PARLIAMENT OF THE COMMONWEATH OF AUSTRALIA

SENATE STANDING COMMITTEE ON TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE

HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE

Joint Sub-Committee on Variations
to the Plan of Layout of the City of Canberra
and its Environs

REPORT ON PROPOSALS FOR VARIATION TO THE PLAN OF LAYOUT OF THE CITY OF CANBERRA AND ITS ENVIRONS

Third Report on Proposals for Variation

Variation 1988/4

NOVEMBER 1988

MEMBERS OF THE JOINT SUB-COMMITTEE

Chairman:	Mr J. Langmore, M.P.
Members :	Senator G. Chapman
	Mr A. Downer, M.P.
	Mr T. A. Fischer, M.P.
	Senator D. Foreman
	Senator R. McMullan
	Mr J. Saunderson, M.P.
	Mr J. Snow, M.P.

Secretary to the Joint Sub-Committee:

M.M.J. Vincent
The Senate
Parliament House

MEMBERS OF THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE

Mr J. Saunderson, MP, Chairman
Mr C. Blunt, MP
Hon. N.A. Brown, MP
Mr A. Downer, MP
Mr T.A. Fischer, MP
Mr R. Gorman, MP
Mr R. Halverson, MP
Mr C. Hollis, MP
Mr J. Langmore, MP
Mr L. O'Neil, MP
Mr R. Price, MP
Mr J. Scott, MP
Mr J. Snow (when the Committee is considering Variations)

Secretary:

Mr M.E. Aldons
House of Representatives
Parliament House

ADOPTION OF JOINT SUB-COMMITTEE REPORT

On the 22nd day of November, 1988 the House of Representatives Standing Committee on Transport, Communications and Infrastructure adopted the third report of the Joint Sub-Committee on Variations to the Plan of Layout of the City of Canberra and its Environs.

J. Saunderson, MP
Chairman

MEMBERS OF THE SENATE STANDING COMMITTEE ON TRANSPORT, COMMUNICATIONS AND INFRASTRUCTURE

Senator D.J. Foreman, South Australia, Chairman
Senator R. Boswell, Queensland
Senator G. Chapman, South Australia
Senator R. Collins, Northern Territory
Senator R. McMullan, Australian Capital Territory
Senator W. Parer, Queensland
Senator J. Powell, Victoria
Senator C. Schacht, South Australia

Secretary:

Mr T. Magi
The Senate
Parliament House

ADOPTION OF JOINT SUB-COMMITTEE REPORT

On the 22nd day of November, 1988 the Senate Standing Committee on Transport, Communications and Infrastructure adopted the third report of the Joint Sub-Committee on Variations to the Plan of Layout of the City of Canberra and its Environs.

D.J. Foreman,
Chairman

CONTENTS

TERMS OF REFERENCE

In October and November 1987, the Senate and the House of Representatives passed resolutions referring the following matter to their respective Standing Committees on Transport, Communications and Infrastructure for inquiry and report:

> All notices of intention to modify or vary the plan of layout of the City of Canberra and its environs and all modifications and variations of that plan under section 12A of the Seat of Government (Administration Act 1910). (Journals of the Senate, No. 18 dated 26 October, 1987).
>
> That all proposals for modification or variations of the plan of layout of City of Canberra and its environs published in the Commonwealth of Australia Gazette on 19 November 1925, as previously modified or varied, be referred to the Standing Committee on Infrastructure and, when conferring with a similar committee of the Senate, the committee shall inquire into and report on all such proposals. (Votes and Proceedings, No. 20 dated 2 November 1987).

The resolutions also empowered the Committees to sit as a Joint Sub-Committee to consider the matter referred to above.

RECOMMENDATION

Variation 1988/4

The Joint Sub-Committee approves the two proposals in Variation 1988/4. In so doing, the Joint Sub-Committee expresses its concer that the NCDC did not ensure compliance with the building conditions in all instances in the Bruce south development and that there was no public consultation following changes to the development plan which takes in the Hill Reserve.

