

**NATIONAL CAPITAL AUTHORITY**  
**THE FURTHER PROPOSED ALTERATIONS OF APRIL 2002**  
**TO DRAFT AMENDMENT 39**

**COMMENTS OF SIR LENOX HEWITT OBE**

PREFACE

1. The Committee will have before it my earlier comments:
  - a. In January 2001 on Draft Amendment 39 of November 2000.
  - b. In August 2001 on the June 2001 proposed alterations to Draft Amendment 39.
2. My present comments, on the further proposed alterations of April 2002 to Draft Amendment 39, are supplementary to, and should be read in conjunction with those earlier comments of January 2001 and August 2001.

COMMENT

3. It is important to note that from the time at which Draft Amendment 39 was referred to the Joint Standing Committee on the National Capital and External Territories it could be expected that the National Capital Authority would not take any action that could pre-empt the conclusions of the Committee of the Parliament.
4. The further proposed RADICAL alterations of April 2002 to Draft Amendment 39 do not highlight their principal effect, to withdraw the central core of Draft Amendment 39 which was:

"... to remove the status of Designated Area from the residential blocks in Deakin and Forrest lying between State Circle and National Circuit.

and thereby:

"... to pass jurisdiction for detailed planning and development control on the land from the Commonwealth and the National Capital Plan to the Territory and the Territory Plan."

5. It is useful to recall at this juncture the reasoning advanced by the National Capital Authority for Draft Amendment 39.

The part of Deakin/Forrest area that lies between State Circle and National Circuit "is the only instance of standard density residential development included within a Designated Area. This has led to residential properties within the Designated Area being subject to different terminology, different development conditions and different

planning and development processes from other residential properties in the locality. IT IS IMPORTANT THAT THESE DIFFERENCES SHOULD BE AVOIDED ... AND UNINTENDED CONFUSION BETWEEN ADMINISTRATION OF RESIDENTIAL AREAS IN THE SAME LOCALITY BE MINIMISED." (emphasis added)

6. The National Capital Authority does not offer any reasons in its proposed RADICAL alterations of April 2002, for resiling from those laudable intentions, the very core of Draft Amendment 39, nor does it offer any justification for its continuing a state of confusion.
7. Indeed, the corollary of this proposed RADICAL alteration to Draft Amendment 39 is to neuter the views expressed by the Territory Authority that State Circle, this Premier Main Avenue, should be treated as are the other Main Avenues identified in the National Capital Plan.
8. The National Capital Authority's proposed emasculation of Draft Amendment 39 is founded on its unreasoned and repeated insistence that:
 

"On sites fronting State Circle between Hobart and Adelaide Avenues ... the principal residential character of the area and the established use of the land for residential purposes are to continue."
9. I had nurtured the hope that the National Capital Authority would respond positively and constructively to my earlier comments, in particular to those of August 2001, and that during the course of the Committee's hearings, there would be a reasoned and rational discussion of the proposals of the Authority.
10. In its absence, I therefore submit, with respect, that the Committee now require from the National Capital Authority its reasoning and justification for its continuing insistence upon residential use for those sites fronting State Circle and, it should acknowledge, facing the most imposing and most important building in the Australian Capital Territory, together with its reasoning and justification for proscribing their use for commercial purposes e.g. offices.
11. The National Capital Authority's proposed revised policies relating to the conduct of business on residential land, "Appendix N", would have little practical usefulness.

*Lenox Hewitt*

Lenox Hewitt  
Canberra, ACT  
June 2002