

**2024**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**ACT State of the Environment Report 2023**

**Government Response**

**Presented by  
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## Introduction

In March 2024, the Government tabled the ACT State of the Environment Report 2023 (Report) in the Legislative Assembly.

The Report was prepared by the Commissioner for Sustainability and the Environment pursuant to the *Commissioner for Sustainability and the Environment Act 1993* (Act). The Report provides an independent assessment about the environment and progress towards sustainability in the ACT.

The Report has prompted the government to reflect on the current environmental and sustainability priorities, policies and programs of the government and where there may be the need to reprioritise or focus these. The Report will help to guide and inform future environmental policy development and consideration of investment.

Pursuant to the Act, the government is pleased to present this response to the Report.

It is a sad and unfortunate reality that pressures on the environment continue to grow and evolve. Increasing populations and demand for resources contribute to habitat loss and fragmentation, pollution, waste, and pest plant and animal incursions. These pressures when combined with the impacts of climate change make the task of protecting and conserving the environment challenging, and a race against time.

The ACT Government continues to invest in and work towards key policy objectives that work to protect, conserve and enhance the ACT's environment whilst enhancing liveability and prosperity. As described in this government response, it is pleasing that there are some recommendations in the Report that already align with existing government policy, effort and investment.

A number of the recommendations require careful consideration by the government noting they will have policy or resource implications. Where this is the case, the government has attempted to describe how this could occur through existing mechanisms.

Ultimately, the task of protecting the environment will not be successful if led by government alone. It requires an all-in effort by businesses, the community and individuals. Everyone must do their part to lower their demand on resources, live more sustainably, and help to protect, conserve, and enhance the environment.

The government looks forward to leading and being part of this collective effort.

## Government Response

### Overarching

#### Recommendation 1

*Legislate an urban growth boundary to contain urban expansion and achieve a compact, liveable and efficiently designed Canberra.*

#### **Government Response: NOTED.**

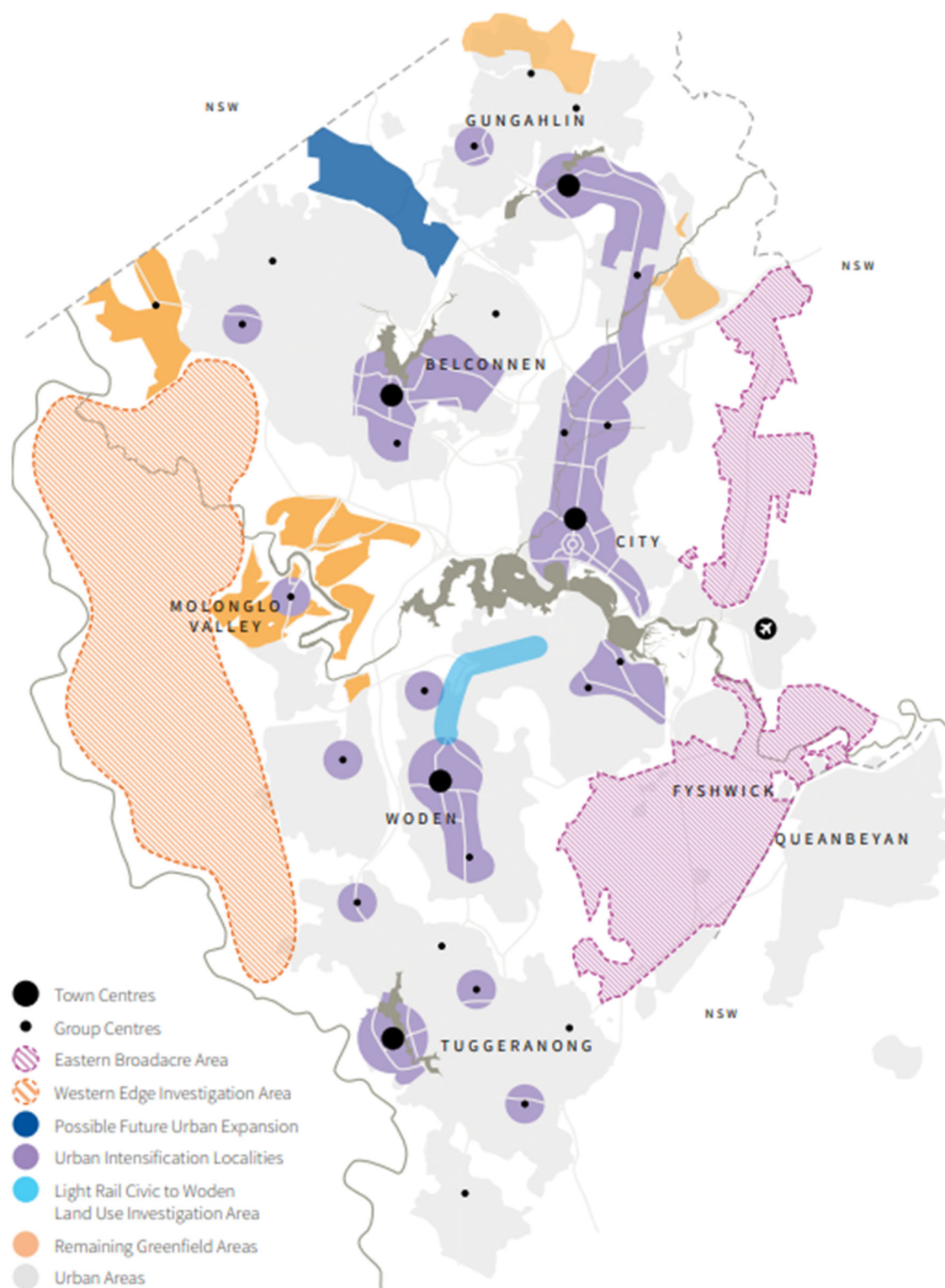
The 2018 ACT Planning Strategy provides the Government's current policy for Canberra to remain a compact, efficient, and inclusive City.