The Joint Sub-Committee also is concerned that the ACT Administration allowed construction of the road in Isaacs to proceed when there was still uncertainty about its status. Seeking retrospective approval for a variation to the road plan of Canberra makes a mockery of the parliamentary review procedure.

In future any project for which there is even a slight possibility of the inclusion of a public road should be sent to the Joint Parliamentary Sub-Committee for approval as early as possible in the planning process. Otherwise the private sector land development process will simply become a means for avoiding public scrutiny of Canberra's development.

INTRODUCTION

1. Section 12 of the Seat of Government (Administration) Act 1910 deals with variations to the plan of the City of Canberra.

2. The Minister may, at any time, modify or vary the plan. A variation cannot be made until fourteen days after a notice of intention has been published in the Commonwealth of Australia Gazette.

3. In practice, the Minister does not vary the plan until the variation and public comment on the variation have been considered and reported on by the Joint Sub-Committee. The ACT Administration advertises the variation, collates public comments and objections and provides the Sub-Committee with briefing materials. Since the 30th Parliament, public hearings have been held to consider proposals to vary the plan. A report approving or rejecting the variation is then tabled in the Parliament.

4. When the variation is signed by the Minister, it must be laid before each House of the Parliament within 15 sitting days of that House. The variation ceases to have effect, if either House of Parliament passes a resolution disallowing the variation. Notice of such a resolution must be given within six sitting days of the variation being laid before that House.

5. This report, the third by the Joint Sub-Committee, deals with the following variation to the plan of layout of the City of Canberra and its environs:

Variation 1988/4 (containing two proposals)

6. The Joint Sub-Committee, in keeping with the practice of the former Joint Committee on the Australian Capital Territory, held a public hearing on Variation 1988/4 on 15 November 1988. Officers of the ACT Administration and the National Capital Development Commission (NCDC) gave evidence at the hearing. Mrs E. Dunstone, a resident of Bruce, also appeared before the Sub-Committee. The witnesses who appeared before the Joint Sub-Committee are listed in Appendix 1.

7. The ACT Administration and the NCDC prepared briefing notes on the proposals contained in the variation. The briefing notes for Variation 1988/4 appear at Appendix 2. The briefing notes provide details of the variation including purpose, cost, existing and proposed development and the extent of community consultation. The Committee's report should therefore be read in conjunction with the briefing notes and the transcript of evidence.

VARIATION 1988/4

Background

8. In the Commonwealth of Australia Gazette of 14 October 1988, the Minister for the Arts and Territories, pursuant to the powers conferred on him by section 12A of the Seat of Government (Administration) Act 1910, notified his intention to vary the plan of layout of the City of Canberra and its environs. Variation 1988/4 relates to Bruce, Clews Place and Isaacs, Section 571.

9. The notice of intention to vary the City Plan also invited members of the public to lodge objections to any of the proposals with the Secretary and Manager of the NCDC within fourteen days of its publication. The ACT Administration displayed the intended changes at South Building, London Circuit, Civic and the NCDC offices at Braddon. Further displays showing the proposed changes in the near vicinity were located at Woden Library and Belconnen Library. The ACT Administration advertised the variation in The Canberra Times on 15 October 1988, 19 October 1988 and 22 October 1988 and issued a press release on 14 October 1988.

10. The closing date for lodgement of objections to any of the proposals was 28 October 1988. One objection was lodged with the Secretary and Manager of the NCDC.

11. On 14 October 1988 the Assistant Secretary, Lands, Office of Industry & Development, ACT Administration, referred the proposed variation to the Joint Sub-Committee for inquiry and report.

Public Hearing

12. At the public hearing held on 15 November 1988 officers of the NCDC and the ACT Administration briefed the Joint Sub-Committee on the two proposals.

Bruce: Clews Place - Road Addition

13. The purpose of the variation is to increase the area of the nature strip to rectify the encroachment of a driveway onto Commonwealth land.

