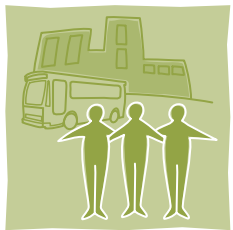
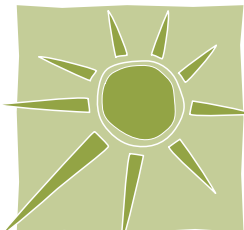
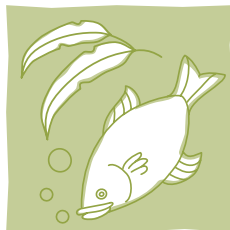




Office of the Commissioner for
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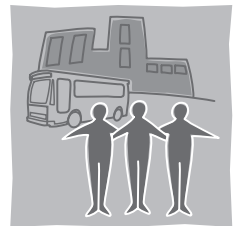
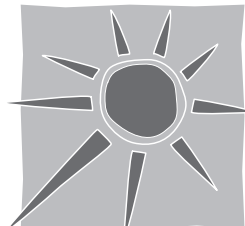
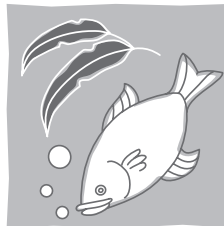
annual report 2010-11





Office of the Commissioner for
Sustainability and the Environment

annual report **2010-11**



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Office of the Commissioner for
Sustainability and the Environment

TRANSMITTAL CERTIFICATE

Mr Simon Corbell, MLA
Minister for the Environment and Sustainable Development
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Minister

I am pleased to submit to you the Annual Report of the Office of the Commissioner for Sustainability and the Environment for the year ended 30 June 2011. This Report has been prepared under section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's 2010-2011 Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the Office of the Commissioner for Sustainability and the Environment.

I hereby certify that the attached Annual Report is an honest and accurate account, which contains information on the operations of the Office during the period 1 July 2010 to 30 June 2011.

I also hereby certify that fraud prevention has been managed in accordance with the Public Sector Management Standard 2, Part 2.4.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you present to the Legislative Assembly a copy of the report within three months of the end of the financial year.

Yours sincerely

Mr Robert Neil
Commissioner for the Environment
9 September 2011

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This Office is independent of, but funded by, the ACT Government.



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A.1 The organisation

Our role

The Commissioner for Sustainability and the Environment is an expansion of the role of the Commissioner for the Environment, created under the *Commissioner for the Environment Act 1993*.¹

The Commissioner is accountable and responsible to the Legislative Assembly through the Minister for the Environment and Sustainable Development in relation to its operations.

The Act specifies that the Commissioner shall:

- produce state of the environment reports for the ACT
- investigate complaints about the management of the environment by the Territory or a Territory authority
- conduct investigations as directed by the Minister
- initiate investigations into actions of an agency where those actions would have a substantial impact on the environment of the ACT
- make recommendations for consideration by government and include in its annual report the outcomes of those recommendations.

In addition, advocacy and awareness with respect to sustainability and environmental issues are part of the expanded role of the Commissioner and consequently our Office.

Our vision

Living Sustainably captures our commitment to help the community and government undertake actions to advance our progress towards being more sustainable and better manage the environment. This is achieved through advocacy, independent scrutiny, reporting and advice.

Our mission

Our mission is advancing sustainability through advocacy, independent scrutiny, reporting and advice on environmental matters.

Our values

Our values are:

Independence
– we empower through objectivity, transparent processes, considered evaluations and appropriate confidentiality

Collaboration
– we take an integrated and inclusive approach

Caring – our high regard for the environment, our community, and future generations sustains our efforts

Empathy – we take realistic approaches that recognise the realities faced by the individuals and organisations with whom we engage

Innovation – we seek to use the best available knowledge to pursue solutions that may not be evident or even exist yet

¹ On 21 November 2007, the Legislative Assembly noted 'that the government will amend the *Commissioner for the Environment Act 1993* to expand the role of the Commissioner to include responsibility specifically for sustainability and will consult widely with the government, business and the broader community on the scope of legislative change'.

Our objectives

Our objectives are:

- **Investigation and Resolution** – enhancing understanding and providing guidance by investigating and resolving complaints.
- **Monitoring and Reporting** – advancing sustainable practices and better management of the environment through independent monitoring, analysis and reporting.
- **Engagement and Advocacy** – an independent voice that advocates for, and raises awareness of, sustainable practices and environmental matters.
- **Capability** – fostering a collaborative culture built on professional expertise and networks.

Our structure

Our Office's establishment consists of a full-time Commissioner, two Senior Officers Class B, two Project Officers Class 2 and one Administrative Services Officer Class 5.

Our clients and stakeholders

Our work is relevant to all members of the Australian Capital Territory (ACT) community, specifically:

- the ACT Government and all other members of the Legislative Assembly
- the community, including future generations
- ACT Government directorates
- environment and sustainability interest groups
- business and industry
- academics
- professional bodies and interest groups
- media
- Australian Capital Region councils²
- New South Wales (NSW) and Commonwealth governments.

A.2 Overview

Organisational environment

The Commissioner is a statutory office holder and our Office operates as an independent statutory body. Our staff members are employed under the *Public Sector Management Act 1994* and observe the ACT Public Service Code of Ethics.

The Environment and Sustainable Development Directorate and the Treasury Directorate provide corporate support for matters such as accommodation, financial reporting, recruitment and other personnel services. InTACT (in the Treasury Directorate) provides information management and information technology support.

Significant organisation change

In late 2007, the government decided to expand the Commissioner's role to explicitly include, among other things, sustainability as it relates to environmental issues. The Commissioner was asked to consult widely on the scope of the legislative change needed to support the expanded role. This was undertaken and a report, *Expanded Role of the Office of the Commissioner for Sustainability and the Environment*, was submitted to the Minister for Environment, Climate Change and Water on 24 September 2009. The government is yet to respond to this report.

Administration of legislation or other regulatory activities

The *Commissioner for the Environment Act 1993* is the current enabling legislation. Our Office administers no other legislation and has no other regulatory activities.

² The Australian Capital Region includes the ACT and the 17 surrounding New South Wales local government areas of Bega Valley, Boorowa, Bombala, Cooma–Monaro, Cootamundra, Eurobodalla, Goulburn–Mulwaree, Gundagai, Harden, Queanbeyan, Yass, Young, Upper Lachlan, Palerang, Snowy River, Tumbarumba and Tumut.

A.3 Highlights

Our achievements during 2010–11 cover our key functions and include:

Statutory

- progressing the 2011 ACT State of the Environment Report including releasing the *2008–09 Ecological Footprint of the population of the ACT*³
- progressing 20 complaints covering a range of issues including trees, waste, air quality and planning process and decisions.

Investigations

- submitting the *Report on An Audit/Assessment of ACT Government Agencies' Environmental Performance Reporting*
- submitting the *Report on the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest*
- progressing the Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation
- commencing the Investigation into the state of the water courses and catchments for Lake Burley Griffin.

Advocacy

- progressing the Dickson Motor Vehicle Registry Sustainability Working Group
- progressing the Young People Ambassador Group
- continuing the *What Can I Do?* campaign.

Statutory

2011 ACT State of the Environment Report

The reporting period for the 2011 ACT State of the Environment Report (SoER) is 1 July 2007 to 30 June 2011. The SoER assesses change in all aspects of the environment including atmosphere, biodiversity, land, water and human settlements and is due to the Minister by 31 December 2011.

The SoER has adopted a framework of headline indicators, themes, indicator clusters and indicators to assess and report on the condition, pressure and impacts on the ACT environment and the key actions being undertaken to alleviate pressures, or to improve the condition of the environment. These are reported under five themes: Land and Water, Biodiversity, People, Climate, and Air.

An overarching Reference Group and Peer Review Groups based on the themes were established to provide strategic advice to the SoER (Appendix 1).

New to this SoER is inclusion of Driving Forces, which presents information on demographic, social and economic developments that exert pressure on the environment. The driving forces identified are population, land use and transport systems, climate and consumption. To help inform this section, our Office has commissioned a number of technical papers including:

- *2008–09 Ecological Footprint of the population of the ACT* by Dr Chris Dey
- *Buying Choices for a More Sustainable Canberra* by Dr Sarah Ryan
- *Exploring individual values and attitudes for a more sustainable Canberra* by Dr David Pearson.

The 2011 SoER will also include a paper on Progressing Sustainability, which will place the findings of this report into a wider sustainability framework and provide information on the key challenges and opportunities for progressing sustainability in the ACT.

Ecological footprint

On 14 December 2010 our Office released the *2008–09 Ecological Footprint of the population of the ACT* that Dr Chris Dey of the University of Sydney's Integrated Sustainability Analysis research group prepared.

³ Ecological footprint is a method that measures the sustainability of resource use and pollution of populations. It includes the land area needed to provide biological resources (raw materials, food, timber, etc.) as well as the (notional) area needed to absorb the carbon dioxide emissions emitted by consumption patterns of the Territory's residents. This land area sits both within and outside the borders of the ACT.

In 2008–09, the average Canberran consumed 9.2 global hectares – 8 per cent higher than 5 years ago and almost 25 per cent higher than 10 years ago – this ecological footprint is 13 per cent above the national average. This indicates that the lifestyles of the people of Canberra are consuming more of the earth's natural resources than they were 10 years ago.

The *2008–09 Ecological Footprint of the population of the ACT* paper will inform the driving forces paper and the headline indicator paper for the SoER.

Horizon scanning

As part of the Progressing Sustainability chapter of the SoER, our Office is seeking to identify key future sustainability and environmental issues for the ACT through a horizon scanning process. This process will focus on sustainability and environment issues likely to have a significant impact in the ACT and region. This may include the implication of potential global or national issues on the ACT and sustainability issues unique to the ACT and region.

Investigations

Audit/assessment of ACT Government agencies' environmental performance reporting

The *Report on An Audit/Assessment of ACT Government Agencies' Environmental Performance Reporting* was submitted to the Minister on 22 October 2010. Five terms of reference were established to guide this Investigation (Appendix 2). In addition, this report was produced in accordance with both:

- *Weathering the Change: Action Plan 1 2007–11*, Action 1 which requires 'development of Resource Management Plans to be subject to scrutiny by the ACT Commissioner'
- the government's response to the Report of the Select Committee on Estimates 2009–10 on the inquiry into the Appropriation Bill 2009–10; Recommendation (50) stating that 'the Commissioner will be commencing an ACT Government Agencies Environmental Performance Audit/Assessment in the future'.

The report presents findings from an audit/assessment of ACT Government agencies relating to environmental resource management, data collection and coordination, and resource use reporting and makes recommendations to assist the ACT Government and government agencies.

The government is yet to respond to this report.

Investigation into the Government's tree management practices and the renewal of Canberra's urban forest

On 3 December 2009, Mr Simon Corbell MLA, the Minister for the Environment, Climate Change and Water, directed an investigation into the government's tree management practices and renewal of Canberra's urban forest (the Tree Investigation). His direction was prompted by community disquiet about some tree management practices in the Territory and a proposed urban forest renewal program for public urban street trees and parks managed by the former Department of Territory and Municipal Services. The Minister established 11 terms of reference to guide the investigation. The Commissioner established a reference panel comprising experts in related fields and community members (Appendix 3).

The Tree Investigation was informed by:

- extensive communication with members of the Canberra community who attended forums and provided submissions
- information from various ACT Government agencies, particularly the former Department of Territory and Municipal Services
- the National Capital Authority
- practices in other jurisdictions
- commissioned papers on selected topics:
 - *Report on the sustainable reuse of timber from felled urban trees in the ACT* by Farm Forestry Consulting
 - *A management framework for important trees in the ACT* by CB Richard Ellis Pty Ltd
 - *Solar access* by Purdon and Associates
 - *Funding options for the protection of the environment through enhanced management actions* by Miller Consulting
 - *The benefits and draw backs of considering funding for urban tree programs separately to climate change initiatives* by Miller Consulting
 - *A brief review of papers by Dr Brack and by the Department of Territory and Municipal Services relevant to population modelling of Canberra's urban trees* by Dr Greg Moore

On 16 April 2010, the *Interim Report on street and park tree removals undertaken by the Department of Territory and Municipal Services under classification of 'dangerous' and 'hazardous' trees* was submitted to the Chief Minister. The government's response and agreement to the recommendations was made public on 5 August 2010. The interim report is part of the Tree Investigation and the key findings in it have been included in the final report.

Some of the central issues raised in the Tree Investigation included:

- communication and community engagement
- tree management practices and programs
- coordination of tree activities between units and agencies
- greater recognition of green infrastructure throughout Canberra, particularly in strategic documents
- consideration of trees in greenfield planning.

The ACT Government manages most trees in Canberra. Fully maintained urban trees in streets and parks number 556 268, which is made up of 332 111 street trees and 224 157 park trees. A further 178 000 open space urban parkland trees are reported to receive reactive maintenance. Therefore 734 268 trees are the direct responsibility of Territory and Municipal Services. As well, trees from development of greenfield sites for new estates become the responsibility of Territory and Municipal Services every year. An estimated 40 000 trees are managed by various other ACT Government agencies. In addition, the Australian Government has urban tree management responsibilities within the national capital. The National Capital Authority administers most Commonwealth land in the Territory, which includes managing approximately 20 000 trees in the National Capital Estate.

The 12 recommendations in the Tree Investigation are directed to help better protect and manage Canberra's urban trees, in particularly those street and park trees for which Territory and Municipal Services is the custodian.

The *Report on the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest* was submitted to the Minister on 3 March 2011.

The government is yet to respond to this report.

Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation

On 13 October 2009, Mr Simon Corbell MLA, the Minister for the Environment, Climate Change and Water, directed the Commissioner to undertake an investigation into the Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores (the Canberra Nature Park Investigation). The Minister established eight terms of reference to guide the investigation (Appendix 4).

The investigation involved gathering and analysing information from numerous sources, including public submissions, community forums, discussions with experts, information from government agencies and technical papers.

An expert panel consisting of members with expertise in natural resource management, ecology, flora, fauna and recreation was established to provide advice (Appendix 4).

Fourteen reports and papers were developed to assist the investigation. Of these, 11 were technical papers, which reflect the views of their authors and not the Commissioner. These are:

- *Analysis of public submissions for the Canberra Nature Park (nature reserve); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation* by Mr Richard Reilly
- *Values and uses of Canberra Nature Park – a survey of Canberra Nature Park user groups* by Ms Barbara Chevalier and Ms Sue Hoffman
- *Funding options for the protection of the environment through enhanced management actions* by Ms Lisa Miller
- *Managing rabbits in Canberra Nature Park: a report to the Commissioner for Sustainability and the Environment* by Dr Kent Williams
- *Impacts of climate on the Canberra Nature Park: risks and responses* by Dr Bob Webb
- *Potential biodiversity offset actions and sites for the Australian Capital Territory* by Dr Philip Gibbons
- *Landscape function in Canberra Nature Park and impacts of threatening processes on landscape function* by Ms Sarah Sharp

- *Should Goorooyarroo, Mulligans Flat, Mount Majura and Mount Ainslie become a national park or remain as discrete nature reserves as part of Canberra Nature Park?* by Mr Ian Pulsford
- *Should Canberra Nature Park (nature reserves), Molonglo River Corridor (nature reserves) and Googong Foreshores be re-classified based on IUCN categories?* by Mr Ian Pulsford
- *Legal obligations of the ACT Government regarding the management of nature reserves* by Professor Murray Raff
- *History of Canberra Nature Park* by Dr Sarah Ryan

Three other papers present findings from forums:

- *Research, existing and potential: Paper to inform Canberra Nature Park (nature reserves), Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation*, compiled by the Office of the Commissioner for Sustainability and the Environment
- *Report of the Bird Forum* by Beacon Hill Consulting
- *Investigation into Canberra Nature Park (nature reserves); the Molonglo River Corridor (nature reserves) and Googong Foreshores; Community Consultation Forums* by Interaction Consulting Group.

The report on the investigation will be submitted to the Minister early in 2011–12.⁴

Investigation into the state of the water courses and catchments for Lake Burley Griffin

On 27 May 2011, Mr Simon Corbell MLA, the Minister for the Environment and Sustainable Development, directed the Commissioner to investigate the state of the water courses and catchments for Lake Burley Griffin including:

- possible improvements for managing water quality and the appropriateness of the current protocols for lake closures;
- identifying the causes of lower water quality, including possible resource implications of addressing them;

⁴ The *Report on Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation* was submitted to the Minister for the Environment and Sustainable Development on 3 August 2011.

- jurisdictional implications for water quality management of the lake; and
- the implication of these findings for the ACT's other major recreational waterways, such as Lake Ginninderra and Lake Tuggeranong.

To date, the following has occurred:

- On 14 June 2011, the Commissioner invited community members to participate in the investigation by registering to be informed about consultation during the investigation and/or lodging a submission.
- The Commissioner established a reference group (Appendix 5) to provide advice on issues associated with the investigation. The reference group comprises members with expertise in a range of relevant matters, including urban water management, hydrology, ecology, recreation, communication and consultation.
- The Commissioner established an advisory group to support the reference group. The advisory group comprises members with expertise in health, recreation, environment protection regulation and water policy, management and research (Appendix 5).

The report on the investigation will be submitted to the Minister in 2012.

Advocacy

Young People Ambassadors Group

Our Young People Ambassadors⁵ help the Commissioner and our Office promote sustainability action to the youth sector, in particular 12 to 25 year-olds. Our ambassadors include school students, university students and young professionals who, in partnership with us:

- identify opportunities for engagement with youth
- provide advice on updating the website and electronic communication
- provide links with the Children and Young People Commissioner
- provide links with key sustainability and environmental youth groups.

⁵ Young People Ambassadors are Ms Maiy Azize, Mr Simon Copland, Ms Emily Davies, Mr Xin Qiao Don, Ms Bettina Holyman, Mr Murray Holdom, Ms Ellie Malbon, Mr Michael Mazengarb, Mr Bennett Schneider, Ms Erika Strazdins and Ms Katharine Taylor.

Highlights for the work of the ambassadors include:

- Launching a blog on 22 September 2010 with the purpose of shifting community debate and discussion about the important issues of the environment and sustainability online. This blog will help our ambassadors communicate with the youth of Canberra, to listen to their ideas and opinions on the environment and sustainability.
- Judging the entries for the ACT Planning and Land Authority's *Your City Your Vision – towards a more sustainable Canberra* youth competition in September 2010.
- Presenting a paper at the Australian Association for Environmental Education Conference on 30 September 2010 titled, 'What can I do? – become a Young People Ambassador'.

