



QUESTIONS IN WRITING

Following the biannual public briefing with the National Capital Authority, 21 June 2018

Freedom of Information (Fol) requests

Question: Since 1 May 2011 the National Capital Authority (NCA) has been required by the Freedom of Information (Fol) Act 1982 to publish a disclosure log on its website that includes all information that has been released through an Fol request. How many Fol requests does the NCA receive annually?

Historically, the NCA receives on average between eight and ten Fol requests per year.

How many Fol requests has the NCA had to date, this financial year?

The NCA has received 38 Fol requests to date in the 2017 -18 financial year.

Question: The NCA has indicated it may take six months for a Fol request from February 2018 to be processed. The NCA has stated they have made a request for extension for response, yet the individual has not been made aware nor approved this request. Can the NCA explain why the Fol request has not been processed in accordance with statutory requirements?

The NCA takes its responsibilities to respond to Fol requests seriously. The NCA is a very small agency, and the increase in the number and complexity of the Fol requests, particularly in relation to consultations, has stretched existing resources. The NCA has continued to work through the Fol processes, with the Fol request being finalised on 9 July 2018.

Diplomatic enclave

Question: Can you provide an update on the status of unused land in the diplomatic enclave in Yarralumla and surrounding suburbs? For example, and update on whether Russia and Kuwait have made any further development plans with their diplomatic blocks.

The status of unused land in the diplomatic precincts is listed below:

Yarralumla – Three leased blocks are awaiting development, Block 26 Section 44 (Russia), Block 18 Section 86 (Bangladesh) and Block 6 Section 83 (Iran). Three vacant blocks are being managed for identified environmental values.

Deakin - Three leased blocks that are undeveloped, Block 3 Section 67 Kuwait, Block 7 Section 80 Czech Republic and Block 13 Section 67 Brunei. Two new Crown Leases were signed in March 2018 for Block 27 Section 67 Qatar and Block 14 Section 67 Serbia.

O'Malley – Three leased blocks that are undeveloped, Block 29 Section 5 Laos, Blocks 23 -26 Section 5 UAE and Block 31 Section 5 Kuwait. One new Crown Lease was signed in May 2018 for Block 32 Section 5 Nepal.

Question: Since the use it or lose it policy was introduced:

- **How many foreign governments have relinquished their land in Canberra?**

Two foreign governments who had had blocks 'reserved' have advised they no longer wish to proceed with leasing of the land. No Crown Leases were signed for these blocks. Zambia surrendered back Block 7 Section 67 Deakin in December 2017 and Vietnam surrendered back Block 10 Section 80 Deakin in March 2018.

- **How many foreign governments have progressed with building or developments on their land?**

Eight foreign governments have progressed with design plans for diplomatic blocks in the past twelve months: UAE, Laos, Kuwait, Czech Republic, Russia, Korea, India and Bangladesh.

- **How many foreign governments have stalled development on their land or remain inactive?**

Five foreign governments have experienced delays in the development or have been inactive on their blocks: Kuwait, Iran, Brunei, Russia and Bangladesh.

Question: Are there any foreign governments that do not have a presence in Canberra because there is no land available?

There are 110 foreign missions represented in Canberra with only 70 missions holding a Crown Lease.

Question: Can you please provide an update on the status of unused land in the diplomatic enclaves of Yarralumla, Deakin and O'Malley? How many blocks are still unused and by which missions?

The status of unused land in the diplomatic precincts is listed below:

Yarralumla – Three leased blocks that are awaiting development, Block 26 Section 44 (Russia), Block 18 Section 86 (Bangladesh) and Block 6 Section 83 (Iran). Three vacant blocks are being managed for identified environmental values.

Deakin - Three leased blocks that are undeveloped, Block 3 Section 67 Kuwait, Block 7 Section 80 Czech Republic and Block 13 Section 67 Brunei. Two new Crown Leases were signed in March 2018 for Block 27 Section 67 Qatar and Block 14 Section 67 Serbia.