14. Mr S. Ryan of ACT Administration, advised the Joint Sub-Committee that it was necessary to:

> ... regularise a driveway that had been built by the resident of block 58, section 27 in Bruce. The driveway is regularised in two ways: firstly, there was an addition made to block 58. Block 58 is a block on a rather steep parcel of land and the owner of the parcel built a large house and needed a driveway to get to that house, which is, as I say, up fairly high. The design he eventually came up with and which was approved by the Administration and the Commission was a semicircular driveway which started at the house and circled out through - as you look at the plan in front of us [see Appendix 2] - to the left and down into Clews Place at the peak of the Place. The initial work resulted in a triangular piece of land being added to block 58 so that block 58 now has that triangular side to it at the left. For some reason, and I cannot say why, there was no addition made taking it into Clews Place. The omission was discovered when they were preparing the holding lease for the Bruce west development, which was sold earlier this year and it was noted that he had a runway - and it is quite a formalised runway; it has been very well done - running through on leased Commonwealth land. (Evidence, p. 180)

15. By increasing the area of nature strip at the end of Clews Place which makes the driveway Commonwealth land, the driveway becomes part of the road reservation and provides access in the event of fire between Clews Place and the development in Bruce west.

16. Mr Dunstone of 3 Portus Place, Bruce lodged an objection to Variation 1988/4. His objection relates to the Clews Place proposal and the fire/nature trail between the Bruce west and south Bruce developments, which can be accessed at Clews Place.

17. Mrs Dunstone, who gave evidence to the Joint Sub-Committee, provided a number of examples in the Bruce south development where agreed plans have been ignored. She said:

> Basically, I am objecting to further variations until some faith is restored in the planning process, that is, until the authorities are compelled to follow the agreed plans and proposals. I believe that the agreed plans are being ignored. If this continues, the planning process will fall into disrepute and then both the community and the developers will suffer as a result. (Evidence, p. 196)

18. She told the Joint Sub-Committee that there were certain development conditions placed on buildings in the Bruce south development including a reduced scale of building. The residence which is the subject of the road addition in Clews Place is, according to Mrs Dunstone, not 'in sympathy and in keeping with the development conditions for reduced scale of building and in sympathy with the existing bushland when it can be clearly viewed from some distance away'. (ibid.) She objected to the size, colour and siting of the house. She said:

> Other blocks had to have approved and stamped bricks on their land and stick only to those. I do not recall anywhere in the list of covenants that we were given when we were building that a white house or even a cream house would be allowed. ... we wonder whether there is a rule for some people and a different rule for others, because certainly in the initial part of the south Bruce development the development conditions were very, very strictly enforced. In the latter part, when they were obviously under pressure to get the development finished, they were not so well-enforced. There are not as many

> native trees retained in that second part of the development and you get a proliferation of houses like this. It, of course, raises the question of how you force the developers to adhere to development conditions ... (Evidence, p. 197)

19. Mrs Dunstone pointed out to the Joint Sub-Committee that during the 87th series of Variations, the former Joint Committee on the ACT and the public were told that a nature trail would be constructed above the Bruce south development. The trail, which is currently under construction, is to be a 3.5 metre, 2 coat bitumous sealed fire trail. Mrs Dunstone's main concern is that:

> ... there were no clues given that this would be happening during the planning process. Only recently did NCDC tell anybody - ... - that there would be this at all. (Evidence, p. 198)

Further:

> There are certainly far more sympathetic ways in which it could have been done, other than having what looks to all intents and purposes like a road. It just seems to me that the authorities have been hoodwinking us because they have said it will be a trail, and any reasonable person reading that would not expect a sealed highway. (ibid.)