The ACT Planning Strategy is a statutory document under the *Planning Act 2023* that must, under section 37 of the Act be considered in relation to Territory Plan amendments and review as well as in the formulation of the statement of planning priorities.

In terms of the Planning Strategy, the current policy is as follows:

- Urban spread will be limited and growth catered for through increased density in appropriate places such as around town and group centres and along major transport routes. While up to 70% of new housing will be built within our existing urban footprint, new urban areas will be explored for future needs.
- The areas for future planning for growth and development is identified in Map 6 (page 40) (screen shot below). This includes the Western Edge Investigation Area and Eastern Broadacre Area where investigations are underway. These investigations were recommended as actions within the ACT Planning Strategy 2018.
- Investigations include the Western Edge Investigation Area (WEIA) to identify if there are areas suitable for urban development. To date, these assessments have included a range of studies (including ecological, environmental and cultural heritage).
- The Eastern Broadacre area is identified in the ACT Planning Strategy 2018 and East Canberra District Strategy as a study area for investigations into establishing new industrial and employment opportunities in parts of the area, while considering existing uses of the land and environmental values. The Eastern Broadacre Strategic Assessment (EBSA) is being undertaken in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) following the identification of threatened ecological communities in the area. The Eastern Broadacre Strategic Assessment is currently being finalised and will be subject to approval by the Commonwealth Government.

MAP 6. GROWTH MAP



Under the Planning Act 2023, the Executive, at least once every five years after making the planning strategy, must consider whether the strategy should be reviewed. Relevant recommendations from the State of the Environment report will be considered as part of that future consideration, noting that as part of the recent planning reforms, government agreed to not undertake a review at that time.

**Overarching**

Recommendation 2

*As an outcome of the 2024 statutory review, strengthen the Nature Conservation Act 2014 (ACT) to i) give it primacy over other legislation within nature reserves, and ii) include the power to establish nature reserves.*

**Government Response: NOTED.**

Nature reserves are an essential feature of the Canberra landscape and contribute to the title of the bush capital. The ongoing creation of nature reserves will be critical to protect, conserve and enhance areas in of the ACT with high ecological and biodiversity value.

The *Planning Act 2023* makes provision for public land to be reserved in the Territory Plan for a range of purposes including nature reserves (section 385 (c)). The Act also contains provisions (Chapter 11) for the Conservator of Flora and Fauna to recommend to the Territory Planning Authority that a new nature reserve be created. This is a statutory process that involves public notification and input. The Planning Act 2023 is required to be reviewed three years after its commencement.

A statutory review of the Nature Conservation Act 2014 commenced in 2023 to consider whether the Act has achieved its objectives over the last decade. Public consultation will be sought on issues and solutions raised in the Nature Conservation Act Discussion Paper in 2024. Consultation on the delineation of responsibilities and frameworks for creating a reserve will be included in the review.

**Overarching**

Recommendation 3

*Establish metrics and indicators to assess how ACT Budgets and new policy initiatives have improved environment and climate outcomes under the ACT Wellbeing Framework.*

**Government Response: AGREED IN PRINCIPLE.**

The ACT Wellbeing Framework includes an Environment and Climate domain and the Framework's application provides for consideration of the wellbeing impacts of Cabinet Submissions and Budget proposals. This includes an assessment of the environmental impact.

Ministerially-endorsed Wellbeing Impact Assessments (WIAs) must indicate the anticipated impact of the initiative and indicate how that impact will be measured, along with an outline of the evidence of the impact and the collaboration that has taken place in developing proposals.

With respect to new policy initiatives, the ACT Government has also instituted processes and developed guidance material to support all members of the ACT Legislative Assembly and Government Directorates to undertake a Climate Impact Analysis for new legislative proposals. This requirement has been set for all Government and Private Members Bills that are deemed to have a material impact on climate change.

The development of evaluation programs can take some time, particularly where they either rely on data that has not been collected in the past or rely on a considerable passage of time before an intended impact can become visible.

Options to provide more comprehensive information on how ACT Budget and new policy initiatives have improved outcomes for the climate and the environment will be considered as part of the ongoing development of the ACT Wellbeing Framework, including any consequent refinements to reporting arrangements more broadly.

### **Overarching**

#### **Recommendation 4**

*In recognition that children and young people are those most impacted by the climate emergency, include a sub-indicator within the ACT Wellbeing Framework that assesses youth participation and influence on government processes.*

#### **Government Response: NOTED.**

There are a number of formal forums and other opportunities for participation across different portfolios that provide for the voice of children and young people in the ACT to influence government processes. There can be practical and ethical issues to consider, particularly where children under 18 are involved, and where data is collected in relation to these children and their perceptions, including in relation to the impact of climate.

