

## **New Policies for residential development delayed**

Implementation of the proposed policies for residential development in the ACT incorporating the ACT Code has been delayed for three months to allow for greater consultation on the new Code. This arises from a resolution in the ACT Legislative Assembly and criticisms of aspects of the new Code.

The ACT Government has reopened the public consultation process and has called for comments on the new Policies. Planning and Land Management (PALM) will also be conducting information sessions on the proposals. A discussion paper on the proposals is available on the PALM website at [www.palm.act.gov.au/tplan](http://www.palm.act.gov.au/tplan) and from the PALM shopfront in Dickson and ACT Government shopfronts and libraries.

The new Code was gazetted on 29 March 2001 but will not be implemented during the three-month period.

## **Tree Protection Policies and legislation**

In late March 2001, the ACT Legislative Assembly passed the *Tree Protection (Interim Scheme) Act 2001* and adjourned debate on the Tree Protection Bill 2001. The *Interim Scheme Act* protects existing large trees pending public consultation on the draft Tree Management and Protection Policy, which was released in April.

Initiatives in the draft Policy include:

- establishment of a Tree Management Network to coordinate policy implementation;
- improved measures to protect remnant trees on private land;
- establishment of a Significant Tree Register and
- preparation of Landscape Policy Plans for existing districts to guide landscape renewal and future tree planting.

The papers and further information are available through the Internet at [www.act.gov.au/environ](http://www.act.gov.au/environ) or by contacting the Environment ACT Helpline at (02) 6207 9777.

See also *Australian Environmental Law News No 3/2000* for a report on the Government's response to the Planning and Urban Services Committee's report on tree protection.

## **Building Amendment Bill 2001**

In February 2001, Urban Services Minister, Brendan Smyth, introduced the Building Amendment Bill 2001, which amends the *Building Act 1972*. The Bill implements recommendations arising from the Coroner's report on the Canberra Hospital implosion in 1997. The Coroner said that the distinction between leased and unleased land should be irrelevant in the building approvals process. He recommended that the *Building Act 1972* be amended to ensure that the approvals process apply to construction work on all land, whether leased or unleased.

Under the *Building Act 1972*, ACT Government buildings on unleased land are required to comply with the Building Code of Australia, but are not required to follow the Act's building approval processes. The Building Amendment Bill 2001 requires all ACT Government building projects to follow the approval process, regardless of whether they are on leased or unleased land.

Mr Smyth said he would continue consultations with the Commonwealth Government regarding the possibility of legislative amendments to require Commonwealth agencies to seek building approvals for construction in the ACT.

## Surveying industry legislation amended

In February 2001, the ACT Legislative Assembly passed the Surveyors Bill 2000, the first major overhaul of the surveying industry in thirty years. The changes include the creation of a part-time statutory Commissioner of Surveys, which will replace the current position of Chief Surveyor. The Commissioner's duties include the registration of surveyors and the development of survey practice standards.

Disciplinary procedures have been streamlined and made less adversarial. There is scope for appeal to the Administrative Appeals Tribunal for a review of a decision by the Commissioner.

Urban Services Minister Brendan Smyth said the changes would streamline the ACT surveying industry by reducing regulation and restriction to a minimum, while safeguarding the ACT's valuable land titling system.

The changes follow a National Competition Policy review of the *Surveyors Act 1967*.

## Change of Use Charge reduced

The ACT Legislative Assembly has reduced the Change of Use Charge (CUC) on lease variations from 100 to 75%. The charge, also known as 'betterment', applies to all lease variations that increase the value of a lease. The Assembly's decision effectively restores the charge to the level before 31 January 2001 by overturning a sunset clause that increased the rate to 100%. The 1999 Nicholls Report had recommended that the rate be reduced to 50%, as did the majority of the members of the Standing Committee on Planning and Urban Services in its report in February 2000.

## Statutory review of Water Resources Act 1998

The ACT Government is conducting a review of the operations of the *Water Resources Act 1998*. It is required to table a report on the outcome of the review in the Legislative Assembly by 11 June 2001. The Act was introduced to allow for the effective and sustainable management of the ACT's water resources and to ensure the continued health of ACT waterways. The *Water Resources Act* is an important element of the ACT Government's effort to meet its Council of Australian Governments water reform targets. The Act contains provisions for the allocation of water, licences to take water, drillers licences, bore construction permits and permits to control the construction of water control structures.

Environment ACT has released an issues paper that summarises the main operational issues identified by the Environment Management Authority. This is available at [www.act.gov.au/environ](http://www.act.gov.au/environ).

## Draft ACT Vertebrate Pest Management Strategy

Environment ACT has released for public comment a Draft ACT Vertebrate Pest Management Strategy. A copy of the document is available through the Internet at [www.act.gov.au/environ](http://www.act.gov.au/environ). For further information, contact (02) 6207 1911.