20. Mrs Dunstone sited a third example where the agreed plans are being ignored. The NCDC had advised Mr and Mrs Dunstone in writing that the gully, which runs from the Hill Reserve to Eastern Valley Way, is very susceptible to erosion and there would be no formal pedestrian routes through the gully. As Mrs Dunstone points out:

> The statements in those letters I feel are false, because there is a statement made that there will be no formal access in the gully and there is now a formal path, despite assurances otherwise. ... There is a bitumen recreation area cum bicycle trail cum walking path, which to me would seem to be pedestrian access, despite the fact that we were told that the gully would be untouched. (Evidence, p. 199)

21. Mr Campbell, NCDC Chief Planner, in response to Mrs Dunstone's objection to the house, said:

> I think the objection has been well put. As I said before, there is a range of decisions that have been made about houses, in terms of environment, and I think this one is at the lower end of the acceptability range. I think the points that have been made are fair and I will certainly have them looked into in terms of administration of further design and siting in the area. (Evidence, p. 201)

22. In discussing the scale of the house, its unsuitability in relation to the topography and its siting and design Mr Campbell said that from the drawings it would appear that it is at the lower end of the range of acceptability and he could 'only assume that when it was assessed people did not realise the prominence of the proposal' and he has 'no disagreement with the objector that it is more prominent than it should be.' (Evidence, p. 203)

23. Moreover Mr Campbell told the Joint Sub-Committee that:

> The reason why I think this is of particular concern is that this area was a special area. It did have special conditions and those conditions were imposed on other people. I can give no answer except to say that I will go back and ensure that it does not happen with further design siting in the area. (Evidence, p. 204)

24. In response to Mrs Dunstone's objection about the fire trail, the NCDC advised the Sub-Committee that the trail has a dual purpose and the type of construction used in the trail results from the experience the NCDC has had in a number of other locations where there have been failures of pavements or trails.

25. When asked about the elaborate development involved in the so-called nature trail, Dr Care, Chief Engineer with the NCDC, replied:

> I think the prime objective of this trail was to provide maintenance and fire access. In as much as it provided opportunities for pedestrians to access the bushland, then it also afforded a nature trail. I would judge that we have not been as successful in providing a nature trail per se as we have in terms of maintenance access and a firebreak. I would advise the Committee, however, that this particular area does have bushland that is exposed to the prevailing westerly winds and there is a considerable fire risk which we believe requires adequate access. (Evidence, p. 207)

26. From the information provided in the development plan for the Hill Reserve residents were not expecting the type of trail construction which is being carried out. Dr Care in addressing this point said:

> ... that in the normal course of events we would seek to inform people what is likely to be the consequences of that. I cannot comment on why that did not take place in this instance, but yes, we would normally seek to inform people of the design prior to things proceeding. I presume that a judgment was made in this case that it fairly accurately accorded with it. That judgment may, in retrospect, have been in error. (ibid.)

27. In response to the objection to the footpath through the gully, Dr Care said that the letter to Mr and Mrs Dunstone:

> ... quite clearly states that there will be no formal access routes through the gully. ... I have no acceptable answer as to why that has occurred. I can only assume there was a lack of communication within the Commission. Quite *clearly the letter does not accord with what* has been constructed. I will make investigations as to why that has occurred and see what we can do to prevent those sorts of things recurring. (Evidence, p. 208)

28. As a result of this unsatisfactory situation the Joint Sub-Committee has asked that clear evidence be presented by the planning authority to show that it is revising its procedures to prevent non-compliance with covenants from occurring again, and to ensure that where development and policy plans are changed there is full public consultation.

Recommendation:

29. Despite the reservations, the Joint Sub-Committee approves the Variation for the minor road addition at the top of Clews Place.