What can I do? campaign

Our Office launched the *What can I do?* campaign on 25 August 2009. This campaign focuses on what individuals can do to promote a better environment and work toward sustainability.

The theme is Living Sustainably and the goal is to reduce our ecological footprint. Components of the campaign included:

- *What can I do in my home?* Commenced in 2009 and was enhanced when the Minister, the Commissioner and the Young People Ambassadors launched a fact sheet, 'Retrofitting buildings to reduce greenhouse gas emissions', on 21 July 2010. The fact sheet aims to provide advice to Canberrans on living more sustainable lives by increasing energy efficiency and reducing our carbon footprint.
- *What can I do for the festive season?* Launched on the eve of International Buy Nothing Day (27 November) with the key message of 'Do it, don't give it this festive season', this campaign encouraged Canberrans to give gifts that are practical, memorable and environmentally sustainable.
- *What can I do when at the sales?* This campaign was launched in early June to coincide with the end of financial year sales as a reminder to shop smart for the environment and only buy what you need.

Dickson Motor Vehicle Registry Sustainability Working Group

One of the key actions under *Weathering the Change: the ACT climate change strategy 2007–25*, is pursuing carbon neutrality in government buildings. To help achieve this, our Office initiated the Dickson Motor Vehicle Registry Sustainability Working Group. The work being done in the Dickson Motor Vehicle Registry, both to the building and by the staff, to promote and encourage a reduction in resource use highlight actions that address climate change and sustainability.

Working group initiatives have included introduction of mobile phone recycling, installation of sensor lights in the stairwell, installation of rainwater tanks (providing water for toilets), and development of a resource management plan.

In May 2010, this group gained ACT Smart Office Accreditation, recognising that staff in the Dickson Motor Vehicle Registry building are actively recycling; reaccreditation is currently being sought. Future plans for the Dickson Motor Vehicle Registry building include waterless urinals, external building cladding and solar-powered water heating.

A.4 Outlook

During 2011–12 the Commissioner will continue to undertake the functions and roles as mandated in the *Commissioner for the Environment Act 1993*. Our Office will:

Statutory

- investigate complaints about the management of the environment by the Territory or a Territory authority
- release the 2011 ACT State of the Environment Report

Investigations

- submit the *Report on Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation*
- submit the report on the *Investigation into the state of the water courses and catchments for Lake Burley Griffin*

Advocacy

- progress the Young People Ambassadors Group
- progress the Dickson Motor Vehicle Registry Sustainability Working Group
- continue to give talks and presentations, particularly to local community groups.

A.5 Management discussion and analysis

During 2010–11, our Office commissioned Oakton to conduct a Probity Audit, to review and assess procedures associated with contracts and service agreements, record keeping and file management, and physical security. Oakton performed the audit in March 2011. Results indicated that our Office has an appropriate framework in place for procurement, records management and security.

In 2008–09, our Office produced a procedures manual which documents our process for a range of office activities including file management, procurement, enquiries and complaints. The manual was reviewed and updated in late 2010 and will be reviewed annually.

Our Office is progressing toward a paperless record system and has investigated implementing Objective Electronic Document Management.

A.6 Financial report

The ACT Government appropriation for the Office in 2010–11 was \$1 618 000.⁶

The financial transactions for our Office are formally reported in the consolidated financial statements of the Environment and Sustainable Development Directorate Annual Report as part of 'Expenses on Behalf of the Territory'.

⁶ This consists of \$1 189 000 in base funding plus \$429 000 in rolled over funding which will fund preparation of the 2011 ACT State of the Environment Report and ongoing investigations.

A.7 Statement of performance

The statement of performance for our Office is included in the Environment and Sustainable Development Directorate Annual Report as 'Expenses on Behalf of the Territory'.

The Commissioner reports outputs against accountability indicators in the Environment and Sustainable Development Directorate portfolio report. The report for 2010–11 is set out in Table 1.

Table 1: Accountability indicators for the Office of the Commissioner for Sustainability and the Environment

Accountability indicators ^(a)	Original target 2010–11	Actual result 2010–11	Variance from amended target	
Report on uptake of recommendations on the ACT State of the Environment and special reports	Sept 2010	Sept 2010	0%	
Completion of Ministerial initiated investigations in accordance with Minister's direction ^(b)	100%	100% – in accordance with requested extensions sought due to extensive community consultation	0%	
Completion of Commissioner initiated investigations in accordance with terms of reference	100%	n/a	n/a	No such investigations were conducted in 2010–11
Completion of complaints generated investigations in accordance with terms of reference	100%	n/a	n/a	No such investigations were initiated in 2010–11
Report on complaints about management of environment by Territory or a Territory agency	Sept 2010	Sept 2010	0%	

Notes:

(a) Accountability indicators were examined by the ACT Auditor-General's Office in accordance with the *Financial Management Act 1996* and the Financial Management (Statement of Performance Scrutiny) Guidelines 2008.

(b) These are the Tree Investigation and the Canberra Nature Park Investigation.

A.8 Strategic indicators

Our Office is not required to present strategic indicators.

A.9 Analysis of agency performance

This section of the report complies with the *Commissioner for the Environment Act 1993* specifically:

- Section 14(8) requires reporting of complaints received that did not proceed to a full investigation, and the reasons for the decision.
- Section 20(a) any special factor the Commissioner believes had a significant impact on the environment during the year.
- Section 20(b) measures taken during the year, by or for the Territory, in relation to implementation of any recommendations in a state of the environment report under section 19 or special report under section 21.
- Section 23 information to be included in agency annual reports.

Commissioner for the Environment Act 1993 **section 14(8) requirements**

Our Office received 11 complaints in 2010–11, six fewer than in 2009–10. We closed 14 complaints, seven of which were lodged in 2009–10. The Office has six unresolved complaints. Our complaints are summarised in Tables 2 and 3 and detailed in Tables 4 to 6.

Table 2: Summary of complaints and investigations

Complaints	20(a)
Complaints on hand at end 2009–10	9
Complaints received during 2010–11	11
Complaints closed during 2010–11	14
Complaints pending	6
Investigations directed by the Minister	3
Investigation on hand at end 2009–10	2
Investigations commenced in 2010–11	1
Investigations closed during 2010–11	1
Investigations initiated by the Commissioner	0
Investigations initiated in 2010–11	0

Note:

- (a) This is the number of complaints dealt with during 2010–11, it includes one complaint pending from 2008–09 and nine complaints pending from 2009–10.

Table 3: Summary of broad subject area of complaints

Broad subject area	Number of complaints
Air Quality	1
Biodiversity	2
Water	1
Trees	7
Waste	2
Planning Process and Decisions	3
Other	4

Table 4: Complaints lodged in 2008–09

Month lodged	Broad subject area	Complaint	Comment	Month closed
June 2009	Water	Constraints on water re-use innovation	<p>This is a complicated policy issue that involves many agencies and the Independent Competition and Regulatory Commission (ICRC). Discussions are continuing with the ICRC.</p> <p>A paper <i>Water Reuse Innovation in the ACT</i> has been written to progress this complaint.</p> <p>Work being undertaken as part of the <i>Think water, act water</i> Review may address some of the issues. The complaint will be reconsidered following the outcome of the <i>Think water, act water</i> Review.</p>	Pending

Table 5: Complaints lodged in 2009–10

Month lodged	Broad subject area	Complaint	Comment	Month closed
November 2009	Air quality	Lack of ongoing monitoring of air quality within the ACT and lack of availability of daily data	The complainant was advised that the Environment Protection Authority had released the first annual air quality report on June 2010 and it is available on their website. Further, ACT Health advised it is installing and validating a new digital system that will be an improvement on the current system. ACT Health is also seeking the necessary resources for 2011–12 to implement a system that would allow broadcasting of data over the internet.	August 2010
November 2009	Trees	Decision to remove rather than remediate and prune trees on the median strip in Manuka	The complainant was advised that following further assessment, the trees were found to be safe and pruning and maintenance would be undertaken by the Department of Territory and Municipal Services (TAMS). The complainant was further advised that a number of their concerns were addressed through recommendations in the <i>Interim report on street and park tree removals undertaken by the Department of Territory and Municipal Services under classification of 'dangerous' and 'hazardous' trees</i> .	February 2011
November 2009	Trees	Appropriateness of tree removal and the assessment of green trees for removal O'Connor	The complainant was advised that TAMS would arrange for a bridging graft to be placed across the scarf cut of the damaged tree and two replacement <i>Eucalyptus mannifera</i> trees would be planted on the street verges. The complainant was further advised that their concerns were addressed through recommendations in the <i>interim report on street and park tree removals undertaken by the Department of Territory and Municipal Services under classification of 'dangerous' and 'hazardous' trees</i> as well as the final report on the Tree Investigation.	August 2010
February 2010	Trees	Removing street trees for development in Braddon	The complainant was advised that the appropriate process was followed. A gap in communicating to the public about the proposed removal of trees as part of the development application was identified and the complainant was advised that the Office would address this problem in the Tree Investigation.	September 2010

Month lodged	Broad subject area	Complaint	Comment	Month closed
February 2010	Trees	Tree in McKellar blocking solar access and management of this by TAMS	<p>An independent arborist assessed the tree and recommended the following:</p> <p><i>The declining branches will be pruned back to a safe location with consideration to maintaining the structural integrity of the tree.</i></p> <p><i>Further pruning will also be undertaken to thin parts of the crown and reduce weight on the end of the major branches. Pruning will be in accordance with AS4373-2007 where no more than 25 per cent of the live crown is removed.</i></p> <p><i>The wound in the upper trunk will be inspected at the time of the works to ensure structural integrity of the crown. This may result in further work.</i></p> <p><i>The tree will be periodically assessed over time so that future maintenance works can be identified and scheduled.</i></p> <p><i>A sample of the tree will also be tested to determine the reasons for its rapid decline ... Residents will be notified about this testing.</i></p> <p>TAMS undertook some pruning in April 2011. An independent arborist assessed this work; he recommended further pruning to focus on safety and solar access while ensuring integrity of the tree. Our Office is waiting for the agency response to the second arborist report.</p>	Pending
March 2010	Bio-diversity	Removal of Spotted Quoll from its territory	The complainant was informed that the Spotted Quoll was removed and where it was released in Namadgi, which provided appropriate habitat away from suburbs.	August 2010
May 2010	Trees	Potential removal or damage to tree in Barton to access sewerage drain for works to be undertaken	The complainant was advised that sewerage works were delayed until the tree was dormant. Works were then undertaken with consideration given to the tree (hand digging where necessary, branches protected, etc.).	July 2010
June 2010 ^(a)	Waste	Build-up of waste at the Skippy Bin site in Parkwood	The complainant was advised that TAMS, through Property Group, recognises there is a build-up and is seeking legal advice and taking steps to address the problem, including correspondence and site visits by Property Group and the Fire Brigade.	August 2010

Note:

- (a) Not reported in 2009–10 Annual Report as it was not determined a complaint until July 2010.

Table 6: Complaints lodged in 2010–11

Month lodged	Broad subject area	Complaint	Comment	Month closed
August 2010	Other	Proposed commercial tours in Tidbinbilla Nature Reserve	<p>The Commissioner made four recommendations:</p> <ol style="list-style-type: none"> 1. That the tour be progressed as a pilot and in so doing: <ul style="list-style-type: none"> • approvals and permits are to be obtained before the tour starts; this includes, but is not limited to approval from the Conservator as required under section 67 of the <i>Nature Conservation Act 1980</i> • monitoring of environmental, social and heritage impacts should occur, as proposed by TAMS • a strategy for monitoring and managing cumulative impacts should be developed and implemented before any future tours are approved. 2. The policy for commercial activities outlined in the Namadgi National Park Plan of Management 2010 should be applied to tour operators operating in the Tidbinbilla Nature Reserve until the Tidbinbilla Plan of Management 2011 is finalised. 3. An assessment of the tour, in relation to environmental, social, economic and heritage impacts in Tidbinbilla Nature Reserve should be undertaken following completion of the current tour contract. Tidbinbilla should maintain an open-door policy to provide opportunities for other commercial tour operators to develop tours to Tidbinbilla. An approach to the market, through an expression of interest process, should therefore be made to canvass interest from other possible tour operators before entering into any further contracts. 4. A comprehensive policy for commercial operations on land zoned as National Parks, Nature Reserves and the Googong Foreshore should be developed. This policy should be supported by guidelines for assessing any tourism applications and have protocols for communication, especially with the community. 	January 2011
October 2010	Planning process and decisions	Development application for West Belconnen Resource Management Centre to remediate contaminated soil	<p>The complainant was advised that the development application has been approved and remediation will occur in line with Environment Protection Authority requirements. It was not appropriate to consider the site for recreation and community use at this time, as it remains open as an active site for recovery and remediation and as an emergency landfill.</p> <p>A draft Master Plan for capping, stabilising and regenerating former landfill areas and for ongoing use of the West Belconnen Resource Management Centre is under development.</p>	October 2010

Month lodged	Broad subject area	Complaint	Comment	Month closed
October 2010	Weeds	Invasiveness of yellow capeweed and the challenges of controlling it	The complainant was provided with information about chemical controls for capeweed, as outlined in the TAMS Environmental Weed Management Guidelines, and the process for reassessing weed priorities through the ACT Weed Advisory Council.	December 2010
October 2010	Other	Hazard reduction actions at Mulanggari Nature Reserve and its impacts on threatened species and ongoing research in the reserve	<p>The Commissioner made four recommendations:</p> <ol style="list-style-type: none"> 1. The <i>2009–10 Bushfire Operations Plan – Ecological Guidelines Specified Conservation Actions</i> specify a minimum grass height of 10 cm be retained when slashing, while the <i>Striped Legless Lizard (Delma impar) Fuel and Fire Suppression Guidelines</i> specify a minimum grass height of 20 cm be retained when slashing. It is recommended that this inconsistency be addressed so these documents align and further, are consistent with the <i>National Action Plan for Striped Legless Lizard</i>. 2. Monitoring of the area burnt in the Outer Asset Protection Zone and any future areas burnt in the Mulanggari Nature Reserve may increase the knowledge of fire impacts on lowland native grassland management. It is recommended that this occur. 3. TAMS' proposed burn had the potential to have a significant impact on a matter of national significance: the Southern Tablelands Natural Temperate Grassland is listed as an endangered ecological community under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. The Striped Legless Lizard (<i>Delma impar</i>) is listed as vulnerable under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. TAMS therefore appropriately undertook an assessment to inform a decision on whether to refer the proposed burn to the Commonwealth under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. Although all correct procedures were implemented, it is recommended that, given that the Territory does have a Conservator of Flora and Fauna whose role is to consider and act on high-level conservation issues within the Territory, it would be appropriate that this person make the decision as to whether the assessment warrants a referral under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. This same principle should apply to all actions proposed by ACT Government agencies that potentially affect threatened or vulnerable communities under ACT legislation or areas of ecological significance in the Territory. 4. The timing of communication to the Commissioner about this complaint did not allow the Office to effectively address the complainant's concerns before the burn. It is recommended that this situation be avoided in future by TAMS ensuring a response is sent to the Commissioner well in advance of implementing any proposed action that is the subject of a complaint to the Commissioner. 	February 2011

Month lodged	Broad subject area	Complaint	Comment	Month closed
December 2010	Other	Possible asbestos in redevelopment in Kingston and appropriate management of its removal	Awaiting further information from the Environment and Sustainable Development Directorate.	Pending
January 2011	Bio-diversity	Impacts of redevelopment in Reid on sun moth habitat	The complainant was advised that no decision has yet been made about the work approval application and that their concerns have been raised with the National Capital Authority and the Department of Sustainability, Environment, Water, Populations and Communities, who are assessing the application.	February 2011
January 2011	Planning process and decisions	Requirement to remove a native garden upon vacating an ACT Housing property	The complainant was advised that ACT Housing agreed to retain the native garden and to raise the issue of native gardens in public housing with contractors.	January 2011
February 2011	Other	Lack of available toilet facilities on Black Mountain Peninsula due to renovation and its impact on the area	The complainant was advised that the toilet block would be re-opened within a week. TAMS were asked to erect a sign directing the public to the other toilet block until renovation completed.	February 2011
March 2011	Tree	Removal of a tree in Red Hill as part of a development application	Awaiting agency response.	Pending
March 2011	Planning process and decisions	Development of Molonglo and the impact on the environmental values of the Molonglo River Corridor	Awaiting information from agencies and assessment.	Pending
June 2011	Trees	Removal of a tree for development in City West	Awaiting information from agencies and independent advice.	Pending

Commissioner for the Environment Act 1993 section 20(a) requirements

This section presents any special factor that the Commissioner believes had a significant impact on the environment during the year. During 2010–11, the sustainability challenges outlined in the *ACT State of the Environment Report 2007–08* continued to be prominent. The *Review of the ACT State of the Environment Report* identified four driving forces – climate, consumption, population and land use and transport – that exert pressure on our environment.

Climate change

We continue to see increasing research, debate and discussion on climate change, its implications and possible responses. At the national level, the debate around a carbon tax/price was a highlight. Australia's carbon pollution represents around 1.5 per cent of global greenhouse gas emissions. That makes Australia one of the top 20 polluting countries in the world. Our pollution per person is high because we have a very emissions intensive energy sector. For every kilowatt hour of electricity generated in Australia, considerably more carbon pollution is released than in most other countries. Reflecting the availability of cheap and abundant coal, electricity generation is Australia's largest source of carbon pollution. Electricity generation is responsible for just over one-third of Australia's total carbon pollution. Direct fuel combustion, reflecting the use of gas and other fuels in industry and homes, accounts for another 15 per cent. Transport and agriculture each contribute around another 15 per cent.⁷

At the national level, the Australia Government outlined a plan that includes introducing a carbon price, promoting innovation and investment in renewable energy, encouraging energy efficiency and creating opportunities in the land sector to cut pollution. The aim of this package is to build a clean energy future and cut pollution before the task becomes too difficult and costly. The government intends to introduce legislation in 2011.⁸

At a local level, the ACT Government introduced the *Climate Change and Greenhouse Gas Reduction Act 2010* (ACT) on 5 November 2010. This Act sets out the following targets for reducing greenhouse gas emission in the Territory:

- 40 per cent less than 1990 emissions by 30 June 2020
- 80 per cent less than 1990 emissions by 30 June 2050
- zero net emissions by 30 June 2060.⁹

The government is yet to outline a pathway by which to achieve these targets. As well, the government is developing the second action plan under *Weathering the Change: the ACT climate change strategy 2007–25*. It is critical that a strong framework and ongoing actions are implemented to achieve these targets and monitor progress against the targets in a transparent way. Addressing the challenges of climate change will require both adaptation and mitigation actions.

