representation. That is why we are waiting for the right time. Of course, during the recent events, with COVID and people being focused on other things, we thought that probably was not the right time to go out with that sort of campaign. But we are getting ready now hopefully to capture people's interest in participating on that board.

MR CAIN: Mr Ponton, are you saying there have been no suitable applicants in over two years? Further, apart from the self-described representative of community interests, what type of advice has this board been lacking for over two years?

Mr Ponton: In terms of the community representative, yes, we are saying that we have not been able to—I think I was quite clear, and Ms Sendaba was quite clear—secure a representative to fill that particular vacancy. Having said that, importantly, as Ms Sendaba noted, we have a quorum, so the board has been able to operate. As the name suggests, the particular vacancy would bring a community focus to that board.

In terms of the others, we do have the professional representation and the other positions have been filled. It is important, as I said, that we go out, when the time is right, and make sure that we can generate sufficient interest in this board. That is certainly our intent.

MS ORR: Mr Ponton, can you clarify for me the purpose of the board and the advice that it is providing?

Mr Ponton: Certainly. I might ask Ms Sendaba to talk to that in detail, in terms of the role and function of the board. In general terms, it is there essentially to monitor the registration and accept registrations for architects, and to make sure that architects

bring to their roles sufficient skills and experience and maintain appropriate professional development, as you would expect for such a body. I will ask Ms Sendaba to run through the specifics as legislated.

Ms Sendaba: Thanks for the question. The architects registration board is a function of the Architects Act in the ACT, which governs the registration of professional architects. In essence, in order to be offering that service, this has set a certain qualifications standard that must be met. That is set out in the Architects Act. The board's function is to assess applications for architects and make recommendations for appointment.

To be specific, and reading from the legislation, the functions of the board are to register architects; to investigate complaints to the board about registered people and people who have been registered; to consider whether it is necessary for occupational discipline to be used against registered architects, including former registered architects; to consider and report to the minister about issues referred to the board by the minister; to advise the minister in relation to the practice of architecture; to further a common and harmonious approach to the administration of legislation about architects; and to accredit courses of study in architecture.

Mr Ponton: In relation to the legislation—and Ms Sendaba will correct me if I have misunderstood this—like most boards, there is a requirement to have a minimum number and usually a maximum number of board members. It does not mean that the government must appoint the maximum number against all categories; it just provides a range of categories from which we can select people. In this case, with respect to the community representative, as we said, we have not been able to secure a suitable candidate, but we are earnestly going out and, as I also said earlier, looking at how we can market and generate sufficient interest so that we can get that important community perspective in relation to those functions that Ms Sendaba has just spoken about.

MS ORR: It seems fair to say that it is very much focused on the role of the architect, the regulation of their sector and maintaining standards. In that case, can you tell me how community input to the government on the built environment can actually be achieved? Surely, it is not only through that particular role that the—

Mr Ponton: As I understand the question, it is: how can the community be involved in design quality? There is a range of different ways that the community can be involved, whether it be through providing comment through the statutory process, whether it be pre-DA consultation or the formal statutory processes.

We actively engage with the community in relation to our policy work, which has a very strong design and outcome focus. Of course, we work with community councils and a range of other community bodies and individuals to make sure that we get that early engagement in relation to a broad range of planning-related inputs. That does include design. We certainly have quite a number of community representatives that we engage with on a regular basis who have an interest in that particular aspect of design. There are certainly plenty of opportunities at various steps along the way, whether it be policy development through to the regulatory processes for people to become involved in design.

Mr Gentleman: In regard to the Architects Board, with respect to the administrative arrangements, I am advised that that sits with Minister Vassarotti. If Mr Parton has any more questions along that line, she will be appearing before the committee this afternoon.

MS ORR: Minister, I would love an update on the partnerships with traditional custodians and how in particular the Ngunnawal rangers are working with the Parks and Conservation Service. I am in the right spot, am I not?

Mr Gentleman: Yes. I think it is in the annual report. The Ngunnawal rangers were funded in 2020-21 and it is, I think, really important. As I spoke about earlier, it is important to have their incredible knowledge and their connection to Country reflected in EPSDD's work. I might pass back to Daniel to talk a bit further about the work that they have been doing within the parks.

Mr Iglesias: Thank you, Minister. We are very lucky to have a good representation of traditional custodians in the parks, and what that invests in is in the traditional knowledge that has, in some instances, been lost. By bringing this segment of the community back into what are their traditional areas, it provides opportunities, not only for themselves as employees, but for ourselves to learn and to understand how these sorts of areas were managed by the traditional custodians in the past.

What that means, Ms Orr, is that we have had an opportunity to invest time and effort in learning more about how things were done by the traditional custodians. By that I mean not only the fire history and the long tradition of the traditional custodians' use of fire in the landscape, but also knowledge of the plants and animals that make up these areas and how they might have been used by the first people in what was a very, very difficult environment, going back thousands and thousands of years.

Remember, only 20,000 years ago this area was in ice age and there were people living and subsisting in these areas. We are lucky that in the parks we have lots of sites that remain as evidence of the early custodians; our Ngunnawal rangers have an opportunity to connect with those sites and to learn, but also to lead the interpretation of those sites to visitors. I can think of Hanging Rock at Tidbinbilla and also the Birrigai time trail at Tidbinbilla, as well as the Gibraltar Rocks area of Tidbinbilla. There are also lots of sites in Namadgi National Park where we have these connections. As time goes on, these staff will become more confident in their understanding of their culture, and they will be in a position to pass that on to new staff as they come through. What that does is build strong connection to Country in a very fundamental way and in a way that has been missing since Europeans arrived in this part of the world.

Mr Rutledge: If I may add, and going to Minister Gentleman's point, just a couple of officers—several officers—in our team can make a massive difference. I know Dean will hate me singling him out, but one of our fire officers, Dean Freeman, a Wiradjuri man, leads our cultural burning program within the parks service. That is something that we did not have the knowledge about. We did not have that ability just years ago, but Dean has been able to bring that into it, and that knowledge spreads not just with Dean, but through the rest of the park service. He was recognised in the recent

NAIDOC Week awards for exactly that work. So, they are only small in number, but the influence and the ripple that they have across the culture of our organisation is quite amazing.

Also, towards the end of last year, we had our first what we called our yuumma induction program. It was a pilot program for seven new Indigenous recruits across EPSDD. We used that as an opportunity for us to learn and for us to welcome and create an early network for those new recruits so that we can support them. It also signalled not only to those seven staff members, but to the whole organisation and potential recruits, that we are becoming a more culturally safe organisation. Even just putting together some of those bespoke programs, I think, will help us grow our influence and our knowledge, but also create a more welcoming environment. Going to what Mr Walker said earlier, our challenge is to attract and retain that knowledge within our organisation, so we are putting in programs and we are celebrating these successes, including the success of Dean, our fire officer.

Mr Gentleman: I was just going to say, Daniel, it is quite amazing how that knowledge sticks with you. You mentioned Dean. He was instructive when we were doing that work at block 33 and told us about how Aboriginal people used the Xanthorrhoea tree. They would use fire to create a gum out of the resin that they could glue things together with. Then he passed on that the flower of the Xanthorrhoea tree, which as you would know is a spike, was used as a compass in that it always flowers to the north originally, and Aboriginal people would use that. I have repeated that story to hundreds and hundreds of people who took that knowledge on as well, and I imagine Dean's work and the work that you guys have done in parks as well, Daniel, has been spread throughout Canberra.

MS ORR: There was an example given of the cultural burns as one of the practices that has changed and been incorporated into the Parks and Conservation ongoing work. What other influences are you starting to see in your practices from the program and the connection with these cultural traditions?

Mr Gentleman: Mr Walker?

Mr Walker: Ms Orr, thank you for the question. There are a couple of really good examples that I draw the committee's attention to. Namarag over in Molonglo is a really powerful example where the traditional custodians have been at the front of the design of that and helped in creating the narrative, the story. They told of their connection to Country at that place. For those that are not familiar with that site, I would encourage you to go and visit it. It has been a reclamation from the sewerage pond through to now a site where community can go and visit and recreate, joining up a number of development areas in the territory.

When you go there you will see artwork created by Lynnice Church. You will see the stories and the use of native plants and how Ngunnawal and other Indigenous people have used that information and those plants to sustain themselves. You will feel and see that connection to Country in those sorts of places. So, across the board, those Ngunnawal staff and those Aboriginal and Torres Strait Islander peoples have really started to influence and shape the very foundation work that we do. From the community's point of view, that is where they want to start; they want to start at the

front end of things like Namarag. We have started that discussion with them around improvements at Tidbinbilla and the work around visitor infrastructure at Tid.

So there are really good examples. Another simple example is the use of language. Collectively, the organisation is now using language more often in acknowledgements of countries. “Yuumma” and those sorts of words are becoming the norm throughout the organisation. That has also transposed to how we name places. Nadjung Mada is a good example of a reserve that has picked up the Ngunnawal name and applied that in a concrete fashion, going forward. We start to see culture embedded in the day-to-day activities of the organisation. So there are a couple of practical examples, Ms Orr.

I would also go back to the fire management space that Minister Gentleman highlighted. There are examples like that that are really shaping how we do business. At Mulligans Flat, the Ngunnawal community said, “This is the sort of thing we want to do around threatened species.” Just as community are coming back onto Country, they have a great passion for seeing threatened species come back onto Country too, so they are welcoming the opportunity we are providing through our rangers, our Parks and Conservation team to reintroduce these species and literally welcome them back to Country. You know, it becomes quite an emotional and heartfelt sort of connection that community have with Country.

MS ORR: Great, thank you. I could keep asking questions, but in the interests of time I will leave it there; thank you, Chair.

THE CHAIR: Thanks, Ms Orr. Mr Cain, do you have a question?

MR CAIN: Yes, thank you. I have a question and a couple of supplementary questions with really short answers required. Minister, given the sharp growth in house prices in Canberra in the last year or so, and almost 9,000 people participating in the Macnamara ballot, I would like you to answer yes or no to the following question: do you intend to look at releasing more land than currently planned for detached housing to help alleviate these conditions? Yes or no?

Mr Gentleman: Thanks, Chair. Well, I will simply refer Mr Cain to the indicative land release program, which gives you the program of land release for the next five years.

MR PARTON: So the answer is no.

MR CAIN: There is no plan to add to that, given the recent pressures?

Mr Gentleman: Each year we have a look at the ILRP through our budget process and update the program.

MR CAIN: Minister, in what year will Canberra have no further greenfield land to release for housing under your current policy?

Mr Gentleman: The ILRP shows the program to be released over this period of time. The strategic plan for the ACT, which we did in 2018, shows a 70-30 land release program for the future. If the plan—

MR CAIN: What year?

Mr Gentleman: There is no year, Mr Cain. It is a 70-30 for the future, so that means 30 per cent greenfield, 70 per cent infill for the future.

MR CAIN: When will you stop the greenfield expansion?

Mr Gentleman: There is no time limit, Mr Cain.

MS ORR: Chair, I have a supplementary question on that one.

Mr Gentleman: I have made it very clear. It is 70-30 into the future. Now if government in the future makes a decision to change that, then that will be a matter for cabinet. But our direction is 70-30.

MR CAIN: Final supplementary question, Chair. It is a short one. Minister, can you confirm that the government rules out categorically ever developing land at West Tuggeranong?

Mr Gentleman: We have made that very clear, Mr Cain.

MR CAIN: You will not be developing West Tuggeranong?

MS ORR: Chair, Mr Cain said he had one more question.

Mr Gentleman: We are not developing over the river, no. We have made that very clear.

THE CHAIR: Certainly. I might just remind everyone that it is much easier for Hansard if we speak one at a time. Ms Orr has a supplementary that she has been desperate to get in on. Mr Cain, have you finished your supplementary questions?

MR CAIN: For the time being, thank you.

MS ORR: Just on the 70-30 infill target, Minister, can you explain why that is important to the future of the territory and the urban form that it takes?

Mr Gentleman: Yes, thanks Ms Orr. It is a very important question. We have looked at the cost impact and environmental impact of urban sprawl for the territory, and of course we have looked at other jurisdictions and seen the cost and environmental impact in those jurisdictions too. With that evidence, we firmly made the decision—and went to an election on it, I would say, too—to go forward with a densification process, which meant that we will see more residential in town centres. So there will be more densification around town centres and transport corridors rather than further long-term urban sprawl.

Mind you, there are still greenfields in place, but the cost of greenfields development in the long distance is quite expensive. And it is not a cost on us, too, Ms Orr, I must say; it is a cost on future Canberrans. So young people wanting to get into the market,

for example, will be paying a lot more, if we have urban sprawl, for infrastructure, transport and those sorts of imperatives that go with living day to day in a city.

We find—and the evidence shows—that it is much less expensive to do densification. As long as you do it right, people are happy to live in that environment. What we want to do is provide the mix, of course. So we want choice for Canberrans into the future. You should be able to have the choice to live, as Mr Parton has explained, on a large block and play cricket in your backyard if you want to, or you might want to live in an apartment, for example, closer to city services or public transport. So it is choice for the people of Canberra into the future, with all of that evidence to make those decisions having been shown.

THE CHAIR: Mr Parton, did you have a supplementary on that?

MR PARTON: Yes, just straight off that answer from the minister. With regard to choice, Mr Cain mentioned the Macnamara ballot in which 8,700 people missed out on securing those blocks at Macnamara. There were similar figures in the last two or three ballots prior to that. Minister, how can you possibly assert that you are offering housing choices to people, because those 9,000 or 10,000 people—15,000 potentially over the three ballots—have missed out. For those who are desperately trying to get on that life raft, like at the edge of the *Titanic*, and watching it row away, how can you possibly suggest to them that they have been offered a housing choice?

Mr Gentleman: Well, of course, what we want to do is to provide choice. Now we will see ballots go forward, and we have seen them in the ACT and in other jurisdictions too, where the number of people expressing interest is way over what the ballot numbers are. But we are looking at providing other opportunities for greenfields development. I might just pass to Mr Ponton to talk about the investigations that we are doing at the western edge in a moment. We want downsizing options for people as well. Just looking at the availability of a single residential development or single residential blocks across the city, it is about 85 per cent, Mr Parton. So, there are quite a number of blocks out there and what we would like to do is provide the opportunity for people who want to downsize to move into small accommodation, allowing choice for younger people who might want to start families, for example, to move into those larger blocks. With that, I will pass to Mr Ponton to give us more information on that western edge investigation.

Mr Ponton: Before I start on that, I might just add further to the minister's comments around land supply in terms of the land that is currently available. The first thing that I would note is that the government has worked very hard over the last few years to get us to a point where, just before COVID, there was a significant amount of land that was available over the counter. It was just sitting there waiting; it had not gone through a ballot process and the like. It was still there, so that certainly allowed—as there was the unexpected interest not only in Canberra but across the country—the government to respond in terms of having that land readily available.

In terms of the western edge work, that is an important next step in providing for that housing choice. As the minister said, the government's policy position is 70-30. About 70 per cent is in the existing urban footprint, but we acknowledge that there is also a desire for greenfields land development, and that is why we are undertaking

that work.

Now, that does not happen overnight. It is important that we undertake relevant studies in a sequential and considered way. Often it is the case that we do initial high-level analysis that helps us understand where we need to invest and investigate further, whether that be in relation to cultural European heritage issues or environmental considerations. As we do that work, it can take a number of years to get us to the point that we can then start to consider the detailed design of infrastructure and understand the costs of all of that.

It can take anywhere between seven and 10 years from the time that you have an idea around starting to investigate an area to actually seeing land being developed. But it is a really important work that we do because not all of that area identified in the planning strategy at the western edge will be developed—nor should it be—for residential, because, importantly, the work we are doing now is identifying those really important environmental and cultural values and helping us understand service costs. Some of the land will just be too expensive to service, so we need to undertake all of that work.

Going back to the minister's earlier point, I would just like to really reinforce that it is not just the infrastructure and transport costs that the minister referred to in relation to greenfields, but we also need to consider environmental costs. As we expand out and spread the city, we need to take up land that might have a degree of environmental value. So we are trying to make sure that what we take up for residential development has the least amount of value and that we protect those areas with a higher value, whether it be connectivity or biodiversity. The work that we need to do to make sure that we are not compromising those important environmental values is really important.

We also have other portfolio responsibilities in relation to agriculture—you know, making sure that we actually think about agricultural issues and productivity in the ACT. So there are all these competing factors that we need to consider, which is why the government has taken the position to provide that housing choice for greenfields, but also to focus its growth primarily in that compact and efficient way you have heard me talk about previously. You know, compact allows for efficiency in that respect.