Isaacs: Section 571 Block 4 - Road Addition

30. The NCDC and ACT Administration in their briefing notes to the Joint Sub-Committee say that:

> This proposal provides for an access road off Shepherdson Place to enable the area to be developed for Standard Residential blocks. Initially this will take the form of a Housing Display village.

and:

> The length of the proposed local access road is approximately 300 metres. (Evidence, p. 176)

and further:

> The site has been leased to the Housing Industry Association for the purposes of development [sic] a Housing Display Village. The Association has sought to subdivide the site for standard residential blocks and now seeks the consideration of the Parliamentary

> Joint Sub-Committee on the ACT to gazette the access road. The road variation will permit the development of 19 Standard Residential blocks. (Evidence, p. 177)

31. The briefing notes are misleading. The way the notes are written indicate that the road is to be constructed. In fact the road has already been constructed and the houses are in various stages of construction .

32. It was pointed out to the Committee that the Housing Industry Association (HIA) could have proceeded under unit title without gazettal of the access road and have subsequently sought gazettal of the road.

33. The Joint Sub-Committee is concerned that developers should not seek approval from the Joint Sub-Committee for gazettals which are of a retrospective nature. Mr K. Lyon, Deputy Secretary, ACT Administration acknowledged that:

> It is not a situation that the Administration is really happy with. We are in the early phases of private sector land servicing and we have still a lot of lessons to learn. While we have this as part of the formal process I think industry people are unwise to put themselves in a situation in which they generate risks to themselves. (Evidence, p. 187)

34. An administrative process which allows such a situation to occur is clearly inadequate and this causes a serious concern about how future private sector development will proceed. The current procedure which enables private developers to pre-empt the parliamentary approval process and presume outcomes must be revised. However, the Committee considers that the access road off Shepherdson Place is the only logical approach to sub-division of the block.

Recommendation:

35. The Joint Sub-Committee approves the Variation.

John Langmore, M.P.
Chairman
Joint Sub-Committee

APPENDIX 1

LIST OF WITNESSES WHO APPEARED BEFORE THE JOINT SUB-COMMITTEE

CAMPBELL, Mr G.J., Chief Planner, National Capital Development Commission, Canberra, ACT

CARE, Dr R.F., Chief Engineer, National Capital Development Commission, Canberra, ACT

DUNSTONE, Mrs E., 3 Portus Place, Bruce, Canberra, ACT

LYON, Mr K.T., Deputy Secretary, ACT Administration, Canberra, ACT

RYAN, Mr S.G., Director, ACT Lands Section, ACT Administration, Canberra, ACT

APPENDIX 2

BRIEFING MATERIAL, PUBLIC COMMENTS AND OBJECTIONS - VARIATION 1988/4

National Capital Development Commission

ACT ADMINISTRATION
O I & D

Seat of Government (Administration) Act 1910

Proposals for Variation to the Plan of Layout of the City of Canberra and its Environs

1988/4

Briefing Material Public Comments and Objections

Prepared for the Sub-Committee of the

Senate Standing Committee on Transport, Communications and Infrastructure

House of Representatives Standing Committee on Transport, Communications and Infrastructure

14 October 1988

200

INDEX

1988/4 SERIES OF VARIATIONS

PUBLIC COMMENT AND OBJECTIONS

OFFICE OF INDUSTRY AND DEVELOPMENT

PROPOSALS FOR VARIATIONS TO THE CITY PLAN OF LAYOUT OF THE CITY OF CANBERRA AND ITS ENVIRONS

VARIATION 1988/4

In Gazette No S315 of 14 October 1988, the Minister for the Arts, and Territories, the Hon Allan Clyde Holding MP, gave notice of his intention to vary the layout of the City of Canberra and its environs (the City Plan).

Members of the public who wish to lodge comments or objections to any of the proposals are invited to do so no later than 4.30 pm on 28 October 1988. All submissions must be lodged, in writing, with the Secretary and Manager, National Capital Development Commission, GPO Box 373, Canberra, ACT 2601 or hand delivered to Brian Nesbitt, 7th Floor, NCDC Building, 220 Northbourne Avenue, Braddon, by the above time and date.

The proposed variation and any objections or comments received will be referred to the Joint sub-Committee of the Variations to the Plan of the City of Canberra which will conduct hearings into the proposal and report to the Parliament before the variation can take effect.