O'Malley – Three leased blocks that are undeveloped, Block 29 Section 5 Laos, Blocks 23 -26 Section 5 UAE and Block 31 Section 5 Kuwait. One new Crown Lease was signed in May 2018 for Block 32 Section 5 Nepal.

Question: Can you please provide a detailed report on each of these blocks of unused land in the diplomatic enclaves of Yarralumla, Deakin and O'Malley, including the following information:

- How long the block has been vacant?
- The latest feedback from the mission?
- The last date of communication?
- The deadline for development?

Detailed report on the undeveloped diplomatic blocks are listed below:

Yarralumla

Block 26 Section 44 (Russia) – Crown Lease signed in December 2008. Works Approval was signed in June 2016 and construction commenced. Construction halted in November 2017 and a letter was sent requesting a timeline for construction to recommence. Letter received from Russia in December 2017 that construction would restart mid 2018. A follow up letter regarding timeline for construction was sent to Russia on 28 June 2018 with a response due by 31 July 2018.

Block 18 Section 86 (Bangladesh) – Crown Lease signed in January 2015. EPBC referral approval letter received in August 2017 and a meeting was held in April 2018 to discuss the lease and development conditions for this block. A follow up letter regarding timeline for construction was sent to Bangladesh on 28 June 2018, a response letter was received from Bangladesh on 4 July 2018 confirming the Bangladesh Government's intention to construct by 2019.

Block 6 Section 83 (Iran) – Crown Lease signed in September 1995, previous letter was sent in April 2015 advising construction to commence by March 2016. A Works Approval was signed in November 2015, plans were amended and new Works Approval was signed in June 2016. A follow up letter regarding timeline for construction was sent to Iran on 28 June 2018 with a response due by 31 July 2018.

Deakin

Block 3 Section 67 (Kuwait) – Crown Lease signed in August 2003, work ceased in 2011. Letter sent to Kuwait in October 2013 advising that the EPA has advised that Block 3 Section 67 Deakin is suitable for the proposed Kuwait Ambassador's Residence. Previous letter sent July 2015 that construction should conclude by November 2016. Construction has not yet recommenced.

Block 7 Section 80 (Czech Republic) – Crown Lease signed in August 2005, previous letter was sent in October 2016 advising construction to commence by April 2017. Extension letter sent in January 2017 advising construction to commence by July 2018. Works Approval was granted in August 2017. Letter received 4 July 2018 from the Czech Embassy requesting an extension to commence construction to 8 November 2018.

Block 13 Section 67 (Brunei) - Crown Lease signed in February 2006, previous letter sent in December 2014 for construction to commence by September 2017. Works Approval was signed in February 2017. Further extension letter was sent in January 2017 with construction to commence by 1 July 2018. Construction has not commenced.

Block 27 Section 67 (Qatar) – Crown Lease signed in May 2018, with construction to commence by November 2019.

Block 14 Section 67 (Serbia) – Crown Lease signed in March 2018, with construction to commence by September 2019.

Block 26 Section 67 (Lebanon) – This block is reserved for Lebanon with a formal commitment to sign a lease due by 30 November 2018.

O'Malley

Block 29 Section 5 (Laos) – Crown Lease signed in August 1997. Works Approval was originally granted in March 2011. Laos advised of new design and plans would be submitted. Works Approval for a revised scheme was granted in September 2017. The NCA wrote in December 2017 for commencement of construction by 1 July 2018. Construction has not commenced.

Blocks 23 -26 Section 5 (UAE) – Crown Lease signed in September 1999. Previous letter sent for construction to commence by March 2015. Preliminary designs sent to NCA Plan team in September 2016. Further extension letter was sent in February 2018 advising construction to commence by June 2018. Meeting was held in April 2018 to discuss the preliminary design and Works Approval process.

Block 31 Section 5 (Kuwait) – Crown Lease signed in September 2016. Construction was due to commence by March 2018. A follow up letter regarding timeline for construction was sent to Kuwait on 28 June 2018 with a response due by 31 July 2018

Block 31 Section 5 (Nepal) - Crown Lease signed in March 2018 with construction to commence by September 2019.