MR PARTON: Thanks, Mr Ponton. I wonder if you are able to answer the question from Peter that the minister could not. His question specifically was: in what year will Canberra have no further greenfields land to release for housing under your current policy?

Mr Gentleman: Chair, I have made that very clear. There is no year time set at all. The policy at the moment is 70-30. That is ongoing. If the government makes a change to that, then that will be a cabinet decision and it will be consulting with the general public and, indeed, the parliament before such a decision is made.

MR PARTON: Minister, surely before arriving on this plan you must have sat down and drawn a time line and worked out at what point that supply of land would be fully exhausted—surely.

Mr Ponton: Minister, perhaps I could add to that, if that is okay, very quickly. The minister has made it clear that it is a difficult question to answer. That is absolutely the case, because whilst we have some understanding, we are doing the work on the western edge. When we, to use your term, “run out of land” really comes down to how much land is available for residential development and we do not yet fully understand that, because we are doing the investigations.

So the minister has answered your question, I believe, in saying that it is not a question we can answer right now, because we are still doing the work. If all that land was available I could just do a quick calculation, that is fine, but we do not know. We do not know all of the values at this point in time.

THE CHAIR: Mr Parton and Mr Cain, I think we have probably covered this, and it might please you both to note that my next substantive question is on the western edge investigation.

MS ORR: Chair, before you do that, can I just get your clarification on a procedural matter, please.

THE CHAIR: Yes.

MS ORR: To one of the questions Mr Cain asked, he asked the minister to give a yes or no answer. Can I just check that, as per the chamber, we cannot direct the ministers how to respond?

THE CHAIR: I will ask my committee secretariat to jump in and clarify whether the standing orders in the chamber apply in this forum.

MR CAIN: Well, it did—

MR PARTON: The view was that a quick hearing was a good hearing.

MR CAIN: Yes, indeed.

THE CHAIR: Mr Cain, I am not asking you. I am asking my committee secretariat. If you could please mute yourself when you are not speaking, that would be very helpful.

THE COMMITTEE SECRETARY: I will check that for you, Chair, and return.

THE CHAIR: Thank you, Mr Riordan. Ms Orr, we will return to that when we have the information.

MS ORR: No worries.

THE CHAIR: I am going to move on to the next question now, which, I think the room will be delighted to hear, is on the western edge investigation. I want to get a bit more detail on where the western edge investigation is up to. Has the government tendered further ecological assessments and is all of that information about those

tenders publicly available?

Mr Gentleman: I might just kick off, Chair, if I could. Thank you for that question. As we have indicated in the conversation so far, the western edge is something that is being looked at at the moment. We want to investigate that land to see how our metropolitan area could extend. That is about 9,800 hectares and it is generally bordered by the Murrumbidgee River, the urban areas of Belconnen, Molonglo, et cetera, and includes Mount Stromlo.

We know the western edge contains some significant environmental values and, as such, only parts of the western edge could be suitable for development. So over 2021-22 there is funding of \$477,000 and we will be assessing the capability and suitability of parts of the western edge for potential urban uses and for environmental conservation. In 2022-23 there is a budget of \$230,000 that will move us into the preliminary strategic planning phases.

There will be some ongoing environmental surveys in that time and that will include the identification and the potential location, size of development and conservation areas; potential development types; road and infrastructure connections; and bushfire threat and mitigation measures. So there is substantial work still to occur, and I am sure Mr Ponton and the team will be able to give you a bit more detail on that.

THE CHAIR: That would be great. For Mr Ponton and the team, the information I am particularly interested in is where the tenders are up to on the ecological assessments and whether we will see those ecological assessments in the public domain. If so, when will we see those in the public domain?

Mr Ponton: Thank you, Chair. I think I will throw straight to my colleague, Ms O'Neill, who can talk to you about the specific details of those various tenders, but I will just make the observation that, yes, there is some work that has concluded, there is some work that is underway and, as the minister foreshadowed, we are currently scoping up. As I noted earlier—and I just want to reinforce it—this work is sequential because we learn from one to the next, and that is why we do it in that way. Ms O'Neill, could I ask you to respond with further detail please.

Ms O'Neill: Thank you. I appreciate the question. In relation to the specifics of what studies have been concluded, Ms Clay, we have done several studies over phase 1 of the western edge investigation works. They include, to your point, preliminary ecological reviews and assessments. We have looked at landscaped character values and visual assessments and concluded that work. We have done some preliminary bushfire risk assessment work also, and some preliminary air quality assessment studies have been completed.

What we released to the market on 17 January 2022 was a further scoping document to obtain an urban capability assessment. As the minister has spoken to, that is a far more comprehensive piece of work that goes to provide us with direction for the extent and the nature of further ecological work, as well as other technical studies that will be needed to inform the progression of that planning and advice to government about that development capability, as well as the further work we may need to do on the conservation values and ecological issues in the western edge.

THE CHAIR: That was an excellent answer. Thank you very much. So, we had a tender on 17 January 2022. Will we see the results of that tender and the work that was done under that tender in the public domain and when is that likely to be?

Ms O'Neill: Thank you. We are in the process of assessing the response, so I am fairly limited in what I can tell you with respect to the status of the responses; but we are looking to have a conclusion to that assessment within this calendar year so as to inform and return advice to government.

THE CHAIR: That is excellent. Are you seeking advice outside of that tender process about the ecological values or is it all being focused on that tender process?

Ms O'Neill: No. Thank you, Ms Clay. There are several other studies that we will also pursue that go to a far more specific orientation around ecological values, and we have outyear studies that we already know we will need to do in relation to infrastructure, to do with water and other environmental matters. So that ongoing inquiry will extend beyond 2022 in order to collect all of that information—

THE CHAIR: I wonder if I could ask—and on notice would be fine—for a handy list of the studies that have happened, studies that are tendered and studies that you know will be done, and a time frame of when that will happen. Is that possible to provide on notice?

Ms O'Neill: We certainly can, Ms Clay. Some of those areas of investigation will be by theme and as we learn more in this year of inquiry, that will assist us, too, with more refinement and determine those precise studies in the outyears. I will take it on notice.

THE CHAIR: Thank you very much. That covers my line.

MR CAIN: Just on the consultant side of this investigation, how many different consultants are engaged and what is the expected cost of their advice?

Mr Ponton: I was just going to say that, amongst that information in terms of what is being tendered, that is certainly available publicly online. In terms of the total cost, then I would direct you to the budget papers and the budget provisions that the minister referred to, because that sets out the expected expenditure and—

MR CAIN: And what is that number?

Mr Ponton: I do not have that in front of me; but I think, Minister, you did mention that in your opening remarks.

Mr Gentleman: Yes, I have got that here. Over 2021-22 the funding is \$477,000. That is for the capability and suitability of parts of the western edge. In 2022-23 a budget of \$230,000 moves us into the preliminary strategic planning phases.

MR CAIN: I have a final supplementary. At this stage what is your estimate of potential greenfield dwellings on the western edge?

THE CHAIR: I am not sure if that is a supplementary, Mr Cain. I was asking about western edge ecological studies and that is actually quite a different topic. Mr Parton might have a supplementary.

MR PARTON: I am sorry, I just cannot remember the official's name who went through the details of those studies being done.

THE CHAIR: I think it was Ms O'Neill.

MR PARTON: Ms O'Neill mentioned the bushfire risk on the western edge. I have almost a broader question on that. Given the history of the western edge of our city over the last however many decades, how is it going to be possible to mitigate that risk for significant residential development out there in the firing line of whatever might be coming in bushfires to come?

Mr Gentleman: Mr Parton has asked a very important question here, I think. This is the work that needs to be done to ensure that we are placed in the best ways to do this sort of development. Of course we are a city, being the bush capital. We used to have a forest right in the middle of the city; so we have learned how that can be a risk for Canberrans as well. This is very important work that planners have to do, but I am wondering, Mr Parton, are you suggesting that we should not build on the western edge?

MR PARTON: No. We are at a hearing; we are not necessarily jousting here. I am asking you as a witness in this committee how your directorate is going to mitigate the possible threat of bushfires on the western edge, given that there have been so many fires of extreme nature over a period of time. It is a question that I just want to know the answer to.

Mr Gentleman: As I mentioned, in the work that is predominantly going to investigate whether it is suitable for residential, that goes into that expertise there. Then, of course, as we do development, we look through our bushfire abatement zones, ensuring that the community is safe. I will pass now to Ben Ponton who will go through the detail of that work.

Mr Ponton: It certainly is an important consideration, part of that really important work that we are doing. The environmental work that we are doing helps us understand what is out there in terms of whether it be grasslands or forest or whatever. We look at the ecological and other values. Part of that work is also understanding the bushfire risk. Then as part of the work that we will undertake, we will engage with experts to help us understand what work needs to be undertaken to mitigate bushfire risk and also help us understand where housing ought to be appropriately located.

That goes back to my earlier point about the importance of all of this work and making sure that we do this in a sequential and logical way, because that helps us understand then what land might be available. It is not just the ecological and servicing requirements; it is also bushfire risk and a range of other matters. Not all of those many thousands of hectares marked on the map in the planning strategy 2018 will be for housing, because of all these things that we are talking about today.

A point that I would like to make also, not just in relation to bushfire but more broadly in relation to environment and ecological work, is that, whilst we are undertaking a range of studies through the planning team, those planning studies have been scoped with the assistance of our colleagues in the environment division and also the Conservator of Flora and Fauna. We will also draw on the expertise of the conservator and the environment division in relation to understanding the information that comes to bear through the work that we are undertaking. Again, that will also include the expertise that we have sitting in that team in relation to bushfire.

THE CHAIR: I will also note that we have had some procedural clarification. We strongly encourage everybody to be concise in your answers. The standing orders do not apply in this forum. If you can provide a yes or no answer, that would be fantastic. If we can keep answers concise, that would be excellent.

MR PARTON: I am on land release, but it is not what you think, Minister. I am just trying to get to the crux of what is the actual definition of land being released. Does it refer to the block being fully developed in terms of service so that it is being available for sale? What is the actual definition in these reports of land being released?

Mr Gentleman: It is pretty straightforward, I think, in the ILRP, but I will ask Mr Ponton to go through that detail for you.

Mr Ponton: The very short answer is when the land becomes available for sale, when it is released.

MR PARTON: Do you sell blocks of land prior to the practical, physical completion?

Mr Ponton: I do not, the directorate does not, but the Suburban Land Agency does, yes, when it is released.

MR PARTON: We have obviously had a great sales year in 2021 and this has continued into this financial year. Did you meet your land release targets for 2021, as distinct from your sales targets?

Mr Ponton: That is in relation to the calendar year 2021?

MR PARTON: Yes.

Mr Ponton: The reason I ask is that the indicative land release program is 2021-22 and we are currently in the process of undertaking the midyear review to help us be able to answer that question. If it was for calendar year as opposed to a midyear financial year consideration—

MR PARTON: If there is any way that you can actually answer the question, irrespective of which year it is, I will take it.

Mr Ponton: At this point in time, unless Ms O'Neill has the answer, I believe that we are currently finalising the midyear review; so I do not have that answer at hand. But I will soon. I do not know that I would take that on notice, because—

THE CHAIR: Is that taking it on notice, Mr Ponton?

Mr Ponton: At this point in time I have not settled the midyear review, which will need to be considered by government; so I could not give you a time, and it certainly would not meet the requirements for committee expectations for questions taken on notice, given that I have not yet provided that to government.

Mr Gentleman: If I could too, in relation to sales, that is the SLA and Minister Berry.

MR PARTON: Would it be possible for me to get an answer for calendar year 2021?

Mr Ponton: Sorry; again, that is linked to the work that is currently being undertaken, which I need to brief government on to give you that answer.

THE CHAIR: Mr Parton, do you want to ask for a previous financial year? Would that assist you or not? No?

MR PARTON: Not really in this instance, no.

MR CAIN: Minister or Mr Ponton, obviously you are aware that the ACT Integrity Commission is asking for information regarding suspected improper conduct, and apparently the sale of land would fall within scope of that investigation.

THE CHAIR: Mr Cain, is this a question about the ILRP?

MR CAIN: It is about the sale of land program of the government and the possibility of it falling within the ICAC investigation announced earlier this week.

THE CHAIR: And what is the question?

MR CAIN: My question is: do you have any concerns at all about the current sale of land processes and would you be engaged with the Integrity Commissioner on improving any processes?

Mr Gentleman: The sale of land sits under Minister Berry and the SLA.

THE CHAIR: You might have to come along and ask Minister Berry that question if you remain interested in it.

MR CAIN: I look forward to that.

MS ORR: Can I ask, Minister, a little bit about the cross-border management and pest management, particularly the roles of the ACT government and the New South Wales government? Can you tell us where this is up to, because there is a bit of history there, and how the decisions across the border are impacting here in our local parks, in our national park and in our waterways?

Mr Gentleman: Yes, it is a very important question. I am very pleased with the work that Daniel, Ian and the team do across the border with parks teams in other

jurisdictions, the interaction that we have been able to have, particularly around fire management across those areas, and the learnings that we have from them as well. I will pass over to Ian and the team to talk about that.

Mr Walker: Thank you for the question. Like fire management, the management of biosecurity does go across borders, whether they be district borders within the ACT or borders with New South Wales. We do operate very collaboratively with New South Wales; in fact, we have an MOU with New South Wales around both fire and biosecurity.

You will also be aware of recent outcomes from government around the appointment of rapid response biosecurity rangers, which respond to new and emerging invasive species across the ACT and broader areas. That group and the group of rangers within PCS also deliver a number of programs. That is a new program that has just kicked off.

Previously, we have done significant work with New South Wales in looking after hawkweed, which is a particularly invasive species, and trying to halt and contain that within the Australian Alps and trying to mitigate the impacts of it occurring here in the territory. Our work is collaborative in nature. We train with people in New South Wales. We collaborate with the local land services about opportunities for working together, and really try to focus in on the key biosecurity or invasive species threats.

Minister Gentleman has led a very proactive approach to horse management, as a really good example of how the ACT has taken a strong national lead in highlighting the importance of keeping the Australian Alps free of horses. Our horse strategy highlights that importance here in the territory. The minister has been proactive in promoting and advocating for that sort of approach in New South Wales and, in fact, across the whole of the Australian Alps.

MS ORR: What has been the response? Can you clarify for me where we are up to with New South Wales, their position and how it differs, particularly from what the ACT practice is?

Mr Walker: In terms of horses, Ms Orr?

MS ORR: Yes, in terms of horses.

Mr Walker: There was an inquiry within New South Wales and, consistent now with the ACT, New South Wales have identified areas where horses will be removed. We will continue to work with the New South Wales National Parks and Wildlife Service to look at those areas, particularly on the borders of the ACT. The recognition has been led by the ACT that horses in the Australian Alps are not appropriate, and that has been consistent with what has been picked up in New South Wales now. It is a good outcome for the Australian Alps and something that the ACT can talk about in terms of changing the national agenda.

MR CAIN: My question is with respect to the Manor House demonstration project in Griffith. As everyone would be aware, there was some controversy. At the time of the approval, the land was owned by, I believe, a CRA or SLA employee; I believe it was CRA. My question is: as a lease variation is involved for that parcel, will LVC be

payable—lease variation charge?

Mr Gentleman: LVC sits with the Treasurer.

MR CAIN: You are not aware of whether that charge will be passed on or not, and at its full rate of 75 per cent of the difference in the crown lease values?

Mr Gentleman: The Treasurer has made it pretty clear in the past that LVC should be paid where it is due, Mr Cain, so it would be a question for him. I do not imagine he is going to flinch on it.

Mr Ponton: If a lease variation is required, and there is a determination that that variation increases the value, it ordinarily follows that the lease variation charge would be applied.

MR CAIN: Do you know whether that has happened in this case?

Mr Ponton: There has been no lease variation application because at the moment we are running through our Territory Plan variation process. When we get to that point of an application being lodged, we could have that discussion; but given that there is a proposal to vary the Territory Plan, and that is not yet finalised, there is no determination on the lease variation charge because we cannot vary the lease if the Territory Plan does not provide for that.

THE CHAIR: The commissioner for the environment has made a number of recommendations about scope 3 emissions and about the social cost of carbon. She has outlined quite a lot of information about both of those in her annual report. She seems to have identified the EPSDD as the lead agency in delivering those. Is that right? Is the EPSDD taking the whole-of-government lead agency role on delivering policy work for the social cost of carbon, which is one thing, and scope 3 emissions?

Mr Rutledge: This is probably something we can talk about with the minister for emissions reduction. You are correct; EPSDD is the leader, but we can talk a lot about the social cost of carbon when the minister for emissions reduction is here.