Displays showing all the intended changes will be available at South Building, London Circuit and the NCDC Building at Braddon. Further displays which will cover variations proposed in the near vicinity and will be located at Woden Library and Belconnen Library. All displays will be in place until the lodgement date for the closing of submissions.

All telephone enquiries may be directed to Brian Nesbitt on telephone 46 8860.

EXPLANATORY STATEMENT

Variation 1988/4

ITEM 1

BRUCE, Clews Place: Addition to the plan to increase the area of the nature strip to rectify the encroachment of a driveway onto Commonwealth Land.

ITEM 2

ISAACS, Section 571: Addition to the plan to provide for an access road for standard residential housing.

Ms J Vincent
Secretary
Joint sub-Committee of the Variations
to the Plan of the City of Canberra
Parliament House
CANBERRA ACT 2600

Dear Ms Vincent

I anticipate that on Friday 14 October 1988 notice of the Minister's intention to vary the plan of layout of the City of Canberra will be published in the Commonwealth Gazette. It will be known as Variation 1988/4.

The variation has two items and consistent with normal procedures, public comment will be encouraged through the media and by means of public displays.

I wish to refer the proposed variation to the Joint sub-Committee of the Variations to the Plan of the City of Canberra for inquiry and report.

All comments and or objections relating to the variation proposal which are received during the period of public participation will be forwarded to the sub-Committee for consideration.

Yours sincerely

P N Guild
Assistant Secretary
Lands Branch

14 October 1988

Commonwealth of Australia Gazette
No. S 315, Friday, 14 October 1988
Published by the Australian Government Publishing Service, Canberra
SPECIAL

COMMONWEALTH OF AUSTRALIA

Seat of Government (Administration) Act 1910

Variation No. 4 of 1988

NOTICE OF INTENTION TO VARY THE PLAN OF LAY-OUT OF THE CITY OF CANBERRA AND ITS ENVIRONS

Under section 12A of the *Seat of Government (Administration) Act 1910*, I give notice of my intention to vary the plan of lay-out of the City of Canberra and its environs published in the *Gazette* of 19 November 1925, as previously modified or varied, in the manner and to the extent shown in the Explanatory Statement hereunder and in the attached Detail Maps P5 and L5, the relative position of which is shown in the attached Index of Detail Maps.

No variation will be made until after the expiration of fourteen days from the date of the publication of this notice in the *Gazette* to enable any interested parties to lodge submissions and/or objections to the proposed variations indicated in this notice. All correspondence relating to this proposal must be addressed to:

The Secretary and Manager
National Capital Development Commission
GPO Box 373
Canberra City ACT 2601

or hand delivered to:

Brian Nesbitt
7th Floor
NCDC Office
220 Northbourne Avenue
Braddon ACT 2601

Dated this 10th day of October 1988

ALLAN CLYDE HOLDING
Minister of State
for the Arts and Territories

EXPLANATORY STATEMENT

Variation 1988/4

Item 1 (Detail Map P5)

BRUCE, Clews Pl: Addition to the plan to increase the area of the nature strip to rectify the encroachment of a driveway onto Commonwealth land.

Item 2 (Detail Map L5)

ISAACS, Section 571: Addition to the plan to provide for an access road for standard residential housing.

15107/88 Cat. No. 88 6158 0
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PUBLIC INFORMATION

As part of its policy to stimulate public interest in the proposal, the ACT Administration mounted displays showing both the intended variations at South Building London Circuit, Civic, the NCDC Offices at Braddon, the Belconnen Library and Woden Library.

The ACT Administration also advertised the variations in the Canberra Times on 15 October 1988, 19 October 1988 and 22 October 1988 and issued a press release on 14 October 1988.

