

SUBMISSION No. 4

Submission No: 4

Date Received: 7 March 2007

National Capital Authority responses to statements made and questions taken on notice at the "Griffin Legacy Amendments Roundtable" conducted by the Joint Standing Committee on the National Capital and External Territories on Friday 23 February 2007.

Question asked by Senator Ross Lightfoot, Chairman Joint Standing Committee on the National Capital and External Territories (Hansard Page 59)

"What is the percentage of West Basin that is going to be reclaimed?"

NCA Response

The total Lake Reclamation area identified in Amendment 61 to the national Capital Plan – West Basin is approximately 3.80 hectares. This is approximately 9% of West basin and 0.56 % of Lake Burley Griffin.

Statement made by Mr. Shanahan, owner of Mr Spokes Bike Hire. (Hansard Page 60):

"It was up to us to take the initiative to approach Todd Rohl a few months ago. However, there has since been no formal approach from the NCA to us about our future and this certainly concerns us."

NCA Response:

On 19 September 2006, the NCA's Managing Director of Planning and Urban Design met with Mr Shanahan and Ms Edwards (also of Mr Spokes Bike Hire) to discuss matters relating to Mr Spokes Boat Hire and Cafe at West Basin. Mr Shanahan and Ms Edwards were advised that Mr Spokes Bike Hire would be one of the type of facilities that would be consistent with Amendment 61 to the National Capital Plan - West Basin.

As outlined in minutes of the meeting prepared by Mr Shanahan and Ms Edwards (agreed to by the Managing Director Planning and Urban Design), the key outcome of the meeting was that if the Amendment came into force and effect a number of options would be considered including Mr Spokes Bike Hire remaining in the current location, moving to an alternative location or moving to a temporary location and, following development, moving back to West Basin. It was agreed that the NCA was keen to accommodate Mr Spikes Boat Hire in a suitable location during and after the development if it occurred.

Ms Edwards advised by email on 21 September 2006 that it was their intention to proceed with the purchase of Mr Spokes Bike Hire and Cafe.

The ACT Government confirmed by email on 2 March 2007 that contracts on the sale of Mr Spokes Bike Hire were exchanged on 17 October 2006 and settled on 3 November

2006 (refer attached). The consultation period on the draft Amendments finished on 29 September 2006.

**Statement made by Mr Shanahan, owner of Mr Spokes Bike Hire.
(Hansard Page 60):**

“The other point I would like to make is that, in the NCA’s effort to bring vibrancy to the lake area, they are introducing a number of other businesses to the area. Some of them are currently trading under temporary trader licences and some directly conflict with our business bike hire. I do not want to sound like I want a monopoly or anything like that, but these people do not pay any rent for these licences.”

NCA Response:

In relation to the further issue raised by Mr Shanahan, the NCA advertised for Expressions of Interest for temporary traders to operate from public areas of national land, including the Parliamentary Zone and the central lake foreshore, to run over summer periods commencing in 2003 as a trial.

The objective was to engender vitality within areas of national land used by the public and to address the lack of convenient visitor facilities and activities in these areas. This process enabled the NCA to compile a list of temporary traders that could be called upon to provide services at public events, or be invited to operate during the summer months in subsequent years. Temporary traders have operated in this way since and have been very successful in adding to the experience of people using these public areas. A fee may be charged for temporary trader permits on a cost recovery basis, that is, to cover costs such as electricity and water use. In 2006-07 there are currently five traders conducting business generally during weekends and on public holidays. These are REALfun Pty Ltd, AROC Sports lunchtime paddling, Doing Donuts stall and Biginelli – coffee stall.

A Request for Proposal for a license to operate a commercial tourist service on Lake Burley Griffin was advertised in April 2006. From this four new commercial licenses were granted to the Upper Murray Steamship Company, REALfun Pty Ltd, Stephen Winthrop and Aerial Consolidated Transport. The annual licence fee is \$1500 - this has been waived for the first 3 years to allow them to establish the business.