Developing and including a sub-indicator within the ACT Wellbeing Framework would therefore require the agreement and cooperation of other agencies and portfolios across the ACT Government.

Within the Wellbeing Framework dashboard, there is already a measure which asks Canberrans about their ability to 'have a say' to decision makers and feel that they will be listened to. This applies to both government and non-government processes and includes a breakdown by age category (the lowest currently being 18-29). The Framework does not currently include a sub-indicator structure and doing so would need to consider the consequences for the overall shape and scale of the Framework's architecture.

This recommendation could be considered in the context of the further development of the Wellbeing Framework architecture and dashboard measures.

## **Environmental governance**

### Recommendation 5

*Reform the ACT's environmental statutory positions to strengthen the independence and accountability of these entities, including that:*

- i. The Commissioner for Sustainability and the Environment be reformed to enable the office to independently manage its administrative matters and to strengthen the Commissioner's powers to obtain information and conduct investigations.*
- ii. The Conservator of Flora and Fauna be established as a standalone and independent role that sits outside the structure of ACT Government directorates.*
- iii. The Conservator of Flora and Fauna and the Environment Protection Authority are appointed by the Minister for the Environment and reviewable by the ACT Legislative Assembly.*
- iv. There be a public inquiry into the constitution, appointment and functions of the ACT's environmental statutory position holders, with a view of improving their independence from government.*

### **Government Response: NOTED.**

The ACT's environmental statutory office holders are established across the ACT Government to provide independence in the provision of advice and decision making on responsibilities assigned to them under legislation.

Currently, these statutory office holders occupy other roles within government and therefore benefit from the administrative and resourcing support provided by their government agency's administrative unit.

The Government has undertaken an independent review of the ACT's planning governance to consider the effectiveness of the governance framework of the ACT's new planning system and whether it supports the delivery of an efficient and transparent planning system within the ACT context. The review made a number of recommendations that the Government is responding to that will support good governance and outcomes around statutory environmental positions. Specifically, the Government is developing guidelines on obligations, expectations and best practice management of holding joint statutory and public sector roles. Additionally, the Government will consider future policy options regarding governance and appointments of the Conservator of Flora and Fauna and the Environment Protection Authority.

The Government will separately consider Recommendation 5(i), noting that there is no statutory review in the *Commissioner for Sustainability and the Environment Act 1993* to provide a routine consideration of such reforms.

## **Climate change**

### Recommendation 6

*Develop climate change adaptation plans for key sectors in the ACT, such as for health, education, built infrastructure, and natural environments.*

### **Government Response: AGREED IN PRINCIPLE.**

In 2019, the ACT joined many other cities and jurisdictions around the world to declare a state of climate emergency. This declaration recognised the risk that climate change poses and was a call to urgent action across all areas of government.

In 2022, the Government delivered a climate change risk assessment for the ACT. A summary version of this risk assessment is available online. Key findings included risks of increased heat days, more frequent and intense weather events, and extended periods of drought conditions. Twenty-six priority risks from a total of 59 total identified risks were identified across five value domains of social, economy, nature environment, built environment and governance.

To be successful, climate change adaptation plans need to exist at all levels of government including strategic, operational, and tactical. The Government considers that climate change adaptation planning should remain as a high priority but integrated as part of normal government business planning across all directorates and at all levels. To facilitate this planning, an ACT Whole of Government Adaptation Framework (the Framework) has been developed. The Framework provides high-level step-by-step guidance to support directorates and agencies to identify climate risks, build an adaptation plan to better anticipate future risks, and develop climate resilient operational models. The Government therefore believes that it is already implementing this recommendation, but may explore further changes required to support the key sectors highlighted to incorporate climate change adaptation into all relevant aspects of their work as described to deliver on the intent of this recommendation.

The ACT is developing a climate change adaptation "toolkit" of resources through a codesign process with community sector organisations to support their climate change risk management and adaptation planning. The toolkit of resources will be able to be adapted to suit a wider audience, including government and other sectors, as well as small to medium enterprises.

The Government is also working to develop the ACT Health and Climate Action Plan (Action Plan) as described in the Government response to the Climate Change Impacts on Health - Assembly Resolution of 20 October 2022. The Action Plan will:

- address the health impacts of climate change across the climate change continuum from mitigation to adaptation and resilience,
- align with the National Health and Climate Strategy launched in December 2023 and consider key objectives and actions from the National Strategy through current and emerging opportunities,
- be guided by the National Climate Risk Assessment which will inform the National Climate Adaptation Plan proposed for delivery in late 2024,
- aim to build a climate resilient and sustainable health system that enables the ACT community to remain healthy and active members of society.



## **Climate Change**

### **Recommendation 7**

*Develop and implement an extreme heat policy which addresses impacts of heat on the environment and communities of the ACT, and consider establishing a chief heat officer. The chief heat officer would oversee the implementation of heat wave-related preparedness, response and recovery and coordinate effort across government, private sector and community.*

#### **Government Response: AGREED IN PRINCIPLE.**

The Government recognises the risk that extreme heat will have on the ACT's environment and population. The Government has in place a range of policies, plans and strategies that address extreme heat. These include the Extreme Heat Emergency Sub Plan, Living Infrastructure Plan, ACT Climate Change Strategy, and the Urban Forest Strategy. Work towards implementing actions relating to extreme heat is progressing under these plans. For example, the Living Infrastructure Plan sets a target of achieving 30% tree canopy cover across Canberra's urban footprint by 2045, a nearly 33% increase on 2019 levels.