Energy

In May 2011, the ACT Government set a target for the Territory of sourcing 15 per cent of its energy from renewable sources by 2012 and 25 per cent by 2020. To date there has been an increase in the volume of GreenPower sold in the ACT (rising from 28.7 gigawatt hours in 2003–04 to 107.5 gigawatt hours in 2008–09)¹⁰. We have seen a very small decrease (less than 5 per cent in the direct energy – primarily electricity and gas use) used per person between 2003–04 and 2008–09 (from 8.8 megawatt hours per customer in 2003–04 to 8.35 megawatt hours per customer in 2008–09).¹¹

The ACT Electricity Feed-in Scheme (Solar Feed-in Tariff) has had a quick uptake with over 4 500 customers to 30 June 2011 taking up the scheme since its initiation in June 2009.¹² In May 2011, the micro generation category of the scheme was closed as the legislated cap had been reached.

Weathering the Change: Action Plan 2, which the government anticipates releasing by the end of 2011 should be complimented by an energy policy.

⁷ www.cleanenergyfuture.gov.au accessed 11 August 2011.

⁸ www.cleanenergyfuture.gov.au accessed 11 August 2011.

⁹ *ACT Climate Change and Greenhouse Gas Reduction Act 2010* Part 2 Section 6.

¹⁰ Independent Competition and Regulatory Commission, *ACT Licensed utilities compliance and performance report 2008–09*.

¹¹ Independent Competition and Regulatory Commission, *ACT Licensed utilities compliance and performance report 2008–09*.

¹² Independent Competition and Regulatory Commission, *ACT Electricity Feed-in Scheme Activity Summary: March 1 2009 – June 20 2011*.

The Draft Sustainable Energy Policy 2010–20 was released in December 2009 for public comment. This draft Policy presented a range of policies that the ACT Government will consider in its move towards zero net emissions, whilst also supporting a secure, reliable, diverse and equitable energy supply. Finalisation of this policy is encouraged so that actions to support both the renewable energy targets and greenhouse gas emissions targets can be implemented.

Consumption

As mentioned in A.3 Highlights, our Office commissioned the *2008–09 Ecological Footprint of the population of the ACT*. The ecological footprint¹³ provides a calculated measure of the extent of human impact on the earth, helping us understand the link between our lifestyles and the environment. It provides us with a means by which to determine our relative consumption of global resources and thereby help us assess the sustainability – or not – of our lifestyle.

In 2008–09, the average Canberran consumed 9.2 global hectares, 8 per cent higher than 5 years ago and almost 25 per cent higher than 10 years ago. Our current ecological footprint is 13 per cent above the national average.

The nature of and increase in our consumption per person is driving the increase in our footprint. Electricity remains the largest single factor contributing to our footprint, making up 12 per cent (1.07 global hectares) of each person's footprint. It is significant that energy use has a considerable impact on our footprint yet we spend a relatively small proportion of our income on energy use. The second biggest contributor is new (and renovated) houses, flats and other residential buildings; making up 6 per cent (0.56 global hectares) of each person's footprint. Our consumption of food and demand for services

(including financial, telecommunications, medical, entertainment and government) also has a significant effect on our footprint. The contribution from our consumption of goods (other than food) is growing, while the contribution from services (albeit high overall) has declined slightly (less than 5 per cent).

This report draws attention to the unsustainability of the current quantity and nature of our consumption. In 2008–09 we used 14 times the land area of the ACT to support our lifestyles. We can balance our current footprint by being smarter in our consumption and by protecting and enhancing our local environment so our land and water is biologically more productive.

To reduce our ecological footprint in an absolute, as well as on a per capita basis, it will be necessary to address many aspects of sustainable consumption and production. The upcoming 2011 ACT State of the Environment Report will consider the consequences of our increasing footprint. In particular the report will further examine the values and attitudes to consumption, its impact on our environment and where we need to focus our efforts to reduce these impacts.

Waste

Associated with high consumption is our high generation of waste. In 2008–09, it was estimated that the Territory had the second highest per capita production of waste in the country at over 2.5 tonnes per person.¹⁴ While recycling and waste recovery remained relatively high, the continued increasing generation of waste means reducing the impacts of waste on our environment is increasingly challenging. This reporting period saw the conclusion of the *ACT Waste Strategy – No Waste by 2010*. To date, there is no strategy to replace *No Waste by 2010*. The former Department of Environment, Climate Change, Energy and Water released a draft *ACT Sustainable Waste Strategy 2010–25* in December 2010, which places a strong focus on commercial and organic waste. Completion and implementation of a new waste strategy for the Territory is important to build on the progress made under *No Waste by 2010*.

¹³ The ecological footprint, expressed in global hectares, measures the amount of land required to support a community's demand for goods and services, shelter, transport, food and energy. It also takes into account the area needed to absorb our waste (including greenhouse gasses).

¹⁴ DECCEW 2010, ACT Sustainable Waste Strategy 2010–25, draft.

Population and demography

The Territory is likely to face the challenges of a growing and ageing population. This could have significant impacts on the sustainability and livability of Canberra. Growing and ageing populations place increased demand on resources including water, electricity and goods and services, as well as increased pressures on our natural environment. It also affects the form of our city as demands for services such as health, transport, and housing infrastructure change.

Key messages from the *Time to Talk Canberra 2030* discussions indicate the need to ensure Canberra has the capacity to meet and manage the needs of a diverse future society. These discussions also indicated that Canberrans recognise the need to balance the needs and lifestyles of both older and younger Canberrans. Creating this balance will require a strong strategic approach by the ACT Government and community to infrastructure, urban form and building community resilience.

Landuse and transport

How we develop our city will affect, where we live, work and recreate and how we travel. The *Time to Talk Canberra 2030* discussions highlighted the importance of the form of our city to the future of our community. Canberrans identified the relationship between Canberra becoming a more compact and more accessible city. Attitudes to the future form of our city were mixed. A small survey indicated that 28 per cent support a more compact city, 58 per cent a mix of housing in existing suburbs and on the fringe and 13 per cent a more sprawling city.¹⁵

Canberra is highly dependent on cars. People value that Canberra is easy to get around and understand that the convenience of a car creates challenges for more sustainable transport in Canberra.¹⁶ The *Sustainable Transport Plan* (2004) for the ACT aims to reduce the overall cost of the transport system while maintaining high levels of accessibility. Providing convenient alternatives to private cars will hopefully shift transport patterns towards more sustainable forms of transport such as walking, cycling and public transport. The ACT Government has articulated clear targets for work trips for the ACT as follows:

- walking – 6 per cent by 2011 and 7 per cent by 2026
- cycling – 5 per cent by 2011 and 7 per cent by 2026
- public transport – 9 per cent by 2011 and 16 per cent by 2026.

The government is developing a new policy and action plan – *Transport for Canberra* – which will include an active travel policy and actions and the new ACT Planning Strategy. These key strategies and policies provide an opportunity for the government and community to shape our city, the way we live, work and recreate into the future. Aligning these documents with sustainability, climate change, biodiversity, social and economic aims will be essential in creating a balance for a livable city.

Protecting biodiversity and enhancing green infrastructure

Our nature reserves, together with our street and park trees form a major part of Canberra's green infrastructure, which provides essential ecosystem, support our economic and social systems, as well as the city's biodiversity. Green infrastructure comprises natural features including vegetation, parks and waterways designed to improve the quality of urban living and provide essential ecosystem services such as pollution reduction, biodiversity habitats and climate amelioration. The health benefits provided by our green infrastructure are significant, providing positive physical, social, mental and spiritual outcomes.

Our extensive network of nature reserves is connected by open spaces that provide us with the opportunity to live with nature and access significant recreation areas. As our population and city grow, both the value of these green spaces and the pressures on them are likely to increase. The importance of our green spaces and green infrastructure for both the community and the environment has been highlighted by the Tree Investigation and Canberra Nature Park Investigation undertaken by our Office. In *Time to Talk Canberra 2030*, Canberrans identified clear air, water and green spaces as critical assets for the city. Maintaining our nature reserves and opens space network can provide an important buffer to urban pressures for our biodiversity. Balancing the demands for urban development with green spaces, green infrastructure and biodiversity protection is essential for a sustainable city into the future.

¹⁵ *Time to Talk Canberra 2030 Outcomes Report.*

¹⁶ *Time to Talk Canberra 2030 Outcomes Report.*

Horizon scanning

As part of the Progressing Sustainability chapter of the 2011 ACT State of the Environment Report, our Office is seeking to identify key sustainability and environmental issues for the Territory through a horizon scanning¹⁷ process. Horizon scanning identifies emerging issues in a particular field early so as to help direct research, policy and practice directions.

The horizon scanning process will focus on sustainability and environment issues likely to have a significant impact in the ACT and region. This may include the implication of potential global or national issues on the Territory and sustainability issues unique to the ACT and region.

An initial small workshop was held in June 2011 that identified key future issues including:

- Future resource-use crunches may be accompanied by innovative sharing solutions.
- Health costs creating moral dilemmas.
- Emerging issues related to food quality and security.
- Opportunities and challenges arising from advances in information and communications technology. How might the growing incorporation of computer technology into western lifestyles affect settlement patterns, social interactions and population dynamics?
- Emerging challenges for urban design and the need to reconsider ownership and settlement patterns.
- The possible impact of increasing community action and its implication for future leadership.
- Genetic technological opportunities and threats.
- Thresholds in species loss, especially insects – insects are a key component of biodiversity and there are early signs that there might be collapses in some species or groups of species that could precipitate large-scale ecological collapses.

These ideas, along with others, will be further discussed at a larger workshop in July 2011.

¹⁷ Horizon scanning is a form of scenario analysis in that it is devoted to the systematic search for potential developments over the long term, but with an emphasis on those changes at the periphery of current thinking, and primarily in the fields of science and technology.

Commissioner for the Environment Act 1993 – section 20(b) requirements

Implementation of recommendations in a state of the environment report

The *State of the Environment Report 2007–08* covers the period 1 July 2003 to 30 June 2007 and contains 59 recommendations. The report was tabled in the Legislative Assembly on 7 August 2008. The government tabled its response in June 2009. The government's response was positive and *agrees or agrees in principle* with the Commissioner's recommendations.

Measures taken during the year by or for the Territory to implement these recommendations is summarised in Table 7.

Table 7: Progress on implementing recommendations in the State of the Environment Report 2007–08

Recommendation	Progress
Climate change	
1. Ensure an effective response to climate change by:	
a. Giving a high priority to implementing the ACT Government's <i>Weathering the Change</i> strategy and action plan.	<p>a. The Environment and Sustainability Directorate (ESDD) advised our Office that it is currently progressing <i>Weathering the Change: Action Plan 2</i>, which the government anticipates releasing by the end of 2011. The Directorate also implemented a range of other climate change actions during the reporting period including:</p> <ul style="list-style-type: none"> • opening of the Renewable Energy Showcase at West Belconnen Child and Family Centre • releasing the 2008 ACT Greenhouse Gas Inventory to track the emissions profile of the ACT and track progress towards the ACT's legislated greenhouse gas emissions reductions • collection of ACT Fuel Sales Data to improve the quality of data being included in the ACT Greenhouse Gas Inventory • relaunching of the Resource Management Fund which has enabled a further five projects to be funded for resource efficiency measures • provision of Climate Change grants, totalling \$380,000, to support community action on reducing greenhouse gas emissions and build the momentum of community involvement and support for addressing climate change • provision of specific training and assistance for other ACT Government Directorates in using the Online System for Comprehensive Activity Reporting (OSCAR) data collection tool, including for reporting on greenhouse gas emissions in Annual Reports • developing an Ecosystem Connectivity Map. The Ecological Connectivity for Climate Change in the ACT and surrounding region study assessed the relative connectivity value across the landscape through use of a Spatial Links Tool. • the Draft Sustainable Energy Policy 2010–2020 presented a range of policies that the ACT Government will consider in its move towards zero net emissions. The policy focuses on delivering energy efficiency, reducing greenhouse gas emissions and increasing renewable energy use.

Recommendation	Progress
	In May 2011, the Minister for the Environment and Sustainable Development announced Canberra's renewable energy targets. The targets mean that 15 per cent of energy will be sourced from renewable sources by 2012, increasing to 25 per cent by 2020, underpinning the Government's commitment to be carbon neutral by 2060. The Draft Sustainable Energy Policy was used as a basis to set the targets. Canberrans will contribute to reaching these targets through increased take-up of GreenPower and through the solar energy generators installed on domestic rooftops, and larger commercial premises.
b. The Commissioner's Office annually assessing the progress made in implementing <i>Weathering the Change</i> , in particular the ACT Government's progress towards carbon neutrality.	b. As reported in our Annual Report.
c. The Commissioner, working with the ACT Government and key environmental and business groups, advocating climate change actions and community involvement.	c. During 2010–11, our Office worked with a range of ACT Government agencies, environmental and business groups advocating climate change actions and community involvement. In particular, we released the <i>2008–09 Ecological Footprint of the population of the ACT</i> , continued the What Can I Do? campaign and worked with our Young People Ambassadors to reach the youth sector through social media.
d. Asking the Australian Government to establish a new weather station in the ACT and ensuring data are adequately correlated with previous data from the weather station at Canberra International Airport.	d. Implemented
Air quality	
1. Make outdoor air quality data and information available to the public through an annual air quality report prepared by the Environment Protection Agency.	1. The ESDD advised our Office that the 2010–11 Air Quality Report has been submitted to the Minister for approval. Following its approval the report will be made available to the public at www.environment.act.gov.au .

Recommendation	Progress
<p>2. Gain a better understanding of indoor air quality to inform building design, maintenance and use by:</p> <p>a. Monitoring selected public and private buildings with the results being made public and used to inform management of the buildings.</p> <p>b. Providing information to the community on the importance of regularly introducing fresh air into buildings.</p> <p>c. Advising occupants of new or renovated buildings and those with new furniture and fittings (such as carpet and underlay) to air the house as much as possible in the first few days following installation.</p>	<p>2 a, b & c.</p> <p>Indoor air quality in the workplace is an occupational health and safety issue which is the responsibility of the Office of Regulatory Services. The Australian Government Department of Health and Aging has a publications dealing with this issues, which is referenced in the Indoor Air Quality indicator.</p>
Conserving biodiversity	
<p>1 Strengthen the nature conservation estate by:</p> <p>a Completing the Territory's nature conservation estate by protecting the few remaining areas of high conservation value including natural temperate grasslands (in the Majura and Jerrabomberra valleys), Yellow Box–Red Gum Grassy Woodlands (at Kinlyside, Kama–Molonglo Valley) and the Snow Gum–Candlebark Tableland Woodland. This must include full assessment and recording of the location and condition of remaining examples of Snow Gum–Candlebark Tableland Woodland.</p> <p>b. Protecting lands identified for nature conservation under the Territory Plan in a timely manner. Priority should be given to Jerrabomberra East native grassland nature reserves.</p>	<p>1. The ESDD advised our Office that:</p> <p>a & b.</p> <p>The ACT Government is managing Kinlyside, East Jerrabomberra Grasslands and West Majura for conservation. The Office expects that these areas will be formally added to the conservation estate, once offset issues have been resolved. A fully funded vegetation community mapping project for the whole Australian Capital Territory, using a vegetation classification system consistent with that of neighbouring New South Wales, is about to commence and will be completed by the end of 2012. This project will include mapping of Snow Gum–Candlebark Tableland woodland.</p>

Recommendation	Progress
c. Considering Gorooyarroo and Mulligans Flat nature reserves (Yellow Box–Red Gum Grassy Woodlands) for designation as a national park. It may be that Gorooyarroo–Mulligan’s Flat should be part of a network of areas considered for designation as a national park or be given additional protection and recognition by some other overarching designation.	c. Implemented.
2. Strengthen partnerships by: a. ACT Government agencies working with qualified community groups (such as the Canberra Ornithologists Group) to ensure data collected are made available for use in planning and managing the Territory’s natural resources.	2. The ESDD advised our Office that: a. The ACT Government continues to work with the Canberra Ornithologists Group, Frogwatch, ParkCare, catchment management groups, the Conservation Council and other community groups regarding collecting and sharing natural resource information. As a matter of course, wildlife data are made available for those engaged in natural resource management and planning decisions.
b. ACT Government and Australian Government agencies, and private landholders responsible for managing native grasslands cooperating with the scientific community and community groups in developing management actions that will ensure survival of threatened grassland communities and the species they support.	b. It is planned that information on threatened species and communities will eventually be available over the internet, in a similar format as the planning information is currently available through ACTMAPi.
3. Achieve effective nature conservation management by: a. Finalising, implementing and monitoring management plans, with all stakeholders participating and progress being publicly reported, particularly for:	3. The ESDD advised our Office that:
(i) Jerrabomberra Wetlands Nature Reserve Management Plan.	(i) The Jerrabomberra Wetlands Nature Reserve Plan of Management came into effect on 10 December 2010.
(ii) Lower Cotter Catchment	(ii) Implemented.
(iii) Namadgi National Park	(iii) The Namadgi National Park Plan of Management came into effect on 24 September 2010.
(iv) Googong Foreshores.	(iv) A final draft of the Googong Foreshores Plan of Management has been completed and is subject to ACT Government approval.