Question: Can you please provide a particular update on:

- **Bangladesh** – At the recent hearing, the committee was advised the land is not large enough for the high commission's purposes. What will be done with that block of land? Will it be given to another mission? When will the decision be made on the future of the block?
- **Iran** – I understand the embassy's architect died unexpectedly about a year ago. Has a new architect been employed and when is building due to start?
- **Russia** – At the recent hearing, the Committee was advised the Embassy's builder had gone broke. A fence has been built on the block, which surrounds an eyesore of building debris. When will building resume?

Bangladesh – As indicated in their letter received 4 July 2018 the Bangladesh Government has confirmed their intention to construct on Block 18 Section 86 Yarralumla in 2019.

Iran – The NCA has not been formally advised of the death of their architect or if a new architect has been employed. The NCA is waiting on a response back by 31 July 2018 from Iran in regards to their proposed timeline for construction.

Russia - The NCA is waiting on a response back by 31 July 2018 from Russia in regards to their proposed timeline for construction.

Question: Can you please provide an update on alternative sites for diplomatic missions in the future?

The current supply of land suitable for diplomatic purposes is effectively exhausted. Countries continue to seek dedicated sites for construction of free-standing facilities. The NCA has undertaken a number of investigations into potential new sites for use by the diplomatic community. The NCA is holding discussions with the ACT Government officials regarding the shortage of diplomatic land.

Lobby Restaurant

Question: Can you please provide the Committee with an update on progress regarding the sale of the former Lobby Restaurant?

The NCA commenced the sale of the Lobby building in February 2018. Submissions from a number of prospective purchasers were received. The NCA is undertaking the steps required to complete the sale of this building.

Question: There has been some commentary suggesting there are intellectual property issues associated with the sale, particularly with the 'Lobby' branding. Can you advise whether this matter has been resolved?

The NCA understands that this matter has been resolved.

West Basin reclamation

At the December 2017 briefing, Mr Smith from the NCA advised that the ACT Government is planning to reclaim 2.84 hectares of lakebed in West Basin for the City to the Lake development. Last month, the Canberra Times, reporting on the ACT Budget (5 June 2018), noted that the ACT Government is negotiating with the Commonwealth to take ownership of part of the lakebed, and talks are reportedly underway for a land swap so the Commonwealth can have more land for overseas missions.

Question: Has the NCA (or any other Commonwealth Department or agency to your knowledge) entered negotiations with the ACT Government or the City Renewal Authority for the reclamation and transfer of up to 2.84 ha of Lake Burley Griffin's lakebed?

Yes - the NCA has discussed with the officials from the ACT Government the potential for a transfer of land based on the reclaimed lakebed in West Basin.

Question: What is your understanding of the ACT Government's latest proposal and does it involve swapping Territory-controlled land for the muddy bottom of Lake Burley Griffin so developers can build more apartments in West Basin?

The NCA understands that the ACT Government is seeking to reclaim a section so that it may continue construction of the lakeside park proposed by the National Capital Plan.

Question: What is the authority by which the NCA can negotiate for the transfer of National Land to the ACT?

Lake Burley Griffin has been gazetted National Land set aside for the special purposes of the National Capital. By virtue of this gazettal the NCA is custodian of this land.

Question: Who would give final approval for the sale, transfer or swap of part of the lakebed? Is it the Parliament, the Minister for Territories, the Minister for Finance, the NCA Chief Executive, the NCA Board, or someone else?

De-gazettal or gazettal of National Land set aside for the special purposes of the National Capital is undertaken by the Minister for Territories.

Question: Would such a deal require the Australian Government to obtain full price for the land and also would prior approval be required from the Parliament or the Joint Standing Committee on the National Capital and External Territories, or the Department of Finance?

The land transfer would have to comply with the policies contained within Commonwealth Property Management Framework.

