

**Joint Standing Committee on the National Capital and External Territories NCA hearing –
1 December 2016 Questions on Notice Senator Lee Rhiannon**

1. Considering West Basin public parkland can be sold to private developers could you indicate how much of what is currently the Lake foreshore can be sold to private owners?. Is there a certain distance back from the water's edge that is protected and if so how far is that?

NCA Response:

The National Plan provides that the entire lake foreshore remain as a public open space. The Plan provides that there will be a minimum distance of 55 metres between the water edge and private buildings. Small scale kiosks to provide coffee and other tourist facilities are allowed within this set back zone.

2. What percentage of West Basin land can be sold to private developers?

NCA Response:

The planning and design of West Basin is not sufficiently advanced to enable an accurate calculation of developable land to be made.

3. Is there any legal requirement to retain the foreshore around Lake Burley Griffin in public hands? a. If there is, is there a stipulated distance from the foreshore that must be protected? If so what is it please?

NCA Response:

Yes; the National Plan provides that the entire lake foreshore remain as public open space. The Plan provides that there will be a minimum distances of 55 metres between the water edge and private buildings. Small scale kiosks to provide coffee and other tourist facilities are allowed within this set back zone.

4. Is the infill of the West Basin foreshore being undertaken to allow more of the public land to be sold off? That is will the additional land created by the infill qualify as the public land requirement that must be retained on the Lake foreshore?

NCA Response:

No; reclamation of the lake bed will be undertaken so the lake edge reflects the original design of West Basin by Walter Burley Griffin. It will be public land.

5. Who decided to reclaim lake area at West Basin and what was the reason for reclaiming this area? Was the plan to reclaim land a proposal of a developer, a private company or some other non-government entity?

NCA Response:

The reclamation of Lake Burly Griffin was proposed in 2004 following a design study by the National Capital Authority. The proposed reclamation has had legal effect since 2006.

6. Who will have title to the reclaimed area; and could this land be sold off to a developer at a later date?

NCA Response:

Land title has not been resolved. Planning provisions require that this area be public open space and therefore would not be available for development.

7. Can the transfer of lakebed title be deferred until a review involving extensive community involvement is undertaken of the entire West Basin development proposal and its total environmental, social and aesthetic impact? a. If not, why not?

NCA Response:

Extensive community consultation and impact assessments were undertaken prior to the creation of the planning framework being finalised.

8. Why is the planning and approval of the West Basin Development being separated into stages which would mean that the West Basin Foreshore (Stage 1A) would be considered without any study of impacts of the West Basin Estate (Stage 2), that is the proposed apartment and business buildings will not be considered as integrated with the Foreshore Stage?

NCA Response:

The impact of the planning and design framework was assessed as an integrated package. The stages of the project align with available budget.

9. Was this separation of the two stages done so the public would not be aware of the full impact of this project? a. If no, please explain how the public are to understand that the West Basin Foreshore proposal will be linked with infilling part of the lakebed for waterfront use with a concrete promenade, a road and the foundation site for the part of the building estate?

NCA Response:

No; there has been extensive consultation on the proposed future of West Basin

10. Why are six storey high buildings proposed alongside Commonwealth Avenue where they will block views to the lake?

a. Has the public been shown any elevation drawings of these buildings from Commonwealth Avenue? If no;

b. Please explain how the public can comprehend the impact of the development?

c. Is six storeys the maximum allowable height for buildings in the proposed development?

NCA Response:

There has been extensive consultation of the scale and character of the proposal for West Basin. This consultation has been accompanied by imagery informing the public of the built form character of the precinct. Buildings along Commonwealth Ave are generally in the location originally proposed by Walter Burley Griffin.

11. Considering the Lake and its landscape setting is part of the National Capital Open Space System and is within the Designated Area wont the Lake infill and reduction in the size of West Basin be detrimental to the basins' 1918 original design concept with parklands behind a boulevard and the 1963 completed design? a. West Basin foreshore, also known as Acton Park, is the area proposed for the West Basin Estate. Isn't this development in conflict with the NCP Item 14.12.5¹ that states Acton Park should continue to be for urban recreation?

NCP Page 218 ...Acton Park will continue to be predominantly urban recreation parks with beachside swimming, special playgrounds and barbeque areas. Beachside recreation areas are to be extended in suitable areas. Development is limited to small scale items that help recreation and tourism They may include rooms, restaurants, other entertainment, and hire facilities as appropriate to the area.

NCP Page 218 'In Grevillea Park and Lenox Gardens, sites may be provided for small scale developments which directly relate to recreational use and enjoyment of the Lake.'

NCA Response:

The West Basin proposal provides for a pedestrian promenade and public park immediately adjacent to the Lake. The proposal incorporates the 1918 design for the northern shore line of West Basin. Establishment of a new shore line requires some lake reclamation. Within the park, uses permitted by the National Capital Plan can be provided.

12. Is it correct that the original proposed vehicular access to the West Basin development via a proposed bridging and lowering of Parkes Way is under review?

a. If yes, can the other aspects of the project be reviewed? If not why not?

NCA Response:

Consideration of options as to the most effective approach to traffic management is continuing. The impact of the light rail to Woden will shortly commence.

b. Is there any proposal to proceed with land sales in West Basin including on lakebed infill prior to any bridging of Parkes Way being agreed with community support?

NCA Response:

Community consultation will continue through the life of the project. The NCA is unaware of any proposals for land sales in West Basin.

13. Considering the NCA initially approved two boat shed sites at Grevillea Park but now four large boat shed sites have been gazetted, please explain why four were gazetted and not two?

a. How is the gazettal of four boat shed sites consistent with NCP ²?

NCA Response:

Facilities to support aquatic recreation are permitted to be constructed on the lake shore by the National Capital Plan. Boat sheds are consistent with this use.

b. How is the size of each the four boatsheds consistent with the size of the boatsheds when the NCA approved two boat shed sites?

NCA Response:

The NCA has agreed to the creation of four sites for boat sheds in Grevillea Park, but advised there must be a visual impact assessment following the construction of the first two sheds. The size of each shed will be determined by the type of craft stored within them. Only one proposal has come before the NCA to date and therefore we are unable to provide a comparative visual analysis of the shed sizes

14. Can you confirm Amendment 86 of the National Capital Plan provides for heritage places in the Designated Areas to be considered as Commonwealth Areas for the purposes of protecting the environment in the manner currently afforded under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and any subsequent legislation.

NCP Page 20 (new addition in the NCP arising from Amendment 86)

'Principles for Objective two – Urban design and heritage

The National Capital Authority will consider heritage places in Designated Areas as Commonwealth Areas for the purposes of protecting the environment in the manner currently afforded under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and any subsequent legislation. '

NCA Response:

Yes.

15. The NCA undertook a Commonwealth Heritage List Assessment for Lake Burley Griffin and Adjacent Lands for the Lake waters and Commonwealth owned lands: Why can't that assessment which has been extended to 2017 now also be extended to cover the whole of Lake Burley Griffin and its lakeshore landscapes (foreshores), consistent with Amendment 86, for the Commonwealth Heritage Listing including all the places on the ACT Heritage List and the lakeshore landscapes not yet assessed?

NCA Response:

The original heritage assessment of West Basin provides sufficient information about the heritage values of Lake Burley Griffin to enable an impact assessment to be made. An additional investigation is therefore not required.