Recommendation	Progress
b. Finalising, implementing and monitoring the ACT Weeds Strategy.	<p>b. The ACT Weeds Strategy was finalised in consultation with the community; implementation began in April 2009. Progress has been made on the three key goals of the strategy, which are to prevent new weed problems, reduce the impact of priority weeds and enhance the capacity and commitment to solve weed problems. Prompt action by the ACT Parks and Conservation Service (ACTPCS) has contained new weed incursions into the Territory. In recent years this has included control work on Mexican Feather Grass, Mouse-ear Hawkweed, Giant Willowherb, Pink Pampas Grass, African Fountain Grass and Spanish Heath.</p> <p>Each financial year the ACTPCS produces an Environmental Weed Control Operations Plan, which prioritises weed control across the Territory. The highest priority is controlling the most invasive weeds that threaten high conservation value areas. The ACTPCS has produced the Environmental Weed Management Guidelines for all the commonly controlled invasive weeds in the Territory. These guidelines are updated annually to reflect new information about control methods, such as the availability of new herbicides.</p>
c. Maintaining and enhancing connectivity between core nature conservation areas. This needs to be given a high priority in planning greenfield and urban renewal developments and major infrastructure projects.	<p>c. The Australian National University's Fenner School was commissioned to undertake a study to address Action 34 – Develop an Ecosystem Connectivity Map of the Climate Change Strategy. The report, <i>Ecological Connectivity for Climate Change in the ACT and surrounding region</i>, provides information on the areas that should be targeted by restoration activities to enhance connectivity and habitat value and will also identify key linkage and habitat areas that should be protected. Improving connectivity is a key aim of the woodland restoration program, which was granted \$1 million over four years in the 2010–11 budget.</p>
d. Developing and implementing an interim policy to allow for limited commercial seed collection on selected unleased sites, pending completion of the review of the <i>Nature Conservation Act 1980</i> .	<p>d. In 2010, the Conservator of Flora and Fauna endorsed an interim policy for limited commercial seed collection. Considering a policy for commercial seed collection is within the scope of ESDD's review of the <i>Nature Conservation Act 1980</i>.</p>
e. Assessing and implementing mitigation actions on the potential impact of illegal fishing on the remnant population of the threatened Macquarie Perch (<i>Macquaria australasica</i>) in the Cotter Reservoir and the Cotter River between the reservoir and Pierces Creek junction.	<p>e. Macquarie Perch populations in the Cotter Dam and River are monitored annually. The population is continuing to expand its range into the upstream areas of the Cotter River. The fishing exclusion zone on the lower Cotter River is due to be expanded to take into account the increased Cotter Reservoir size after the dam enlargement.</p>
f. Finalising, implementing and monitoring the kangaroo management plan for the whole Territory. Consultation with the community is to occur at the planning stage.	<p>f. The Kangaroo Management Plan was finalised in March 2010. Monitoring of kangaroo populations and grazing impacts is ongoing. Based on this monitoring, there is an ongoing kangaroo cull program within reserves suffering adverse impacts from kangaroo grazing.</p>

Recommendation	Progress
<p>4. Improve the scientific knowledge of managers and custodians of the ACT nature conservation estate by:</p> <p>a. Continuing existing research, monitoring and evaluation programs.</p> <p>b. Ensuring threatened species and communities, and river biodiversity are subject of research and monitoring programs, with results from these informing management actions.</p>	<p>4. The ESDD advised our Office that:</p> <p>a & b.</p> <p>it continues to undertake and support a range of monitoring and research programs including wildlife research, ecological survey, social research, biodiversity monitoring, and preparing and guiding implementation of threatened species recovery plans. Highlights for 2010–11 included:</p> <ul style="list-style-type: none"> • continued research into the ecology of most of the Territory's threatened plants • ongoing research into kangaroo movement and home ranges, density and grazing impacts • ongoing monitoring of the wild populations of the Northern Corroboree Frog • native and alien fish monitoring along the Murrumbidgee River and in urban lakes and ponds • monitoring of the Grassland Earless Dragon • Gungahlin-wide survey of Superb Parrot nesting trees • a phone survey of ACT residents , including a sub-survey of Bonner and Forde residents to gain information on cat ownership and community views on cat containment • monitoring of threatened fish populations such as the Two-spined Blackfish • monitoring of grasslands and post fire recovery of vegetation.
<p>c. Monitoring and evaluating fire fuel management effectiveness and its effects on ecological and catchment conditions. A central and uniform source of information on all ACT fuel reduction activities, research, monitoring and evaluations should be created.</p>	<p>c. Monitoring and evaluation of fire fuel reduction impacts is ongoing. Annual surveys record potential changes in vegetation composition and structure as a consequence of prescribed burning. In 2009–10, three new monitoring sites were established and surveyed and a further five were included for 2011–12. Monitoring was also undertaken on three previously established sites.</p> <p>As a result of a complaint about hazard reduction actions at Mulanggari Nature Reserve our Office recommended that monitoring of the area burnt in the Outer Asset Protection Zone and any future areas burnt in Mulanggari Nature Reserve may increase the knowledge of fire impacts on lowland native grassland management.</p> <p>Monitoring methods included Landscape Functional Analysis (LFA), full floristic monitoring and rapid assessments. Analysis of the first sets of data (pre-fire and one year post-fire) is currently being undertaken for the newly established sites. Results from an older monitoring site at Potters Hill in southern Namadgi National Park have shown that the prescribed burn had little effect on the vegetation community's composition, but had a noticeable effect on its structure. The structure of vegetation communities is important for faunal inhabitants, and can be used as an indicator of potential habitat.</p>

Recommendation	Progress
<p>5. Effectively control pest plants and animals to minimise adverse affects on nature conservation by:</p> <p>a. Continuing existing programs to manage known pest animals (foxes, dingoes/wild dogs, pigs, rabbits, feral horses) and plants (Serrated Tussock, St John's Wort, Chilean Needlegrass, African Lovegrass). Given the significant increase in rabbits, existing rabbit control programs may need to be enhanced.</p> <p>b. Monitoring and controlling emerging pests, such as European wasps and deer. Given that European wasps affect humans as well as biodiversity there is a need to give priority to this species.</p> <p>c. Evaluating the effectiveness of pest animal and weed control programs in achieving pest control, biodiversity conservation and catchment management objectives. This information should be used in the ongoing management of such programs, and be made public.</p>	<p>a, b & c.</p> <p>The Territory and Municipal Services Directorate (TAMSD) advised our Office that existing programs to control pest animals have continued or been enhanced including:</p> <ul style="list-style-type: none"> • Fox baiting at Googong, Rob Roy and Gigerline nature reserves, and around the perimeter of Mulligans Flat Sanctuary to reduce predation on native species. Baiting is also undertaken at East Jerrabomberra Grassland in cooperation with adjacent landholders before lambing. Foxes are also effectively controlled in border areas of Namadgi National Park and Tidbinbilla Nature Reserve where 1080 baiting is conducted for wild dog control. • Ongoing management of wild dogs/dingoes for protection of livestock in cooperation with ACT and NSW landholders, and NSW land management agencies. The TAMSD conducts monthly 1080 baiting at 366 bait stations and employs a full-time wild dog trapper. • The annual Namadgi National Park feral pig management program is undertaken each May with 1080 grain baiting conducted over 11 broad areas encompassing most of Namadgi. • Feral horse controls in Namadgi – there are currently only two known feral horses in Namadgi. • Funding for rabbit control has fluctuated but was boosted in 2011–12 by an additional \$200 000. • The ACT does not have a coordinated program for control of feral deer. NSW National Parks and Wildlife Service is continuing to trial feeding stations for deer in regional areas surrounding the Territory. If these trials confirm a design that will make control programs more effective, the Territory will consider participating in cooperative control programs. <p>Since 2007–08, an average of \$1.6 million has been spent per annum on priority environmental weed infestations in high conservation value areas. In 2011–12, a planned increase in expenditure to \$3.2 million will occur, due to new initiatives to cope with the spread of weeds and willow debris from the summer floods. In addition, an average of 4 771 hours per annum of Park Ranger time is spent on environmental weed control. This is the equivalent of having two rangers working full-time on invasive weed control.</p> <p>The ACT Parks and Conservation Service (ACTPCS) is working with Parks Victoria and the NSW National Parks and Wildlife Service on a study proposal to assess the impacts of European Wasps on biodiversity in the Australian Alps national parks. The ACT Government employs an expert to advise on and monitor the number of European Wasps in the urban area.</p> <p>All vertebrate pest management conducted by ACTPCS has ongoing operational and performance monitoring built into the programs. The impacts of pest animals on biodiversity are interrelated with many factors and are generally difficult to quantify. Performance monitoring of pest programs therefore mainly relies on measurement of indices of pest abundance, for example sand pad monitoring of foxes, spotlight counting of rabbits and ground rooting plots for pigs. Feral horse impact is monitored from fixed photo-points at sphagnum bogs and grassy flats, while wild dog impact is monitored from collated reports of livestock losses. Monitoring results are reported in the ACTPCS Vertebrate Pest Management Annual Report, which is available to the public.</p>

Recommendation	Progress
	An ACT-wide snapshot of environmental weed cover abundance was done in 2009–10 to compare with the 2019 targets. Another snapshot will be done in 2013–14. The 2009–10 snapshots showed where additional resources were needed and contributed to the large increase in planned weed control expenditure in 2011–12.
Catchment quality	
<p>1. Improve catchment management by:</p> <p>a. Developing an ACT integrated water supply catchment management policy and strategy to guide, among other things, coordination of:</p> <ul style="list-style-type: none"> (i) scientific research (ii) data collection (iii) monitoring and reporting (including public information). 	<p>a. The ESDD advised our Office that the revised <i>Think water, act water</i> strategy will better integrate catchment management strategy and policy across the ACT Region. It will also incorporate a framework for scientific research, data collection and monitoring and reporting.</p>
<p>b. Monitoring the effects of urbanisation on the ACT region's water catchment and using the information in developing and implementing strategies in response to specific issues (for example, development of greenfield sites).</p>	<p>b. The ESDD advised our Office that water quality monitoring sites both in and around the urban area of Canberra continue to be monitored. The network is reviewed annually to ensure new areas of development are included. The results of the monitoring are reported annually in the ACT Water Report. Water reports can be found at www.environment.act.gov.au/water/act_water_reports.</p>
<p>c. Monitoring the effectiveness of the Gross Pollutant Trap network (including its supporting maintenance program) to identify ways to improve its overall effectiveness in protecting surface water quality.</p>	<p>c. The TAMSD advised our Office that they clean and maintain the Gross Pollutant Traps on the public storm water network; gather information on efficiency and effectiveness of the operation and maintenance; and record quantities of pollutants removed in the process of monitoring unit maintenance costs.</p>
<p>d. Determining the sources and loads of salts entering the wastewater treatment networks and using the information to develop strategies to reduce salt discharges to the Molonglo and Murrumbidgee rivers.</p>	<p>d. ACTEW and ActewAGL determine the sources and monitor the loads of salts entering the wastewater treatment networks. The Environment Protection Authority's Environmental Authorisations set limits on the level of salt concentration leaving wastewater treatment works. The ACT has set a target and base load for its salinity loads as required under the Territory's Murray–Darling Basin Agreement. Advice received from ACTEW indicates salt loads observed up until 30 June 2011 were within the prescribed limits.</p>
<p>e. Ensuring the key indicators in the State of the Environment Report, Natural Resource Management Plan and other relevant ACT Government reports are reviewed and aligned.</p>	<p>e. Implemented.</p>

Recommendation	Progress
<p>2. Further progress restoration efforts in the Lower Cotter Catchment by:</p> <p>a. Continuing the science-based approach to management, with an emphasis on monitoring and publicly reporting recovery of this catchment.</p>	<p>a.. The TAMSD advised our Office that significant science-based monitoring of the Lower Cotter Catchment (LCC) recovery is ongoing. In 2008 a baseline vegetation survey was conducted across the LCC using Landscape Function Analysis (LFA). In March 2011 a further LFA survey was conducted. The data obtained, generally indicate a positive successional transition is taking place within the LCC but is occurring at varying rates across the ecological communities. All sites are showing signs of recovery; however, limited ground cover and weed invasion is of particular concern in some catchment areas. Continued monitoring will be important to determine the likely rates of succession and the level of active management that may be needed. The University of Canberra conducts the water quality monitoring.</p>
<p>b. Further reducing water turbidity in streams through targeting areas of greatest vulnerability that have high rehabilitation potential.</p>	<p>b. The ESDD advised our Office that new development in urban areas is required to include measures to capture suspended matter before it enters waterways. Most large (and many small) developments include temporary sediment and erosion control ponds to catch dirty water for reuse on site or cleaning before release. A number of these ponds are retained as permanent water quality treatments ponds to continue capturing sediment and thereby reduce nutrients in the future. Developers' actions are monitored to ensure appropriate pollution control measures are used throughout construction.</p> <p>In association with the ACTEW Source Water Protection Project, the ACT Government has expanded the Waterwatch network to include that reach of the Murrumbidgee River between the Territory and Cooma.</p>
<p>c. Clearly defining recreational activities, with protection of water being the highest priority.</p>	<p>c. The TAMSD advised our Office that the draft Recreation Strategy clearly defines the multilayer approach to protecting water quality with high-risk activities excluded. Management under the Recreation Strategy has involved road closures to exclude vehicles plus signage outlining appropriate activities. The LCC website outlines recreational activities that are appropriate to the area.</p>

Recommendation	Progress
Resource use	
<p>1. Use resources more wisely by:</p> <p>a. Developing and implementing a sustainability community awareness program(s) on:</p> <p>(i) waste minimisation and/or avoidance that emphasises this as the fundamental first step (before re-use, recycling or disposal) in effective waste management</p>	<p>The ESDD advised our Office that:</p> <p>a.</p> <p>(i) it has focused on providing support and education to the business and commercial waste sectors through the delivery of programs such as ACTSmart Business and ACTSmart Office. In June 2011, seven ACTSmart Business or Office organisations received awards for their achievements. Over 20 000 staff have access to the programs; 12 399 cubic metres of waste has been diverted from landfill to recycling. Sustainable procurement is an element in the action plans of ACTSmart Business and Office recycling program participants. Sustainable Procurement is being implemented throughout the ACT Government to support products with sustainable packaging and avoid packaging where possible. This commitment was included in the Territory's 2011–16 <i>Australian Packaging Covenant Action Plan</i> for the ACT Government. In December 2010 the Territory passed legislation to ban single-use plastic shopping bags and is implementing an education program to raise awareness of the ban. Extensive waste education campaigns continue through No Waste and the Australian Sustainable Schools Initiative in the ACT (AuSSI ACT).</p>
<p>(ii) prudent and smart use of water and energy</p>	<p>(ii) As at 30 June 2011, 32 308 households had received advice from the Home Energy Advice Team (HEAT); 5 217 had audits completed on their homes; and 2 146 had received rebates as part of the ACT Energy Wise program. HEAT audit participants are eligible to apply for a \$500 rebate when they spend at least \$2000 on a priority energy efficient improvement identified during the audit, plus a refund of the \$30 audit fee.</p>
	<p>A trial Outreach program was initiated at the end of 2009–10 to provide energy efficient essential home appliances to low-income households. The trial helped approximately 895 low-income households (private rental and Housing ACT properties) in 2010–11 and cost effective reductions in household energy consumption can be expected for the life of the program. An expanded Outreach program was initiated in June 2011, which will continue until 2014–15. During the first month of the expanded operation, 107 eligible low-income households participated, with energy efficiency officers working with the four principal community welfare organisations that are funded by the program.</p>
	<p>The Water and Energy Savings in the Territory (WEST) is a partnership between the ESDD, YWCA, Housing ACT, ACT Civil and Administrative Tribunal (ACAT), Energy and Water Group and the Sustainability Advice Team Pty Ltd. In 2010–11 ACAT recommended 34 tenants who were having trouble paying power bills for a home energy audit, education and retrofit. WEST Plus (an extended version of WEST) is for low-income households that fall outside the eligibility requirements of WEST, such as private renters and homeowners. After helping 54 households in 2010–11, WEST will be merged into the Outreach program in 2011–12.</p>

Recommendation	Progress
	<p>The Commercial Bathroom Retrofit program has signed up 47 commercial businesses since it began in February 2009. Under this program the ACT Government provides matching funding of \$20 000 per building for replacement of single flush toilets and installation of water-efficient tap ware, urinals and showerheads. In 2010–11, \$86 662 in rebates were provided.</p>
	<p>Under the Rainwater Tank Rebate scheme, rebates ranging from \$750 for a tank of 2 000 litres capacity to \$2 000 for a tank up to 9 000 litres, are available for installation of rainwater tanks with an internal connection to the home. In 2010–11, 170 households participated bringing the total to 1938 since the scheme's inception in 2004.</p>
	<p>The Gardensmart program educates and helps participants implement long-term water efficient gardening practices by providing a free garden advisory service and a \$50 water-efficient grade product rebate. In 2010–11, 552 people participated and 258 rebates were issued, bringing the total program participation to 6 159 (2044 rebates) since January 2005.</p>
	<p>The 2010–11 the ToiletSmart program helped ACT residential property owners replace single flush toilets with four-star, water efficient 4.5/3 litre dual-flush toilets. Full pension concession card holders had access to a free toilet upgrade. The program also offered water-saving showerheads and other small water-saving products at cost price. At 30 June 2011, 4 399 single-flush toilets had been replaced with four-star efficient toilets through the ToiletSmart program since it commenced in May 2008. Of these, 1885 had been supplied and installed free of charge to holders of pension concession cards.</p>
	<p>In 2010–11 the ToiletSmart and the new ToiletSmart Plus program will continue to help residential property owners with rebates to replace inefficient toilets and provide pensioners a free toilet upgrade and a free home water audit and showerhead; 718 pensioners participated in the ToiletSmart Plus program in 2010–11.</p>
	<p>The AuSSI ACT helps schools understand and reduce their energy and water use and waste production as well as enhancing biodiversity. At 30 June 2011, 120 of the 128 ACT schools (81 government, 25 Catholic and 14 independent) had registered to be part of the program. Over 90 per cent of schools are now participating in the initiative.</p> <p>During 2010–11, 18 schools received water audits, bringing the total number of schools that have received water audits to 108. Work is continuing in AuSSI ACT schools to implement the recommendations of completed indoor water audits. Recommendations include replacing inefficient water fixtures, in particular taps and toilets. In 2010–11, government schools reduced their annual water consumption by more than 20 per cent, compared to 2009–10 consumption levels.</p>

Recommendation	Progress
	<p>AuSSI ACT is working collaboratively with the Education and Training Directorate (ETD) to achieve carbon neutrality in ACT schools by 2017 by participating in delivery of a major energy program in government schools. All government schools have received an energy audit report that details energy consumption and offers recommendations to improve energy efficiency. The AuSSI ACT involvement in the program has been to deliver these energy audit reports to schools to discuss the recommendations, and help schools implement the <i>AuSSI ACT Energy Best Practice Guide and Energy Curriculum Units</i> (P–10).</p> <p>In 2010–11, the total energy use in government schools increased by about 3 per cent compared to 2009–10 consumption levels. This equates to a marginal decrease in total carbon dioxide equivalent emissions from government schools of approximately 1 per cent compared to 2009–10 consumption levels. AuSSI ACT officers continue visiting schools to discuss the results and recommendations of the energy audit reports and deliver the <i>AuSSI ACT Energy Best Practice Guide</i> (BPG). Once schools have had an opportunity to implement the recommendations in the report and the BPG, which is generally at least 12 months, it is more likely that savings in energy consumption will be achieved.</p>
(iii) better building design, particularly for energy and water efficiency	<p>(iii) Community education on building standards and other design and planning issues is an ongoing activity and is addressed in a number of ways across multiple projects and scales.</p> <p>The Tune Up Canberra program commenced in 2009–10 with the specific purpose of providing dollar-for-dollar funding (up to a limit of \$100 000 for capital works and \$8000 for ‘tune up’ reports) for commercial buildings (over 500 square metres) to become more energy and water efficient. The program had four successful rounds and allocated \$1 million to building owners over the program. The program finished in 2010–11 for new projects, however the works and funds are continuing for the next 18 months on already committed projects.</p> <p>The key stakeholders publicised the Buildings Higher Energy Efficiency Standards program through various means to the Property Council of Australia (ACT), Master Builders (ACT), Chamber of Commerce (ACT) and to the general public through articles and advertising in local newspapers, as well as on ACT Government websites. In May 2010 the ACT Government introduced higher energy (6*) efficiency standards for all classes of buildings. Information was provided to industry and the community through the website, media releases and articles in the ESDD’s Zone newsletter. A number of general publications on building design are available from the ACTPLA website. ACTPLA is working with industry to provide advice on complying solutions for recently introduced standards for smaller alterations and additions to residential buildings to gain effective efficiency improvements to renovated houses.</p> <p>In 2010–11 the total energy use in government schools increased by about 3 per cent compared to 2009–10 consumption levels. This equates to a marginal decrease in the total carbon dioxide equivalent emissions from government schools of about 1 per cent compared to 2009–10 consumption levels. AuSSI ACT opportunity to implement the recommendations in the report and the BPG, which is generally at least 12 months, it is more likely that savings in energy consumption will be achieved.</p>