The government has also progressively introduced 'climate ready' planning provisions in its urban planning processes. For example, zone policies introduced through the 2023 Territory Plan and Planning Act establish requirements for developments to demonstrate how they would support living infrastructure and reduce urban heat island effects.

The Government is working to strengthen its consideration of extreme heat impacts on threatened species and included these in conservation action plans. For example, the draft Action Plan for the Grey-Headed Flying Fox specifically addresses extreme heat matters. The Government is also progressing the Climate Adaptation for Nature program, of which extreme heat is a factor.

The Government recognises the potential benefits from having a single position that is responsible for coordinating government planning and policy responses to extreme heat and will explore, as part of its ongoing work to address climate change, the benefit and need for a Chief Heat Officer. However, it is mindful of avoiding unnecessary duplication of resources that may already be in place and achieve the same outcome.

## **Climate change**

### **Recommendation 8**

*Measure and report on the impacts of climate change on health outcomes in the ACT by investing in data collection across ACT Health and EPSDD, and engaging in partnerships with health service providers and research institutions.*

#### **Government Response: AGREED IN PRINCIPLE.**

As described in recommendation six above, the Government through ACT Health is currently developing an ACT Health and Climate Action Plan in response to the National Health and Climate Strategy.

Recognising the interface across commonwealth, states and territories, and the not for profit and private sectors, the National Strategy will provide guidance to support consistent data monitoring. The Action Plan will look to leverage these efforts and progress will be monitored through governance arrangements for the National Strategy and Action Plan.

**Climate change**

**Recommendation 9**

*Ensure that climate change resilience-related design requirements are mandatory outcomes in the development application assessment process.*

**Government Response: NOTED.**

Climate change resilient design requirements include those for urban heat, passive energy efficient design (e.g. cross-ventilation) and natural hazards, and are included in the Territory Plan assessment outcomes and design guides.

Mandating specific design requirements in all circumstances in the development assessment process is not always the best option, which is why innovation is encouraged and flexibility is provided for in the design guides. For example, the best urban heat outcomes for precinct developments will be achieved where developers identify a combination of actions designed specifically for the site such as orientation of public spaces, tree canopy, permeability, and shade structures. Each proposal could have a different solution, informed by the design guides.

The new planning system includes several strengthened resilience provisions, for example urban heat provisions for subdivision, commercial zones and the Community Facility Zone.

The Biodiversity Sensitive Urban Design Guide and the new Urban Forest Act will contribute to strengthening climate change resilience. Regular updates to the ACT's Strategic Bushfire Management Plan 2019-2024 and the Emergencies Bushfire Management Standards 2023 which ESA assess developments against will also strengthen resilience.

**Climate change**

**Recommendation 10**

*Set scope 3 emissions reduction targets for ACT Government operations and report on these publicly.*

**Government Response: NOTED.**

The Government has set nation-leading targets to reduce scope 1 and 2 emissions through the *Climate Change and Greenhouse Gas Reduction Act 2010*. In response to the Commissioner for Sustainability and Environment's investigation of the ACT's scope 3 emissions, the ACT Government also agreed in principle to "implement a methodology (such as that presented in this investigation) to report on scope 3 emissions across the Territory every three years".

There are a range of complexities and uncertainty with measurement and data availability for scope 3 emissions, and the Government has not mandated scope 3 emissions reporting or reduction targets. The ACT Climate Change Council’s recent review of ACT’s emissions targets noted the challenges of establishing a clear scope 3 target and recommended the adoption of a declining trajectory approach as an alternative. The Government will evaluate an appropriate way to track a declining trajectory in scope 3 emissions, and therefore the ability to meaningfully set and track against targets.

The Government continues to take strong action towards measuring and considering scope 3 emissions in decision-making. In particular, the Government has been progressing early foundation work on scope 3 emissions and has completed an initial analysis of the methodology and data availability to report scope 3 emissions from government operations. Work is underway to refine the approach and ensure it is consistent, comparable, complete and accurate. This work provides the basis for producing meaningful scope 3 estimates and the development of an appropriate baseline for understanding and tracking scope 3 emissions at the appropriate time.

Whilst working through these considerations, the Government is already reporting and reducing scope 3 emissions on a number of major projects. Major projects currently underway in the ACT, such as Light Rail Stage 2 and Canberra Institute of Technology (CIT) campus, are already actively delivering reductions in scope 3 emissions and testing scope 3 emissions tracking tools as part of sustainability rating schemes. Low carbon concrete has been used in the Canberra Hospital expansion, Campbell Primary School expansion, Light Rail projects and Suburban Land Agency (SLA) demonstration projects. Work is underway to overcome key barriers to the uptake of low carbon concrete in the delivery of new infrastructure.

The Government is preparing to measure and value embodied emissions in major transport infrastructure projects such as the light rail. As agreed by Infrastructure and Transport Ministers, this will become a requirement for projects attracting Commonwealth funding in excess of \$250 million.