## Heritage Precincts Review—Report on Community Workshops

In January 2001, Urban Services Minister Brendan Smyth released a report outlining the results of six community workshops held in October 2000 to assess public opinion on the management of the ACT's urban heritage precincts. The workshops were conducted as part of the Heritage Precincts Review, which is being conducted by Environment ACT in conjunction with the ACT Heritage Council and Planning and Land Management (PALM). The review, which began in November 1999, was established in response to concerns by industry representatives and the community about the effectiveness and clarity of existing controls.

The workshops confirmed:

- dual occupancy development is one of the most contentious issues;
- support for controls to ensure the conservation of the heritage value of the precincts; and
- the need for a combination of controls on building height, plot ratio and side setback to conserve the low density, single storey, spacious landscaped character of the precincts.

The results of the workshops will be fed into the development of revised development controls for heritage precincts. The report on the workshops is available at [www.act.gov.au/enviro](http://www.act.gov.au/enviro).

## State of the Territory Report

The ACT Government has released its *State of the Territory Report 2000*. The Report provides information on the quality of life in the ACT, including environmental performance. The Report indicates, among other things:

- a significant increase in waste recycling by Canberra households and businesses;
- increased use of 'Greenchoice' electricity;
- a reduction in greenhouse gas emissions.

The Report is available from Canberra Connect (Phone: 13 22 81) and at [www.act.gov.au/stateoftheterritory2000](http://www.act.gov.au/stateoftheterritory2000).

## ACT Budget—Environmental expenditure

The ACT Budget for 2001–2002, was handed down on 1 May 2001 and provides for expenditure on a range of environmental initiatives and capital works. They include funding for:

- greenhouse gas emission reduction projects (\$180, 000);
- processing of garden waste at ACT landfills (additional \$310, 000);
- exotic weed control (\$150, 000);
- a new Sustainable Catchments capital works program (\$100, 000); and
- projects under the ACT Nature Based Tourism Strategy (\$970, 000)
- implementation of the Interim Tree protection Register (\$200,000)
- the Namadgi National Park joint management agreement (\$150,000)

## ACT Forests Restructuring

In February 2001, Urban services Minister Brendan Smyth announced a range of structural adjustments to ACT Forests to improve its commercial focus and viability. The changes include:

- establishing a Board of Advisers to guide the commercial operations of ACT Forests;
- using contractors to undertake forestry work supervised by ACT Forests staff;
- increasing the community service obligation funding available to ACT Forests for managing forest recreation and controlling environmental weeds; and
- establishment of separate commercial forestry and environment and recreation sections within ACT Forests.

The changes flow from a review by Pricewaterhouse Coopers and a Victorian Forestry consultant. The review recommended a need for ACT Forests to reduce its operating costs, especially its overhead costs.

## **ACT Government/Canberra Airport Agreement signed**

The Chief Minister Gary Humphries announced in February 2001 that the ACT Government had signed a partnering agreement with the Canberra International Airport that will ensure that the planning and development of the airport are integrated into the broader planning and development of the Act and region. The ACT Government has endorsed the Master Plan for the airport, which is the major planning tool for future development of the airport.

## **Canberra Airport zoning proposals released**

In April 2001, the Canberra International Airport released for public comment and government response a proposed zoning plan for the airport and surrounding areas. The plan designates land according to aircraft noise impacts and includes areas where residential development would not be permitted. Adoption of the plan would require agreement by the Commonwealth, ACT and NSW Governments, amendments to the National Capital Plan and the Territory Plan, and creation of a regional plan by New South Wales.

## **LAPAC Protocol signed**

In February 2001, Urban Services Minister announced the signing of a final Local Area Planning Advisory Committee (LAPAC) Protocol document. The Protocol provides a framework for Government, community and industry interaction on planning and development issues. LAPAC convenors, peak industry and professional representatives, Planning and Land Management (PALM) and the Minister have signed the protocol.

## **FOI application fees removed**

The ACT Government has removed the requirement to pay a \$15 application fee previously required under the *Freedom of Information Act 1989*. The Attorney-General Bill Stefaniak said that the initiative was part of initiatives to enhance the administration of the ACT Public Service.

## **Kingston Foreshore development to proceed**

The ACT Chief Minister Gary Humphries announced in February 2001 that the initial stage of the Kingston Foreshore development will proceed as a joint development between the Kingston Foreshore Development Authority and a private sector participant. The successful participant will be selected by a two-stage process involving the calling for expressions of interest followed by select tenders. The Authority will construct infrastructure and areas in the public realm, with design and construction of buildings being undertaken by the joint venture.