THE CHAIR: So it is Minister Rattenbury, and EPSDD?

Mr Rutledge: Correct.

MR PARTON: Can I go to the management of the commercial pine plantation? I note on page 232 of the EPSDD annual report that the dollar value of the commercial plantation is around \$27 million. How do you determine the volume to harvest each year?

Mr Gentleman: I will pass that over to the experts, Mr Parton.

Mr Iglesias: That is one of the unique responsibilities that the parks service has that no other parks service in the country has. We have 9,000 hectares of pines under management. We have a very productive relationship with the New South Wales Forestry Corporation. They provide us, under contract, with a lot of scoping work and

forward calculation as to how we can manage those 9,000 hectares to get the best return for the territory.

It takes about 30 years for a pine tree to grow from a seedling to commercial viability for harvesting. During that 30-year life cycle we have opportunities to thin the pine tree and also to salvage some lesser quality material. We understand what the financial opportunity is for each tree, if you like. That gets multiplied and we are able to make decisions about how much harvesting we undertake in any given year.

That is influenced by environmental conditions. If it is a particularly wet year, it becomes difficult; if it is a particularly dry year, it becomes difficult. But, in the main, because we have this overall policy position where we want to maximise the return to the territory and we want to have a renewable resource, we understand how much we can harvest and what would be too much in terms of maintaining a sustainable plantation.

MR PARTON: Mr Iglesias, after harvesting, do replantings occur in all circumstances or are there occasions where the land is sometimes, in small parcels, repurposed? If it is, are you able to provide an example?

Mr Iglesias: In the main, we have a process of replanting. That usually happens in the cooler months, from about May through to about August. I am trying to think of an example where we did not do that, and I cannot think of one. Because of the nature of the land, Mr Parton, it is land that has been under forests for a long time, so it is unusual that that sort of land becomes, all of a sudden, available for repurposing, although it is not out of the question. I would suggest to you that I cannot think of an example where that has happened in recent memory.

MR PARTON: Just to round that off, on page 300 of the EPSDD annual report there seem to be no KPIs relating to plantation management. Why is that?

Mr Rutledge: The accountability indicators are there. Forestry is an important but small part of the business and possibly not the highest priority for government. We certainly monitor the forestry business, for want of a better term, and we account for it, as you have seen through the budget papers and the annual report. As we are not expanding the business or decreasing the business, the efficiency of running the business, which is a financial efficiency, is probably the only measure. We have not seen it as a reason to bring it forward as one of our key accountability indicators for that output class.

THE CHAIR: We have listed in the annual report that we are returning a \$2 million profit on our forestry, which is really good to hear, but mountain biking is a \$630 million industry in Australia and it is rapidly growing. What are we doing to value the mountain biking paths that are in those forests? They are in a fairly small section of the forest. A lot of them are volunteer built, so there is a huge amount of dollar value in those trails. Do we have any way of valuing those against the value of the wood?

Mr Gentleman: It is a very important question, and it goes to the structure of how we operate across our parks service, with tourism in mind, and the opportunities for

people to recreate and keep healthy. It is very hard to determine the actual dollar figure that that sort of tourism brings. There has been some work done, from previous conversations with Treasury, and we have seen some operators bringing tourists directly to the ACT from Japan to do mountain biking. That is an indicator of what we might be able to do in the future.

If the parks service does, as you say, provide a surplus out of forestry, that is, of course, repurposed back into looking after the forest. We use the term “washes its face”. It pays for itself, so the cost of managing the trails is borne, with volunteer time, as you have indicated. It is an interesting question. I might go to the team to see whether they have any more information. I do not know that we have equated it to a dollar figure, though.

Mr Rutledge: No, you are right, Minister Gentleman; we have not equated the works that we run within the forestry estate to a dollar figure. Certainly, there have been broad economic studies about the value of mountain biking, and lots of councils, cities and regions are really getting into mountain biking and looking for those opportunities as a tourism thing, as you say.

What we have in our forestry estate, though, has been described to me as a symbiotic relationship, in that we do not charge for them to access our land, but we work with them. We allow them to establish trails, and some of those trails, as Minister Gentleman said, are world-class trails. We do not actively manage it; we work with them to manage it.

Sometimes the commercial needs of the forest and the recreational needs of the mountain bike users come into conflict. We work with them to work out how we can carefully harvest, so that we can still get the harvest that we need out of the forest, without truly upsetting the mountain bikers. Everyone loves mountain biking, but they like to do it in the shade, and that is why they love going out to the forest. We try and work with them and, when the contractors are on site and when we are on site doing the harvesting, of course, we do not want those two things to geographically clash.

We have had a bit of that; where we have had discussions with them, they have made adjustments to their trails, we have made adjustments to our harvesting, and the outcome has been that we are able to provide in-kind support and free access to land, which is probably a unique opportunity and a unique support for the mountain bike community, if you will. That is probably all we need to say on that point, Ms Clay.

THE CHAIR: I will summarise, to make sure I have understood. It sounds like we have really good conflict resolution systems to work out whether we should log or preserve for mountain biking, but it sounds like government does not have any easy tool to work out what is the higher economic value—trails here or logging here. Is that correct, broadly speaking?

Mr Rutledge: We have not done that exact study. I will throw in another benefit that comes from having mountain biking in our forestry estate, and you could apply this to rallies and recreational use more broadly: if we are in control of where that recreation occurs, we can keep them away from high-value conservation areas. The fear that we would have is that, if we did not provide that opportunity within the pine forests, they

might do it in our high conservation nature parks. We have not costed that potential cost either, so we have not done that specific costing, but we think we have a happy medium where we are supporting recreation in low conservation and commercial areas, and that allows us to ensure that our high conservation areas are well protected. Keeping those two things separate is very important for managing the whole parks estate.

MS ORR: Minister, I was interested in the regular aerial imagery and how that has been ongoing in 2020-21. What planning outcomes have you achieved through the data that has been collected through this process?

Mr Gentleman: It is an important tool that we can use to look at the way that the Canberra population or the housing estate is growing, as well as our forested areas or our RZ1 zones. It can be used as a tool with Access Canberra to look at enforcement as well. I will pass over to the directorate to give you some details.

Mr Rutledge: Yes, the regular aerial imaging which we have been doing for a few years has a number of different uses, as Minister Gentleman said. It gives us really up-to-date information about the growth of our city and the growth of our built form and our urban centres. We are also using it across the directorate and, for that matter, across government, with TCCS and the ESA, to look at such things as canopy cover across the city. You can use it for broad weed invasive species, but we have more targeted approaches for that. It also helps with biodiversity connectivity and biodiversity corridors.

By having that regular update—and it is all on the ACTmapi website—you can look back over the months and see the effects of La Nina and the effects of the bushfire. It is only through that regular updating and making it publicly available that it is useful for all of those tasks. The alternative would be, say, Google Maps, but we have no control over the timing, and we do not know the regularity of that. It does not have the fine-grade detail.

The regular aerial imaging is done by a plane, rather than satellite or drone. It is right across the urban footprint. Mr Cilliers, do you have anything further to add on this topic?

Mr Cilliers: Our regular aerial capture happens every two years or so. We were delayed last year with a capture, due to cloud cover late last year. We finished the capture in February, just recently. I think it was actually last week. For us, aerial imagery has become a more important tool in open assessment, as well as in the work we do in terms of matters like Mr Rutledge pointed out—tree canopy cover.

Industry and the public have become far more reliant on aerial imagery, for various reasons. Most of it relates to development applications but there is also a whole range of underlying uses for it through the office of the SLA in general. These include spatial data users, for the typical software that you use on your phone—location device and those sorts of things. COVID emphasised the use of aerial imagery significantly for us.

THE CHAIR: I am really pleased to hear the update and to read in the annual report

about that aerial data. It became very clear to us how important that local data is when we had some misinformation inadvertently reported during the sittings a year ago about our tree canopy coverage. Do you now have all of the tools you need from that aerial data to be able to track our living infrastructure targets and to be able to track DV369 really accurately?

Mr Cilliers: We also use Lidar as an important tool. The tools that we have are state of the art and incredibly valuable—and they are becoming more and more valuable for spatial data users and the spatial data industry.

THE CHAIR: We might have a short break now.

Short suspension.

THE CHAIR: We will recommence the hearing

Mr Gentleman: Chair, before we go forward, could I respond to your earlier request?

THE CHAIR: Absolutely; please do.

Mr Gentleman: You requested, in your letter to me ahead of the hearings, some matters. The recommendation relating to bushfire recovery is complete. There is, of course, still significant recovery work underway. This is in relation to the committee's last report. All of the assessment work that was recommended by the committee has been done. We are now in the third stage of our bushfire recovery program, which is focused on long-term recovery. Further details about this program are available on the EPSDD website. I am also happy to take questions today on bushfire recovery.

The other recommendation related to the ACT Planning System Review and Reform Project. I can advise that over the last two years the Environment, Planning and Sustainable Development Directorate has been continuing to progress this project. EPSDD has worked to understand what changes could create a better planning system for Canberra. This has involved benchmarking our planning system against other systems around the world, consultation with the community and technical work to explore options for an improved system for the ACT. Canberra is growing each year, and the ACT government is carefully planning for this growth, and the economic opportunities which come with it.

A modern planning system is important to deliver on our vision of a liveable and sustainable city. We want a system that is clear, easy to interact with and understand, and which encourages participation in planning as well.

The reformed planning system will focus on liveability, prosperity and the wellbeing of residents in the ACT, and it will put people at the heart of the planning system. This means recognising and protecting those aspects of the city that make it an attractive place to live, and managing sustainable growth and development without compromising ACT's valued character. It also means having a planning system which continues to facilitate a strong economy in the territory, attracting and creating jobs, and the right kind of investment.

In 2022 EPSDD will be progressing reforms to three key elements of the town planning system—a new planning bill, preparing draft district strategies, and a new draft territory plan. Each element will be open for public consultation to allow for the reformed planning system to reflect community and industry views, and to build trust and confidence in it going forward.

THE CHAIR: Thank you very much, Minister, for that update. That actually segues really nicely into my next question.

MR CAIN: Chair, I think it was my turn after Ms Orr.

THE CHAIR: You are quite right. Do you have a question?

MR CAIN: Indeed; thank you. Minister, regarding the ACT Planning System Review and Reform Project, is removing investor uncertainty from the local planning system a goal of the project, so that builders and developers can plan and invest without surprises down the track?

Mr Gentleman: It is certainly about bringing confidence to proponents that want to bring forward applications for developments in the territory. We do know that more confidence in the system means more opportunity for investment into the future, and that is good for everybody, Mr Cain. I will pass over to Mr Ponton and the team to give you some more detail on that.

Mr Ponton: Thank you, Mr Cain, for that question. Of course, I could talk for many hours on the Planning System Review and Reform Project, but I will not do that. I will keep the answer as brief as I can. Going to the specifics of the question around certainty, I am sure, Mr Cain, that you have read the directions papers, and you have also read the update that was released by the minister late last year. We do talk about the new planning system. The system will be delivered by the bill and the component parts will be the district strategies and the Territory Plan. Part of that is providing certainty and flexibility; that is the main measure that we use.

It is important to note that by that we mean certainty in relation to process. We are hearing, particularly from industry but also community, that they are looking for certainty as to process. The real challenge, and the balance, is about making sure that, in providing the certainty, we do not restrict so much that we have no flexibility. We want to make sure that we encourage good, innovative projects to be developed. If we have too many strict rules without an understanding of the outcomes, we find that we stifle the innovation.

In terms of certainty, absolutely; the new planning bill is proposing to provide greater certainty as to the process. As I said, what we have been working on, and the real challenge, has been to make sure that we enhance the flexibility over that, and that we achieve innovation and good design outcomes for the citizens of Canberra.

MR CAIN: How will you balance the focus in the review on high-quality design outcomes with delivering greater investment certainty?

Mr Ponton: It is a little bit challenging for me because I will be talking to aspects of

the draft bill. As the minister said, we are hoping very soon to be able to release that for three months of exposure so that we can get comments from industry, community and other interested parties in relation to the bill.

I do not think I am breaching any confidence when I say that we have expanded the objects of the act. The objects of the act refer to and consider the outcomes, and make it clear that we are moving to an outcomes-focused system. It also has a range of other considerations in terms of biodiversity and economic development—sustainable development which has an economic component.

The other key thing we are looking to incorporate in understanding the objects of the act is the concept of good planning principles. We then go through and define a range of those good planning principles. One of those relates to economic development. Absolutely, all of those things are being considered. Of course, that is what Planning does as a profession. It is important for us to consider a whole range of interests, and that is exactly what we are doing through this process.

MR CAIN: Do you acknowledge that removing investment uncertainty is important in addressing supply issues, which are obviously very topical at the moment?

Mr Gentleman: I will go to my previous answer. I think that certainty is important, Mr Cain. If you look at what happened in the last Assembly, it was the Liberals that brought uncertainty into planning, with a number of motions and stunts affecting the planning system and delivery across the ACT. I certainly hope—

MR CAIN: Let us stick to the current moment, please.

Mr Gentleman: you will be able to ensure that that does not occur during this Assembly.

MR PARTON: What a load of rubbish that was, Minister! In regard to the ACT Planning System Review and Reform Project, I have some questions regarding the community consultation for that project. On page 33 of the case study, you said that you visited each of the eight urban districts. How many members of the public attended those visits?

Mr Ponton: In terms of the specifics, I may need to take the actual numbers on notice. I can say that that was one component of the engagement. It was the culmination of several years of prior engagement activities. We undertook those activities both online and in person. Fortunately, it was at a point in time when we were able to have people participate in person. Some sessions were better attended than others. I might look to my colleague Ms O'Neill, but I believe that, in the end, they were all fully subscribed, in terms of our COVID safety requirements for those in person. All of them had online participation as well.

In terms of the exact numbers, I could provide that to you. Having said that, rather than taking it on notice, Mr Parton, if you have a look at the Your Say website, we do have the engagement reports online there, and that spells out for each one, not only the numbers but also exactly what the outcomes were; or I could send you the link.

Mr Rutledge: Mr Parton, in the annual report, on pages 114 and 115, we go into a little bit more detail. The case study does pull out that information that you raised in your question. When you go to pages 114 and 115, regarding community engagement, we point out that 186 attended those sessions that you asked about. It also gives a little more of that information that Mr Ponton was just talking about, and how it fitted into that context.

THE CHAIR: I know we are expecting the exposure draft soon. I am wondering if you have a date. We have heard March, and we are very excited about that. I am also wondering what sorts of community resources you will be providing, because it will be quite hard for people to navigate such a large and complex act.

Mr Ponton: In terms of the timing, I might look to the minister as to whether or not that is something that he might want to talk about. Certainly I know what date we are working towards, but I think it is for the minister to talk to the timing. After that, I am happy to talk to the consultation and engagement materials.

Mr Gentleman: It is ready for cabinet decision. As soon as that allows, we will be able to produce that document for the public and get the resources that Mr Ponton has outlined to do the consultation with the public. I will go back to him to talk about that work.

Mr Ponton: What you are hearing there is that it is imminent in relation to the release. We are looking at three months for that, that exposure draft, and we think that that is reasonable given that it is a new piece of legislation. Whilst some provisions that are fit for purpose will be transferred from the old legislation, there are a large number of new revisions.

In terms of establishing and purchasing the system itself and the object in the key planning principles and the like, there is a lot more for people to absorb. In that respect, we are working with our communications and engagement team to make sure that we have a series of materials, both visual online and also more traditional fact sheets, to point people to those areas of change. We are trying to do that as best as we can in graphic form, so that people do not need to wade through the bill. Some people will.

There will be the policy document that outlines the key policy changes. People that do not want to read the bill can look at the policy document and that will draw them to particular provisions in the legislation. That document in and of itself also contains a range of infographics. As I said, as we sort of cascade down, and there will be more and more detail for people, and we will also seek to draw out from people their views in relation to particular provisions that we know will have greater interest.

There are some provisions in there that we know there might be a diversity of views on. We will actually highlight those so that we can make sure that everybody is alert to those. But certainly the team is working very hard to make sure that we have got a suite of tools available to assist the community and industry to understand the key changes, including an animation video, for example. Somebody who might only have three minutes to spend on this can have a quick look at the three-minute animation video. It might prompt a few questions for them and then they can go and have a look

at other areas of the legislation.

In addition to that, we will have industry sessions. We will actually go out and talk to industry about the key features of the bill. There will also be a range of community information sessions early in the consultation period to allow people to hear from us what the key features are and the key areas of change, giving people the time to actually absorb that and make submissions through that three-month period.