**Climate change**

**Recommendation 11**

*Include information on scope 3 emissions in all of ACT Government’s community education material relating to climate, waste and low-carbon living.*

**Government Response: NOTED**

Most of the scope 3 emissions in the ACT are from consumption, and not production. Therefore, community education and training on reducing consumption can have a positive impact on ACT’s scope 3 emissions.

Of note, the Government has developed a Circular Economy Strategy (the Strategy) to support the creation of a circular economy in Canberra. The creation of a circular economy will help reduce scope 3 emissions across the supply chain through the minimisation of resources and waste. The Strategy focuses on enhancing skills, innovation, and governance to enable the Government and wider community to make informed choices and change their behaviour towards waste. The Government has also passed circular economy legislation, which includes requirements for businesses to separate organic waste and develop a food waste reduction plan.

The Government's ongoing education and awareness campaigns on waste reduction, sustainability and everyday action on climate change will continue to provide an opportunity to strengthen the community's understanding of scope 3 emissions reduction, and this will continue to be considered and included where appropriate. However, it is noted that communication campaigns on relevant topics are designed by communications experts to achieve specific engagement and behavioural influence objectives, and routinely providing more information on scope 3 emissions may undermine achieving those objectives.

**Human settlements**

Recommendation 12

*Develop a publicly available circular economy business and organisation directory for ACT community members.*

**Government Response: NOTED.**

While developing an online directory is not an action in the ACT Circular Economy Strategy and Action Plan 2023-2030 (the Action Plan), the Government is aware of other online directories for circular economy businesses. This could be considered as part of any future action plans.

**Human settlements**

Recommendation 13

*Establish an online circular business hub to build capability for the circular economy, to support businesses to identify and implement circular business models and practices.*

**Government Response: NOTED.**

While establishing an online circular economy business hub is not an action in the Strategy and Action Plan, there are several existing actions in the Strategy and Action Plan that support knowledge sharing and collaboration.

A number of circular economy resources are already publicly available, such as the Australian Circular Economy Hub which includes a knowledge hub focused on key industries (built environment, renewable energy, finance, food, packaging, resource management and textiles).

The Government also has an existing ACT Business Hub which provides information to businesses on sustainability programs and incentives, such as plastic reduction and electrifying Canberra and removing gas supply. Consideration will be given to how to strengthen the existing ACT Government business information hubs in response to this recommendation.

**Human settlements**

Recommendation 14

*Conduct and publish waste audits of domestic kerbside waste, landfill and transfer waste, and the Materials Recovery Facility every two years.*

**Government Response: AGREED IN PRINCIPLE.**

The Government recognises the importance of waste audits to understand waste composition, evaluate existing policies and programs, assess contamination rates and identify potential opportunities to improve waste management.

Following the fire at the Materials Recovery Facility (MRF) in 2022 the commercial material which would previously have been taken to the Hume MRF is now being taken to alternative sites interstate, therefore a MRF audit will likely not be completed until a new MRF is constructed.

Changes to existing contractual arrangements for the operations of waste services may impact the capacity to undertake all audits during a two year cycle. These audits are currently funded by contractors through existing contractual provisions.

**Human settlements**

Recommendation 15

*Develop a mechanism to incentivise reuse and redevelopment of existing building structures and materials on-site in preference to a knock-down-rebuild approach. For example, rebates for homeowners and subsidies for construction businesses which reuse materials.*

**Government Response: AGREED IN PRINCIPLE.**

The Government notes it will explore opportunities for the development of policy that effectively supports the reuse of existing building structures and materials, and hence reduce construction waste to landfill and greenhouse gas emissions. However, until this policy is developed it is not in a position to commit to specific mechanisms, and the use of rebates and subsidies for private developers may not be the most appropriate mechanism. Development of a policy will need to be considered further and subject to normal Budget processes.

The Government maintains information available to the public on the currently available construction and demolition disposal and recovery services.

## **Human settlements**

### **Recommendation 16**

*Commit to achieving best practice thermal comfort and energy efficiency standards in the maintenance, repair, modification and construction of public housing.*

#### **Government Response: EXISTING GOVERNMENT POLICY.**

Enhancing the thermal comfort and energy efficiency standards in the maintenance, repair, modification and the construction of public housing is a priority for the Government. The Government has already set a target that all public housing will meet the minimum energy efficiency standards by the end of 2026.

In early 2024, the Government adopted the new National Construction Code in full which prioritises energy efficiency in new housing. These include new residential energy efficiency standards that will enhance the thermal comfort of new houses and mandate a 7-star equivalent energy rating.

Under the Government's Home Energy Support: Public Housing Program, over 5,000 public homes will receive energy efficient upgrades. This is part of a \$35.2 million partnership between the Australian Government and ACT Government.

## **Air**

### **Recommendation 17**

*Provide publicly accessible, locally relevant real-time assessments of air quality that incorporate data from air quality monitoring stations, citizen science observations, air quality modelling and an up-to-date air pollution inventory.*

#### **Government Response: NOTED.**

The ACT Government Analytical Laboratory (ACTGAL) manages three semi-automated air quality monitoring stations across the ACT. These air quality monitoring stations already provide government entities and the public with population level air quality data.