If the temporary trader that Mr Shanahan is referring to is REALfun Pty Ltd, this company was amongst those granted a license to operate a commercial service on the lake. They were also issued a temporary trader permit to operate a bike hire service from a location near Commonwealth Place jetties as a complement to their lake based commercial services. REALfun Pty Ltd, trading as Row 'n' Ride Canoe and Bike Hire, has been operating in Canberra since 1996 and proposed to complement existing commercial lake use and provide canoe and kayak tours and electric-powered hire boats for fishing, recreational use and as support vessels for events on the lake. Row 'n' Ride are based in Fyshwick in the ACT and deliver the equipment anywhere around the lake.

The proprietor of REALfun Pty Ltd also participated in the first trial period of temporary trading in 2003 with a bike hire service without any issues being raised at that time.

REALfun Pty Ltd does not pay a fee for their separate bike hire operations. Both Mr Spokes Bike Hire and REALfun Pty Ltd operate from business premises located in another area of the ACT outside of the public national land. It is assumed they both pay a commercial rent for these business premises.

NCA Response to statements made regarding the NCA's level of consultation throughout the Amendment process

The NCA has briefed the JSC privately on the Griffin Legacy. Briefings were held on 23 June 2004, 13 September 2006 and 11 October 2006.

A breakdown of the consultation process engaged by the NCA in regard to Amendments 59, 60 and 61 to the National Capital plan follows.

Consultation:

- Advertising for the first round of public information sessions was placed in the Canberra Times on the 12 August, 13 August, 16 August and 18 August 2006.
- Additional advertising of the sessions was placed in the Chronicle on the 8 August and 15 August 2006. Further advertising was placed in the City News on 10 August 2006.
- Consultation commenced on 17 August 2006.
- The Draft Amendments were launched by the Minister Jim Lloyd at an industry forum on 17 August 2006. The forum included representatives from business, various institutes and the Commonwealth and ACT Government.
- On 18 August 2006 a formal written request was made to the ACT Planning and Land Authority to provide comment on the Draft Amendments and to date no response has been received.
- Public information sessions on the Draft Amendments were held from 18 August to 20 August 2006 between 9am to 5pm at the National Capital Exhibition.
- A public notice as required by the *ACT (Planning and Land Management) Act* was published in the Canberra Times on the 19 August 2006 and in the Commonwealth Gazette on the 23 August 2006.
- The Canberra Central Taskforce, a joint initiative with the Act Government to revitalise Civic, was given a presentation on the Draft Amendments on 7 September 2006. A second presentation on the submissions received and responses is to occur on 30 October 2006.
- A second round of public information sessions were advertised in the Canberra Times on 9 and 12 September 2006.

- The second round of public information sessions were held from 12 September to 14 September 2006 between 5pm to 7pm at the National Capital Exhibition.
- A Youth InterACT Forum on the Draft Amendments was held on 19 September from 5.30pm to 7.30pm at the National Capital Exhibition.
- Public consultation closed on 29 September 2006. A period of 30 business days or 6 weeks was provided for submissions.
- The NCA received over 300 separate submissions on the Draft Amendments from individuals and organisation across Australia and overseas. The NCA considered each of these submissions. As a result of the submissions a number of changes to the Draft Amendments have been made.
- All submissions were acknowledged.
- Consideration of the submissions was recorded in Consultation Reports which also noted changes to the Draft Amendments made in response to public submissions.
- The Minister approved and tabled the Amendments on 6 December 2006.
- On 7 December 2006, the final Amendments (as tabled) and Consultation Reports were posted on the NCA web site.
- On 8 December a letter was issued to each of the submitters advising that their submission had been considered and documented in the Consultation Report, and that this information was made publicly available on the Authority's website. An invitation to discuss individual submissions was also included.

Background

8 August 2002: Griffin Legacy project commenced

12 November 2002: Briefing forum – local and national planning and heritage experts

14 November 2002: Public lecture on the Griffin Legacy

11 February 2003: Griffin Legacy Advisory Panel commences

26, 27 February 2004: Government and stakeholder forums

28 April 2004: Public Forums

4 May 2004: Professional forum of planning and design institutes

11, 29 May 2004: Industry forums

23 June 2004: Briefing to Joint Standing Committee on National Capital and External Territories

8 December 2004 *The Griffin Legacy* launched by NCA: a 21st century plan for the heart of the nation's capital – the Central National Area (CNA), its landscape setting and approaches.