Recommendation	Progress
	<p>In 2009, AuSSI ACT initiated School Earth Hour. Student participation increased from 14 000 in 2009 to more than 25 000 in 2011. More than 70 ACT schools took part in School Earth Hour this year.</p>
(iv) the relationship between i, ii and iii, climate change and sustainability including the effect on the natural environment.	<p>(iv) The ESDD is currently developing the second Action Plan under the ACT Government Climate Change Strategy. The purpose of <i>Weathering the Change: Action Plan 2 – Pathway to a sustainable and carbon neutral city, 2011–60</i> is to set the ACT firmly on a pathway toward achieving the first interim target of 40 per cent below 1990 levels by 2020, and the long-term goal of zero net emissions by 2060. Action Plan 2 also aims to increase the Territory's ability to adapt to a changing climate and build the foundation for a sustainable city.</p>
b. Requiring all ACT Government agencies to report annually on their use of water, energy consumption, waste generation, and actions they propose undertaking to use resources more efficiently.	<p>b. All government agencies report on these matters in their annual reports. Our Office submitted the <i>Report on An Audit/Assessment of ACT Government Agencies' Environmental Performance Reporting</i> to the Minister on 22 October 2010. This report examined agencies' environmental resource use reporting, including the accuracy of data reported and makes recommendations to help the ACT Government and government agencies. The government is yet to respond to this report.</p>
c. Ensuring sustainability criteria are used to guide the assessment, planning and management of new uses for buildings no longer needed for school purposes (as per the <i>Towards 2020: Renewing Our Schools</i> program) and any other buildings disposed of as surplus to government requirements.	<p>c. The TAMSD advised our Office that the EDD is responsible for undertaking evaluations of properties declared surplus by ACT Government agencies, including TAMSD. The EDD has introduced consideration of sustainability matters in the evaluation process. Where appropriate, in undertaking new evaluations of any properties within its own portfolio, the TAMSD will use this framework as a basis before making a decision to declare them surplus for the EDD's formal evaluation at a whole-of-government level.</p>
<p>2. Progress sustainable transport by:</p> <p>a. Continuing to implement and support the Territory's <i>Sustainable Transport Plan</i> by:</p> <p>(i) finalising and implementing a Territory parking strategy (with supporting actions) for ACT lands and those in the parliamentary triangle (it will be important to ensure that the Australian Government supports this strategy).</p>	<p>2. The ESDD advised our Office that:</p> <p>a.</p> <p>(i) The draft <i>Transport for Canberra</i> policy– including parking policy and actions – will be released for community input in the third quarter of 2011. It is expected to include community input from the Time to Talk community conversation as well as the outcomes of workshops and stakeholder meetings over 2009 – 2011.</p>
(ii) developing a pedestrian action plan, in consultation with the community, to foster walking, particularly for commuter trips.	<p>(ii) In November 2010, the ACT signed the International Charter for Walking. The principles of the charter will be reflected in the upcoming <i>Transport for Canberra</i> policy and the new ACT Planning Strategy.</p>

Recommendation	Progress
b. Amending the Territory's <i>Sustainable Transport Plan</i> to include greenhouse gas emissions, energy efficiency and/or carbon neutrality targets for the transport sector, and specific efficiency targets, such as energy efficiency per person or persons per kilometre travelled.	<p>b. The government's plan to reduce emissions in line with the Territory's legislated emission targets will be detailed in <i>Weathering the Change: Action Plan 2</i> rather than the <i>Sustainable Transport Plan</i>. The government will aim for the most cost effective mitigation approaches across all sectors.</p> <p><i>Weathering the Change: Action Plan 2</i> will include modelling of emissions reduction potential for the transport sector from two approaches that will be detailed in the <i>Transport for Canberra</i> policy: making the way people travel more efficient (encouraging walking, cycling, public transport, carsharing/carpooling, and managing travel demand through pricing, infrastructure, traffic management and other mechanisms); and increasing the efficiency of light and heavy vehicles. Updated transport monitoring and reporting mechanisms in addition to mode share targets will be included in the <i>Transport for Canberra</i> policy.</p>
c. Developing and discussing with the community a paper on long-term innovative sustainable transport options for the Territory. Pending the results of this work, update the Territory's <i>Sustainable Transport Plan</i> to include any government-adopted options. An independently chaired, multidisciplinary taskforce should be charged with developing options, consulting the community and reporting to government.	<p>c. The government continues to work with the community through forums like Time to Talk Canberra 2030, and will continue to engage as the new <i>Transport for Canberra</i> policy is developed and program delivered.</p> <p>The conversations in 2010 included substantial discussion of the sort of transport system people in Canberra would like to see, and included nearly every interested member of the Canberra community in a broad and far-reaching discussion. The outcomes of Time to Talk will be reflected in the draft <i>Transport for Canberra</i> policy, which will be released to the community for further discussion in late 2011.</p>
d. The Commissioner's Office annually assessing the progress made in implementing the <i>Sustainable Transport Plan</i> .	<p>d. The new policy and action plan <i>Transport for Canberra</i> policy will replace the <i>Sustainable Transport Plan</i>. A draft <i>Transport for Canberra</i> is expected to be released in late 2011. Progress on this policy has included:</p> <ul style="list-style-type: none"> • implementation of MyWay ticketing system • the ACT becoming a signatory to the International Charter for Walking • commissioning feasibility studies and progressing infrastructure projects along the major transport corridors in Canberra.
e. The Commissioner working with the ACT Government and key environmental and business groups to advocate that the community travels in a sustainable manner.	<p>e. Our Office continues to advocate that the community travels in a sustainable manner through its <i>What can I do?</i> campaign.</p>

Recommendation	Progress
<p>3 Manage land effectively by:</p> <p>a. Continuing to implement the <i>Canberra Spatial Plan</i>, particularly focusing on achieving higher densities and maintaining ecological corridors.</p>	<p>a. The Economic Development Directorate advised our Office that the government continues to focus on achieving a balance between greenfield and infill (particularly for higher density residential development) as articulated in the <i>Canberra Spatial Plan</i>. This is demonstrated through its land release approach, as described in its <i>ACT Indicative Land Release Programs 2011–12 to 2014–15</i>.</p> <p>The government continues to maintain ecological corridors (as articulated in the <i>Canberra Spatial Plan</i>) as demonstrated through its work in coordination with the Australian Government a referral for <i>Environment Protection and Biodiversity Conservation Act 1999</i> approval for the Molonglo Valley development areas (Molonglo Valley Strategic Assessment).</p> <p>In addition, work continues within the ACT Government to coordinate land release in the remaining development areas of Gungahlin to ensure EPBC Act matters and critical ecological corridors in the ACT (particularly to the east and north of Gungahlin) are protected.</p>
<p>b. Undertaking a Territory-wide land degradation assessment of erosion and soil salinity, and mapping the results.</p>	<p>b. The ESDD advised our Office that soil monitoring kits, developed for use by the Catchment Management Authorities in New South Wales, will be deployed in projects the Natural Resource Unit in the ESDD is undertaking.</p>
<p>c. Determining the long-term use of all forestry land burned in the 2003 bushfire (some significant areas have already had their long-term land uses defined).</p>	<p>c. The TAMSD advised our Office that the long-term uses for many significant areas have already been defined. Areas to the east of the Murrumbidgee have been defined as residential, community, recreational or for the arboretum. Areas to the west of the Murrumbidgee have been set aside for water catchment and are being replanted with native plants. The areas of undecided land use have been replanted with pine to retard erosion until the ACT Government determines the future of forestry and the land it occupies. The new ACT Planning Strategy will address the future growth of the city but at present there are no proposals to change the existing uses of land currently zoned for forestry.</p>
<p>4. Further advance waste management by:</p> <p>a. Developing and implementing a waste minimisation/avoidance action plan with specific measurable performance measures; No Waste would be an appropriate inspirational goal rather than being used as a target (for example, <i>No Waste by 2010</i>).</p>	<p>The ESDD advised our Office that:</p> <p>a. The draft <i>ACT Sustainable Waste Strategy 2010–2025</i> (draft Strategy) was released in December 2010. The draft Strategy provides a comprehensive framework to achieve its objectives of:</p> <ul style="list-style-type: none"> • less waste generated • full resource recovery • a clean environment • a carbon neutral waste sector. <p>The <i>draft Strategy</i> includes specific and measurable performance targets under each of these objectives including over 80 per cent resource recovery by 2015 and over 90 per cent resource recovery by 2025. The ESDD developed and released the <i>Action Plan for the National Packaging Covenant 2011–16</i>, which includes measures to avoid waste generation and resource recovery.</p> <p>Both documents, supporting consultancies and public submissions on the <i>draft Strategy</i> are available at www.environment.act.gov.au/waste.</p>

Recommendation	Progress
b. Progressing a domestic and business organic waste collection system.	b. The issue of the domestic organic waste collection service is addressed in the <i>draft Strategy</i> and was a subject of discussion in the public consultation. The government is conducting further analysis of organic waste management options before finalising this strategy in late 2011.
c. Developing and implementing a Business Waste Reduction Strategy that includes: <ul style="list-style-type: none"> (i) reducing waste (ii) recycling and reusing waste (iii) collecting and reporting on data (iv) holding a businesses waste forum to encourage innovative and cost-effective approaches for reducing waste. 	c. The initial focus of the <i>draft Strategy</i> was to improve commercial waste recovery, with a number of actions being implemented over 2010–11. The Territory has rolled out the highly successful ACTSmart Office and Business recycling programs. In December 2010, the Territory issued a request for proposals to build a Material Recovery Facility for mixed-commercial waste. Subject to successful negotiations it is expected to result in a new facility being established in the Territory that will, from 2013, recover in excess of 40 000 tonnes of material each year. In 2010 TAMS employed a Resource Recovery Industry Development Officer, to work with industry to address market failures and improve recycling rates. This officer has held regular forums with industry – two of which were held in the first half of 2011 with good engagement from waste industry stakeholders.
d. Increasing community education and promotion to further reduce recyclables in potential landfill waste.	d. The TAMSD advised our Office that it runs a number of education campaigns every year. AuSSI ACT has reached almost 100 per cent participation with ACT Government support and ongoing communications. In addition, the TAMSD also provides information at community fairs and festivals, develops recycling games, stationery, brochures and flyers (made from recycled product), and runs tours through the Materials Recovery Facility.
e. Providing more facilities for recycling in public places and at major events.	e. The TAMSD advised our Office that the 2011–12 budget provided funding for public place recycling to be implemented in Civic by 2012. The Public Place Recycling Program will be evaluated by 2014 with a decision made on the possible expansion of public place recycling by 2015. ACTSmart Public Events initiated a 12-month trial in 2011 providing recycling facilities at public events. Furthermore, Manuka Oval and Canberra Stadium are members of the ACTSmart Business program and have implemented recycling for all sporting events held at these grounds.
f. Establishing an ACT e-waste consortium, including Australian and ACT Government agencies, universities and CIT, CSIRO, businesses, industry and other major e-waste generators to: <ul style="list-style-type: none"> (i) provide data on e-waste (ii) raise awareness about e-waste (iii) develop e-waste minimisation and management strategies (iv) promoting waste minimisation as a practical way to advance sustainability. 	f. The TAMSDS advised our Office that in 2010 the ACT became the first jurisdiction to divert all computers and television units from landfill by introducing mandatory recycling for televisions, complementing the mandatory recycling for computers introduced in 2005. The ACT Government continues to work collaboratively with the Australian, state and territory governments on national product stewardship initiatives, which include the Television and Computer recycling scheme. This scheme includes a framework for data collection and monitoring as well as education and awareness-raising.

Recommendation	Progress
Community wellbeing	
1. The community is kept informed and engaged in progressing the implementation of key government community strategies including:	
a. Affordable Housing Action Plan	a. The Community Services Directorate advised our Office that in May 2010 the Shared Equity Scheme was introduced to help Housing ACT tenants purchase the house in which they live. At 30 June 2011, 14 properties had been purchased under this scheme. In addition, a new scheme has been introduced to make affordable housing available to older people.
b. <i>A New Way – Aboriginal and Torres Strait Islander Health and Family Wellbeing Plan 2006–11.</i>	b. The Health Directorate advised our Office that ACT Aboriginal and Torres Strait Islander communities are engaged wherever appropriate in implementing <i>A New Way</i> strategies and informed of progress. For example, the Ngunnawal Bush Healing Farm is being established under Aboriginal and Torres Strait Islander Advisory Board guidance and development of the Health Directorate's Reconciliation Action Plan 2011–12 included consultations with communities.
c. <i>Towards 2020: Renewing Our Schools.</i> Associated environmental and social equity implications need to be monitored in the long-term.	c. The Education and Training Directorate advised our Office that the <i>Towards 2020: Renewing our Schools</i> reforms have had a number of positive social impacts including increased investment in literacy and numeracy, more resources into pastoral care and for students with a disability, and additional programs for Aboriginal and Torres Strait Islander students. The government has built four new schools, designed to achieve 5 Green Star rating and refurbished existing public schools following sustainable practices. Four primary schools have been restructured to become new state-of-the-art early childhood schools. School satisfaction surveys indicate that most parents, staff and students are satisfied with public school education. Community involvement in ACT public school continues to be strong.
2. Community wellbeing and safety is strengthened by:	
a. Encouraging community health programs, particularly those aimed at exercise, healthy eating, mental wellbeing and minimising excessive alcohol consumption.	a. The Health Directorate advised our Office that they undertook a number of programs to improve health and wellbeing in the community, including the <i>Measure Up</i> national social marketing campaign focusing on swapping less healthy behaviours for healthier ones: Find 30 – It's not a big exercise®; Go for 2 and 5®; Tap into Water®; Unplug and Play®; Smart Start for Kids; Sustainability, Training, Education, Participation, Skills (STEPS) program delivered by the YWCA targeting vulnerable young parents; Healthy@Work; Healthy Sporting Canteens project; Lifestyle Triple P (Positive Parenting Program) ; and an Active Travel to Schools project.
b. Implementing an ongoing awareness program is implemented aimed at preventing vehicular collisions with kangaroos.	b. The TAMSD advised our Office that an ongoing awareness program is pursued through media alerts and media releases at times of the year, such as winter, when the likelihood of collisions with kangaroos is highest. Areas at high risk of vehicular collisions with kangaroos are signposted. This is considered sufficient to maintain driver awareness of the risk of kangaroo collisions.

Recommendation	Progress
<p>3. Noise management is improved by:</p> <p>a. Informing the community, at point of sale, of ways to mitigate the noise impacts from air conditioners with external fans (Information on energy consumption should also be supplied at point of sale).</p>	<p>The ESDD advised our Office that:</p> <p>a. The Environment Protection Authority (EPA) has a program in place to provide information on air conditioners to retailers and installers that includes design information on locating the external fan units. The program includes a mail out of the EPA's information sheet that includes the acceptable noise levels for the different land uses in the ACT and reference to a calculator for determining the appropriate sound power level and location of the external air conditioning unit. The EPA regularly restocks this document at all government shop fronts and ACTPLA offices at Mitchell and Dickson. The EPA will continue to work with the Housing Industry Association (HIA) and the Master Builders Association (MBA) in including information in publications on noise in their members' newsletters as well as providing display information and guidelines at the MBA and HIA display centres in Fyshwick.</p>
<p>b. Ensuring entertainment venues provide appropriate noise attenuation. In so doing they will need to meet planning and environmental conditions. The effectiveness of conditions that the Planning and Environmental Protection agencies impose should be monitored.</p>	<p>b. The EPA is a referral agency for development applications that have the potential to generate excessive noise. The EPA's standard conditions provided to ACTPLA for these developments include that a noise management plan must be prepared by an acoustic consultant who is a member of the Australian Acoustic Society and submitted and endorsed by the EPA before construction. The EPA, as part of its compliance role, investigates complaints about noise from entertainment venues and follows up on any non-compliance with appropriate education and enforcement tools. The EPA will continue to liaise with ACTPLA to ensure development proposals for entertainment venues are appropriately designed to minimise noise impacts on surrounding residents.</p>
<p>4. The Territory's heritage is better protected by:</p> <p>a. Asking the Australian Government to take account of the need for adequate heritage protection in the ACT when making changes to National Capital Authority responsibilities, including requiring the Authority to observe and comply with ACT heritage legislation.</p> <p>b. Asking the Australian Government to ensure heritage places affected by changes to federal legislation (due to take effect in 2012) are given the appropriate level of protection (for example, the Yarralumla Woolshed).</p>	<p>The ESDD advised our Office that:</p> <p>a & b.</p> <p>Currently six places on the Register for the National Estate are on Territory land. The six places and their current status on the ACT Heritage Register at 30 June 2011 were:</p> <ul style="list-style-type: none"> • Sewerage Outfall site (provisionally registered) • Westbourne Woods (provisionally registered) • Weston Park (provisionally registered) • Yarralumla Woolshed (nominated) • Civic Olympic Pool (nominated) • Civic Square (removed from heritage register). <p>In 2011, the ACT Heritage Council identified Yarralumla Woolshed and Civic Olympic Pool for priority assessment in 2011–12. The Council intends to re-nominate Civic Square for priority assessment in 2011. However, the Council notes that the above six places are on National or Designated Land. The development application process for places located on National or Designated Land is vested in the National Capital Authority. As such, the Council is unable to provide statutory advice on development applications and conservation outcomes for those places.</p>

Implementation of recommendations in the Report on the ACT Lowland Native Grassland Investigation

In November 2007 the then Minister for the Environment, Water and Climate Change, Mr Jon Stanhope, directed the Commissioner to undertake an Investigation into ACT Lowland Native Grasslands. On 12 March 2009, the Commissioner submitted the *Report on ACT Lowland Native Grassland Investigation* to the Minister for the Environment, Climate Change and Water, Mr Simon Corbell.