The provision of the high-quality data function relies on dedicated scientific resources and expertise to calibrate and maintain high-end analytical equipment and facilitate data reporting and publication using dedicated information technology systems and the Government's open data platform dataACT.

ACT Health undertook a pilot study of commercially available low cost air quality monitoring sensors to test their utility in a public health context. Technology employed in air quality citizen science can be adequate in some localised contexts and can be useful to build on the understanding of generalised fluctuations in air quality. However, technologies are not currently available at the standard that would support this data into existing AAQ monitoring data frameworks for regulatory and public health activities.

ACT Health continues to monitor developments with technologies and their application. Furthermore, due to the risks of potential inaccuracy, inconsistent and unreliability in citizen science information about air quality, further consideration will be needed on the feasibility, appropriateness, and costs to include this information in the future.

The Government currently reports real time health advice based on the latest 1-hour PM2.5 averages. These health advice categories were endorsed in late 2020 by EnHealth (as a subcommittee of the Australian Health Protection Principals Committee) and are currently under review.

In addition, the Government maintains the air quality health advice portal that provides close to live information about the ACT's air quality that is obtained from three air quality testing stations. The portal also includes health advice and other information.

**Air**

Recommendation 18

*Research the long-term effects of bushfire smoke exposure on physical and mental health trajectories in Canberra.*

**Government Response: NOTED.**

The impacts from the smoke of the 2019-20 Black Summer bushfires was profound on the Canberra community. For several weeks the air quality was poor and impacted on those with underlying respiratory health conditions and enjoyment of the outdoors.

The Government agrees that research to understand the long-term effects of bushfire smoke is important information to inform government policy and community wellbeing. The negative health impacts from bushfire smoke are not limited to Canberra but experienced widely in Australia.

The Government notes that research on the impacts of bushfire smoke has already been progressed by various national entities including the Australian Institute of Health and Welfare and the Australian Government Department of Health and Aged Care.

The Government will advocate for further national studies on medium and long-term effects of exposure to bushfire smoke to be completed by well-placed national bodies, and ensure they consider the ACT population by supporting access to data and other in-kind support where appropriate.

**Land**

Recommendation 19

*Measure and publicly report on the actual area of land use change, rather than desktop assessments which are reliant on planning zones instead of physical changes.*

**Government Response: AGREED IN PRINCIPLE.**

The Government acknowledges that strengthening the robustness of land use change assessment processes including reporting has benefit.

The Government will consider the most appropriate options available within existing data systems and resources, to implement this recommendation while also considering national environmental data sharing requirements and their implications.

**Land**

Recommendation 20

*Ensure urban forest management policy objectives are sufficiently supported through additional resourcing for maintenance, renewal and enhancement of the urban forest.*

**Government Response: NOTED.**

In November 2023, the Government announced that it was on-track to plant more than 64,000 trees by mid-2024 which exceeds the 54,000 target.

The Government has also introduced the *Urban Forest Act 2023* that modernises the ACT's legislation to protect and enhance the urban forest and contribute to increased biodiversity.

The Government will, as part of its existing program of work, continue to identify, consider, prioritise and progress policy and resource proposals that will better support the implementation of the Strategy and objectives of the *Urban Forest Act 2023*.

**Land**

Recommendation 21

*Provide additional support across ACT Government to ensure tree canopy cover targets are met through undertaking a review of urban forest pressures from construction and development of public (including service upgrades) and private infrastructure, and allocate resources to implement findings.*

**Government Response: NOTED.**

The Government's urban infill policy for 70% of new housing to be built within Canberra's existing urban footprint is important to limit urban spread and reduce the environmental costs of land clearing for greenfield developments, however, urban infill places significant pressure on the existing urban forest due to competition for space for construction activities and infrastructure upgrades.



A holistic whole-of-government approach to achieving tree canopy cover targets in a framework of urban infill is being implemented to ensure that planning and development processes, essential utility requirements, and public land management policies align with the 30% canopy cover target where possible.

**Biodiversity**

Recommendation 22

*Protect Matters of National Environmental Significance by prohibiting all development activities that impact listed threatened species and ecological communities. This recognises that the adverse effects of development are cumulative and cannot be compensated for by offsets for Matters of National Environmental Significance.*

**Government Response: NOTED.**

The Government recognises that greater effort and focus is needed to protect Matters of National Environmental Significance (MNES) and to require development proponents to fully explore and exhaust all options to avoid or mitigate impacts to MNES before resorting to the use of offsets. Aside from being expensive, offsets cannot truly compensate for damage to MNES.

The Government is actively engaged in and supports the work of the Australian Government through the Nature Positive Plan to strengthen the protection of MNES. The Nature Positive Plan includes new legislation to replace the *Environment Protection and Biodiversity and Conservation Act (1999)*, a new National Environment Protection Agency, and the development of National Environment Standards, which includes consideration of the appropriateness of offsets. The Government will continue to support and engage with the Australian Government to progress the implementation of Nature Positive Plan and to ensure it delivers effective national policy and regulation to protect MNES. This work is also informing the review of the ACT Government’s environmental offsets policy.

The Government notes that it is not possible to definitively commit to “all development activities” being prohibited in areas of MNES. For example, there may be occasions where essential infrastructure may need to be situated in such locations.

