

Senate Standing Committee on Rural and Regional Affairs and Transport

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Estimates October 2006

Transport and Regional Services

Question No: NCA 01

Division/Agency: National Capital Authority

Topic: Commonwealth Financial Contributions

Hansard Page: Written Question

Senator Carr asked:

Please provide:

- projected uncommitted Commonwealth financial contribution for administered and departmental items for 2007-08, 2008-09 and 2009-10; and
- the amounts spent for administered and departmental items for 2003-04 and 2004-05.

Answer:

Administered

	Appropriation \$m	Committed \$m	Uncommitted \$m
2007-08	9.837	0.837	9.000
2008-09	9.837	0.837	9.000
2009-10	9.837	0.837	9.000

Departmental

	Appropriation \$m	Committed \$m	Uncommitted \$m
2007-08	17.093	1.383	15.710
2008-09	17.288	0.731	16.557
2009-10	17.481	0.748	16.733

Amounts Spent for Administered and Departmental Items

The following table represents the total amounts spent against all revenue sources. It includes amounts spent against revenue from sources other than appropriation (eg: sale of goods).

Period	Administered	Departmental
2003-04	\$10,416,960	\$21,197,089
2004-05	\$14,601,919	\$20,173,375

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Transport and Regional Services

Question No: NCA 02

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

What are the current height restrictions for Adelaide Avenue? What height restrictions has NCA recommended in DCP 171/06/0003? What is the final decision of the NCA in relation to the height restrictions for Adelaide Avenue and the reasons for this decision?

Answer:

The table below provides a summary of the current and proposed height restrictions for Adelaide Avenue.

Existing Height Requirements	Proposed Height Requirements
Area B1 (Embassy Motel Site)	
<ul style="list-style-type: none">• Building height is predominantly 3 storeys and a maximum of 4 storeys.	<ul style="list-style-type: none">• Maximum building height for development fronting Hopetoun Circuit is up to RL600 (generally 4 storeys).• There is the possibility for higher development towards the west of the area fronting Adelaide Avenue up to RL603 (generally 5 storeys).• Building height up to RL606 (generally 6 storeys) is permissible at the rear of the site fronting Grose Street (adjacent to the Canberra Deakin Football Club and playing fields), subject to design excellence.
Area B2 (Solander Gallery Site)	
<ul style="list-style-type: none">• Building height is predominantly 3 storeys and a maximum of 4 storeys.	<ul style="list-style-type: none">• Maximum building height for development fronting Hopetoun Circuit is up to RL600 (generally 4 storeys).• Building height up to RL603 (generally 4 storeys) is permissible on the eastern portion of the site area.
Area B3 (Yarralumla Sites)	
<ul style="list-style-type: none">• Building height is a maximum of 2 storeys.	<ul style="list-style-type: none">• Maximum building height for development shall be generally between RL596 and RL600 (generally 4 storeys) with lower height buildings allowed along Hampton Circuit.

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The Draft DCP No: 171/06/0003 has not been finalised and is subject to a review of the consultation report and discussions with the embassies and the ACT Planning and Land Authority (ACTPLA).

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Question No: NCA 03

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

Could you outline for the Committee, in order of occurrence, the consultation process that the NCA undertook in relation to DCP 171/06/0003?

Answer:

On 26 August 2005, a development intention was expressed to the NCA from ACTPLA for a multi-unit residential development with a height of seven storeys on the Embassy Motel site to the NCA.

On 26 October 2005, the NCA wrote to ACTPLA seeking their view on the development proposal and whether they supported the request made by the proponent to change the height provisions.

On 17 November 2005, ACTPLA advised the NCA that '*the ACT Government is not opposed to an amendment to the Development Control Plan for Adelaide Avenue covering the Embassy Motel site, which would permit a development between 5 to 7 storeys*'.

On 11 August 2006, the NCA held a pre-consultation briefing on the Draft DCP No: 171/06/0003 – Adelaide Avenue with a number of residents from Deakin and Yarralumla. This included the Canberra Grammar School, High Commission for Sri Lanka, Yarralumla Residents Association and six other residents.

On Saturday 12 August 2006, the NCA released Draft DCP No: 171/06/0003 for public consultation (note that there is no statutory requirement for such consultation).

On Saturday 12 August 2006, a notice was published in the *Canberra Times*.

On Saturday 12 August 2006, two public notices were displayed at the Deakin shops and at the Yarralumla shops.

On 14 August 2006, the NCA wrote to the Department of Foreign Affairs and Trade advising of the release of Draft DCP No: 171/06/0003.