Question: At the last briefing (in December 2017), Mr Smith also advised that the NCA had obtained a valuation of area of potential reclamation. Are you able to advise whether this valuation was carried out by a Commonwealth authority or some other organisation and what value was placed on 2.84 hectares of Lake Burley Griffin in West Basin?

Valuations obtained by the NCA are prepared by independent property valuers. The NCA is currently finalising the valuation for West Basin.

Question: Has the NCA obtained professional independent advice about the potential 'value uplift' (i.e. potential windfall increase in value) to the ACT Government because of the reclamation, which would in effect extend the amount of potential developable land in West Basin estate?

The valuations obtained by the NCA are based on the land use provision currently in place in the National Capital Plan. No uplift in value beyond that which is currently permitted has been calculated.

Question: Will the NCA provide an assurance to the Committee that the ACT Government will be required to pay full value of any Commonwealth land (including parts of the lakebed) proposed for transfer to the ACT?

As noted earlier the land transfer would have to comply with the policies contained within Commonwealth Property Management Framework. These establish a foundation for achieving value for money for the Commonwealth.

Changes to City to the Lake proposal

Since the original City to the Lake Plan was announced, there have been many changes (some public and some not public). For instance, the land bridge over Parkes Way appears to have been abandoned due to cost; the aquatic centre and sport stadium both abandoned; the Australia Forum convention centre put on the backburner; and now light rail has been put into the mix, and a new plan is being developed for Acton Peninsula adjoining the Basin.

Question: Given the number of changes to the original City to the Lake plan, shouldn't the NCA now initiate an independent review of it, at least as it affects West Basin and Acton Peninsula, to determine the benefits, costs and threats to national heritage posed by the ACT Government's proposed development of the lakebed and foreshore lands?

The National Capital Plan provides a framework for planning only. The decisions and timing about asset and infrastructure investment is a matter for the ACT Government.

Acton Peninsula Draft Structure Plan

The Acton Peninsula Draft Structure Plan (which also affects West Basin) was released for public consultation in May 2017 and consultations closed in June 2017.

Question: Where is the NCA up to with this plan and why is it taking so long? Is there a consolidated report of the public consultations available? Has the NCA Board considered it and what is the NCA likely to propose by way of further amendments to the National Capital Plan with regard to Acton Peninsula?

The Acton Peninsula Draft Structure Plan was endorsed by the NCA Board in November 2017. The Acton Peninsula Precinct Structure Plan, along with the consultation report on the Draft Structure Plan, is available on the NCA website at:

<https://www.nca.gov.au/consultation/acton-peninsula-precinct-draft-structure-plan>

Question: What is the Acton Peninsula Partnership? What are its objectives? Who are its members and what is its relationship to the future development of Acton Peninsula?

The Acton Peninsula Partnership is represented by: National Museum of Australia (NMA), the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the Australian National University (ANU), the ACT Government and the National Capital Authority (NCA), who are key stakeholders and have worked together to put forward the ideas in the Acton Peninsula Draft Structure Plan.

Draft Amendment 89

Question: Can you provide an outline of the overall progress of Draft Amendment 89, including:

- Timelines;
- Community consultations;
- Project milestones; and
- Outcomes.

The NCA released the Deakin/Forrest Residential Precinct Issues Paper for public consultation between 8 April and 26 May 2017 and received 39 submissions. The NCA Board considered the outcomes of the consultation and agreed in August 2017 to prepare a Draft Amendment to the National Capital Plan. Draft Amendment 89 Deakin/Forrest Residential Precinct was released for public consultation on 28 February 2018.

Question: How many individuals has the NCA had communications with regarding Draft Amendment 89?

- How many of those communications were regarding proposed applications/works approvals in the Deakin/Forrest Residential Precinct?
- How many maintained an ongoing working relationship with the NCA throughout the works approval planning?
- How many were told not to submit their applications until the Draft Amendment 89 process had been completed?
- How many applications for works approvals in the Deakin/Forrest Residential Precinct were submitted prior to 28 February 2018?
- How many applications for works approvals in the Deakin/Forrest Residential Precinct were submitted after 28 February 2018?