The *Planning Act 2023* includes explicit provisions for consideration of cumulative environmental impacts. The Planning Act has also strengthened consideration of cumulative impacts by requiring proposed developments which are likely to result in a key threatening process to undergo environmental impact assessment. There are also provisions in the Territory Plan zone policies and assessment requirements relating to the need for biodiversity protection. The Biodiversity Sensitive Urban Design Guide is also applicable. This means that development within areas of MNES does not necessarily need to result in their loss or offsetting. Where applicable, early consideration of Biodiversity Sensitive Urban Design will occur during the environmental impact assessment process to ensure retention/improvement of key connectivity corridors, and to inform detailed design, layouts and footprint to maximise avoidance and reduce residual impacts.

**Biodiversity****Recommendation 23**

*Legislate environmental offset requirements by setting clear limits on the use of offsets, such that they permitted only after all reasonable measures have been taken to avoid impacts, and requiring detailed assessments of offset feasibility prior to approval.*

**Government Response: NOTED.**

Refer to the response to Recommendation 22.

**Biodiversity****Recommendation 24**

*Publish evaluations of the conservation outcomes of all environmental offsets in the public domain every five years. Publication of the performance of offsets should be a statutory requirement stipulated in the Planning Act 2023.*

**Government Response: AGREED IN PRINCIPLE.**

The Government pursuant to the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* is required to publish monitoring reports for each offsets area. These monitoring reports are published online as finalised on the Environment ACT website. Therefore amending the *Planning Act 2023* with a duplication of this requirement is not necessary. The ACT Government is committed to ensuring it publicly reports on offsets performance and this will be factored into any changes required through the national environmental law reforms.

**Biodiversity****Recommendation 25**

*Expand reserved land to protect threatened woodlands and grasslands and the species dependent on these ecosystems.*

**Government Response: AGREED IN PRINCIPLE.**

The ACT's parks and reserves cover over 60% of the ACT. These parks and reserves protect and conserve flora and fauna that have high conservation value. These parks and reserves also support scientific research, education, nature-based recreation, and importantly a place for Canberrans to enjoy.

Statutory provisions already exist in the *Planning Act 2023* for the Conservator of Flora and Fauna to make recommendations to the Territory Planning Authority about the creation of new nature reserves.

Where the Government identifies a requirement to protect woodlands and grasslands that are outside of the current parks and reserves network, the government will carefully assess the requirement and identify the preferred option. This may include considering the creation of a new park or reserve pursuant to the ACT's statutory planning arrangements. This process will be subject to careful consideration of resourcing requirements through

normal Budget processes and overarching conservation and other government priorities. Meeting government responsibilities and legal obligations to environmental protection will be considered alongside other priorities, including the responsibility and legal obligation to provide housing and community amenities for our rapidly growing city.

The Government is also progressing work to explore how a strategic environmental assessment could be conducted for the remaining public land in the ACT. This work will help guide and inform future government decision making around protecting high value environmental assets that are outside of the parks and reserves network.

**Biodiversity**

Recommendation 26

*Ensure that land for biodiversity is integrated into all new suburbs by including planned native habitat patches in the same way as playgrounds and playing fields are planned.*

**Government Response: EXISTING GOVERNMENT POLICY.**

All development proposals for suburban development involve consultation with the Conservator of Flora and Fauna.

As part of the new planning system, including the new Territory Plan and District Strategies, the Government introduced the Blue-Green Network and the Biodiversity Sensitive Urban Design Guide (BSUD).

The BSUD provides information on how developments can work in harmony with the natural environment, and therefore protect and enhance biodiversity and ecological planning.

The Territory Plan subdivision policy specific assessment outcomes include the following provisions:

- 4. Biodiversity connectivity is maintained across the landscape.
- 5. Loss of native habitat and biodiversity is avoided and/or minimised.
- 17. Threats to biodiversity such as noise, light pollution, invasive species incursion or establishment, chemical pollution, or site disturbance are avoided or minimised through good design.

**Biodiversity**

Recommendation 27

*Increase the capacity to monitor and regulate Construction Environment Management Plans (particularly those that are required under Environmental Impact Statement and Environmental Significance Opinions approval processes), and enforce penalties for non-compliance.*

**Government Response: NOTED.**

As part of the Government's introduction of the new Territory Plan and District Strategies, additional resourcing was appropriated to the Conservator of Flora and Fauna, and the EPA.

These additional resources will increase the Government’s capacity to monitor and regulate Construction Environment Management Plans (CEMPs), and work with regulatory areas across the ACT Government to issue penalties where breaches of legislation have been identified.

The Government continues to regularly review capacity to undertake enforcement and compliance activities for CEMPs in line with data collected on construction activity and the regular consideration of resourcing required. The Government will give ongoing consideration to options to strengthen the ACT’s environment protection arrangements.

**Water**

Recommendation 28

*Improve water quality in the Molonglo and Murrumbidgee rivers downstream of Lake Burley Griffin by monitoring the impacts of greenfield development on water quality and report on these impacts and management actions publicly.*

**Government Response: EXISTING GOVERNMENT POLICY.**

Improving the ACT’s water quality downstream of Lake Burley Griffin as it discharges into the Murrumbidgee River remains a high priority for the Government.