THE CHAIR: I am looking forward to planning in three minutes. That sounds excellent.

I want to ask about the living infrastructure plan and DV369. The former is already established government policy for 30 per cent through canopy and permeable service coverage. The latter is a piece of draft legislation that embodies some of that. When is DV369 going to actually start taking effect? How are we making sure that some of the draft variations and the other planning decisions we are making already incorporate living infrastructure policy?

Mr Gentleman: It is an important question, I think. The legislation is effective on 1 July 2022. But then, of course, when we talk about effect, we need to think about the living infrastructure that is going to be put in place over many years. I think it will have a continuing effect. We need to speak to industry first, of course, before we go ahead. And that consultation will be sought shortly.

THE CHAIR: And how are we taking the living infrastructure targets into account in all the different zones? I know that DV369 is very specific about which zones it applies to. Are we going to make sure that we have that living infrastructure target met across the city in commercial, residential and different zones?

Mr Gentleman: Yes, indeed. I will pass to Ben Ponton and the team to give you that detail.

Mr Ponton: Just going back to DV369 itself, the minister talked about the 1 July start date, and that is to allow us to engage with industry. We will be making it clear what the change will be as well in advance because we want to make sure that people do not get caught out with projects that might be in the system being approved now and then having to again get approval or having an approval and then having to make significant changes. It is an important transition. And that is why there is that 1 July date.

In terms of other works, we talked previously that DV369 was always going to be a first step in relation to living infrastructure. We see that, through the ongoing work—the component parts of the planning system review and reform project, the district strategy work and the Territory Plan work—we will be able to not only look at how the revisions of DV369 have been working but what other adjustments might be made and further enhancements. I would expect that you will see some changes through that process.

We are targeting the new Territory Plan to be in effect in the first quarter of 2023, all going well. Of course that depends on feedback that we get on the bill, the Territory

Plan and the district strategies. We are doing parallel work on a range of policy fronts to make sure that all feeds into the new Territory Plan. But it was important, and the government made the decision that for DV369 we could not wait for March 2023; we needed to get something in place sooner. As I said, that will then be incorporated into the new plan with enhancements and adjustments as necessary.

THE CHAIR: That sounds great. I am wondering what the nature of the industry consultation that is happening now until July is and what you are hoping to achieve from that industry consult.

Mr Ponton: It is really just making sure they understand what is required of them, to be really frank. We do not want to receive development applications where they have not done the work or have not understood, and it is one of those variations that could catch people off guard. We just want to make sure that everyone understands what they need to do. It is not consultation; it is training more than anything else.

THE CHAIR: That sounds a very sensible approach.

MR PARTON: In regard to the statement of performance, which is on page 297 of the EPSDD annual report, I note that most of the targets have been missed. I just want to ask what plans are in place to improve these performances.

Mr Gentleman: That is a very good question. It is, of course, important to have specific targets in place—and we do need to meet them wherever we can—but there are sometimes circumstances that do not allow us to do that. I will pass to Mr Ponton and the team to give you some details on how we will react to that.

Mr Ponton: Page 297 relates specifically to the statutory planning provision, which is development applications primarily. I will ask Mr Cilliers shortly to talk in some more detail about some of the challenges that we have had in that space and what we are doing to make improvements. But I think it is safe to say that certainly there have been some challenges in relation to the impacts of COVID. Of course this report is 2020-21. We had the period of lockdown in 2020 and we were needing to make some adjustments in terms of how we worked and operated. In addition to that, there has been an increase in the complexity of some of the applications that we are seeing.

Going back one step—and Mr Cilliers might want to talk about this in some further detail—it was at about that time that we were making some changes in relation to the way that we operated in that area. We have always had a focus on integrity, but development and assessment is one area where we always need to make sure that we are doing all that we can to maintain the highest levels of integrity and probity.

Mr Cilliers has implemented some changes to the way that we operate, to make sure that there are multiple people looking at proposals, to make sure that we have got more numbers of eyes on projects and proposals. That just took a little time to settle in, and that also had an impact on our assessment time frames. But having said that, it has resulted in greater confidence, improved confidence, in relation to that particular issue. That said, I will hand over to Mr Cilliers to run through some of those key issues.

Mr Cilliers: Over the past two years during the pandemic the number of DAs has

indeed increased, as perhaps has already been pointed out. As Mr Ponton mentioned, we introduced a staged system. I think I have spoken at length about the staged system in previous committees. The staged assessment system was primarily introduced for integrity reasons.

Just summarising again, there are six stages that a development application follows. The application is determined by a number of officers across those stages. What you end up is with a collective decision-making process. There is still the single delegate but no single person determining a single DA. At the same time we also introduced the integrity plan with integrity processes around that.

Just getting back to the performance and the actual statistics, during the first half of this financial year, just looking at how we are tracking now, 550 DAs were lodged. If you compare that with the 2020-21 financial year, we have assessed 919 DAs. If this trend continues, we expect that we will have an increase of about 20 per cent in DAs. That is one factor. There has been a substantial increase during the past few years—particularly during the COVID period—of what we estimate to be roughly 20 per cent.

In addition to those development applications, we have also seen a significant increase in the number of minor single-dwelling applications, which are also referred to as exempt declarations. These have increased during the first half of the financial year again. We have already received 868 applications, compared to only 1,100 for the full year last year. That is a significant increase. Some of the increase can be attributed to new estates being developed—for example, Whitlam, Taylor and Strathnairn—but also to the government's economic stimulus through the HomeBuilder Grant.

Mr Ponton: If I could add there, just going back to Mr Cain's earlier point, what you are hearing Mr Cilliers talk about, I guess, in terms of the significant increase in the number of proposals being considered is perhaps an increase in confidence in relation to the economy and people wanting to make sure that they have their approvals in place so that they can take advantage of that. In terms of confidence, that has certainly been played out through what you have seen in terms of numbers that have been received by Mr Cilliers' team.

MR PARTON: Thanks for that summary, Mr Cilliers. You always give us a lot of information, and that is appreciated. Will any of these targets be changed to make it easier to meet the targets in future?

Mr Ponton: I might respond to that one. I do not think that it would be appropriate to simply reduce those in order to meet them. Those targets have been in place for some time, and we have in the past been able to achieve those. I think it is completely reasonable that we continue to have those targets at the levels that they are, as we work through some of the challenges that we have been working through—and Mr Cilliers is looking at opportunities to get us back there—but of course you never say never.

Always through the budget process we give consideration to all our performance outcomes and whether or not they are fit for purpose, and we will do the same again. But having a year where we have not quite got there, I do not think, is a reason to automatically move towards a change. I think we just need to see how things run. But

if we got to the point that it was more and more complex and the numbers remained high, we might want to rethink those. I certainly think that Mr Cilliers appreciates having the target to aim for.

MR PARTON: Just in closing, if I could, on that line of questioning, I note the reference to “willingness to work with developers” in explaining the high level of appeals resolved through mediation. Can I get some sort of elaboration on this willingness?

Mr Ponton: Sure.

MR PARTON: Is this willingness applied in a discretionary fashion?

Mr Gentleman: Perhaps I could touch on this first. This is where you may have some difference of opinion. There is ACAT, for example, where that could occur. There is an opportunity to mediate and resolve the process before it goes to a full hearing, if you like. That means that, if we are able to work with proponents on some of the differences that we have, it saves us as a government, of course, and saves the proponent costs and brings about a resolution and an outcome that everyone is happy with, I think. Mr Ponton, do you have some further info there?

Mr Ponton: I think you have covered that really well. In terms of the willingness to work with developers—that is also when we have got a third-party appellant—we also work with those people as well in terms of community representatives through the mediation process. What that is essentially saying is that we are not going to go to ACAT and just staunchly defend every aspect of a decision if there is a way that we can work with the industry or the proponent and the community to reach a resolution. Often that results in changes to the proposal. It is a willingness to work with interested parties to amend a proposal to get it to a point that it is approvable, rather than going and putting everyone through a full hearing.

Our feedback is that most people involved in ACAT, whether that be the first party or the third party, certainly appreciate that preparedness to sit down and talk and negotiate outcomes that are compliant with the Territory Plan.

THE CHAIR: I did notice on DA processing you had a really high first-time failure rate at 74 per cent. Is there a reason that that is happening?

Mr Ponton: Yes. I will ask Mr Cilliers to provide some details. Can I just say that because of that—and we continue to work with industry—it is somewhat disappointing from my perspective that we continue to receive that high level of failure. I almost worry that industry is using Mr Cilliers and his team as their quality assurance, because of what we see in terms of failure rates. The first failure rate, in terms of the cost to come back a second time, is in the hundreds of dollars, I think, in terms of the fees. They probably see this, to be frank, as a relatively cheap two-way process.

I would like to get to the point that the QA is happening in the offices of those proponents so that when it gets to us we do not need to fail for what are often really, really simple things, like no dimensions on a plan, which we do need to assess of

course. Mr Cilliers, did you want to add anything to that?

Mr Cilliers: Yes. I might just slightly elaborate on the reference that Mr Ponton made to some people using us as a quality assurance service, just to clarify that. What we find is that failure happens generally at two levels. One is what I would typically call your mum and dad DA. That is normally for a reason: they are not used to the system. We have discretion to waive the failure fee in those sorts of circumstances. We provide assistance through our gateway team to those people.

The more worrying trend is that some of our developers out there might use us as a quality assurance service, and some of them actually admitted to me that it is for them far more effective to put in a DA that is, for all purposes, likely to be knocked back. We point out all the failures in the DA and send that back to them. That explains our failure rate, in that sense. But we are working with those people. We tend to apply the failure fee more frequently in those cases and be a bit stricter, trying to just discourage people from using us as a quality assurance service.

THE CHAIR: Thank you. Mr Cain, we are running low on time. Is there any chance you would be able to hold it for your next substantive question?

MR CAIN: It is probably quite quick, and very relevant to what Mr Cilliers and Mr Ponton just said about exercising discretion, whether it is to settle an appeal through mediation or waive a fee. How do you manage the risk of perceived favouritism in reaching these discretionary decisions?

Minister: Well, it is not just, as you say, if there is any perceived favouritism. But it is about acting within the authority of the law too, Mr Cain, as you would be aware. We need to make sure that we do not act unlawfully and that it is within the parameters of our experts in planning to work through a particular issue, for example.

MR CAIN: Yes, but what moves the exercise of a positive power to settle a matter or waive a fee?

THE CHAIR: Mr Cain, I think you are actually opening up a large new line of questioning.

MR CAIN: It is directly on what Mr Ponton was talking about.

THE CHAIR: I understand that, but unfortunately it is already 11.33 and we have not heard from Ms Orr for a very long time.

MR CAIN: We do have an hour, Chair. I do respect the time, but I think the question is in scope entirely.

THE CHAIR: I thank you for your opinion, but we have had a number of supplementary questions from you, and I would really like to pass over to Ms Orr; you can come back to that on your next substantive.

MS ORR: Thank you. As you might all be aware, I am a bit of a fan of the striped legless lizard and would like to know how Parks and Conservation, as land managers,

are helping with the conservation of the lizards?

Mr Gentleman: Thanks, Ms Orr. Yes, I am very keen on this piece of work too, and we have been working with Parks and Conservation to engage with people and look at our offset areas, which are critical for threatened species' protection, like the striped legless lizard. So I would ask Mr Iglesias to provide you some more detail on that.

Mr Iglesias: The striped legless lizard is one of these unique critters that calls Canberra home, and we have a number of these animals that are unique to our landscape. There is a number of different species of legless lizards. The striped legless lizard is actually nationally endangered. So where it exists, it is incumbent on us to do what we can to ensure that we can stabilise their numbers and hopefully increase their numbers.

One of the reasons that we set up the nature reserve near Kenny was to preserve the habitat of the striped legless lizard, and our ecologists have a very exciting project, where we are looking at understanding exactly what elements of the ecology this particular animal depends on. We know for a fact that they are in very, very low numbers in Nadjung Mada, in the Kenny nature reserve. Extremely low numbers. So over the course of the next two to five years, we are looking at understanding exactly what we can do to improve the quality of that habitat so these animals can come back of their own accord and also be reintroduced into that site. We have taken the first tentative steps in doing that, in reintroducing this animal into this particular patch. So we are in the nascent stages of trying to support this particular lizard in Nadjung Mada reserve.

MS ORR: What initial measures are you taking? You said that you have started to reintroduce some of the species to the site and improve the habitat. What sort of things are you looking at in improving that habitat?

Mr Iglesias: The key is in getting the right mix of native grasses and the right quality of native grasses. Where there is a history of overgrazing, for example, which completely denudes the area of native grasses, that can be an issue. It can also be an issue of there is too much grass. If grass growth becomes so vigorous that it completely covers the area in very thick swathes of, for example, introduced grasses, that is not good either. So we have to find the balance which will suit this particular species, but in doing that, will suit other species as well. One of the key issues that we have for that particular site is to promote the right sort of native grassland going forward, and one of the key issues for us will be in controlling the runoff of water from the adjacent developments.

You would be aware that this site is right in the middle of a new development for Gungahlin—right in the middle of the urban area. So one of the things that we will look to do is to ensure that extra water runoff is managed so it is not directed into the nature reserve; that we employ appropriate weed control to ensure we keep the pest plants out; and to monitor, through regular ranger and ecologist monitoring, the nature of the species mix that is in there and the height and density of the grasses. This lizard needs a particular type of cover to be able to survive and to take cover when it gets very hot, for example, and to be able to prey on the invertebrates that they need to survive.

MS ORR: Just picking up on what you said about invasive species and weeds and so forth, what work has Parks and Conservation done to mitigate invasive species and the impact this has on the land areas?

Mr Iglesias: Specifically on this site, Ms Orr, or more broadly?

MS ORR: Yes, specifically on this site, but certainly if there is some stuff you are doing elsewhere that is of note too, feel free to include that.

Mr Iglesias: Yes. Every year we do an assessment of where the priority weed management is across the state. In Gungahlin, which is characterised by lots of grassy woodland, it is particularly susceptible to invasion by weeds, given its past land use. So Gungahlin really is a focus for grassy weed control, and you will see in all of our native grasslands across Gungahlin, we invest tens, if not hundreds of thousands of dollars on weed control, and thousands of hours of contractor, ranger and volunteer time to control weeds and keep them out of these incredibly important habitats.

People might drive past and just see a grassy paddock, but that grassy paddock you are looking at represents a fraction of a per cent of what is left of these natural temperate grasslands. It is what makes Canberra unique. They occur nowhere else. So the number one response that we have to preserve those grasslands is to make sure we keep the invasive species—which sometimes literally are across the road, on roadsides—out of these special areas.

MS ORR: Great. Thank you.

THE CHAIR: Thank you, Ms Orr. Mr Cain, do you have a substantive question?

MR CAIN: Planning and development enforcement policy. How many prohibition notices were issued in the financial year 2021?

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

Mr Ponton: I might ask our colleagues from Access Canberra, who are responsible for that particular function under delegation, to answer that question. I will hand over to Mr Lhuede.

Mr Lhuede: Thank you for the question. In 2020-21, two prohibition notices were issued under the Planning and Development Act.

MR CAIN: Okay. And how is the final build form compliance with approved DAs monitored?

Mr Lhuede: In a number of ways. We have a proactive program as part of the inspectorate, whereby our audit compliance team, which consists of about five people in our class 1 team—our single-dwelling residential compliance team—and seven in our class 2 team, who address and specifically look at a range of issues associated with the built form. That includes requirements of codes such as the Single Dwelling Residential Code, but it also includes Building Act requirements. Those proactive

audit teams cover both the building regulations and compliance with building codes, but also compliance with aspects of the Planning and Development Act and associated codes.

Mr Ponton: If I could just add to that, Mr Cain—and Mr Lhuede may wish to talk about this some more—there is a role for the certifier in making sure that the final built product is in accordance with the approved plans.

MR CAIN: And the certifier is selected by the builder-developer; is that correct?

Mr Ponton: No, that is not correct.

MR CAIN: How is that selection made?

Mr Ponton: The certifier is appointed by the lessee.

MR CAIN: By the what? Sorry, I did not quite hear that.

Mr Ponton: By the crown lessees. The crown lessee appoints. So if I am having a home built, then I personally appoint the certifier.

Mr Gentleman: Mr Cain, there is a little bit of history behind this. I might just give you some—

MR CAIN: Yes, just a moment. That is another line of questioning.

Mr Ponton: Sorry, Mr Cain, but I just need to clarify. If we are going to go down that path, then of course that would be for a different portfolio minister.

