
The Parliament of the Commonwealth of Australia

Striking the Right Balance: Draft Amendment 39, National Capital Plan

Joint Standing Committee on the National Capital and External Territories

October 2002
Canberra

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Foreword

Draft Amendment 39, National Capital Plan was first brought to the Committee's attention in February 2001. In April 2002 version three of the draft amendment was provided to the Committee. The Committee considered this revised version and in May 2002 decided to conduct an inquiry. The Committee was especially concerned as to why the original provision of Draft Amendment 39, to remove the Designated Area status from the Deakin/Forrest residential precinct, was not included in version three of the draft amendment.

The Committee was well aware of the competing interests in this matter and the need to strike the right balance between them. The ACT Government seeks to provide a consistent and equitable set of planning and development processes throughout the Territory. Many residents/lessees wish to protect the residential character of the area; others, especially those with properties fronting State Circle, want to improve the area and enhance the value of their properties. The Commonwealth, as represented by the National Capital Authority, wishes to safeguard the national capital significance of the area and encourage development outcomes appropriate to the setting of the area.

The Committee, therefore, sought to ensure that every opportunity was given to all sides to express their views. A full day was allocated for a public hearing on 21 June 2002. A second public hearing was held on 26 August 2002 to hear evidence from Sir Lenox Hewitt, who has two family properties fronting State Circle.

In its deliberations, the Committee focused on three principal issues. The first was to determine who should have planning control over the area in question. The majority of the Committee shares the concern of the National Capital Authority that current and proposed changes to Territory residential policies have created some planning uncertainty. In this climate, the majority of the Committee believes the Commonwealth should retain planning jurisdiction over the area. The majority of the Committee also believes that National Circuit should be the appropriate outer boundary for the area. Although this report has the support of all Members of the Committee on the issue of planning control and the appropriate outer boundary, some Members have drawn a conclusion different from that contained

in recommendation one. An alternative view of this particular issue is, therefore, articulated in the minority report.

The second issue confronting the Committee was deciding on the type of development to be allowed in the area. The area is a well-established residential precinct, for the most part exhibiting the best of Canberra as the Garden City. The Committee as a whole, therefore, believes the land use policy should continue to be residential. The Committee believes non-residential development should be prohibited. The Committee shares the concerns of some residents/lessees that many of the properties fronting State Circle have fallen into a state of disrepair and detract from the national significance of the area. Both the National Capital Authority and Mr Richard Drummond of State Circle Developments presented the Committee with different residential development scenarios for State Circle. The Committee, however, chose not to judge which type of residential development proposal was most suitable for State Circle. The Committee's primary concern is to ensure that any redevelopment of the State Circle sites must be consistent with the residential character of the area and the design and landscaping of a standard in keeping with the national significance of the area.

The third issue considered by the Committee is the consultation processes used by the National Capital Authority. The Committee believes that in relation to the redevelopment of No. 15 State Circle, the Authority failed in its duty to the residents/lessees of the area and ignored the Committee. The Authority admitted its mistake and has sought to rectify its procedures. However, in light of the Committee's recommendation that the Commonwealth retain planning control over the area, the Committee believes changes need to be made to the Act to ensure greater public consultation by and access to the Authority with respect to works approval in the area.

The Committee is grateful to all those who participated in the inquiry.

Senator Ross Lightfoot
Chairman



Membership of the Committee

Chair Senator Ross Lightfoot

Deputy Chair Senator Trish Crossin

Members	The Hon Ian Causley MP	Senator Richard Colbeck (discharged on 27/06/2002)
	Ms Annette Ellis MP	Senator Brian Greig
	Mr Michael Johnson MP	Senator John Hogg (Appointed on 19/08/02)
	Mr Paul Neville MP	Senator Kate Lundy
	The Hon Warren Snowdon MP	Senator Nigel Scullion (Appointed on 27/06/02)
	Mr Cameron Thompson MP	Senator Sue West (to 19/08/02)

Committee Secretariat

Secretary Mrs Margaret Sweiringa

Inquiry Secretary Mr Quinton Clements

Research Officer Mrs Sonya Fladun

Administrative Officers Ms Tiana Gray

Mr Daniel Miletic



Terms of reference

On 15 April 2002, the Minister for Regional Services, Territories and Local Government, the Hon Wilson Tuckey, MP, referred a revised Draft Amendment 39 to the Joint Committee on the National Capital and External Territories for consideration, seeking the Committee's views and asking if it wished to inquire into the matter. On 15 May 2002, the Committee resolved to hold a one day hearing into the Revised Draft Amendment in order to clarify issues surrounding the changes embodied in the amendment.



List of recommendations

2 The Question of Planning Control

Recommendation 1

That Designated Area Status applying to the Deakin/Forrest residential area between State Circle and National Circuit be retained.

3 The Type of Development

Recommendation 2

That the established use of the land in the Deakin/Forrest area for residential purposes continue and non-residential development be prohibited.

Recommendation 3

That development along State Circle between Hobart and Adelaide Avenues continue to be residential and be required to achieve a design and landscape outcome appropriate to the setting of Parliament and which reflects the Main Avenue role of State Circle.

4 The Consultation Process

Recommendation 4

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require public consultation by the National Capital Authority in relation to works proposals in Designated Areas.