The report was tabled in the Legislative Assembly on 26 March 2009. The government tabled its response on 16 March 2010. The government's response was positive and agreed or agreed in-principle with all recommendations.

Measures taken during the year by or for the Territory to implement these recommendations is summarised in Table 8.

Table 8: Progress on implementing recommendations in the Report on the ACT Lowland Native Grassland Investigation

Recommendation	Progress
Urgent recommendations	
<p>Recommendation 21: Improve the ecological condition of sites that are in a critical condition or approaching this state, by reducing current threatening processes of weed invasion, inappropriate mowing and overgrazing by stock, rabbits and kangaroos as a matter of urgency, specifically:</p> <p>In Majura Valley – grazing pressure should be reduced by:</p> <ul style="list-style-type: none"> Reducing the number of kangaroos on 'Malcolm Vale' (MA04) and Majura West (MA06). There is also a need to continue to manage kangaroos on the Majura Training Area (MA01) while not detrimentally affecting adjacent native woodland. Strategically managing (and in the short-term temporarily removing) stock and controlling rabbits on Majura West (MA06). <p>Weed management controls should be enhanced on Majura Training Area (MA01) and 'Malcolm Vale' (MA04).</p> <p>Strategically located temporary kangaroo management fencing should be considered for placement around Campbell Park (MA05) and possibly parts of Majura West (MA06) if the stock and kangaroo densities in this general area are not reduced within the next six months. This is a temporary measure to protect the Grassland Earless Dragon habitat.</p> <p>In Jerrabomberra Valley – grazing pressure should be reduced by:</p> <ul style="list-style-type: none"> Reducing the number of kangaroos on Jerrabomberra East Reserve (JE05). Strategically managing (and in the short-term temporarily removing) stock and controlling rabbits on 'Cookanalla' (JE08). <p>Weed management controls should be enhanced on Harman Bonshaw South (JE06) and Harman Bonshaw North (JE07).</p>	Implemented

Recommendation	Progress
<p>In Gungahlin – grazing pressure should be reduced on Crace Nature Reserve (GU03) by:</p> <ul style="list-style-type: none"> • Reducing the number of kangaroos. • Strategically managing (and in the short-term temporarily removing) stock and controlling rabbits. <p>Weed management controls should be enhanced on Crace Nature Reserve (GU03), at Wells Station Road (GU07) and Nicholls (GU08).</p> <p>In Belconnen – grazing pressure should be reduced by:</p> <ul style="list-style-type: none"> • Strategically managing (and in the short-term temporarily removing) stock and reducing the number of kangaroos and controlling rabbits on Dunlop Nature Reserve (BE02) and ‘Jarramlee’ (BE03). • Reducing the number of kangaroos on Ginninderra Experimental Station (BE01). • Reducing the number of kangaroos and controlling rabbits on Caswell Drive (BE10). Given the size and location of this site, it may be necessary to reduce the number of kangaroos on land in the vicinity of this site rather than concentrating only on this site <p>Weed management controls should be enhanced on Umbagog Park North (BE04 (b)), and in the areas of Lawson Territory (BE07) that may affect the Lawson Commonwealth – Belconnen Naval Transmission Station (BE08 (a)) site.</p> <p>In Canberra Central – weed management controls should be enhanced on York Park, Barton (CC05); Yarramundi Reach (CC06); Lady Denman Drive, Yarralumla (CC07); Dudley Street, Yarralumla (CC08); and Guilfoyle Street, Yarralumla (CC09).</p> <p>Mowing regimes should be revised to enhance grassland conservation for Lady Denman Drive, Yarralumla (CC07); Dudley Street, Yarralumla (CC08); Guilfoyle Street, Yarralumla (CC09); Novar Street, Yarralumla (CC10); and Black Street, Yarralumla (CC11).</p>	
<p>Recommendation 15: Immediately enforce the provisions and conditions in the land management agreement, which is a part of the rural lease for ‘Cookanalla’ (JE08).</p>	<p>Implemented</p>

Recommendation	Progress
Other recommendations	
<p>Recommendation 1: Streamline ACT Government planning and nature conservation legislation to ensure all land management matters are covered by the <i>Nature Conservation Act 1980</i> (ACT) (currently under review).</p>	<p>The ESDD advised our Office that a discussion paper was prepared to stimulate input from the ACT community into the review of the <i>Nature Conservation Act 1980</i>. This paper was released for public comment on 3 December 2010. Submissions closed on 18 February 2011 and can be viewed on the ESDD website. Thirty-two submissions were accepted.</p> <p>A public community forum incorporating a discussion panel of organisations and individuals speaking on a range of issues relating to the review was held on 1 February 2011. A summary of the forum discussion is available on the ESDD website.</p> <p>ESDD is currently analysing the submissions. There is a need to consider how best to address the submissions through provision of new clauses in the Act, and with regulations that support these new provisions. Once this work has been undertaken, the government will consider this analysis and proposed approach.</p> <p>An Exposure Draft Bill will then be prepared for consideration.</p>
<p>Recommendation 2: The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth) should be strengthened so sites and species are more effectively protected and managed.</p>	<p>Implemented</p>
<p>Recommendation 3: As part of the current review of the <i>Nature Conservation Act 1980</i> (ACT), ensure that lowland native grassland, in particular Natural Temperate Grassland ecosystems are protected by the Conservator of Flora and Fauna having powers to direct, when necessary, that land management actions be undertaken.</p>	<p>The ESDD advised our Office that a discussion paper on the review of the <i>Nature Conservation Act 1980</i> canvassed this issue. The government is considering the range of responses to the review and as a next step will develop exposure draft legislation to outline the proposed response to this issue.</p>
<p>Recommendation 4: Resolve the heritage status of lowland native grassland sites, in a timely manner, to assist long-term planning.</p>	<p>The ESDD advised our Office that the Kama Woodland/Grassland (central Molonglo River Valley) was provisionally registered on 29 June 2009. Two nominations for Grassland Earless Dragon Habitat (Jerrabomberra Valley and Majura Valley) and Natural Temperate Grassland Ecological Community (Lawson and Majura Valley) are currently being assessed. It is expected the ACT Heritage Council will make a decision on provisional registration in 2011.</p> <p>Five nominations to the ACT Heritage Register for natural heritage values have been assessed during the reporting period. The places and their current status on the register include:</p> <ul style="list-style-type: none"> • Tuggeranong Parkway Road Cutting (registered) • Small Purple Pea Habitat (registered) • Cotter Caves and Surrounds (registered) • Button Wrinklewort Habitat (registered) • Lower Molonglo Geological Site (provisionally registered).

Recommendation	Progress
Recommendation 5: As part of the current review of the <i>Nature Conservation Act 1980</i> (ACT), ensure that lowland native grassland, in particular Natural Temperate Grassland, ecosystems are protected by innovative mechanisms such as conservation leases, voluntary agreements, bio-banking and offsets are investigated and progressed.	The ESDD advised our Office that the discussion paper on the review of the <i>Nature Conservation Act 1980</i> canvassed these issues. The government is considering the range of responses to the review and as a next step will develop exposure draft legislation to outline the proposed response to this issue.
Recommendation 6: Existing memoranda of understanding between the ACT Government and Department of Defence, the National Capital Authority and CSIRO, with the Department of Environment, Water, Heritage and the Arts being a signatory, should be updated and implemented.	Implemented
Recommendation 7: Develop memoranda of understanding between the ACT Government and the Department of Finance, Air Services Australia and the Canberra Airport Group, with the Department of Environment, Water, Heritage and the Arts being a signatory.	Implemented
Recommendation 8: Establish a memorandum of understanding coordination and implementation group with an ACT Government agency being the lead agent.	Implemented
Recommendation 9: Amend the <i>Canberra Nature Park Management Plan 1999</i> to incorporate: Action Plan No. 28, <i>ACT Lowland Native Grassland Conservation Strategy</i> (2005) the new nature reserves of 'Callum Brae' (part JE02), Jerrabomberra West Reserve (JE03), Jerrabomberra East Reserve (JE05).	The ESDD advised our Office that the <i>Canberra Nature Park Plan of Management 1999</i> has yet to be reviewed. However, such a review would be informed by the <i>Report on the Investigation into Canberra Nature Park</i> by the Office of the Commissioner for Sustainability and the Environment.
Recommendation 10: Develop and implement annual site operation plans for all lowland native grassland sites.	Implemented
Recommendation 11: Amend the Belconnen Urban Parks, Sportsgrounds and Lake Ginninderra Plan of Management to include the lowland native grassland site of Lake Ginninderra (BE06).	The ESDD advised our Office that the native grassland site on Lake Ginninderra will be included in a revised management plan (revision schedule is yet to be determined).
Recommendation 12: Simplify administration of agistment licences covering lowland native grassland sites through standardising their conditions, including termination dates; and have one government agency signatory to an agistment lease.	The TAMSD advised our Office that a review of provisions for agistment licences has resulted in all new licences and all reviewed licences being changed to provide for a common seven-day termination provision. The only licences being left with longer termination provisions are those managed under a land management type agreement. The TAMSD is managing most agistment licences.
Recommendation 13: Ensure rural lease processes (including those for land management agreements) are simplified and responsibilities are clarified.	Implemented

Recommendation	Progress
Recommendation 14: Review the land management agreements covering Crace Nature Reserve (GU03) and Caswell Drive (BE10).	Implemented
Recommendation 16: Foster a strong culture of compliance, monitoring and enforcement within the government department responsible for administering land management agreements.	Implemented
Recommendation 17: Establish a formal monitoring, assessment and auditing process aimed at ensuring conditions in land management agreements achieve the desired ecological results.	Implemented
Recommendation 18: Permit grazing under rural leases and licences, on lowland native grassland sites if it is part of a long-term conservation management strategy.	The TAMSD advised our Office that grazing on rural lease and licence areas containing high conservation grasslands is only permitted after consultation with grassland ecologists who review the proposals against conservation management strategies. This advice is included in the conditions attached to grazing agreements.
Recommendation 19: Undertake experimental ecological burns on selected sites to determine the appropriateness of a wider application for managing lowland native grassland sites in the ACT.	The TAMSD advised our Office that during 2010–11 prescribed burns were undertaken for ecological reasons in lowland native grasslands at Campbell (CC02) and Mitchell (GU05) as well as Kambah and Gorooyarroo and Mulligans Flat nature reserves. Further ecological burns will be undertaken in native grasslands in 2011–12. Monitoring of these and other burns will help inform applicability of a wider program of ecological burning in native grasslands in the ACT.
Recommendation 20: Give priority to weed management and implementing appropriate mowing practices as part of routine work programs.	Implemented
Recommendation 21: Improve the ecological condition of sites that are in a critical condition or approaching this state, by reducing current threatening processes of weed invasion, inappropriate mowing and overgrazing by stock, rabbits and kangaroos as a matter of urgency, specifically: In Canberra Central: <ul style="list-style-type: none"> • Weed management controls should be enhanced on York Park, Barton (CC05); Yarramundi Reach (CC06); Lady Denman Drive, Yarralumla (CC07); Dudley Street, Yarralumla (CC08); and Guilfoyle Street, Yarralumla (CC09). • Mowing regimes should be revised to enhance grassland conservation for Lady Denman Drive, Yarralumla (CC07); Dudley Street, Yarralumla (CC08); Guilfoyle Street, Yarralumla (CC09); Novar Street, Yarralumla (CC10); and Black Street, Yarralumla (CC11). 	Implemented

Recommendation	Progress
<p>Recommendation 22: The ACT Government and the Australian Government commit to taking a strategic approach to protecting lowland native grassland, in particular Natural Temperate Grassland, threatened grassland species and fostering sustainable development by:</p> <ul style="list-style-type: none"> • Giving priority to protecting all Category 1: Core Conservation Sites that contain Natural Temperate Grassland and key threatened grassland species, and ensuring that these areas are not affected by development proposals. • Placing in a reserve, where appropriate, Natural Temperate Grassland sites in Category 1: Core Conservation Sites. If this is not possible, these grassland areas and associated species should be conserved and managed as if they were in a reserve. • Integrating conservation values with development considerations for all Category 2: Complementary Conservation Sites and Category 3: Landscape and Urban Sites and ensuring connectivity is retained or enhanced. • Developing an offset policy (that includes identification of offset restoration sites) for loss of lowland native grassland, particularly Natural Temperate Grassland, due to development. 	<p>The ESDD advised our Office that work has been ongoing to develop a tool that could be used to assess offsets, including for grassland sites, which can also be used to assess the relative conservation values of sites for restoration, or for reservation. As a next step an in-house trial of the tool will be undertaken.</p>
<p>Recommendation 23: Plan a Majura Valley Reserve to protect Natural Temperate Grassland and its supporting species, particularly the Grassland Earless Dragon, by defining the boundaries of this proposed reserve in the near future.</p>	<p>The ESDD advised our Office that further progress will be informed by the Majura Parkway Environmental Impact Statement, Airport Master Plan, Eastern Broadacre Planning Study, the <i>Report on the ACT Lowland Native Grassland Investigation</i>, any relevant heritage listings and decisions made by the Commonwealth under the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. As ACT legislation is subservient to that of the Commonwealth, the future of grassland in the Majura Valley will largely be determined by Commonwealth decisions.</p>
<p>Recommendation 24: Expand the Mount Ainslie Reserve to include areas of lowland native grassland in Campbell Park (MA05) and Majura West (MA06).</p>	<p>The ESDD advised our Office that advice has been sought from the Department of Defence in relation to the future of Campbell Park. The Office has been advised that the ACT Government supports the addition of both areas to the formal reserve network. Management of Campbell Park as a conservation reserve could occur without transfer of the land from the Australian Government to the ACT. The Eastern Broadacre Planning Study will provide information that will help determine where the reserve boundary should be placed at Majura West.</p>

Recommendation	Progress
<p>Recommendation 25: Expand Aranda Bushland and Black Mountain Reserve by including areas of lowland native grassland in Caswell Drive (BE10) and Glenloch Interchange (BE11).</p>	<p>The ESDD advised our Office that transfer of the Caswell Drive land is problematic as the land is currently subject to a long-term rural lease. The government considers that improved grassland management can be achieved through revision of the Land Management Agreement. The grassland at Glenloch Interchange will be added to the conservation reserve network.</p> <p>Addition of Glenloch interchange grassland to the conservation estate is subject to use of the site as an offset. Development of Molonglo Stage 3 will result in acquisition of most of the rural lease near Caswell Drive. Negotiation of the lease requisition will include addition of land to Aranda Bushland, subject to the availability of using this land as a biodiversity offset.</p>
<p>Recommendation 26: Define the long-term land use for lowland native grassland sites, while strategically protecting lowland native grassland, particularly Natural Temperate Grassland, and progressing appropriate developments, specifically:</p> <ul style="list-style-type: none"> • ‘Callum Brae’ (part JE02) – excluding the land swap site. The areas of ecological connectivity need to be defined. Areas of ecological connectivity could be managed under a conservation lease or, depending on location, amalgamated with the adjoining rural lease. If development occurs, an offset should be required. • ‘Cookanalla’ (JE08) – a Grassland Earless Dragon survey is needed in conjunction with a survey to identify habitat that would support this species. Given the condition of the site, it may be appropriate to undertake surveys when the site has recovered, at least to some degree, from its current threatening processes. This site appears to lend itself to a land use that integrates conservation values with development. If areas of grassland are developed an offset should be required. • AMTECH (JE09) – reassess the site’s ecological values as these may have changed. If this site no longer meets criteria for its current classification as a Category 2: Complementary Conservation Site and changes to Category 3: Landscape and Urban Sites, its development potential could be realised. If areas of grassland are developed an offset should be required. • Kaleen East Paddocks (BE09) – reassess the site’s ecological values, as they were not obvious at the time of inspection. If these values still exist and development was to occur, given the likelihood that there is only a small area of Natural Temperate Grassland remaining, this may be able to be integrated with any future developments. 	<p>The ESDD advised our Office that:</p> <ul style="list-style-type: none"> • Callum Brae and Cookanulla which will be examined as part of the Eastern Broadacre Planning study and associated connectivity studies • AMTECH is zoned Industrial, thereby denoting its broad suitability for urban development. A Grassland Earless Dragon survey was undertaken in 2008. It did not locate any endangered lizards. Planning, Conservation and Land in ESDD will assess current condition and extent of native grassland on the development site, which will inform any decision about an appropriate offset. The AMTECH site (Section 1, Symonston) land is on the Indicative Industrial Land Release Program. • A reassessment of Kaleen East paddocks is proposed for spring 2011 • The draft biodiversity offset approach for government consideration, which could be applied to Lawson Commonwealth–East and Constitution Avenue, Reid.