MR CAIN: I was not planning to, actually. Chair, I just have another on the substantive. Were there any examples where the built form was found not to be compliant where rectification has not occurred, and were there examples of where a building had to be demolished due to non-compliance?

Mr Ponton: Mr Lhuede?

Mr Lhuede: I can answer that, yes, Mr Ponton. On the latter question—has a building had to be demolished where it did not meet the requirements of planning and development—I am not aware of any circumstances of that occurring in 2021. May I just ask you to repeat the first part of the question.

MR CAIN: Yes. Were there examples where the built form was found not to be compliant where rectification has not occurred?

Mr Lhuede: Again, whilst we do find circumstances, through our audit and through complaints that we receive, where they are not compliant, those matters are addressed. In some cases they may remain outstanding as development approval processes are followed, but where those matters are found, they are addressed and resolved.

MR PARTON: But where they remain outstanding and the building remains, how are

they resolved? This is the perennial Caroline Le Couteur question at these hearings. If they have found to be not compliant and it is not possible to rectify and the building remains, how is it that it is resolved?

Mr Lhuede: In some elements, we do allow tolerances for small deviations, but in other areas, they will go through a DA approval process. Often in these types of matters we may issue a controlled activity order, for example, to bring a building into compliance, and that goes through the DA—

MR CAIN: So a retrospective DA?

Mr Ponton: Sorry, Mr Parton, if I could just jump in. Again, I think this is related to the building certifier and the built product. It may be a matter for the Minister for Sustainable Building and Construction, I think primarily in terms of the way this line of questioning is going.

THE CHAIR: We are seeing Minister Vassarotti later today, Mr Parton.

MR PARTON: We are. I am looking forward to it.

MR CAIN: Thank you, Chair.

THE CHAIR: Excellent. We will move on to a new question. I was really interested to read on page 38 of the annual report that there is a new complaints policy where the community can raise concerns with feedback on DAs, and I am just wondering how that is working and how many FTEs you have servicing that area.

Mr Gentleman: Thanks, Chair. I will go straight to the directorate to give you that answer.

Mr Cilliers: The complaints policy was introduced back in April 2020 as part of our integrity plan. I can tell you exactly how many complaints we received; I am just looking at it. I am aware of eight formal complaints that we have received since then. The policy actually works really well. Any complaint that is received is reviewed by our integrity manager, in consultation with somebody that was independent of the initial DA, so there is no involvement of anybody that was previously involved in the DA. We review any complaint we receive like that formally. Of course we receive other complaints that might not make it to the point of formal review, because it might be resolved prior to that, as well.

THE CHAIR: The process sounds good to me, but I am a bit concerned, if you have only received eight formal complaints since 2020. Does that mean that you are not advertising that process? Does that mean that you need to do more education that it exists?

Mr Cilliers: As far as I am aware, that is something that is published as part of our integrity plan. Some of these complaints are handled independently by the Ombudsman's office. So if a complaint is made to the Ombudsman, we obviously will not step into that space. We keep our internal review separate to that.

THE CHAIR: I am just trying to get my head around how many complaints there are on DAs through all of the different channels and whether we have enough public-facing resources to let people know how they can do that, and if not, whether that is a problem with not enough FTEs in the education area to support it.

Mr Cilliers: Yes. Through the Access Canberra portal we also receive numerous complaints, but those are reviewed. The ones I am referring to were the ones where we thought that it warranted an actual review of the decision-making process around the DA.

Mr Ponton: That was the point I was just wanting to make also, Chair, if I may. That is in relation to that particular policy—that is, is in relation to the work of Mr Cilliers and his team specifically—but, of course, there are related aspects relating to planning that do come through Access Canberra, and some of those might find their way to Mr Cilliers and his team. Others will be dealt with by Access Canberra. But in terms of the particular point that you are raising, I can certainly, as DG, talk to our communications and engagement team about opportunities to make sure that people are aware of that. But, ordinarily, people who are engaged with our services are looking at our website, and there is information there for that. But there may be an opportunity for us to look at how we can make that more widely known.

THE CHAIR: I do not know if this is possible, but on notice I wonder if I could get a consolidated list of complaints about DAs that come through all the different channels. If there are some that are coming through you and are treated informally, some are treated formally and some are going to the Ombudsman or other services, is there a single list so that we can get a sense of how many complaints there are about DAs?

Mr Ponton: I might turn to Mr Cilliers on this. In terms of providing that information, sometimes if I was to provide you with the details of the complainant, that might actually breach privacy. So I need to be very careful about how I do that. Perhaps we could potentially look at numbers.

THE CHAIR: Numbers would suit me. Numbers. Not names or subject matter, just the overall amount of complaints, would actually suit me.

Mr Cilliers: Yes. We can provide the numbers of those complaints we decide to formally investigate and review internally. We can provide the Ombudsman data. I am not sure about the Access Canberra data, though.

Mr Ponton: We will seek advice from our colleagues in Access Canberra. I should also point out, in terms of this particular policy and the work that Mr Cilliers is doing and the number of complaints—and you have raised concern that there is not a lot—just to be really clear, is not complaints about DAs, it is complaints around integrity. So in some respects it is a good thing that we are not being flooded with complaints about the integrity of our process. I think that is an important distinction to make—that it is actually about the integrity of our process. We have an integrity manager who deals with these, as opposed to, “I do not like the outcome that I have seen here.” That is a different issue.

THE CHAIR: Agreed. I might pass over to Mr Parton for his next question.

MR PARTON: I believe that we may be potentially straying into the area of another minister, so please let me know if that is the case. I just wanted to know how much phoenixing the minister or the directorate was aware of in the building industry in 2020-21, noting that you tabled action in the Assembly in December of 2020. Are we able to discuss that in this space?

Mr Ponton: Minister, perhaps I could just jump in there and note that that is not for this hearing. I suspect the nature of that question would better sit with Minister Vassarotti. On that point, I should just note that earlier I said that the earlier line of questioning around certifiers would be for Minister Vassarotti. In fact, I have been reminded that that would be Minister Cheyne. But that question you have just asked would be for Minister Vassarotti.

MR PARTON: All right. Chair, with your indulgence, I wonder if I could just skip to something else, which is going to be quite quick, I would imagine. I note on page 51 of the CEMTEDD volume 1 that 21,000 plumbing inspections were conducted, which is quite the bag of plumbing inspections. I have received feedback from a plumber constituent that this process works very well, that inspectors are reasonable and flexible, and it almost sounds like the complete Dorothy Dixier here, but I just wonder if you could talk us through how this process works?

Mr Gentleman: Mr Parton, I would like to turn the tap on for you on this, but unfortunately that is Minister Cheyne's portfolio.

MR PARTON: Right.

Mr Gentleman: So I am sure she will be able to see it flowing freely for you later on.

MR PARTON: I am happy to regroup, Chair, and for you to pass this in another direction.

THE CHAIR: Certainly. Ms Orr, do you have a question?

MS ORR: Yes, I do. I just need to figure out where I am up to. We have jumped around a bit. Minister, could you provide an update on the—and I am going to say this wrong, so I am sorry, because I always do—the Namarag Special Purpose Reserve, since it opened in spring?

Mr Gentleman: Yes. Thanks very much, Ms Orr. It is an amazing place to go to. I had the opportunity of opening it with Minister Vassarotti. The new nature precinct is part of the Molonglo River Reserve and provides views over the river corridor and the broader Molonglo valley. It offers some great walking trails, river access, fishing, picnics and a chance to play and explore in nature, but it also helps restore woodland and grassland habitat and conserve some of the region's most threatened native plants and animals. More than 10,000 new trees, shrubs and groundcovers have been planted. More than 2,000 tonnes of habitat rock and 2,000 salvaged logs have been placed across the reserve, and there are numerous mature native trees which were removed from development sites and have been placed along the reserve area as well, providing some much-needed hollows for nesting wildlife.

The government has invested \$10 million into the remediation and establishment of Namarag, which has been under construction since September 2020. Construction was led by a local civic construction company, with active Ngunnawal community participation throughout the decision-making and construction processes. When I went to open it, I was having a chat to local Ngunnawal people that were involved in the construction, and they told me really good, detailed stories of how Aboriginal people used to use that area in the past and how the storylines at Namarag are able to relay that history of Aboriginal culture. There is a great opportunity for kids to go along and have a play as well at the local playground.

MS ORR: Great. Thank you. With that particular reserve, you said that there had been a lot of vegetation brought in from other areas. Can I get a bit more information on how we are looking at restoring habitats and making that work, because it is quite an interesting process?

Mr Gentleman: Yes. Thanks, Ms Orr. We have done it in other areas as well, to increase habitat protection, but I might just go to the officials to give you the detailed answers—those who are on the ground doing that work.

Mr Rutledge: Before I pass on to Mr Walker, one of the really interesting things that I took away from it is what happens when we bring together modern science and climate science and traditional knowledge. One thing that we knew in the replanting, or the restoration of that land, is that the climate going forward will not be the climate of the past, so reintroducing exactly the same species that would have been there is not suited as the climate changes. So there was a big focus on natives, but not natives grown right next-door. Seeds were collected in New South Wales, but before the planting started we had traditional owners welcome the seeds and cleanse the land prior to the planting. So it was this great mix of modern science and traditional knowledge to ensure that we gave the plantings the best start in life. Mr Walker, you have been at Namarag recently?

Mr Walker: Thanks, Mr Rutledge. Yes. Mr Rutledge has highlighted that connection to country and Namarag—meaning “wattle” in Ngunnawal language—is a good way to celebrate that particular site. But it goes back a little bit further than that, because a lot of the work that has been undertaken on the site was actually about reclaiming what was the sewerage treatment area. A significant amount of construction and civil engineering work was put in place to remove contaminants, unexploded ordinance. A significant amount of heavy machinery was brought into that site to reclaim that space, and that in itself was a remarkable effort, given the time period that that occurred in.

We had significant rain, and that was a challenge for operators of heavy plant. But that is the hard work to get to a point where hundreds of kilograms of seed, as Mr Rutledge has highlighted, came from further north, so that they are more able to cope with warmer climates. We have tied that in with particular plantings that suit Ngunnawal story and Ngunnawal plant types, and basically created a bush tucker garden in that site as well. So that really brings together a number of stories, a number of connections from, as I said, the early Ngunnawal space, through to contaminated sewerage pond, to now a place for the communities of Denman Prospect to connect with that landscape in quite a remarkable transformation of a site.

In addition to that, a large number of rocks were placed into the site. You might find that interesting in the context that this is about pink-tailed worm-lizards—a particularly important threatened species for the ACT. Having rocks where these lizards can move underground and hide from predators and keep warm or cold, depending on the day, plays an important part. So large rock fields were established across Namarag to provide that additional habitat for this significant species in the territory.

To round that off, as I said earlier, Lynnice Church and the Ngunnawal community were at the front end of the design. Lynnice Church, a Ngunnawal person, brought that artistic flair into some of the design. On the layout you will see a bogong moth. On the event terrace you will see sculptures highlighting that connection to country and those sorts of material demonstrations of relationship to First Nation peoples.

MS ORR: Just with the restoration and rewilding approaches that Parks and Conservation are taking, what other projects are you doing across Canberra that will follow the same principles and look to have those same achievements, outcomes?

Mr Walker: Could you just repeat that question, Ms Orr.

MS ORR: I guess I was just thinking that Namarag is a good example of what you are doing in restorative work and almost rewilding work in some regards. I was just wondering if there was anywhere else across Canberra where Parks and Conservation are looking at taking those principles and applying them?

Mr Walker: They are the principles that we adopt day in, day out, with all of our work, Ms Orr. On any new project development, the team look at firstly engaging First Nations people, Ngunnawal people, in design and what they would like to see in this space. That forms the basis of how we move through to the restoration elements and bringing that connection between nature, people, the health of country and the health of community. That forms the foundation of all of our engagement going forward and particular design elements.

I can point to a couple of other examples where that has occurred. Mulligans Flat is a good example. Community are now informing the threatened species recovery programs at Mulligans Flat. Also, the new learning centre at Throsby, which will open later this year, will provide a really strong voice and opportunity for Ngunnawal people, but also highlight the great values that are in existence in Mulligans Flat, and importantly, bringing a new nature-based tourism opportunity to the territory, particularly at night, where we know most of our wildlife enjoys the nocturnal space. So there are nature-based tourism opportunities through the Woodlands and Wetlands Trust, who support us, along with the ANU, in managing and looking after that particularly significant space at Mulligans.

Tidbinbilla is another example. We are initiating a number of new visitor facilities, tracks, trails and signage at certain locations, and you start to see that narrative of country, community and environment coming together. It is, I guess, a powerful representation of the significance of nature in looking after our people, our health, our wellbeing, and providing great opportunities for people to enjoy our parks and

reserves across the territory.

MS ORR: Great. Thank you.

THE CHAIR: Ms Orr, has that covered off your line?

MS ORR: Yes, that is covered off, thanks.

MR CAIN: I will probably track back to where we left my last question. It is about the discretions to settle appeals, as you have touched on, Mr Ponton. Mr Cilliers mentioned the discretion to waive fees. I am very interested in what factors are considered for you to exercise the discretion to settle a matter or waive a fee, and are you able to publish the names of builder developers who have benefited from the positive exercise of such discretion?

Mr Ponton: Minister, if you are comfortable, I am happy to answer that. In terms of what we consider, the short answer is the law.

MR CAIN: Could you be more specific, please? There are factors that go to these appeals, these waiver requests.

Mr Ponton: Mr Cilliers will talk shortly about the waiver request but, in terms of the mediation and ACAT, it is important to note that we mediate with a number of parties. First of all, it is not just the Planning and Land Authority who would decide that a matter be mediated. It would require the consent of all parties and ordinarily, in a mediation through the tribunal, that includes the proponent and community representatives who either might be the party who has appealed or a party joined. All parties need to consent. In terms of our consent, we can only consent should it be compliant with the Territory Plan.

Ordinarily what would happen, because ACAT appeals tend to be disputes between what community members are looking for and the proponents, is that we tend to be there to assist the tribunal and work through processes. If proponents say, "If I did this, community member, are you comfortable?" and if the answer is, "Yes," then they would look at us to say, "Is this something that you could consent to, because we need to make sure that it is compliant with the Territory Plan?" That is why I say, in terms of mediation, we would consent where it is compliant with the law, the Territory Plan, and all parties have agreed.

In terms of fee waivers, I will ask Mr Cilliers because there are criteria that need to be applied. Importantly, Mr Cilliers did note that ordinarily we would apply a waiver for the resubmission fee for "your mum and dad-type developers" where they are wanting to put a DA in for a house, they have just not understood the system and they have made a really, to us, obvious error but they just did not understand and it would be unreasonable for us to not assist them in that regard. Again, as Mr Cilliers said, for those who deal with this more often and know the system and ought to know better, we are less likely to apply such a waiver.

Importantly, just to give you a further degree of confidence, Mr Cain, in relation to ACAT, it is not just the planning authority, the proponent and the community member

who may need to consent but, to make sure that it is fully compliant with the law, the ACAT itself needs to sign off and approve that consent order.

MR CAIN: Are you able to name those who have received a consent order through this process?

Mr Ponton: Consent orders, I suspect, are publicly available. It would be all parties who have benefited, because that includes the community as well. I would direct you to the ACAT. Mr Cilliers?

Mr Cilliers: Before I answer the first question, Mr Cain, I just want to point out that only 23 appeals were lodged during 2021. Seven of those appeals were mediated and settled through a consent order. It is important to keep in mind that, prior to an application or a decision of the Planning and Land Authority getting to that point, it went through a decision process that also involved a reconsideration of the decision in most circumstances. It is actually a step post-decision.

The Planning and Land Authority is really concerned about the time and cost to take that appeal. We therefore actively seek to resolve issues through preliminary mitigation processes. The process is administered by the ACAT and is under the consent of the tribunal. The Planning and Land Authority's role in that process is to advise the tribunal whether a consent agreement is lawful, whether it complies with the provisions of the Territory Plan and whether conditions that are agreed on through that are something that can be lawfully imposed. That is, in essence, what we do in mediation.

THE CHAIR: Mr Cain, I am wondering, was there something specific or are you just after a general briefing here?

MR CAIN: On those who have benefited from the fee waiver?

Mr Cilliers: Getting to your question about fees, the fee I refer to is—

THE CHAIR: Sorry, I will jump in. Minister Gentleman has his hand up.

Mr Gentleman: Yes, I do. I will let Mr Cilliers finish his bit and then I will come back to it.