Draft Amendment 89 – Deakin/Forrest Residential Precinct (DA89) was released for public consultation between 28 February and 15 May 2018. The NCA received 280 submissions. The key issues raised by the public related to landscape, number of dwellings per block, transition zone between State Circle and National Circuit, traffic/parking/movement, land management, building height, driveways. Eight submissions related to works approvals/future proposals.

Between July 2016 and 28 February 2018, the NCA received five works approval applications (two of these were amendments to works approved in 2014 and 2015).

Since 28 February 2018, the NCA has received one works approval application.

Question: Are there any Key Performance Indicators in relation to assessing an application for a residential works approval to be completed and assessed in a designated area?

The NCA has a performance indicator to process works approval applications within 15 business days. This time frame does not include 'stop-clock' provisions, when applications are incomplete, where further information is requested from the applicant, public consultation is required, or where referral to other agencies or other statutory approvals are required.

Question: What was the process taken when the NCA made the decision to halt applications for works approvals in the Deakin/Forrest Residential Precinct while Draft Amendment 89 was being progressed?

The NCA did not wish to put potential applicants through undue process and expense by possibly requesting additional work be done to a proposal. Potential applicants were invited to reconsider submitting a proposal.

Question: The NCA has stated that only one application is currently being considered in the Residential Precinct. This is due to other prospective applicants being told not to submit applications until Draft Amendment 89 had been processed. Do you recognise that this was undue process, and will there be considerations made for those who had been working with the NCA on their applications prior to the release of Draft Amendment 89?

The NCA is assessing works approval applications it receives against the current existing provisions of the National Capital Plan. These applications will be processed in the normal way, including the requirement for public consultation.

Question: The NCA has stated that three to six months is the usual approval timeframe for the assessment of a Draft Amendment. Can you confirm whether the NCA has a timeframe in mind for finalising the process for Draft Amendment 89?

The timeframe for approval of Draft Amendment 89 (DA 89) is dependent on obtaining NCA Board approval. If approved by the NCA Board, DA 89 then progresses to the Minister for Territories for his consideration and approval to table in Parliament as a disallowable instrument.

Draft Amendment 90

Question: What is the timeframe for the consultation process on Draft Amendment 90?

Public consultation commenced on 2 June 2018 and closed on 16 July 2018.

Question: Can you please provide a brief background to the proposed changes recommended?

Draft Amendment 90 proposes to change the land use of Block 5 Section 65 Deakin from National Capital Use, to a mixed use zoning permitting Office, Consulting Rooms, and Health Centre.

Australian Parliament House Upgrade

Question: Does the upgrade to Parliament House include the use of Australian Steel? If so, what percentage?

The Department of Parliamentary Services is the correct contact for this project.

Question: Can you provide a breakdown of the use of materials in this upgrade project?

No - a breakdown of the materials being used for this project is a question for the Department of Parliamentary Services.

New Lodge

Question: The National Capital Plan identified a site for a new Lodge.

- Is this block currently owned by the NCA?

Yes – the NCA is the Commonwealth custodian of **Block 13 Section 17 Yarralumla**.

- You have stated this site may not be deemed suitable. Why would it be unsuitable?

The site may be unsuitable as before agreement to any proposed development is given, the matter will require referral under the *Environment Protection and Biodiversity Conservation Act 1999* and consideration of cultural heritage issues.

- If the block is deemed unsuitable, what would it be used for, and what would be the process for that site following the decision?

The National Capital Plan (the Plan) identifies land at **Block 13 Section 17 Yarralumla** for National Capital Use.

The Plan allows for a range of uses including national memorials, public institutions, a hospitality house, Commonwealth Government conference centre, and a Prime Minister's Residence.

The NCA is required to approve development on the site.

- Does the NCA have another site in mind for a new Lodge?

No – the NCA has not specifically identified a potential site for a 'new' Prime Minister's Residence.