On 15 August 2006, a public notice was published in the *Chronicle*.

On 22 August 2006, the NCA held a public information session on Draft DCP No: 171/06/0003 at the Canberra Deakin Football Club from 4pm to 8pm.

On 29 August 2006, the NCA held a private briefing session on Draft DCP No: 171/06/0003 with the Embassy of Japan and Royal Embassy of Saudi Arabia.

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On 30 August 2006, the NCA held a private briefing session on Draft DCP No: 171/06/0003 with the High Commission for Sri Lanka.

The closing date for submissions was Friday, 1 September 2006.

Draft DCP No: 171/06/0003 has not been finalised and is subject to discussions with the embassies and ACTPLA, and the review of the consultation report which will address all issues raised through consultation. Once the consultation report* is finalised, and endorsed by the NCA, **a copy can be provided to the Committee (PROVIDED 14 June 2007).**

* A revised response is embodied in the attached copy of the NCA's letter to the Committee Secretary dated 14 June 2007. See attachment A.

[NCA 03 attachment A. NCA 03 attachments B and C not included. Available from the committee secretariat on request.]

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Question No: NCA 04

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

Could you outline for the Committee the main issues raised in submissions made during the consultation process in relation to DCP 171/06/0003 and how these concerns were dealt with by the NCA?

Answer:

The main issues raised in the submissions included:

- support for:
 - the location of higher density residential development along a main avenue which encourages sustainable transport; increasing the height; improving the sub-standard developments on the existing Embassy Motel, Solander Gallery and Yarralumla sites; and allowing a variety of housing types in Deakin.
- concern for:
 - the consultation that was undertaken; the information presented by the NCA; the NCA Draft DCP No: 171/06/0003 re-creating a developer's scheme; increased traffic and car parking; increased height and development density; low quality urban design of future developments; decreased and inconsistent setback requirements along Adelaide Avenue; the loss of landscape treatment along Adelaide Avenue; changing the garden character of Deakin; the loss of security due to overlooking on the Canberra Girls' Grammar School; the loss of security due to overlooking on nearby embassies; higher density residential land uses; and non inclusion of an opportunity for commercial uses such as offices on the Solander Gallery site.

Draft DCP No: 171/06/0003 has not been finalised and is subject to discussions with the embassies and ACTPLA, and the review of the consultation report which will address all issues raised through consultation. Once the consultation report is finalised, and endorsed by the NCA, **a copy can be provided to the Committee.**

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Question No: NCA 05

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

Could you provide the Committee with a detailed list of factors that the NCA considered before recommending that height restrictions be increased in the Adelaide Avenue precinct?

Answer:

The draft Development Control Plan (Draft DCP No: 171/06/0003) is not yet finalised. In the preparation of the draft DCP, the NCA considered the following matters in relation to the issue of building height:

- role of the Avenue;
- landscape character and setting of the Avenue;
- surrounding residential areas;
- streetscape design;
- existing height of development along the Avenue;
- building setbacks;
- roofscape design;
- access and parking;
- privacy, overlooking and security;
- traffic;
- noise; and
- the view of the ACT Planning and Land Authority.

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Question No: NCA 06

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

Is the economic viability of a proposed development a factor that the NCA considered in assessing appropriate height restrictions for Adelaide Avenue?

Answer:

No.

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Question No: NCA 07

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

Could you outline for the Committee what assessments NCA has undertaken to establish the likely impacts of the Adelaide Avenue development on local:

- a. Traffic
- b. Parking

Please provide all documentation relating to the NCA's assessment of the impact of the development on traffic and parking in the area.

Answer:

A consultant, GHD Pty Ltd, was engaged in October 2006 to prepare a traffic report. This report is currently being finalised. Once the report is finalised, **a copy can be provided to the Committee.**

Draft DCP No: 171/06/0003 (if approved) requires a traffic impact assessment to be submitted to ACTPLA as part of any development application made to them for Area B1, Area B2 or Area B3.

This area is not a Designated Area under the National Capital Plan. Approval of any development in the area covered by that DCP will be the responsibility of ACTPLA.

Development applications made in accordance with Draft DCP No: 171/06/0003 (if approved), will need to comply with the provisions outlined in that DCP as well as the Territory Plan.

Car parking for any new development or redevelopment in the area covered by that DCP would have to be provided in accordance with ACT Government standards.