Mr Cilliers: The fee I was referring to is a failure fee. The first failure is something that can be waived. I would just like to point out that 67 per cent of our failures are actually administrative oversights—typically things like lessee details that are incorrect or you just did not complete your form correctly. For those sorts of things, I think it cannot be seen as favouritism if we decide just to assist somebody with that administrative oversight and give him another chance to understand the system.

When it gets to other things, it is a matter for Treasury. It is not a matter for the directorate.

THE CHAIR: We might hear from the minister and then we might move on.

Mr Gentleman: I just wanted to be clear for Mr Cain. The focus of the directorate is delivery for all Canberrans and to ensure that development accords with the law, which I mentioned earlier. There is no favour or bias for developers.

Mr Ponton: If I could also add one more thing? I mentioned earlier that consent decisions are published online. I have just been reminded that they are not currently published online. In terms of providing those—I do not know whether they are public documents—I would need to take some advice in relation to that. But it is certainly something that we are working with the tribunal on, whether or not consent orders can be published through the new planning bill. As I said previously, consent orders relate to community members, developers, us. The tribunal needs to sign off on it, and it needs to be compliant with the law. As the minister quite rightly says, there is no favouritism; it is application of the law.

THE CHAIR: I would encourage you, Mr Cain, if you have further questions, to lodge them on notice and you can get a specific answer.

MR CAIN: Did Mr Gentleman finish? I know Mr Ponton came in over the top of Mr Gentleman.

Mr Gentleman: I thought I cleared that up, thanks.

Mr Ponton: Yes. It was clear to me that the minister was finished.

THE CHAIR: I think so too. Thank you, everyone, for your excessive politeness. This is excellent. I have a fresh question. I would love to have a chat about the EIS. Environmental impact statements are a really important part of our planning process, and exemptions can be granted. I just want to know if I could get a quick summation of the circumstances in which an EIS exemption would be granted and what sorts of public information or public consultation there is about those decisions.

Mr Gentleman: These decisions are usually put to me after extensive work from the directorate and it usually would occur with me, as a decision-maker, where this work has been done in the past; and therefore there does not seem a need to replicate the work that has already occurred. I might pass to Mr Ponton and the team to give you some idea of the work they do in preparation for that decision.

Mr Ponton: If I could just reinforce that point that the term “EIS exemption” is an odd term and something that we are looking to rectify in the new planning bill—and I do not think that the minister will be upset with me for announcing that—because an EIS exemption does not mean that the work is not done. It just means, under the current system, it goes through a process where we need to consider the adequacy of work already done. It is not put into one document called an EIS, but it still goes through quite an extensive process to get to the point of a decision—we know all that we need to know—whether or not a full EIS would result in further information being provided to us.

I might hand over then to Mr Cilliers to talk a bit more about the process and what is considered. But that is the point I wanted to make, that it is not that the work is not done; it is just a different way for us to determine the adequacy of early work already

completed. We are addressing that through the planning bill, to tidy up that language so that it is really clear what it actually is. Mr Cilliers?

Mr Cilliers: That is correct. EIS exemptions can be granted only where the potential environmental impacts of the proposal have been addressed by existing studies. The Planning and Land Authority will assess the EIS and it will be subject to public consultations required by the act. Members of the community are therefore encouraged to provide comments on the EIS during the consultation process. I do not know if we need to go into more detail around this.

Mr Ponton: No. I think the only other point that I would make is that the EIS exemptions are very similar to a full EIS, in terms of there has still got to be notification, there is still the assessment, there are still recommendations made and consideration of the environmental impacts. The end result is also the same. Do we know enough about this development and the impacts to move to a DA?

THE CHAIR: I look forward to seeing the new version in the new act.

MR PARTON: I have a question and it pertains to e-conveyancing. I note that e-conveyancing commenced in the ACT in late 2021. Other jurisdictions have had e-conveyancing for a number of years. First up, I just want to ask: why did it take so long for us to get to this point in the ACT?

Mr Gentleman: Unfortunately the tap is turned off again for you. This is Ms Cheyne's portfolio; that is my understanding.

MS ORR: Minister, what has been the impact of the weather on the bushfire operations plan, particularly in our parks and conservation areas, and are there currently any future weather predictions that will have further impacts on the bushfire operations plan?

Mr Gentleman: Yes, there certainly are. It has had quite a large effect on the BOP. Parks and Conservation, of course, carry out a range of work in managing these issues, and some of the recent wet weather has really impacted on the plan. I will ask Mr Iglesias to give you the detail of that work.

Mr Iglesias: Two years in a row now we have had exceptional rainfall in our environments and, whilst that exceptional rainfall has been welcomed in more ways than one, it has had an impact on our capability to get up into the high subalpine areas of the ACT with heavy machinery to undertake specific works related to our preparedness for bushfires, basically. This particular part of the world will always be bushfire prone. It is something that this environment has lived with for tens of thousands of years.

The key difference is that, in a climate change environment, we cycle from very wet to potentially very dry very quickly. So those events that were once right up at the top end of the bell curve, that happened only every now and then, we can expect to happen more often. The good news is that, because we have a yearly program, it retains a benefit from a lot of the work we have done in previous years.

We have one of the best articulated and best-funded bushfire fuel management works in the country. We have some of the best networks of management trails up in those subalpine areas, which means that when a fire starts we can get there quickly, if we can find it. Yes, we are behind on some of those works. During the annual report period, it is notable that we delivered 94.4 per cent of the bushfire operations plan. This year we will deliver a little less than that, because of the very wet conditions.

It really will depend on how La Nina starts to wane. If it wanes very quickly and moves to a neutral situation, it will give us windows to go out there and do our work, to deliver our prescribed burns and to get up into our management trails with heavy equipment and maintain them and repair the flood damage. If La Nina does not do that and continues to give us sporadic rain where the environment just does not dry out, then it is going to be hard to deliver controlled burns. We just will not be able to. The next three to four months will be instructive as to how far we get with our BOP, how successful we are in delivering all those works. Then, of course, if we move to a dryer than normal situation, we could very quickly be in a situation where it is too dry.

We have a number of levers that give us a really good feel for what the environment is doing, what the bushfire fuel moisture levels are like, where we can burn safely, and when we see that we respond really quickly.

MR CAIN: Going back to the western edge investigation, I was starting to explore a couple of points on that. At the moment, what is the estimate of potential greenfield dwellings along the western edge?

Mr Gentleman: I do not think we have got to that stage in our investigation as yet. The first piece of work is looking at the environmental situation for the western edge, and we would have to go through all the due diligence and then look at EDPs into the future to see what we could release; and all of that work, of course, will go forward and be part of an ILRP in a future budget.

MR CAIN: Not even an estimate? Surely you must have an approximation of what you think will be the ballpark figure?

Mr Gentleman: No. Unfortunately it is not that simple. There is a great deal of work to be done before we can reach that position. We have to do all that work first to understand what could be available.

Mr Ponton: If I could add—and I think I answered this question earlier also—the work that we are doing helps us understand what land needs to be taken out of that equation. We need to understand where roads will go or can go, what land will need to be set into a reserve. We need to understand what land, due to the geology, may not be able to be built on. We need to understand where services will go in terms of major infrastructure; where electrical infrastructure will go.

All that work, once we understand that landscape, will then allow us to work through more detailed planning in terms of what zoning will apply to that land that is available, whether it be commercial-zoned land or whether it be community facilities-zoned land, and then the various types of residential, whether it be high density, medium density, low density—all of which will culminate, as the minister said, in an estate

development plan that will give you a greater indication as to numbers. We will get there soon but we are not quite there yet because we are in the early phases of the due diligence and pre-planning work.

MR PARTON: Again, just backing up Mr Cain—Minister or Mr Ponton—how could you possibly not have a ballpark figure on potential dwellings? Indeed, how could the government possibly have negotiated the sale price of these parcels of land without some big picture, rough ballpark estimate, of where the dwelling numbers might end up?

Mr Gentleman: I refer you to the previous answer. There is a great deal of detailed work that must occur before we can look at how many lots of residential land could be available for the future. In regard to land purchases, of course, in the past they were always done on valuation at the appropriate time.

MR PARTON: If, indeed, the investigation reveals that the number of dwellings is zero, what then? I am assuming you have accepted that it will not arrive at a number of zero; so you must have some idea of a ballpark figure of where it is going to arrive at?

THE CHAIR: Mr Parton and Mr Cain, I really do appreciate the line of questioning but I think all you are doing is asking for a figure that we are not going to get.

MR CAIN: It is surprising that there is just nothing there as an anticipated outcome.

Mr Ponton: Conversely, the question could be: how much land do I set aside or recommend to government to set aside as a reserve? I do not know that either because we are still doing the work to understand the values.

THE CHAIR: I am wondering, Mr Parton and Mr Cain, if it might be a better question to return to at a later stage in the investigations, where you might get that answer.

MR PARTON: It appears that way.

MR CAIN: If there is an answer. We do hope there is an answer.

THE CHAIR: In which case, I will ask a fresh question. We were wondering in our office where we are up to with the Mecone light rail stage 2 infill report. Is that the right question for this session? I think it might be.

Mr Ponton: Yes. Minister, would you like us to answer that question?

Mr Gentleman: Yes, please.

Mr Ponton: I will ask my colleague Ms O'Neill to talk to that.

Ms O'Neill: Thank you for the question. The report has been received by the directorate and is under consideration and is not yet provided to the government for advice.

THE CHAIR: Do we know when that might become public?

Ms O'Neill: That work will feed into some of the broader and continuing intensification work that we are doing in the context of the district strategy work. I cannot put a finite time on that, other than that it is part of our consideration and process of advice to government.

THE CHAIR: Will the recommendations from that report be included in the district planning stage of the planning review?

Ms O'Neill: If I may in the first instance, and then pass it through? It provided a scope of study in relation to intensification in an area. The broader subject of opportunities for intensification at a larger scale are part of that district level work that is continuing as part of the planning system review and reform. They are intimately connected in that they are the exploration of the same topic. I will pass to Mr Ponton to add anything further.

Mr Ponton: I do not have anything to add on that one.

THE CHAIR: It is a little delayed, that report. Has there been a problem with that, or is that just taking a bit longer to prepare than we expected?

Ms O'Neill: I could not speak to if we had a delay through the assessment process; but, certainly in terms of the broader commentary we have heard today, we have had resourcing impacts internally over the course of the time since the report has been received that have impacted on its consideration and progression.

THE CHAIR: That brings our first session to a close. I thank the minister and all the officials for coming along this morning. Thank you for taking a number of our questions on notice, and our secretariat will be chasing you up. Members, of course, may be lodging other questions on notice. I would encourage you to do that, if you did not get to a question or if there is some detail that you are after. We now close the session.

Mr Gentleman: Thank you, Chair and officials, and of course members of the committee.

THE CHAIR: Thank you.

Short suspension.

Appearances:

Barr, Mr Andrew, Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events, Minister for Trade, Industry and Investment

City Renewal Authority

Snow, Mr Malcolm, Chief Executive Officer

Gillman, Mr Craig, Chief Operating Officer

THE CHAIR: Welcome, everyone, to our second hearing for the Planning, Transport, and City Services Committee. Before we start, on behalf of the committee, I would like to acknowledge the traditional custodians of our land and note that, I think, most of us are probably dialling in from the same place but there might be people watching from other lands and other countries. We would like to acknowledge and respect the continuing contribution our first peoples make to the life of this city.

We are recording and we are broadcasting today; this is a public hearing. If you take a question on notice, please state that you are taking that as a question on notice, and that will help our secretary to track those down. In this session we are talking to the Chief Minister who is responsible for the City Renewal Authority, Suburban Land Agency and Economic Development Directorate. This is quite a short session today, so I ask the members to keep our questions limited and focused. Officials, if you can keep your answers concise, that would be very helpful.

I will try very hard not to step in and cut people off on their supplementary questions, but I will do that if we are running out of time. Can everybody in the room, Chief Minister and officials, confirm for the record that you have read the privilege statement and that you understand it. I will take a thumbs up.

Mr Barr: Yes.

THE CHAIR: That is great. We are not having opening statements due to the shortness of time, so we will proceed with the first question, and I might ask that, Chief Minister. I am interested in block 17, section 152 in Belconnen, and plans for the 550 units there. And we have about 10 public housing dwellings. That is only 1.8 per cent public housing. I am just wondering what reason there is that we do not have more public housing planned there, given it is such a location for the shops and the bus interchange. It is really well located.

Mr Barr: That is an excellent question that Minister Berry is responsible for, as it is not in the City Renewal Authority precinct or in the Urban Renewal precinct for SLA. So it would be a combination of the housing portfolio, which will appear in another context, or when the SLA appears as it relates to all of its other responsibilities.

THE CHAIR: That is fine. I have questions on that one and I will hold them for Minister Berry for the SLA. And my apologies, we are still working it out and finding it confusing. In that case, I might pass over to Mr Parton while I look for another question for the next round.

MR PARTON: Chief Minister, on page 14 it is noted that the completion of stage one—

Mr Barr: Sorry, which annual report, are you referring to SLA or City Renewal Authority?

MR PARTON: This would be City Renewal Authority.

Mr Barr: Okay.

MR PARTON: You referred to the completion of stage one of the City Walk upgrade and say that it has since brought new life to the city centre. I have to ask, Chief Minister, noting that you have made several comments on this in the last week or so, wouldn't office workers returning to the city further bring new life to the city? Will you be further encouraging ACT public servants to return to the city and their offices to bring that new life to the city that you speak of?

Mr Barr: More than 80 per cent of ACT public servants have been working out of their workplaces. Those are, as you would be aware, Mr Parton, dispersed around the ACT. If we go through our 23,000 FTE, more than 17,000 of them work in health and education, they drive the buses, they are firefighters and ambulance officers, they are in general services within TCCS, so they are out in the suburbs.

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The CBD white-collar workers who have been working from home on a frequent basis, number in the high hundreds—about 900 to 1,100 people. Those people are the ones who are coming back into the building across the road from the Assembly building and will occupy the Finlay Crisp buildings that are currently being refurbished across the other side of London Circuit. That is about 1,000 people out of more than 50,000 people who work in the CBD. So the ACT public service is not going to be a big contributor to more footfall in the CBD because nearly 95 per cent of our staff do not work in the CBD.

MR PARTON: The CBD and town centres. I have heard these statements before from you, and I do not dispute them, Mr Barr. But I have to say, when I drive in on the Monaro Highway every morning, I wonder where the hell everybody is.

Mr Barr: It has been summer holidays, Mark, so most people are not at work, or are adapting to the new environment that is hybrid work, and that is here to stay. Not everyone will come into the office every day. We are not shoe-horning people back in. They are not robots. They are not units of consumption. Their job is to do work for the people of the ACT, not to consume in our economy. It is their private business, what they do in terms of their consumption patterns. So I need to absolutely and categorically address this idea that public servants are just consumer fodder. They are not—and I do not accept that—and they will not ever be.

MR PARTON: Thank you, Chief Minister.

MS ORR: Chief Minister, can you give us a better understanding of what the CRA has been doing with the Ngunnawal community and particularly, incorporating local

builders into their projects?

Mr Barr: Absolutely. The City Walk project is one such example, and I will ask Mr Snow and the team to talk a little bit more about that procurement and other work that they have been doing in this area.

Mr Snow: Thank you, Chief Minister. The City Renewal Authority, as with other ACT agencies, is committed to supporting the growth and success of Indigenous enterprise. That is why we sought and secured, in relation to the City Walk upgrade project, Rork Constructions, a well-known, indeed, national Indigenous supply company with a specialisation in construction. We were able to utilise the arrangements that are in place for that stock type of procurement. That proved to be a very successful relationship. We were very happy with the work that Rork undertook as part of that project and, indeed, we are now at a point where we are taking back the asset. He has just recently come out of defects liability.

We would like to repeat that successes with other, particularly public realm, projects. Other areas where we think there is scope for engaging Indigenous businesses would be in the areas of place management, landscaping, and those sorts of areas which are aligned to opportunities to support greater Indigenous employment, particularly in the ACT. So the commitment, in summary, is to continue those arrangements where possible, and we continue to search for opportunities where there is a very good fit between what those suppliers can provide and our renewal program.

MR PARTON: Was that procurement done in line with the overall government Indigenous procurement program or did that just occur naturally?

Mr Snow: Thank you, Mr Parton. I will ask the Chief Operating Officer Craig Gillman to respond.

Mr Gillman: That procurement was done under the auspices of Major Projects Canberra. They maintain a panel called the Project Management Agreement Panel, which is able to be drawn off. There is a government policy around preference for securing Indigenous owned businesses and that was part of the deliberate decision. It was quite an opportunity to undertake that procurement at that point in time. So it was very deliberate, not fortuitous.

MR PARTON: Okay, thank you.