The total funding provided by the Government in this term of government totals \$35.5 million. This funding has been used towards a wide range of projects to improve water quality and catchment health across the ACT region.

The Government is progressing the development of a new water strategy and further healthy waterways initiatives to improvement water quality, including in the Molonglo and Murrumbidgee rivers downstream of Lake Burley Griffin. The refreshed ACT Water Strategy is due to be released in 2025.

In August 2022, the Government released the *Environment Protection Guidelines for Construction and Land Development in the ACT* (Guidelines). These Guidelines contain information about erosion and sediment control plans.

The Government funds Waterway to deliver the annual Catchment Health Indicator Program (CHIP) which has been running since 1995. The 2023 CHIP report is based upon 1,946 water quality surveys, 189 waterbug surveys and 132 riparian condition surveys conducted by over 200 volunteers.

The Government notes the outcomes of the 2023 CHIP report that states “Overall, 55% of reaches fell into the excellent/good range which is the best result in the CHIP’s ten-year history, breaking the previous record set in 2022.”

## **Fire**

### **Recommendation 29**

*Revise hazard reduction burning practices to ensure a balance between ecological damage and protection of human life and infrastructure in light of the following:*

- i. Evidence that prescribed burns are less effective under the extreme and catastrophic bushfire conditions that are predicted to become more commonplace under climate change.*
- ii. The increased frequency of unplanned bushfires in the ACT, including very severe bushfires in wilderness areas, which are already exceeding the tolerable fire intervals for many species even without prescribed burns.*
- iii. The general decrease in native habitat which is in good condition across the region.*

### **Government Response: EXISTING GOVERNMENT POLICY.**

All hazard reduction burns that occur within the ACT's conservation estates are planned as far as possible to protect and enhance ecological values within the identified burn area. This planning is undertaken by experienced fire practitioners within the ACT Parks and Conservation Services with the close support of fire ecologists and Conservation Officials from within the Environment, Planning and Sustainable Development Directorate.

These hazard reduction burns are subject to approval by the Conservator of Flora and Fauna who seeks independent advice on the plans and measures to protect high value environmental assets. These assets are typically identified, marked and protected during hazard reduction burns.



**Photo 1: Identification and marking of a rare orchid in the Black Mountain Nature Reserve during a recent hazard reduction burn.**

Hazard reduction burns are delivered by experienced rangers and conservation officers from the ACT Parks and Conservation Service with the support of fire ecologists. The ACT has taken a nation-leading role in developing and implementing an Environmental Values Officer role within the incident management team that oversees the hazard reduction burn, to ensure ecological values are identified and protected during burn operations.

The Government is refreshing the Regional Fire Management Plan which will consider the full spectrum of risks to life, property and ecological assets. In addition, the residual risk framework used by the ACT Parks and Conservation Service assesses the effectiveness of hazard reduction burning is being enhanced to include consideration of risk to ecological values as well as life and property.

## **Fire**

### **Recommendation 30**

*Prioritise bushfire protection for sites of ecological significance in legislation and fire management plans by:*

- i. Evaluating ecologically significant sites (e.g. nature reserves) and assets (e.g. mature hollow-bearing trees) to identify those that cannot regenerate or be replaced if destroyed by fire.*
- ii. Reviewing the asset protection hierarchy during fire control operations so that built infrastructure does not automatically receive a higher level of protection than biodiversity.*
- iii. Stipulating the responsibility for protection of sites with ecological significance.*

### **Government Response: NOTED.**

One of the objects of the *Emergencies Act 2004* is “to protect and preserve life, property and the environment”. All personnel involved in bushfire planning and response continually monitor and reevaluate priorities during bushfire response. In addition to life and property this includes environmental and cultural values.

Uncontrolled high intensity bushfires typically cause significant environmental damage. Bushfires destroy ecological and cultural sites of high value, kill threatened flora and fauna, and cause sedimentation of creeks and waterways. Uncontrolled bushfires pose a risk to the environment and can eliminate years of conservation work.

The Government maintains up to date maps and other records of the ecological values in the ACT’s conservation areas. This information is made available to fire and emergency services personnel to support bushfire planning, response, and recovery.

Where a bushfire occurs in a conservation area, land managers from the ACT Parks and Conservation Service and fire ecologists/conservation officers work closely with the fire and emergency service personnel to identify and prioritise what must be protected, including built infrastructure or ecological assets. This is a key role of the Environmental Values Officer who now forms part of the Incident Management Team.

The ACT has taken a nation-leading role in development and implementation of the Environmental Values Officer role which ensures ecological values are considered during

bushfire suppression and planned burning operations, and that risk mitigations are implemented.

The Government is currently refreshing the 10-year Regional Fire Management Plan which will balance risk management across the full spectrum of risks to life, property and environmental assets. Part of this process is a prioritisation of environmental assets for protection from bushfire impact based on their conservation significance and vulnerability to fire.

Land managers from the ACT Parks and Conservation Service and Conservation Officers from within the Environment, Planning and Sustainable Development Directorate maintain training and qualifications in fire-fighting that allow them to protect sites of environmental significance.

ACT Government Fire Ecologists have recently been delivering fire ecology training to volunteers of the ACT Rural Fire Service to increase their awareness of conservation matters and the importance of protecting sites of high ecological value.