



Minority Report

Labor Members

- 1.1 Whilst supporting chapters one, the body of chapter two, three and four of the Majority Report, Labor members of the Committee differ significantly with respect to the conclusions drawn in Chapter 2 and the resulting recommendations. This Minority Report sets out our reasons for dissent and offers alternative recommendations.
- 1.2 Section 39 is the final remnant of residential land under the jurisdiction of the National Capital Authority. This is an anomaly that creates complexity for residents/lessees. The National Capital Authority (NCA) also has inferior consultation requirements.
- 1.3 Labor Committee members have sought to find a balance between the need for consistency, certainty and clarity in planning guidelines and consultation processes for Section 39 residents/lessees and the need to improve prospects for high standard re-development, in keeping with the national significance of State Circle, for the State Circle frontage precinct of Section 39.
- 1.4 Labor members of the Committee have the view that the principle of consistency in the treatment of residents/lessees in the ACT is overriding. One set of planning and consultation rules for all residents/lessees of the ACT should apply. This set of rules is determined by the democratically elected ACT Government, and expressed through the Territory Plan.
- 1.5 Therefore, the appropriate and principled position would be to uplift Section 39 from designated area status. Section 39 would then be subject to the Territory Plan, as varied from time to time by the ACT Government. This would remove the anomaly of Section 39 being the only remnant of residential land under the jurisdiction of the NCA.

- 1.6 Such an approach would be consistent with the broad intent of both Versions 1 and 2 of Draft Amendment 39. Labor members would like to record their considerable concern that it was only in the latter stages of the Committee's consideration of Draft Amendment 39 that the NCA removed the intention to uplift from Draft Amendment 39.
- 1.7 However, the proposal to uplift all of Section 39 introduces some complications for residents/lessees on the State Circle frontage precinct that Labor members believe must be addressed.
- 1.8 Given that State Circle is a road of National Significance under the National Capital Plan, the NCA will retain the power to impose specific conditions on development. Therefore, to uplift the State Circle frontage would ensure that residents/lessees always have to deal with both the NCA and the ACT planning authorities. This does not meet Labor members' aim of achieving 'certainty and clarity in planning guidelines'. Arguably this approach would also not adequately address the need for improved prospects for appropriate re-development on the State Circle frontage.
- 1.9 This leads to the view that there is some logic for differential treatment of State Circle. Primarily the issue is one of planning red tape. One planning authority is enough for any residential lessee or resident to deal with.
- 1.10 Therefore, in order to maintain the appropriate national status, and the highest level of planning certainty, Labor members believe that the Designated Area status should be retained only for the blocks fronting State Circle. For the remainder of Section 39, Designated Area status should be removed, ie: from Somers and Canterbury crescents to National Circuit, and between Canterbury Crescent and Hobart Avenue. Jurisdiction for detailed planning and development control of these areas would, therefore, pass to the Territory.
- 1.11 In this way, residents/lessees on State Circle frontage will only have to deal with the NCA, while the remaining residents/lessees in Section 39 will only have to deal with the ACT Planning Authority.
- 1.12 Labor members were also convinced that the best scenario to encourage appropriate development in keeping with the national significance of the State Circle frontage would require changes to the proposed restrictions on development in this precinct.
- 1.13 Labor members believe that the best planning outcomes will be achieved by the guidelines being less prescriptive with the only specifications being:
- residential only; and
 - height limit of 8 metres.

- 1.14 This is consistent with Version 1 of Draft Amendment 39, the Version upon which original consultations with local residents were based. In addition, Labor members are also of the view that the provisions of the revised Appendix N relating to the conduct of business on residential land contained in version three of the Draft Amendment, should also apply to the State Circle frontage precinct.
- 1.15 Finally, Labor members are of the view that the National Capital Authority has only ever articulated a subjective opinion as to why commercial development is unsuitable for the State Circle frontage precinct, but believe that at this point in time it would be inappropriate to allow commercial development without a genuine, comprehensive consultation process with local residents/lessees and the broader community.

Recommendations of the Minority Report

Recommendation 1

- 1.16 **With the exception of the blocks fronting State Circle, the Designated Area Status applying to the Deakin/Forrest residential area between State Circle and National Circuit be removed by way of uplift.**

Recommendation 2

- 1.17 **That Designated Area Status should be retained for the blocks fronting State Circle in the Deakin/Forrest residential area. Furthermore, that the provisions of Version One and the revised Appendix N relating to the conduct of business on residential land in Version Three of Draft Amendment 39 should apply to the State Circle section.**

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Deputy Chair**

Senator John Hogg

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Ms Annette Ellis, MP

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