MR CAIN: Chief Minister, I refer to page 25 of the CRA report. In your outlook on page 25, you talk about progressing the Canberra civic and culture district plan in conjunction with the redevelopment of Canberra theatre complex and adjoining territory land. Could you update me on the progress of this please?

Mr Barr: Yes. That work is progressing, and there will be a further financial appropriation that I would anticipate bringing forward in the forthcoming territory budget.

MR CAIN: Do you have an estimation of that appropriation?

Mr Barr: Not at this time; it is the subject of business case development. Obviously, that will be revealed to you, Mr Cain, and to the wider community, on budget day.

MR CAIN: And do you think the Canberra theatre redevelopment will be complete by the 2024 local election? A yes or no is sufficient.

Mr Barr: No.

MR CAIN: Thank you.

Mr Barr: It was never intended to be complete by the 2024 election.

MR CAIN: I have your answer, thank you, Chief Minister.

Appearances:

Vassarotti, Ms Rebecca, Minister for the Environment, Minister for Heritage, Minister for Homelessness and Housing Services, Minister for Sustainable Building and Construction

Environment, Planning and Sustainable Development Directorate
Rutledge, Mr Geoffrey, Deputy Director-General, Environment, Water and Emissions Reduction
Sendaba, Ms Bethel, Executive Branch Manager, Building Reform

Major Projects Canberra
Edghill, Mr Duncan, Chief Projects Officer

Access Canberra
Lhuede, Mr Nick, ACT Construction Occupations Registrar/Executive Branch Manager, Construction, Utilities and Environment Protection

THE CHAIR: Welcome, everyone. Thank you for coming to the third public hearing of the Standing Committee on Planning, Transport and City Services. We welcome Minister Vassarotti. We will be speaking about the Asbestos Response Taskforce, the building and construction industry, the Building Code of Australia, building policy, building quality, cladding rectification, living infrastructure projects and universal design standards.

We are not segmenting this; we are allowing members to ask about whichever concept interests them within those fields. It might be a busy session; I will do my best to share the time. I think it is just core members today, so that will probably make life a little bit easier.

MR PARTON: I think just three.

THE CHAIR: Just the three of us, yes. I do not think we have any visiting members today. I remind everybody that we have a parliamentary privilege statement. Has everyone in the room had a chance to read that, and do you understand and agree? A thumbs up will cover me on that. Excellent. We have that.

We are not having opening statements, so I will move straight into questions. I have the first question. I just wanted a bit of an update on some of the construction industry development and reform that we have got going on. I know there are a lot of strands of reform at the moment that are aimed at having a well-regulated industry, with much higher quality development and much better consumer protection. We have developer licensing, engineer registration and public sector building certification. Are we able to get a brief run-down of where those strands are up to?

Ms Vassarotti: Yes. Thank you very much, Ms Clay. It is lovely to come back before the committee. As you know, we have quite a significant work program around reform projects that is running. It comes off the back of some significant reforms that we have been working on over some period of time.

I will look to officials to give you a brief update about where we are at in relation to the projects. This is certainly the period where there is a lot of deep stakeholder engagement going on in relation to the projects. Over the next six months we will see some really significant activity.

I note that, in terms of the engineer registration process, we had a really fantastic roundtable with industry representatives before Christmas. We are getting into the finer details of the scheme and will be working with government to finalise that scheme and have exposure draft legislation within the first half of this year.

In terms of developer licensing, that was an issue that we talked about quite significantly in the last hearing. We continue to work with our stakeholders in relation to that work, and I will be updating the Assembly about where we are up to in that work.

Similarly, with public certifiers, that is also another quite complex piece of work, particularly given the work that we need to do to understand how a public certification system will sit beside a private certification system. A lot of research and stakeholder engagement has been done. I will look to Ms Sendaba to provide a bit more detail on where we are up to with the projects.

Ms Sendaba: Thank you, Minister. Thank you for the question, Ms Clay. Building upon what the minister has already said, there are a range of projects that we have been working on over the last year or so that really will add to the reforms that were undertaken, largely during the last term of government, to improve the building regulatory system.

We have a number of projects that are all happening in parallel, and they are all at slightly different stages. The three key ones have already been touched on. Engineer registration is where we have really focused a lot of our efforts in the last six months. The minister mentioned a really successful roundtable with industry stakeholders before Christmas. Those conversations have continued as we have sought to get into the detailed aspects of the scheme.

We are seeking to establish a brand-new framework from scratch for the registration of engineers. The goal of that reform and that project in particular is to make sure that there is some sort of minimum level of standard and requirement that the community can expect for anybody that is operating as an engineer in the ACT. Queensland has a scheme, Victoria has recently introduced one, as has New South Wales, and WA, like us, is in the development phase. So we have been able to take some lessons learned and work with our colleagues across jurisdictions in the development of that scheme. So far, we have had some really positive feedback from the stakeholders about the direction of that.

With the other two projects that were mentioned, developer licensing and a government building certification service, the work has been largely internal, within the directorate and within the team, focusing on identifying issues so that the solutions that we are coming up with are really going to impact what we think are the quality issues with respect to both developers and certifiers.

We did a lot of work in the original reform program around certifiers in particular, so this is going to be the next phase of that. We are at the stage now, for both of those projects, where we will be undertaking some more targeted stakeholder consultation with industry, to start to put in front of them some of the ideas that we have come up with to respond to the issues that we think are there to resolve.

That includes not just building industry stakeholders but community stakeholders, because it is really about addressing concerns that they have as well. We have been progressing those three projects while also working on some of the other key initiatives for government. We are going to see a new national construction code introduced this year, so we have put a lot of effort into some of the new provisions that will come through that as well. So we have had a busy past 12 months and that will continue through 2022.

THE CHAIR: It has been indeed. Thank you. Minister, did you have something to add?

Ms Vassarotti: I was just going to note that, in relation to these projects, one of the other interesting elements that have been happening at a national level is automatic mutual recognition. We have really needed to think about how that might impact on our schemes, particularly given that there are slightly different schemes in other places. That has been another element of the work that has been rolling out and has informed the work that we have been doing on the development of these initiatives.

MS ORR: I want to pick up on a couple of things in that very comprehensive answer. Minister, I am interested to know about the licensing scheme for property developers. We got a bit of an update on how it is progressing but, in particular, how is the fit and proper person test developing? I know we heard last hearing that there is a fair bit of consideration around that definition.

Ms Vassarotti: Yes. Thank you very much for the question, Ms Orr. Again, I might ask officials to provide a bit of detail on where we have got to, because that is a key element of discussion and I know there has been quite a lot of research happening in that work over the last few months.

Ms Sendaba: Thank you, Minister. And thanks for the question, Ms Orr. The fit and proper person test can be applied in different ways. There are standard criteria that are used across licensing frameworks—things like, “Has this person had a criminal record that is relevant to the work that they would be undertaking as part of that licence?” We can go to that extent.

We are also looking at how we take into account the prior history of an individual in granting them any licence, or how we might regulate them as a property developer in the ACT. To balance that, we are a human rights jurisdiction, so we are carefully making sure that we are not adding any unintended consequences and restricting somebody’s right to earn a living. It is really about taking into account past behaviour in related areas of work. For example, if somebody has a poor track record under another licence category, how can we take that into consideration if they are then choosing to operate as a property developer?

MS ORR: Okay. When you are looking at past practices, as you refer to it, are you looking at any of the existing laws or regulations that are in place now that would inform the decision on that test? Is that part of the consideration? I am thinking of work health and safety laws, for example.

Ms Sendaba: Yes, that could be something that we tie together. Again, there are precedents under other regulatory frameworks where a breach under another framework could become a condition for losing your ability to operate. A breach under WHS legislation could be a reason that the regulator in the construction space could say that that is a condition under which your licence could be suspended or that could prevent you from registration in the first place.

MS ORR: Okay. And when you say “could”, is that indicative of these matters having not been finalised? They are still under consideration?

Ms Sendaba: Yes.

MS ORR: Okay. What is the timing for seeing the next round of consultation on this? I think, Minister and officials, that you both indicated that you are hoping to go out and talk soon to stakeholders. Is there some indicative timing for when we might see something tangible come out of what we are looking at here—and also being introduced to the Assembly, if there is going to be legislative change?

Ms Sendaba: Yes. We are planning on having some targeted conversations—as I refer to them—engaging with different parts of the sector through existing forums and channels that we have with some of the peak bodies. We will be doing that over the next few months. I am then looking to prepare some advice that I will provide to the minister that she can canvass with her colleagues in government. That would be the precursor to undertaking broader consultation on more details, the specifics of the scheme. So there is still some advice to come from me, from the directorate, to the minister about the construct of that licensing scheme, because we have a few different ideas for that.

MS ORR: We will probably have a few more hearings with questions on this, then. On the registration scheme for the engineers, in the answer that Ms Sendaba gave, am I right in my understanding that finalising that seems to be the priority in the suite of works that is going on, and that that is the thing we can probably see progressing the soonest, out of those measures?

Ms Vassarotti: Yes, Ms Orr. That is the one that you will see progressed first in draft legislation et cetera. Certainly, we are progressing all of these in parallel, but it is a complex piece of work. That is probably the easiest chunk, so that is the one where we hope to see significant progress over the next few months. Is that a fair answer?

MS ORR: That is good. Thank you.

MR PARTON: This one was handballed here by Minister Gentleman, and it is in regard to the practice referred to as phoenixing. How many actual incidents did we see? How many instances of phoenixing occurred in the building industry in 2021,

noting, of course, that Minister Gentleman tabled action taken in the Assembly, I think, in December of 2020?

Ms Vassarotti: Thank you for the question. In relation to phoenixing and direct actions, I will be looking to officials because I feel like this might not be ours. It might actually be Access Canberra; therefore it sits with Minister Cheyne. In terms of phoenixing, we could speak to the work that we have done in strengthening our policy and our approach to that in this portfolio. Reform work has happened through the COLA Act. Work has been done around the security of payments, and we see that there may be some opportunities through the developer licensing work as well. In terms of your specific question, I feel like we may not be able to answer that. But I will look to officials.

THE CHAIR: We might get that confirmation from officials. Mark might ask a different question, if it is not for this session.

MR PARTON: Yes.

Ms Sendaba: I can provide some information about phoenixing and the work that the government has done, and some context. I will ask my colleague from Access Canberra, Mr Lhuede, to add to that. Hopefully, that will cover that off.

Mr Parton, you are looking for the number of instances of phoenixing. Generally, it refers to the practice of one company winding up and then the directors starting a new one. It is legal, under commonwealth Corporations Law, for that practice to occur. I think where we would become aware of it and have issue is where there is an outstanding regulatory issue associated with a particular building and that has not been addressed because the company is no longer in existence.

The government certainly has taken action, within the ACT's abilities to regulate in this space, noting that there is a whole lot of responsibility here for the commonwealth, under Corporations Law. There certainly have been some reforms that we have undertaken, including creating the provision for the registrar to issue fines, if they are aware of a defect and become aware of a company deliberately winding up to avoid fines associated with that. Those fines can be issued to the individual directors of that company, so, regardless of whether it winds up, there is still a party who is being issued with that fine and is held responsible.

It is a little bit more difficult, I think, to answer the question about what number of companies have wound up, as opposed to others. I hope that provides some context.

MR PARTON: I can only assume that it is envisaged that the new director IDs for company directors would be used to track the activities of those known for phoenixing in the ACT. Is that a correct assumption?

Ms Sendaba: We already have some provisions within the existing construction and licensing framework under which there is a check that can be undertaken of applications for licences. I might ask Mr Lhuede to comment a little further on how that is considered.

Mr Lhuede: Thanks, Ms Sendaba. In terms of our processes, when a person is nominated by a company to be a director or a nominee, we assess that by looking at the relevant parties, just to ensure that they have not had a licence cancelled due to insolvency or bankruptcy. If we do come across that, we may follow up with further assessment. Last year we did not have any instances where that occurred, as a consequence of doing those checks. To add to another comment by Ms Sendaba, we have not had an instance of a deliberate winding up around avoidance of any penalties or fees.

MR PARTON: Excellent. Thank you.

MS ORR: I have a question regarding the public certifiers—and, I think, following on from the previous question, but we can have 100 million on that. With the private certifiers, can I just get a better idea of how that work is progressing and some of the things you are looking at, because you were talking about how the program will operate along with the private certification system?

Ms Vassarotti: Thanks very much, Ms Orr. Again, I will pass to officials to provide a bit of an update on the work that has happened to date. Certainly, there has been quite a bit of consideration of the issues that we need to think about in terms of competition law et cetera. I might just look to officials to fill in where we have got to with that work.

Ms Sendaba: Thank you, Minister. And thanks for the question, Ms Orr. To go to your question about how the scheme would operate alongside the existing private certification system, the ACT has a completely privatised certification system at the moment. The commitment to reinstate or re-establish a government building certification service also included that that would run alongside the existing private system.

What we have been looking at is to try to understand how the private certification sector in the ACT is currently established. What we do know is that there are segmented parts of the market; some certifiers tend to operate either as sole practitioners or under small companies that largely only certify, say, single residential developments. Then we have others that specialise in some of the more complex types of buildings, class 2 buildings—high-rise apartments, other types of public buildings, and larger facilities. Given the overall objective of trying to support building quality and also consumer confidence in the certification process, we have really tried to identify where the most issues are occurring across the market and how we can supplement and support that part of the certification service with a government service, to give consumers some choice.

We also need to understand, in doing that, because we are a small jurisdiction, any unintended consequences around what that might mean for the private market that is already operating. Other considerations are things like what is happening in the insurance market, for example. Also, as the minister mentioned earlier, we have got automatic mutual recognition coming into play. So we need to understand what is happening in New South Wales and the areas close to us and how that might impact the service as well.

MS ORR: With the initial scoping work that you have done on this, have you had any findings to date, and what are they? You gave the example of understanding where the pressures might be or where the scheme could best be applied within the process.

Ms Sendaba: Yes, there are some preliminary findings. I do not feel I am in a position to share too much of that yet, until I have given some advice to government. That will be our next step in the project.

MS ORR: Is this a similar process to what we heard for the developer licensing, where it will go to government, there will be targeted consultation and then it will go back to government? Is that the sort of time line we are looking at?

Ms Sendaba: Yes; that is exactly right.

MS ORR: Okay; great. Thank you.

THE CHAIR: I am interested in hearing a bit about climate resilient buildings. We hear a lot of great ideas, particularly on this committee and another committee I sit on, about how we can build more climate resilience into our buildings. A lot of the same ideas come up: lighter coloured roofs, more permeable surfaces, insulation and things. I am just wondering which of these ideas is going to play a really big role and what policies and regulatory settings we need to put in place to make them work?

Ms Vassarotti: Thank you, Ms Clay, for the question. There is actually quite a lot of work going on in relation to this and it is happening at a few different levels. We can start with the work that is happening at the national level. We are looking at the introduction of a new national construction code in September this year. As part of that work, we are looking at energy efficiency. That process is well underway, with significant consultation happening at the moment. The board has been looking at the results of consultation on a regulatory impact statement and it will be coming back to building ministers, hopefully in April, to look at the next steps in relation to that.

We feel that it has been quite important to see where that national work lands, particularly the energy efficiency elements of what we might need to do next, because we absolutely believe that it is important that, where we can get national consistency, we do. So that piece of work has been happening.

There is also work happening within government on what some of the opportunities are. You are right that there are a lot of things that are probably quite simple policy changes that we can make. We will have opportunities, particularly in terms of looking at an ACT appendix to the Building Code, if some of these items and issues do not get picked up in relation to a national standard.

In the Commissioner for Sustainability and the Environment's work on scope 3 there were some really good suggestions. It is really quite exciting, I think, to see construction being picked up in relation to what some of the opportunities are with climate-wise buildings, from the point of construction to end of life. We are looking at that piece of work at the moment. We would see this as a significant piece of work that is happening over 2022.

It is really building off the work that is happening nationally, but we are an ambitious jurisdiction and we have made significant commitments through the parliamentary and governing agreement. We expect that we will want to go further in the work that we can do. That is work that is happening within the government now—in terms of what some of the opportunities are and what some of the sequencing is. I will look to the officials to see if there is anything that I have missed.

THE CHAIR: That is really promising, that update. Regarding the National Construction Code work on energy efficient buildings, will that pick up passive design and insulation and things like lighter coloured roofs, or is it not really going to that level of concern?