Recommendation	Progress
<ul style="list-style-type: none"> • Lawson Commonwealth – East (BE08 (b)) – Given the overall context of this site it appears to lend itself to a land use that integrates conservation values with development. An offset should be required if areas of grassland are developed. • Constitution Avenue, Reid (CC02) – If a decision is made to develop the Natural Temperate Grassland area, an offset should be required. 	
Recommendation 27: Publish a map that shows the location of lowland native grassland sites relative to planning zones. This should be readily available through the ACT Planning and Land Authority (ACTPLA) and the Department of Territory and Municipal Services (TAMS).	The ESDD advised our Office that it is planned that information on the distribution of lowland native grassland will be made available over the internet, in a similar format as the planning information is currently available through ACTMAPi.
Recommendation 28: Use adaptive management to guide land management so that sites in good condition (40%) are maintained, and those in a critical condition (20%) or approaching a critical condition (40%) are restored.	The TAMSD advised our Office that Reserve Operations Plans are being developed for all grassland reserves in the ACT. The focus of these three-year plans is on directing management effort into restoring sites identified as being in critical or approaching critical condition. A feature of these plans is monitoring the effectiveness of management actions through a ‘plan, act, measure, review’ cycle with introduction of changes and improvements where monitoring indicates the initial actions were not successful.
Recommendation 29: Assess the ecological values of Evatt Footbridge; Wells Station Road (GU07); Nicholls (GU08); Novar Street, Yarralumla (CC10); Belconnen Pony Club (GU06); Lawson Commonwealth–East (BE08(b)); and Mitchell (GU05).	The ESDD advised our Office that reassessment of these areas is proposed for spring 2011.
Recommendation 30: Conduct an annual community and stakeholder lowland native grassland forum to, among other things, coordinate research, monitoring and data collection, and raise awareness.	Implemented
Recommendation 31: Establish an accessible central register of information and expertise on lowland native grassland.	The ESDD advised our Office that the ACT Natural Resource Management Council will facilitate a range of information sharing forums and workshops in natural resource management, including information on lowland native grasslands. ESDD is working to make spatial information on native vegetation, including grasslands, more publicly accessible through the ACTMAPi web-based facility.
Recommendation 32: Increase community awareness of the importance of lowland native grassland, in particular Natural Temperate Grassland and the endangered grassland species.	Implemented

Recommendation	Progress
Progress on implementing recommendations in the Report on the Belconnen Naval Transmission Station (BNTS)	
Recommendation 1: Urgent action is to be taken to restore the ecological condition of the Grasslands, and provide opportunities for the Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercress to survive and thrive at BNTS.	Implemented
Recommendation 2: Kangaroos are to be removed immediately from BNTS to achieve a stocking rate of 1 kangaroo per hectare or less. This is to be done by the land manager, preferably before the end of April 2008, to prevent impacts on pasture biomass occurring during the dormant 2008 winter.	Implemented
Recommendation 3: Kangaroo population numbers are to be maintained at the targeted level for the foreseeable future using fertility-controlled kangaroos only. A program to maintain this situation is to be implemented as needed. (This recommendation is made on the assumption that all remaining kangaroos at BNTS will be part of fertility control research programs.)	Implemented
Recommendation 4: Further reduction in the number of kangaroos at BNTS (even below the proposed stocking rate of 1 kangaroo per hectare) is to occur if recovery of the grasslands does not improve over the next growing season even if research projects are compromised.	Implemented
Recommendation 5: Kangaroos are to be removed from BNTS by the most humane method suitable for that site having regard to advice from the Australian Federal Police that firearms are not to be used. (The Expert Panel has recommended sedating by darting followed by euthanasia by lethal injection.)	Implemented
Recommendation 6: The policy of the Conservator of Flora and Fauna, to the effect that translocation of eastern grey kangaroos is not an appropriate management technique, is to remain unchanged and this policy position is to be confirmed with the Department of Defence.	Implemented
Recommendation 7: The interim grasslands management plan and interim kangaroo management plan for BNTS are to be completed by the end of August 2008, by the land manager, in consultation with key stakeholders. These plans are to adopt adaptive management principles and be based on a stocking rate of 1 kangaroo per hectare or less before the 2008 winter.	Implemented
Recommendation 8: Conditions at BNTS are to be reported quarterly to all relevant agencies and to the Commissioner's Office. The Commissioner is to establish an independent group to help evaluate progress and report on this in the Office's annual report.	No longer applicable

Recommendation	Progress
Recommendation 9: A long-term grasslands management plan covering BNTS is to be developed before the abutting Lawson lands are developed for residential purposes. This plan should incorporate clear management objectives and be based on an adaptive management approach to protect the Grasslands, Perunga Grasshopper, Golden Sun Moth and Ginninderra Peppercreep at the BNTS. (The interim grasslands management plan and interim kangaroo management plan (Recommendation 7) should be incorporated into the long-term plan. This long-term plan could cover all ACT natural temperate grasslands areas.)	The ESDD advised our Office that such a plan would be developed when the Australian Government transfers the land to the ACT Government.
Recommendation 10: The Territory is to ensure that legal measures are implemented to protect and preserve the high conservation value of the Grasslands and its threatened species when the land at BNTS is transferred from the Commonwealth to another entity. (This recommendation is made on the assumption that Territory laws will fully prevail post the transfer.)	The ESDD advised our Office that both the Australian and ACT governments are committed to protecting the high conservation value grasslands. Negotiations are still continuing over exactly how this will occur. The expectation and decision of the ACT Government is that the high conservation value areas will be added to the conservation reserve network.
Recommendation 11: Review of the memorandum of understanding between the Department of Defence and TAMS is to be completed by August 2008.	Implemented

Commissioner for the Environment Act – section 23 requirements

Our Office has no additional information to include for the 2010–11 reporting period.

A.10 Triple bottom line report

Indicator		2009–10 result	2010–11 result	% change
Economic	Employee expenses			
	Number of staff employed (head count, not FTE)	7 ^(a)	8 ^(a)	
	Total employee expenditure (\$)	\$857 000 ^(b)	\$483 847 ^(c)	14
	Operating statement			
	Total expenditure (\$)	\$1 299 000 ^(b)	\$1 189 000 ^(b)	–9
	Total own source revenue (\$)	0	0	
	Total net cost of services (\$)	\$1 299 000	\$1 189 000	–9
	Economic viability			
	Total assets (\$)	n/a	n/a	
	Total liabilities (\$)	n/a	n/a	
Environmental	Transport			
	Total number of fleet vehicles	1 ^(d)	1 ^(d)	0
	Total transport fuel used (kilolitres)	0.2	0.2	0
	Total direct greenhouse emissions of the fleet (tonnes of CO2-e)	0.5	0.4	–24
	Energy use			
	Total office energy use (megajoules)	134 000	136 986	2
	Office energy use per person (megajoules)	19 143	17 123	–10
	Office energy use per m2 (megajoules)	865	884	2
	Greenhouse emissions			
	Total office greenhouse emissions, direct and indirect (tonnes of CO2-e)	39.39	24.53	–38
	Total office greenhouse emissions, per person (tonnes of CO2-e)	5.62	3.07	–45
	Total office greenhouse emissions, per m2 (tonnes of CO2-e)	0.25	0.16	–36
	Water consumption			
	Total water use (kilolitres)	101	106	5
	Office water use per person (kilolitres)	14	13	–5
	Office water use per m2 (kilolitres)	0.7	0.7	0
	Resource efficiency and waste			
	Total co-mingled office waste, per FTE (litres)	35.7	30	–16
Social	Total paper recycled (litres)	1 600	1 920	20
	Total paper used (reams), per FTE (litres)	28	13	–54
	Percentage of paper recycled (%)	100	100	0
	The diversity of our workforce			
	Women (female FTEs as a % of total workforce)	69	88	28
	People with a disability (as a % of total workforce)	0	0	0
	Aboriginal and Torres Strait Islander people (as a % of total workforce)	0	0	0
	Staff with English as a second language (as a % of total workforce)	0	0	0
	Staff health and wellbeing			
	Occupational health and safety incident reports	0	0	0
	Accepted claims for compensation (as at 31 August 2011)	0	0	0
	Staff receiving influenza vaccinations	2	1	–50
	Workstation assessments requested	7	4	–43

Notes:

- The Office establishment is six; the additional FTE in 2009–10 was a contractor working on the Tree Investigation and in 2010–11 is the Projector Coordinator for the 2011 ACT State of the Environment Report and the Office Manager position which is job-shared but is one FTE.
- As provided by the Department of the Environment, Climate Change, Energy and Water.
- As provided by the Environment and Sustainable Development Directorate. This figure is low as the Commissioner's leave balances were transferred to the Auditor-General's Office as at 30 June 2011, which reduced the total cost of salary. Excluding this reduction, the total cost was \$717 000.
- This is the Commissioner's package vehicle which is available for use by staff.



Section B – Consultation and scrutiny reporting

B.1 Community engagement

Our major community engagement activities (Table 9) related to the:

- 2011 ACT State of the Environment Report
- Young People Ambassadors
- Investigations.

The Commissioner participated in a number of major events including being a keynote speaker at the Regional Development Australia ACT's Inaugural Canberra Leaders' Consultative Forum and the Australia Institute of Landscape Architects Conference. The Commissioner also gave a number of talks including to the Australian National University Urban Forestry Workshop, Canberra Conversations and Marist College Youth Forum.

In addition, the Young People Ambassadors and a Senior Manager presented a paper at the Australia Association for Environmental Education Conference.

Table 9: Community engagement

Line area	Project	Consultation process (tools used)	Groups/Individuals consulted	Outcome
Advocacy	Young People Ambassadors Group	Reference Group	Young people from 12 to 25 years	Increased engagement with the 12 to 25 year old sector
Investigations	Tree Investigation	Reference Panel	Experts and community members by invitation	Advice to the Commissioner
	CNP ^(a)	Expert Panel	Experts by Invitation	Advice to the Commissioner
		Public submissions	Community	Inform the Investigation
	Lake Burley Griffin	Reference Group	Experts and community members by invitation	Advice to the Commissioner
		Advisory Group	Corporate and government members by invitation	Advice to the Commissioner
		Public submissions	Community	Inform the investigation
Statutory	SoER ^(b)	Peer Review Groups	Experts, ACT Government and community members by invitation	Peer review for themes and Indicators for the 2011 SoER
	SoER	Reference Group	Experts and community members by invitation	Advice to the Commissioner

Notes:

(a) Canberra Nature Park Investigation

(b) 2011 ACT State of the Environment Report

B.2 Internal and external scrutiny

Our Office has not been notified of any internal or external scrutiny during 2010–11.

B.3 Legislative Assembly Committee inquiries and reports

Table 10: Legislative Assembly Committee inquiries and reports

Report no.	Title	Date presented
1	Appropriation Bill 2009–10	The committee report was tabled in the Legislative Assembly on 16 June 2009; and the government response was tabled on 23 June 2009.
Recommendation	Government response	Departmental implementation
<p>Recommendation 50</p> <p>The committee recommends that the <i>Commissioner for the Environment Act 1993</i> (ACT) and the <i>Environment Protection Act 1997</i> (ACT) be amended to grant the Commissioner for Sustainability and the Environment the power to audit in relation to sections of annual reports prepared under section 158A of the <i>Environment Protection Act 1997</i>.</p>	<p>Noted.</p> <p>The <i>Weathering the Change: Action Plan 2</i>, commits the government to developing resource management plans, which will be subject to scrutiny by the Commissioner for Sustainability and the Environment.</p> <p>Under the existing <i>Commissioner for Environment Act 1993</i>, the Commissioner can undertake such an audit and she will be commencing an ACT Government Agencies Environmental Performance Audit Assessment in the future.</p>	<p>Our report <i>Expanded Role of the Office of the Commissioner for Sustainability and the Environment</i> was submitted to the Minister for the Environment, Climate Change and Water on 24 September 2009.</p> <p>Our report <i>Audit/assessment of ACT Government agencies' environmental performance reporting</i> was submitted to the Minister for the Environment, Climate Change and Water on 22 October 2010.</p>
Report no.	Title	Date presented
7	<i>Report on Annual and Financial Reports 2008–09</i>	17 December 2009 ^(a)
Recommendation	Government response	Departmental implementation
That the Department of the Environment, Climate Change, Energy and Water and the Office of the Commissioner for Sustainability and the Environment immediately implement measures to accurately account for resource use and to outline these measures in future annual reports.	Agreed.	Our Office will implement this recommendation in future annual reports.
That future annual reports of the Office of the Commissioner for Sustainability and the Environment include a table that charts the number of complaints received and their broad subject areas.	Agreed.	Our Office will implement this recommendation in future annual reports.

Report no.	Title	Date presented
5	<i>Report on Annual and Financial Reports 2009–10</i>	15 December 2010 ^(a)
Recommendation	Government response	Departmental implementation
The committee recommends that, in future annual reports, the Office of the Commissioner for Sustainability and the Environment consider including information outlining the rationale for higher value single select tenders.	The government response to this report is yet to be tabled.	

Note:

(a) Date the Commissioner presented to the Standing Committee on Climate Change, Environment and Water.

B.4 Legislation report

The Office is responsible for administering the *Commissioner for the Environment Act 1993*.



C.1 Risk management and internal audit

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.2 Fraud prevention

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.3 Public interest disclosure

Our Office is covered under the Environment and Sustainable Development Directorate public interest disclosure policies.

Our Office did not receive any public interest disclosures during 2010–11.

C.4 Freedom of information

The *Freedom of Information Act 1989* provides a legally enforceable right of access by citizens to all documents in the possession of the ACT Government, subject only to exemptions to protect the legitimate interests of the ACT Government, and of the third parties who deal with the ACT Government.

The *Freedom of Information Act 1989* requires certain reports to be compiled and included in the agency annual report. This report comprises three sections: a section 7 statement, a section 8 statement and a section 79(2) statement.

Section 7 statement

In accordance with the requirements of section 7 of the *Freedom of Information Act 1989*, the following statement is correct to 30 June 2011. It reports on the particulars, functions and powers of the Office, as well as certain categories of documents held by each agency, and the arrangements for public participation in formulation of policy and operations.

Organisation functions and powers

Our enabling legislation is the *Commissioner for the Environment Act 1993*. The Act specifies that the Commissioner shall:

- produce State of the Environment reports for the ACT

- investigate complaints from the community regarding the management of the Territory's environment by the ACT Government and/or its agencies
- conduct investigations directed by the Minister
- initiate investigations into actions of the ACT Government or its agencies, where those actions have a substantial impact on the Territory's environment
- make recommendations for consideration by the ACT Government, and include in our Annual Report the outcomes of those recommendations.

Our Office administers the *Commissioner for the Environment Act 1993*.

Public participation

Our Office has consulted extensively during the reporting period on a range of activities, including the Tree Investigation, the Canberra Nature Park Investigation and the 2011 State of the Environment Report.

Our consultation processes include:

- public submissions
- focus groups, expert panels and reference groups for specific purposes
- comments on draft documents
- briefings and discussions with Ministers and other members of the Legislative Assembly.

Documents

Documents produced by our Office on various aspects of our activities are available without charge on our website or on request. These include:

- annual reports from 2000–01 to the present
- ACT State of the Environment reports from 1997 to the present
- Regional State of the Environment reports from 2004 to the present
- investigation reports
- discussion papers, information pamphlets and fact sheets.

These documents are also available by phoning or emailing the Office and can be posted to any member of the community.

Other kinds of documents that may be available under the *Freedom of Information Act 1989* include:

- general records, including internal, interdepartmental and public documents such as minutes of meetings, agendas and background papers, policy statements, correspondence and administrative records
- personnel records
- financial records
- details of contracts and tenders.

Facilities for access

Documents produced by our Office are available to the public on our website at www.envcomm.act.gov.au or in hard copy upon request.

Our Office can be reached by public transport and has disabled access.

Section 8 statement

The *Commissioner for the Environment Act 1993* provides guidance for the role and functions of the Commissioner as well as detailed specifications for the conduct of investigations. The Act forms the basis of our operational procedures; it is available to the public and can be provided in hard copy upon request.

Section 79(2) statement

In accordance with section 79(2) of the *Freedom of Information Act 1989*, the following is a report on decision making in relation to freedom of information requests our Office received during 2010–11. Access decisions relating to freedom of information requests are categorised in terms of full release, partial release, entirely exempt, technical refusal (no documents located), still being processed, transferred and withdrawn.

Requests for access

In 2010–11 the Office received one request for access to documents. Tables 11 and 12 outline the completion timeline and the access decision made for this request.

Table 11: Freedom of information completion timelines

Number of FOI requests received	30 days or less	31 to 45 days	46 to 60 days	61 to 90 days	91 days or more
1			1		

Table 12: Number of requests and decision type

Decision	Number of requests
Full release	
Partial release	
Entirely exempt	
Technical refusal (no documents found)	
Still being processed	1
Transferred	
Withdrawn	
Total	1

In processing requests, our Office makes every effort to comply with the required timeframes. There will, however, be some situations where requests are completed outside the statutory timeframe:

- this may be the result of the amount and complexity of information to be examined and the release decisions required, or
- particular workload and resource issues within our Office at the time.

In situations where it appears that the 30-day timeframe for a response will not be met, our Office will generally advise the applicant and request an extension of time.

Under sections 26, 27 and 27A of the *Freedom of Information Act 1989*, the Commonwealth, state governments, commercial organisations and private individuals must be consulted where their interests may be adversely affected by release of documents. Subsection 18(4) of the *Freedom of Information Act 1989* provides for the 30-day timeframe to respond to a freedom of information request to be extended by 30 days for documents on which third party consultation is necessary.

C.5 Internal accountability

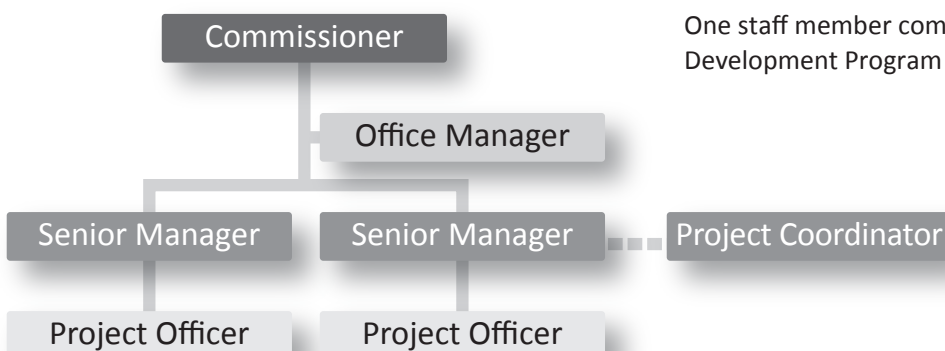
Organisational structure

During the reporting period the Commissioner was Dr Maxine Cooper.

The Commissioner is accountable for both the legislative and contractual functions of the Office and for ensuring the execution of these functions is consistent with the intent of the enabling legislation.

The structure of our Office at 30 June 2011 is shown in Figure 1.

Figure 1: Organisation chart



Senior committees

There is no senior management or other significant committees or boards within the Office.

Key corporate plans

Our Strategic Plan provides our vision, mission, values and objectives as detailed in A.1 The organisation.

C.6 Human resource performance

Our Office has a Strategic Plan, which reflects the environmental context in which we operate and sets a clear direction for us. Our Strategic Plan states our visions, mission, values and objectives as detailed in A.1 The organisation. Our Strategic Plan is reviewed quarterly.

All staff have an Achievement Plan which contains a workplan and an individual learning and development plan and are reviewed quarterly.

C.7 Staffing profile

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.8 Learning and development

Our Office has a commitment to strengthening workforce and organisational capacity through building skills and capabilities. This learning and development is guided by individual Achievement Plans and supported through our Strategic Plan.

Staff from our Office participated in a number of whole-of-government learning and development initiatives. In addition, some staff attended training in specialised courses, including Project Management and Communication and Negotiation Skills.

One staff member completed the Future Leaders Development Program in 2011.

C.9 Workplace health and safety

Our Office is committed to providing a safe and healthy workplace and maintaining the health, safety and welfare of its employees. Occupational health and safety is managed in accordance with the statutory provisions of the *Occupational Health and Safety Act 1989* (as modified by the *Public Sector Management Act 1994*).

During 2010–11 the Office did not receive any notices under sections 146, 155 or 212 of the *Occupational Health and Safety Act 1989* and there were no section 204 notifiable incidents.

The Office does not pay a first tier worker's compensation premium.

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report workplace health and safety policy purposes.