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Question No: NCA 08

Division/Agency: National Capital Authority

Topic: Adelaide Avenue

Hansard Page: Written Question

Senator Lundy asked:

How does the NCA intend to respond to the concerns raised by 445 signatories to a petition by Deakin residents against the Adelaide Avenue development recently tabled in the ACT Legislative Assembly?

Answer:

The NCA will respond (in its consultation report) to all submissions received as part of its consultation process for the Draft DCP No: 171/06/0003.

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Question No: NCA 09

Division/Agency: National Capital Authority

Topic: Becton Development

Hansard Page: Written Question

Senator Lundy asked:

Can the NCA confirm that the State Circle street frontage is not available for visitor parking for the Becton Development for the purposes of satisfying the NCA's stated visitor parking requirements of 15?

Answer:

The NCA can confirm that the State Circle street frontage is not required for visitor parking associated with the Becton development. All car parking associated with this development, as required by the National Capital Plan, is within the lease boundary. The NCA did not state visitor parking requirements were 15.

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Question No: NCA 10

Division/Agency: National Capital Authority

Topic: Becton Development

Hansard Page: Written Question

Senator Lundy asked:

On what grounds did the NCA decide to approve the Becton Development works with only 4 genuine visitor parking spaces on site, having previously confirmed that 15 were required? Please provide all documentation regarding the works approval process.

Answer:

The NCA, in approving the development, was satisfied that the car parking standards of the National Capital Plan were met.

The approved development, which includes 111 car parking spaces in the basement of the development, meets the total parking requirements under the National Capital Plan. The approval included 4 spaces nominated for general visitor use and 8 spaces to be used by visitors at the discretion of the owners of the units.

The NCA did not previously require 15 spaces.

The documents requested with the works approval process consist of a number of files. The NCA is collating the material requested and will provide it to the Committee as soon as available.

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Question No: NCA 11

Division/Agency: National Capital Authority

Topic: Becton Development

Hansard Page: Written Question

Senator Lundy asked:

Why did Mr Rohl state in his correspondence dated 18 October 2006 that the NCA would apply the ACTPLA provisions in relation to visitor parking when the NCA had previously advised myself, residents and other parties, confirmed by correspondence, that all visitor parking required would be provided on site? Please provide a full explanation and clarification.

Answer:

The correspondence dated 18 October 2006 does not say that the NCA would apply the ACT Government car parking standards. It outlines that in the view of the NCA, the total number of parking spaces provided exceeds the level of parking that would be required if one were to apply the ACT Government standards.

The differences between the car parking requirements of the National Capital Plan and the ACT Government were identified during the consultation process.

The visitor car parking provided on-site complies with the requirements of the National Capital Plan.

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Question No: NCA 12

Division/Agency: National Capital Authority

Topic: Becton Development

Hansard Page: Written Question

Senator Lundy asked:

Could the NCA provide the Committee with the detailed arrangements for visitor parking for the new proposed development on the other corner of Melbourne Avenue? Also provide detail on the access plans for this site.

Answer:

The 'Senator Apartments' development proposed for Block 9 Section 3 Deakin, on the corner of Melbourne Avenue and State Circle was approved by the NCA on 31 October 2006. The development is for 11 apartments made up of 3 two bedroom, 6 two bedroom plus study and 2 three bedroom penthouses. The development has 22 car parking spaces allocated for the owners of the units and an additional 9 car parking spaces designated for visitors. All 31 spaces are located in the basement. The car parking provided exceeds the National Capital Plan parking requirements.

Access to the basement garage is from a driveway off State Circle, close to the boundary with the adjacent Block 8, that is, furthest from the Melbourne Avenue intersection. The location of this driveway access was also approved by Roads ACT on 5 October 2006.

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Question No: NCA 13

Division/Agency: National Capital Authority

Topic: Annual Report

Hansard Page: Written Question

Senator Ludwig asked:

With regard to each Agency (and the Department itself) that falls inside the Department's Portfolio, could the Department indicate what date the Agency's *2005-06 Annual Report* was tabled before Parliament?

Answer:

It is anticipated that the NCA's Annual Report will be tabled in both Houses of Parliament in the November/December 2006 sittings.