Ms Sendaba: I can respond to that. Thank you for the question. The National Construction Code sets minimum requirements. It is a performance tool, so it gives building designers and builders some deemed to satisfy provisions: “If you follow the following and are able to demonstrate that you have done all those things then that will be fine.” It also gives building designers the flexibility to achieve those minimum standards through particular designs. With some of the things that you have mentioned, such as passive design, material choices can be taken into consideration in the calculations around demonstrating that compliance with the code has been met.

MR PARTON: Let’s talk about cladding rectification. I understand that there is financial assistance available to owners corporations for the identification of combustible cladding and a concessional loans scheme to support rectification works. I have some further questions on this because it really is a problem of the government’s own making. The government sells the land, approves the DA, licenses builders, and Fire & Rescue approve the fire system design. Given this level of culpability, why isn’t the government contributing directly to the cost of that remediation, rather than just offering loans?

Ms Vassarotti: Thank you, Mr Parton, for the question. This is a conversation that we have probably had a number of times about the approach that has been taken with cladding, which is completely consistent with the approach that has happened with the changes to the Building Code, and it is very much in line with the approach that has been taken by many other jurisdictions. The reality is that these materials, at the point in time, were actually compliant. There are many materials where things have changed within the Construction Code. It is a longstanding approach that the standard that is held in relation to the National Construction Code is the one that has been agreed to.

In relation to cladding, there was absolutely a recognition of some significant risk that needed to be looked at. Certainly, the approach of the ACT has been in responding to the issues in our own properties and providing support, particularly for private owners, and certainly apartment owners, where they have complex arrangements in relation to there being many owners of a building.

The loans approach is similar to the approach that has been identified in New South Wales. In a number of jurisdictions across Australia it is seen to be the responsibility of individual owners. In Victoria, which has a particularly high-risk profile, there has been an approach that has been taken.

MR PARTON: Have you received any advice or correspondence from owners corporations or any other entities regarding potential class actions over combustible cladding?

Ms Vassarotti: Class actions on the government or on—

MR PARTON: Yes.

Ms Vassarotti: Not to my knowledge. I might look to officials to see whether or not we have received any of that information.

Mr Edghill: I have read and acknowledge the privilege statement. Could we take that on notice? There may have been some correspondence at some point in the past relating to a potential class action, but we do not have the facts and figures to hand.

MR PARTON: That is fine. How many applications have been received, to date, for the 50 per cent assessment rebate, and how many have been approved and assessments completed? Again, given the detail there, I certainly concede that that could be a question taken on notice.

Ms Vassarotti: I think we can answer that question, Mr Parton. We might have anticipated a question like this. The information I have—I will run through it and we will see whether or not we have anything additional—is that, as of 14 February, a little while ago, 24 applications had been submitted. With respect to applications that were fully completed and able to be assessed, the figure was 24. In terms of applications that have been approved, there are 16, and eight have been declined or withdrawn, with rebates paid for three, currently.

MR PARTON: When will the details of that concessional loans scheme be fully finalised?

Ms Vassarotti: We have had some progress on that item. You may have noticed that we have a tender out right now to identify a provider to assist us in the provision of that concessional loans scheme. Once we have a provider, we will be working through the details of that scheme. Our absolute intention is that that will be operational mid-2022. Again, I will check to see whether there is any further detail that Mr Edghill can provide.

Mr Edghill: That is correct, Minister. We are working towards having the concessional loan arrangements finalised midyear. Just for completeness, the numbers that you provided before align with our numbers as well.

MS ORR: I was going to ask for an update on the cladding scheme, but Mr Parton already covered quite a bit of it. Minister, is there anything you wanted to add?

Ms Vassarotti: In relation to the cladding scheme, we provided some more information today because we were aware of the fact that we had not released information about the government projects because of some concerns. We can report that, in relation to the government scheme, we have another four projects that have

been finalised. There are now 14 buildings that have been finalised. That is really positive. All of the other projects have now commenced. We will be expecting all of those projects to be finalised by the end of this year. Again, we will be really happy to provide information on what those sites are after they are finalised. We have put that information into the public domain today.

THE CHAIR: I would like to have a chat about construction and demolition waste. I will follow this up later with Minister Steel. I want to go back to the policy settings that led to that waste in the first place. We have national figures that say about 44 per cent of the entire waste stream is construction and demolition waste, so it is quite significant. We have this great report from the Commissioner for Sustainability and the Environment that tells us how many scope 3 emissions that represents. So we know that it is a really big problem.

I am wondering whether we have the right policy and regulatory settings in place to avoid creating that construction waste in the first place. That might be things like a building refurbishment scheme or incentives to re-use buildings. There are actually quite a lot of ways in which people around the world have done this, rather than simply knocking buildings down and trying to deal with the waste at that end.

Ms Vassarotti: Thank you, Ms Clay, for the question. It is a really good question. It is something that we are turning our minds to. We are looking at what is happening now and what the opportunities may be in the future. It is something that absolutely does fit with Minister Steel's work as well.

From the scoping work that we have done, there is quite a bit of work happening at the moment which is really positive, such as the use of materials in things like road fill. There are businesses that are operating right now that are recycling materials. We do think there are real opportunities. That is something on which we are really keen to work with Minister Steel, particularly recognising the work of the commissioner.

We have just been talking about cladding. In terms of some of the information that we provided today, this is a really good news story, in terms of how we have recycled cladding materials. If you are interested, I could ask officials to provide a little bit of detail in relation to that, but we have put that information out in the public domain today.

We are looking all the time, in lots of different programs, at how we do that work, and we are really trying to walk the talk, which we have done within the cladding project, for instance. This is an area where there is more work to be done. I am really keen to work with Minister Steel on it.

THE CHAIR: That is great to hear. I did hear about the recycling rate on the cladding. There was quite a high level of recycling on that.

Ms Vassarotti: One hundred per cent.

THE CHAIR: Yes. That is great.

Ms Vassarotti: That is good.

THE CHAIR: Yes, that is really good. I am pleased to hear that you are working with Minister Steel. We have a lot of settings for recycling, but it is probably about avoidance, which is the harder stage. It is good that you two are working together on that problem. I might pass to Mr Parton. I am sure he has another question.

MR PARTON: Yes, I do. It is regarding building reform generally. Minister, despite the headway that the government has made, I continue to receive representations from a lot of people who are at their wit's end over disputes that they are having with builders. They often give me lengthy catalogues of problems. I am sure a number of these come through to your office independently, apart from the ones that get forwarded from my office.

They often give me lengthy catalogues of all sorts of problems—rooms not painted, gaps in security screens, gas stoves that do not work, missing drains, leaking showers, no cupboard doors—all sorts of things. I could list pages and pages of these problems. One constituent's renovation has hundreds of thousands of dollars worth of defects. Why have all of these reforms, as impressive as they look on paper, failed to alleviate these most basic of shortcomings? Will we ever stop those complaints happening?

Ms Vassarotti: Thank you, Mr Parton, for the question. It is really good to acknowledge that there has been a significant body of reform work that has happened, and continues—

MR PARTON: Agreed.

Ms Vassarotti: We really try to look at some of these systemic issues. The issue of building and development is a complex business. There is a recognition that things will go wrong. We, as a government, have really tried to look at ensuring that we have the right policy settings and the right regulatory systems in place. They sit within Minister Cheyne's responsibility. We have put significant resources into the compliance activities as well.

One of the pieces of work that continues—and I might, again, ask officials to provide a little bit of an update—is how we can support people through the dispute resolution processes. Some of these issues around contract issues and disputes will occur. Some planned work has been happening, as part of the reform process around alternative dispute resolution. I am not sure whether officials have any additional information that they can provide on where we are at with that work.

Ms Sendaba: Certainly, dispute resolution is one of the ongoing projects that we are working on, alongside the other substantial reforms that we have spoken about already in this hearing. The dispute resolution scheme that we are looking to establish is specifically targeted at residential building disputes. It would give both the builder and the home owner the opportunity to seek access to that service and, hopefully, try and provide an additional pathway to have disputes resolved. That is in addition to the substantial additional resources and effort that have gone into things like the rapid response team.

I might ask Mr Lhuede to speak a little bit further about how they are supporting

home owners or complainants in that scenario. We do receive complaints, and we continue to receive complaints. They cover a range of different issues. They may be related to a building. In some instances it could be a contract dispute between a home owner and a builder around things like variations and changes of mind. Those things will always be difficult for the government to regulate. They are negotiations and agreements between, say, a business owner and an individual who is seeking to have work done. Certainly, a lot of the reforms that we are focused on are those more difficult and structural issues, when we are talking about compliance with the Construction Code. I will ask Nick to say a little more about the rapid response team and the work that his team does.

Mr Lhuede: Bethel made quite an important point, in that our focus is compliance with the National Construction Code, as well as elements of the territory planning laws. With respect to Access Canberra and the registrar, the act does not provide that focus on, as Ms Sendaba alluded to, the contractual issues. Having said that, in 2021 we did receive about 420 building-related complaints, and that led to around 387 actual investigations into matters. By and large, and to differing degrees, they were in relation to compliance with the Construction Code or the Territory Plan.

MR PARTON: Bethel, you gave us some wonderful information there. I am fascinated to hear about this potentially completely new dispute resolution framework. Maybe I have to go back to the minister to ask a question on that. Who is going to administer that? How is that going to function? What sort of framework will there be?

Ms Vassarotti: They are all very good questions, Mr Parton. As we wrapped up the first part of the reform work, we identified that alternative dispute resolution was an element that we needed to look at as well. Those questions are exactly the questions that we are looking to resolve right now.

There are a number of opportunities; it might sit within one of our current systems, such as the ACT Civil and Administrative Tribunal. It might be something that sits beside it. It might be a precursor to it. There are a range of mechanisms. It is something that the team is looking at and reviewing right now.

You will note, in terms of the numbers of significant reform projects that the team is working through, that we have looked at how we sequence this work and how we make sure that we continue to have the fantastic officials that are doing this work and not completely break them. We are sequencing this work. These are exactly the questions that we are looking at right now. I am sure officials are able to provide a little more detail in terms of where we are at.

MR PARTON: I am mindful that we have taken a lot of time on this question. We wait with bated breath for more official information when it becomes available.

MS ORR: Can I get an update on the National Construction Code as it operates in the ACT, how the minimum accessibility standards work and how the work to incorporate those is progressing, please?

Ms Vassarotti: Yes. The National Construction Code is operating here in the ACT. The accessibility standards are really a key focus of the 2022 update, which is due in

September this year. As you would know, at our meeting in April last year the majority of business ministers agreed that there would be minimum accessibility standards and they would be part of that National Construction Code.

Since that time, significant work has been done with stakeholders and industry in relation to looking at how that process is implemented. At an officials level, there has been significant work in looking at some technical elements in relation to bringing in some of the new standards. The key issues that have been looked at have really been in regard to the time frames, if there are any transitional time frames and whether or not it is appropriate to consider any exemptions.

I will look to officials, but my understanding is that the board is looking at that over the next month or so and a recommendation will come to the building ministers, hopefully in April this year, that provides advice on those two issues. The expectation is that they will be part of the new Construction Code in September, but there may be some transitional arrangements. We are waiting for advice on that. I will just ask officials if there is any additional information that I have missed.

Ms Sendaba: Ms Orr, I heard two parts to your question, the first part being around the operation of the NCC in the ACT and the second part being around the new minimum accessibility standards.

MS ORR: It is mostly in regard to the accessibility standards, but acknowledging that they work within that Construction Code, yes.

Ms Sendaba: The code is called up in our Building Act as the standard for all building construction in the ACT. It is updated on a three-yearly cycle. The next cycle is due for release this year and will take effect towards the end of this year. The minimum accessibility standards have been an issue that the Building Codes Board has been considering for quite some time. Stakeholders had been calling for these really important, but what we think are really quite minimal, changes. They are really quite minimal changes to the design and construction of residential buildings.

We are talking about residential standards, not public buildings or commercial building standards, for accessibility. They are there to make sure that the housing stock that we have is going to be fit for purpose into the future, as we have an ageing population. It is not just to support people with existing disabilities, for example. It is really for anybody who might find themselves with a mobility issue.

The standard is built on the Livable Housing Design Guidelines, the silver standard, and it calls for some minimal changes to the construction of a home—things like at least one step-free, level access into the home, hobless shower recess, reinforced walls in bathrooms so that in future handrails can be attached more easily—really just making sure that homes can be more easily modified in future to accommodate people who may have mobility issues for any reason at all.

MR PARTON: The EPSDD annual report, at page 48, in regard to the living infrastructure plan that Minister Rattenbury mentioned, says that Canberrans are suffering from the urban heat island effect. Minister, how do you reconcile your aim to reduce heat islands, on the one hand, with the SLA releasing ever smaller blocks of

land that prevent having an effective tree canopy area because most of the block is needed for the building footprint, irrespective of the recent draft variation that has made adjustments in that space?

Ms Vassarotti: Thank you for the question. I recognise that some of this does cut across a number of ministerial portfolios. You have mentioned the upcoming variation 369. I think that that is absolutely a key worry that we are trying to address, but I recognise that that sits within the planning minister's portfolio. I think that is something that will be really important in relation to that work and will complement a range of other significant projects that are operating to try to address the heat island effect and really promote living infrastructure. The work that is happening with promoting the urban forest strategy that sits primarily with Minister Steel is a really important element of that.

EPSDD is working really closely with other land managers, including TCCS, in relation to how we nurture our open spaces and our green spaces. There is a range of work that is happening across all portfolios to respond to that, but there are significant pieces of work that will support that, particularly the work on private blocks that private owners can do, in terms of us all ensuring that our cities are more livable. Things such as DV 369 are an important element of that.

MR PARTON: Irrespective of the fact that, obviously, Molonglo in its initial stages was developed well and truly before your time in the Assembly, as the Minister for Sustainable Building and Construction, how would you suggest that living infrastructure principles have been applied to the Molonglo Valley which, from a distance, in some areas looks extremely concrete intensive? It is something that Ms Le Couteur carped on about here for a long, long time. How would you say that living infrastructure principles have been applied to that area of Canberra?

Ms Vassarotti: What I can comment on is the built form, particularly as it relates to things such as the National Construction Code, and looking at what the opportunities are in terms of ensuring that our buildings support living infrastructure. I feel that that question is a little out of my scope—providing a personal opinion in relation to a particular residential estate area.

I have talked a lot about a building and sustainability perspective. From an environment perspective, there are a range of tools that will ensure that we see more livable cities and we really nurture our green spaces. They sit across a number of portfolios. Certainly, within my portfolios I look forward to working very constructively with ministerial colleagues in identifying what those tools and instruments are. I think DV 369 is a really good example of how we can support great design that meets the needs of people and also really protects the environment.

Mr Edghill: Minister, would it be helpful, do you think, if we perhaps had a quick conversation and an update on the work that we have done, through your portfolio, in relation to the living infrastructure work with the Suburban Land Agency at Whitlam?

Ms Vassarotti: Yes. That would be great.

Mr Edghill: Having said that, I will ask my colleague Mr Rutledge to talk a little

more about that work that we have done, as a pilot if you will, as a way to establish the new norm in relation to opportunities in new estates. As the minister said, we work very closely with colleagues across the service to make sure that we get the best possible outcomes for the citizens of Canberra. Mr Rutledge?

Mr Rutledge: Minister Vassarotti is in charge of the living infrastructure projects part of the portfolio. There are a number of projects outlined in the living infrastructure plan. At this stage, some of them are research projects. We have got those underway, working with CSIRO.

Earlier today we were talking about lidar data and its use. That helps in this and that helps also measure permeability. Then some of it is demonstration, like we have done at Whitlam. We teamed up with the SLA, and what we are doing there is looking at permeable surfaces in driveways and different ways that we can keep our street trees alive, putting in changes to stormwater drains, changes to the way we do the planting at the inception of the new suburb, and looking at how we can increase hold water. It is a combination of canopy cover and holding water on site—water-sensitive urban design.

When you go to the Whitlam display village you will park on a car park that happens to be permeable. Some of the display houses that are front and centre at Whitlam demonstrate some of that sustainability and surface permeability that you can do. The idea of doing that is to help people make that choice when they are at the point of buying land and designing their homes, to look at what elements they can build into their house and their garden to ensure that they do not contribute overly to an urban heat island effect.

Other projects that we are doing alongside that, just quickly, are microclimate assessment guides. We know that to prevent an urban heat island you have to do very low-level assessments of what is happening in those climates, rather than just doing a broad-brush approach. Those projects are both research and reality.

THE CHAIR: We might wrap things up there. We have come to the end of our time. I would like to thank the minister and her officials for attending today and for providing your answers. I think there were a couple of questions taken on notice. We will be following up with those. I now close the hearing. Thank you for coming.

The committee adjourned at 3.00 pm.