Our Office has acted on monthly leave reports (provided by Shared Services) by encouraging staff to use accrued leave, especially staff members who were identified as having excess leave, and to maintain a healthy work–life balance.

Workstation assessments were conducted during the year and have been made available to staff as required, and specifically for new staff.

C.10 Workplace relations

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.11 Strategic Bushfire Management Plan

Our Office does not own or manage any Territory land and is therefore not required to report its operations in relation to either the Strategic Bushfire Management Plan or the Bushfire Operations Plan.

C.12 Strategic asset management

Assets managed

Our Office does not own or manage any major assets.

Office accommodation

During 2010–11 our Office was accommodated on Level 2 of the Dickson Motor Vehicle Registry Building at 13–15 Challis Street, Dickson. The Office occupies 155 square metres. This building is a multi-purpose building being used for office accommodation, shopfront and a vehicle inspection station area (which is light industry).

Our Office has been working with the Dickson Motor Vehicle Registry Sustainability Working Group to create a more sustainable building and office space.

C.13 Capital Works

Our Office has no capital works projects.

C.14 Government contracting

Procurement principles and processes

Procurement selection and management processes for all contractors, including consultants, complied with the *Government Procurement Act 2001* and *Government Procurement Regulation 2007*.

Consistent with the provisions of the *Government Procurement Regulation 2007*, ACT Procurement Solutions, and if necessary, the Government Procurement Board reviewed purchases over \$20 000.

External sources of labour and services individual contracts exceeding \$20 000

The contracts for works and services for individual contracts that exceeded \$20 000 and smaller contracts awarded to the same contractor that in total exceeded \$20 000 are detailed in Table 13.

Table 13: Summary of contracts over \$20 000

Contractor	Description and reason for contract	\$ (inc. GST)	Procurement type	Date contract let
Mr Richard Reilly	Assist the Commissioner on the Tree Investigation and the Canberra Nature Park Investigation.	20 200	Single select	1/7/10
Aecom Australia Pty Ltd	Provide data collection, technical report writing services for the ACT State of the Environment Report.	63 426	Tender	25/3/11
Gusto Holdings trading as Voodoo Creative	Provide website maintenance and publishing support services.	26 400 ^(a)	Tender	28/3/11
Sinclair Knight Merz Pty Limited	Provide data collection, technical report writing services for the ACT State of the Environment Report.	63 709	Tender	7/4/11
NGH Environmental Pty Ltd	Provide data collection, technical report writing services for the ACT State of the Environment Report.	50 072	Tender	13/4/11
Halcrow Pacific Pty Ltd	Provide data collection, technical report writing services for the ACT State of the Environment Report.	51 117	Tender	13/4/11

Note:

(a) This is a three-year contract at \$8 800 per annum.

C.15 Community grants/assistance/sponsorship

Our Office did not provide financial support to any community grants, assistance or sponsorships during the reporting period.

C.16 Territory records

Our Office is independent of government and administers its own records.

C.17 Human Rights Act 2004

Our Office has a responsibility to be the advocate of human rights for the public, with regard to environmental concerns. This role is outlined in the *Commissioner for the Environment Act 1993* and usually takes the form of a response to a submitted complaint from a member of the public about management of the environment by Territory agencies.

C.18 Commissioner for the Environment

This annual report is for the Commissioner for Sustainability and the Environment.

C.19 ACT Multicultural Strategy 2010–13

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.20 Aboriginal and Torres Strait Islander reporting

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.21 Ecologically sustainable development

Line	Indicator as at 30 June	Unit	2009–10	2010–11
General				
L1	Occupancy – staff full-time equivalent	Number (FTE)	7 ^(a)	7 ^(a)
L2	Area office space – net lettable area	Square metres (m ²)	155	155
	Stationary energy ^(b)			
L3	Electricity use	Kilowatt hours	37 149	38 052
L4	Renewable energy use (GreenPower + EDL land fill gases)	Kilowatt hours	12 296	15 114
L5	Per centage of renewable energy used (L4/L3 x 100)	Percentage	33	40
L6	Natural Gas use	Megajoules	0	0
L7*	Total energy use	Megajoules	134 000	136 987
L8	Energy intensity per FTE (L7/L1)	Megajoules/FTE	19 143	19 569
L9	Energy intensity per square metre (L7/L2)	Megajoules/m ²	865	884
Transport				
L10	Total number of vehicles ^(c)	Numeric	1	1
L11	Total vehicle kilometers travelled	Kilometres (km)	n/a	3 484
L12	Transport fuel (Petrol) ^(d)	Kilolitres	0.2	0.16
L13	Transport fuel (Diesel)	Kilolitres		0
L14	Transport fuel (LPG)	Kilolitres		0
L15	Transport fuel (CNG)	Kilolitres		0
L16*	Total transport energy use	Gigajoules	6.84	5.47
Water				
L17	Water use	Kilolitres	101	106
	Intensities			
L18	Water use per FTE (L17/L1)	Kilolitres/FTE	14.4	15.14
L19	Water use per square metre (L17/L2)	Kilolitres/m ²	0.7	0.7

Line	Indicator as at 30 June	Unit	2009–10	2010–11
	Resource efficiency and waste (e)			
L20	Reams of paper purchased	Reams ^(f)	214	75
L21	Recycled content of paper purchased	Percentage	100	100
L22	Estimate of general waste (based on bins collected) ^(g)	Litres	50	200 ^(h)
L23	Estimate of co-mingled material recycled (based on bins collected) ⁽ⁱ⁾	Litres	250	240
L24	Estimate of paper recycled (based on bins collected)	Litres	1 600	1 920
L25	Estimate of organic material recycled (based on bins collected)	Litres	n/a	120
	Greenhouse gas emissions			
L26*	Total stationary energy greenhouse gas emissions (All scopes)	Tonnes CO ₂ -e	39.39	24.53
L27*	Total transport greenhouse gas emissions (All scopes)	Tonnes CO ₂ -e	0.5	0.4
	Intensities			
L28	Greenhouse gas emissions per person (L26/L1)	Tonnes CO ₂ -e FTE	5.62	3.50
L29	Greenhouse gas emissions per square metre (L26/L2)	Tonnes CO ₂ -e	0.25	0.16
L30	Transport greenhouse gas emissions per person (L27/L1)	Tonnes CO ₂ -e FTE	0.07	0.06

Notes:

- (a) The Office establishment is six; the additional FTE in 2009–10 was a contractor working on the Tree Investigation and in 2010–11 is the Projector Coordinator for the 2011 State of the Environment Report.
 - (b) These data are calculated on the basis of totals provided by the Department of Land and Property Services for the whole of the Dickson Motor Vehicle Registry building and then proportionately allocating data to the Office at 8 per cent of the total, this percentage being the Office's approximate proportion of total floor space. On this basis, the figures for stationary energy, water and emissions are not accurate.
 - (c) This is the Commissioner's package vehicle, which is available for use by our staff.
 - (d) Figures are calculated by estimating the distance travelled for official business and fuel consumption based on the Green Vehicle Guide.
 - (e) The Office manages a recycled paper collection contract as a separate arrangement to other agencies in the building. All secure documents are shredded before recycling obviating the need for a separate secure paper arrangement. The Office is registered with the Office Smart program and staff now separates their waste at source, including putrescible waste, which is composted.
 - (f) 194 reams were used in 2009–10 and 93 were used in 2010–11.
 - (g) This is material placed in bins to go to landfill.
 - (h) Our Office used a more accurate survey technique in 2010-11, which may account for the increase.
 - (i) This is the estimate of materials generated in the Office which are placed in the bin to go for recycling (as for ACT domestic yellow lidded bins) and is an extrapolation of an audit of office bins and a survey of staff.
- * Calculated with information entered into OSCAR.

C.22 ACT Women's Plan 2010–15

As part of the state of the environment reporting, our Office assesses many of the objectives of the ACT Women's Plan including:

- **Objective 1:** Representation and recognition – through the Population, Socio-Economic Equity, and Community Participation indicators.
- **Objective 2:** Good health and wellbeing – through the Community Health, and Health Services indicators.
- **Objective 3:** Responsive housing – through the Housing indicator.
- **Objective 4:** Safe, inclusive communities – through the Safety, Community Participation, and Socio-economic Equity indicators.
- **Objective 5:** Economic security and opportunities – through the Socio-economic Equity indicator.
- **Objective 6:** Flexible education and training – through the Education indicator.

Our Office provides a supportive environment for women through training and development.

C.23 Model Litigant Guidelines

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.

C.24 ACT Strategic Plan for Positive Aging 2010–14

Our Office is covered under the Environment and Sustainable Development Directorate Annual Report.



Appendix 1: 2011 ACT State of the Environment Report reference and peer review group members

Members of the reference group were:

Professor Joe Baker AO, OBE	Former ACT Commissioner for the Environment
Ms Maureen Cane	Cane & Gray Consulting Services
Mr David Marshall	Chair, Canberra Business Council, Tourism Sports and Arts Taskforce
Mr Michael Mazengarb	Young People Ambassador for the Office of the Commissioner for Sustainability and the Environment
Mr Geoffrey McAlpine	Former CSIRO Principal Adviser Environment
Dr Sarah Ryan	Chair, ACT Natural Resource Management Council
Professor Will Steffen	Executive Director, Australian National University Climate Change Institute

Members of the people peer review group were:

Ms Maureen Cane	Cane & Gray Consulting Services
Mr Michael Mazengarb	Young People Ambassador for the Office of the Commissioner for Sustainability and the Environment
Dr Dianne Firth	Faculty of Arts and Design, University of Canberra
Prof Rachel Davey	Director, Centre for Research and Action in Public Health, University of Canberra
Ms Kylie Carman-Brown	Environment and Sustainable Development Directorate
Mr Dan Stewart	Chief Minister and Cabinet Directorate
Mr Paul Lewis	Economic Development Directorate
Ms Linda Bower	Health Directorate
Mr Richard Hopkins	Health Directorate
Dr Ranil Appuhamy	Health Directorate
Mr Paul Peters	Territory and Municipal Services Directorate
Ms Joanne Clay	Territory and Municipal Services Directorate
Mr Nick Lhuede	Emergency Services Authority
Mr Alexei Trundle	Office of the Commissioner for Sustainability and the Environment

Members of the climate and air peer review group were:

Prof Will Steffen	Climate Change Institute, Australian National University
Mr Perry Wiles	Climate Policy and Coordination, Bureau of Meteorology
Dr Bob Webb	Climate Change Institute, Australian National University
Ms Heather Tomlinson	Environment and Sustainable Development Directorate
Mr Daniel Walters	Environment and Sustainable Development Directorate
Mr Dave Power	Environment and Sustainable Development Directorate
Mr Rob Thorman	Economic Development Directorate
Ms Linda Bower	Health Directorate

Mr Richard Hopkins	Health Directorate
Dr Ranil Appuhamy	Health Directorate
Mr Mark Heckenberg	Environment and Sustainable Development Directorate

Members of the biodiversity peer review group were:

Dr Geoff McAlpine	Former CSIRO Principal Adviser Environment
Dr David Shorthouse	Visiting Fellow at Fenner School, Australian National University
Professor Paul Downey	Faculty of Applied Science, University of Canberra
Mr Ian Fraser	ACT Nature Resource Management Advisory Council
Dr Lyn Hinds	Vertebrate Pest Stream Leader, CSIRO Entomology
Ms Linda Bower	Health Directorate
Mr Richard Hopkins	Health Directorate
Dr Ranil Appuhamy	Health Directorate
Mr Paul Lewis	Economic Development Directorate
Dr Michael Mulvaney	Environment and Sustainable Development Directorate
Dr Murray Evans	Environment and Sustainable Development Directorate
Mr Nick Lhuede	Emergency Services Authority

Members of the land and water peer review group were:

Professor Joe Baker AO, OBE	Former ACT Commissioner for the Environment
Dr Sarah Ryan	Chair, ACT Natural Resource Management Council
Emeritus Professor Ian Falconer	Water quality consultant
Dr Fiona Dyer	Institute for Applied Ecology, University of Canberra
Mr Chris Pulkkinen	ACTEW
Ms Bronwen Butterfield	ACTEWAGL
Ms Kylie Carman-Brown	Environment and Sustainable Development Directorate
Ms Linda Bower	Health Directorate
Mr Richard Hopkins	Health Directorate
Dr Ranil Appuhamy	Health Directorate
Mr Rob Thorman	Economic Development Directorate
Dr Michael Mulvaney	Environment and Sustainable Development Directorate
Dr Murray Evans	Environment and Sustainable Development Directorate
Mr John Feint	Environment and Sustainable Development Directorate
Mr Stewart Chapman	Environment and Sustainable Development Directorate
Mr Daniel Walters	Environment and Sustainable Development Directorate
Mr Heath Chester	Environment and Sustainable Development Directorate
Mr Mark Heckenberg	Environment and Sustainable Development Directorate

Appendix 2: Audit/assessment of ACT Government agencies' environmental performance reporting

Terms of reference

The Commissioner will prepare a report which:

1. scrutinises public reporting (including in annual reports) by ACT Government agencies, corporations and statutory entities (agencies) covering the last five years, with respect to their use of energy and water use, waste production, and transport resources
2. audits/assesses agency compliance with existing government reporting requirements
3. identifies key actions to reduce consumption of resources, being progressed, if applicable, but not reported, and identify reasons for this
4. identifies opportunities for improving resource management plans and their guidelines
5. highlights ways to advance ongoing implementation, and continuous improvement of, resource management plans.

Appendix 3: Investigation into the Government's tree management practices and the renewal of Canberra's urban forest

Terms of reference

The Commissioner will investigate and report on the following matters:

1. the scope and efficiency of any enhancement that may be required to the Government's existing tree management programs
2. the benefits and drawbacks of considering funding for urban tree programs separately to climate change initiatives
3. improved notification and consultation processes to support greater community involvement in urban tree planning and management, including risk mitigation, tree removal and planting
4. the priority given in tree management decisions to environmental values, solar access and the retention of communities of trees in parks
5. the sustainable reuse of timber from felled trees
6. when replanting should occur following the removal of trees, the scope for pre-planting, and principles for the number and species of trees that should be replanted
7. the need for enhanced management to maintain the survival and good health of trees
8. appropriate safeguards to ensure contractors follow best practice and adhere to Government tree policies
9. principles for the decision-making process where it is proposed that a tree is removed or is retained
10. improvements to the Tree Protection Act or other relevant Acts in light of the above matters
11. resource implications associated with an enhanced program.

Reference panel members

Reference panel members for the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest were:

Professor Don Aitkin AO	Chair National Capital Authority
Mr Geoff Butler	Environmental and Horticultural Consultant
Dr Dianne Firth	Head of Landscape Architecture, University of Canberra
Ms Gabrielle Hurley	Director of Investigations, ACT Ombudsman
Dr Dorothy Jauncey	Resident
Mr Alan Kerlin	Resident
Dr Greg Moore	Research Associate, University of Melbourne
Ms Lyndal Plan	Principal Urban Forest Policy Officer, Brisbane City Council

Appendix 4: Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores Investigation

Terms of reference

An investigation will be undertaken into Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores that:

1. assesses the condition of the forests, woodlands and grassy woodlands in these areas, including the effects of grazing by stock and/or kangaroos, vertebrate, pests and weeds
2. identifies actions to protect and enhance these areas, including land use or boundary changes while taking into account their purpose, values, and location and the status of indigenous species and communities protected in the nature reserve system
3. reviews existing land management programs and practices for these areas and areas that adjoin them. This is to include but not be limited to agistment, leasing, culling arrangements, Land Management Agreements or plans of management which may apply
4. identifies any urgent actions and longer-term changes that are needed to improve the management of these areas. This is to include identifying successful management measures that should be retained
5. identifies knowledge gaps, research or survey needs, and compliance and monitoring requirements that may be necessary to support improved management programs and practices while taking into account the context of the areas and effects of climate variability
6. identifies ways for ensuring effective communication and involvement of stakeholders, including Aboriginal people, whose actions potentially, indirectly or directly, affect these areas
7. identifies potential biodiversity offset management actions or sites
8. identifies the evidence justifying the need for managing grazing pressure in the context of sound reserve management practices.

In undertaking the investigation, the Commissioner is to consult with all relevant experts and key stakeholders, including staff in TAMS and in the Department of the Environment, Climate Change, Energy and water.

Note:

The management of grassland nature reserves in Canberra Nature Park was recently reviewed as part of the Commissioners inquiry into Lowland Grasslands of the ACT and will not be included in this study.

Expert panel members

Expert panel members for the Investigation into the Canberra Nature Park (nature reserves); Molonglo River Corridor (nature reserves) and Googong Foreshores were:

Mr Robert de Castella	Executive Director, SmartStart
Dr Lyn Hinds	Vertebrate Pest Stream Leader, CSIRO Entomology
Dr Tony Peacock	Chief Executive of the Invasive Animals Cooperative Research Centre
Dr Sarah Ryan	Chair, Natural Resource Management Council
Dr David Shorthouse	Visiting Fellow at Fenner School, Australian National University

Appendix 5: Investigation into the state of the water courses and catchments for Lake Burley Griffin

Terms of reference

Investigate the state of the water courses and catchments for Lake Burley Griffin including:

- possible improvements for managing water quality and the appropriateness of the current protocols for lake closures
- identifying the causes of lower water quality, including possible resource implications of addressing them
- jurisdictional implications for water quality management of the lake
- the implication of these findings for the ACT's other major recreational waterways, such as Lake Ginninderra and Lake Tuggeranong.

Reference group members

Reference group members for the Investigation into the state of the water courses and catchments for Lake Burley Griffin are:

Mr Bob Crawshaw	communications and consultation
Dr Fiona Dyer	community member with specialist skills in ecology
Emeritus Professor Ian Falconer	water quality expert
Mr Shane Jasprizza	community (Capital Region Fishing Alliance)
Professor Gary Jones	Chief Executive of eWater CRC and eWater Ltd and water ecologist
Mr Ian Lawrence	water ecologist
Associate Professor Mark Lintermans	freshwater ecologist
Ms Debbie Styman	community and recreational users
Dr John Williams	natural resource management
Ms Katharine Taylor	young people

Advisory group members

Advisory group members for the Investigation into the state of the water courses and catchments for Lake Burley Griffin are:

Mr Peter Beutel	National Capital Authority
Mr Phil Hanson	Queanbeyan City Council
Mr Daniel Iglesias	Territory and Municipal Services
Mr Ross Knee	ACTEW
Mr Robert Neil	Environment Protection and Water Regulation
Mr John Woollard	Health Protection Service
Mr Simon Dolejsi	Sport and Recreation

*"the future is
not somewhere
we are going, it
is something we
are creating."*

Professor Ian Lowe