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Question No: NCA 14

Division/Agency: National Capital Authority

Topic: Annual Reports

Hansard Page: Written Question

Senator Ludwig asked:

If the Annual Report was not tabled by 31 October 2006, could the Department indicate:

- a. When the Report was tabled, or if it remains un-tabled what date the Report is expected to be tabled by.
- b. Whether the Agency's own legislation provides an alternative timeframe for its Annual Report. If so, could the Department provide:
 - i. A description and reference to the relevant provision and legislation.
 - ii. An explanation of why the Agency cannot meet the general timeframe set out in the *Department of Prime Minister and Cabinet's Requirements for Annual Reports*, and so requires an alternative timeframe?
- c. Whether the Agency was granted an extension under section sub-sections 34C(4) - (7) of the Acts Interpretation Act 1901? If so, could the Department provide:
 - i. The date for finalizing the report as set out in the extension.
 - ii. The reason given for granting the extension.
 - iii. The date that the Minister tabled in Parliament a statement explaining why an extension was granted.
 - iv. A copy of the Minister's statement.
- d. Where the Agency's legislation doesn't provide for an alternative timeframe (as per **question b**) nor was the Agency granted an extension (as per **question c**) could the Department provide:
 - i. Explanation for why the Annual Report was tabled outside the timeframe set by DPM&C despite there being no provision alternative timeframe set out in the Agency's legislation nor there being any formal extension granted.
 - ii. Details of any other arrangement in place for the tabling of the Agency's Annual Report.

Answer:

- a. It is anticipated that the NCA's Annual Report will be tabled in both Houses of Parliament in the November/December 2006 sittings.
- b (i). Section 50 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the enabling legislation of the National Capital Authority provides that:

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“As soon as practicable after each 30 June, the Authority shall prepare and submit to the Minister a report on its operation during the year ended on that date.”

- b (ii) On the occasion of tabling the *2005-06 Annual Report*, the NCA did not meet the timeframe set out in the PM&C Guidelines. The NCA manages its resources to meet its statutory responsibilities to comply with Section 50 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.
- c. Not Applicable.
- d. Not Applicable.

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Question No: NCA 15

Division/Agency: National Capital Authority

Topic: Possible Parliamentary Questions

Hansard Page: Written Question

Senator Ludwig asked:

With regard to the preparation of Possible Parliament Questions briefs or other such documents intended to brief Minister's on an issue specifically for Question Time, could the Department/Agency provide:

- a. The number of such briefs prepared in each of the last three financial years (2003-04, 2004-05, 2005-06).
- b. The number of staff who are responsible for coordinating such briefs and the salary level they are engaged at.
- c. The name of internal unit/team that those staff that belong to and a description of its other responsibilities.
- d. The total budget associated with the unit/team referred to in response to part 3.

Answer:

- a. 2003-04: 55 briefs
2004-05: 39 briefs
2005-06: 47 briefs

Please note these numbers do not equate to the number of issues for which QTBs were provided and incorporate updates of briefs from previous sittings of Parliament where a matter was still of potential interest.

- b. Generally, the coordination of briefs was the responsibility of three people (although they also held other concurrent responsibilities). The levels of these positions were: one EL2; one EL1; and an APS6.
- c. The Governance unit.

In accordance with the NCA's governance framework, the Governance unit prepares, updates and monitors the agency Business Plan, is responsible for the Authority secretariat; the Audit Committee secretariat and the Tender Board secretariat. The unit manages insurance and risk strategy, fraud and internal audit, and legal and output performance matters.

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The unit liaises directly with the Minister's office coordinating briefings and the presentation of advice to and tablings in Parliament for Parliamentary approvals, disallowances or other statutory actions. Unit members also have additional leadership, management and project responsibilities consistent with their level of responsibility.

- d. The Governance unit budget for 2006-07 is \$976,647 exclusive of GST. This figure includes staff salaries as well as other expenditures.

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Question No: NCA 16

Division/Agency: National Capital Authority

Topic: Legal Services Expenditure

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department/Agencies spend during 2005-2006 on external:

- (a) barristers and
- (b) solicitors (including private firms, the Australian Government Solicitor and any others).

Answer:

The NCA spent \$115,878.20 (GST-inclusive) on legal services in 2005-06. All legal services were provided by the Australian Government Solicitor.

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Question No: NCA 17

Division/Agency: National Capital Authority

Topic: Legal Services Expenditure

Hansard Page: Written Question

Senator Ludwig asked:

What sum did the Department /Agencies spend on internal legal services.

Answer:

Nil response.

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Question No: NCA 18

Division/Agency: National Capital Authority

Topic: Legal Services Expenditure

Hansard Page: Written Question

Senator Ludwig asked:

What is the Department's /Agencies ' projected expenditure on legal services for 2006-2007?

Answer:

The NCA has budgeted \$115,000 for 2006-2007.

Expenditure on legal costs is largely dependent on external factors outside of NCA control. Consequently, year-to-year fluctuations are likely and this budget amount may be adjusted.