Office of Industry and Development

PROPOSALS FOR VARIATIONS TO THE CITY PLAN OF LAYOUT OF THE CITY OF CANBERRA AND ITS ENVIRONS

VARIATION 1988/4

In Gazette No. S315 of 14 October 1988, the Minister for the Arts and Territories, the Hon Allan Clyde Holding MP, gave notice of his intention to vary the layout of the City of Canberra and its environs (the City Plan).

Members of the public who wish to lodge comments or objections to any of the proposals are invited to do so no later than 4.30 p.m. on 28 October 1988.

All submissions must be lodged, in writing, with the:

Secretary and Manager,
National Capital Development Commission,
GPO Box 373,
Canberra, ACT 2601,

or hand delivered to:

Brian Nesbitt,
7th floor, NCDC Building,
220 Northbourne Avenue, Braddon,

by the above time and date.

The proposed variation and any objections or comments received will be referred to the Joint sub-Committee of the Variations to the Plan of the City of Canberra which will conduct hearings into the proposal and report to the Parliament before the variation can take effect.

Displays showing all the intended changes will be available at *South Building, London Circuit and the NCDC Building* at Braddon. Further displays will cover variations proposed in the near vicinity and will be located at Woden Library and Belconnen Library. All displays will be in place until the lodgement date for the closing of submissions.

All telephone enquiries may be directed to Brian Nesbitt, telephone 46 8860.

EXPLANATORY STATEMENT

Variation 1988/4

ITEM 1 - BRUCE, Clews Place: Addition to the plan to increase the area of the nature strip to rectify the encroachment of a driveway onto Commonwealth land.

ITEM 2 - ISAACS, Section 571: Addition to the plan to provide for an access road for standard residential housing.

Department of the Arts, Sport, the Environment, Tourism and Territories

ACT Administration
Office of Industry and Development
Telephone (062) 75 0600
Facsimile (062) 48 7084

Media Statement

CITY PLAN VARIATION

The ACT Administration today announced the City Plan Variation 1988/5. The City Plan shows the road reservations for Canberra, and any proposed developments which require altering that plan must be made public through a Notice of Intention to vary the Plan, published in the Commonwealth of Australia Gazette and allow for public submissions or objections.

The Variations provided for in 1988/4 are to:

rectify the encroachment of a driveway onto Commonwealth land in Bruce;
provide for an access road for a residential development in Isaacs.

Fourteen days will be allowed for public submissions or objections to the intended changes. All submissions or objections should be lodged with the National Capital Developme Commission no later than 4:30PM on 28 October 1988, after which they will be forwarded to the Joint Sub-Committee of the Variations to the Plan of the City of Canberra for consideratic during its public hearing on the proposals.

Details of all the intended changes will be on display at Soutl Building, London Circuit, City, and the NCDC Building at Bradd In addition the ACT Administration is arranging displays which will cover variations proposed in the near vicinity and will b located at Woden Library and Belconnen Library. All displays will be in place for fourteen days for public scrutiny and comment.

Copies of the Commonwealth of Australia Gazette containing the Notice of Intention to vary the Plan are available at the Commonwealth Government Bookshop in Alinga Street, City.

Media Contact: Stephen Ryan, 46 2552(W) 41 4027(H)
14 October 1988

BRUCE: CLEWS PLACE - ROAD ADDITION

1. **Purpose**

To increase the area of the nature strip to rectify the encroachment of a driveway onto Commonwealth Land.

2. **Background**

The lessee of Block 58 (formerly block 46) Section 27 Bruce was granted additional land for the purpose of vehicular access to the residence on that block and a driveway was constructed. A survey of Block 1 Section 74 Bruce showed the driveway encroached onto unleased Commonwealth Land. The survey was adjusted accordingly with the intention of increasing the area of nature strip at the end of Clews Place Bruce.

3. **Area**

215 square metres approximately.

4. **Estimated Cost**

Nil

5. **Existing Development**

Portion of driveway.

6. **Proposed Development**

Nil

7. **Particular Planning Considerations**

Nil

8. **Environmental Considerations**

Nil

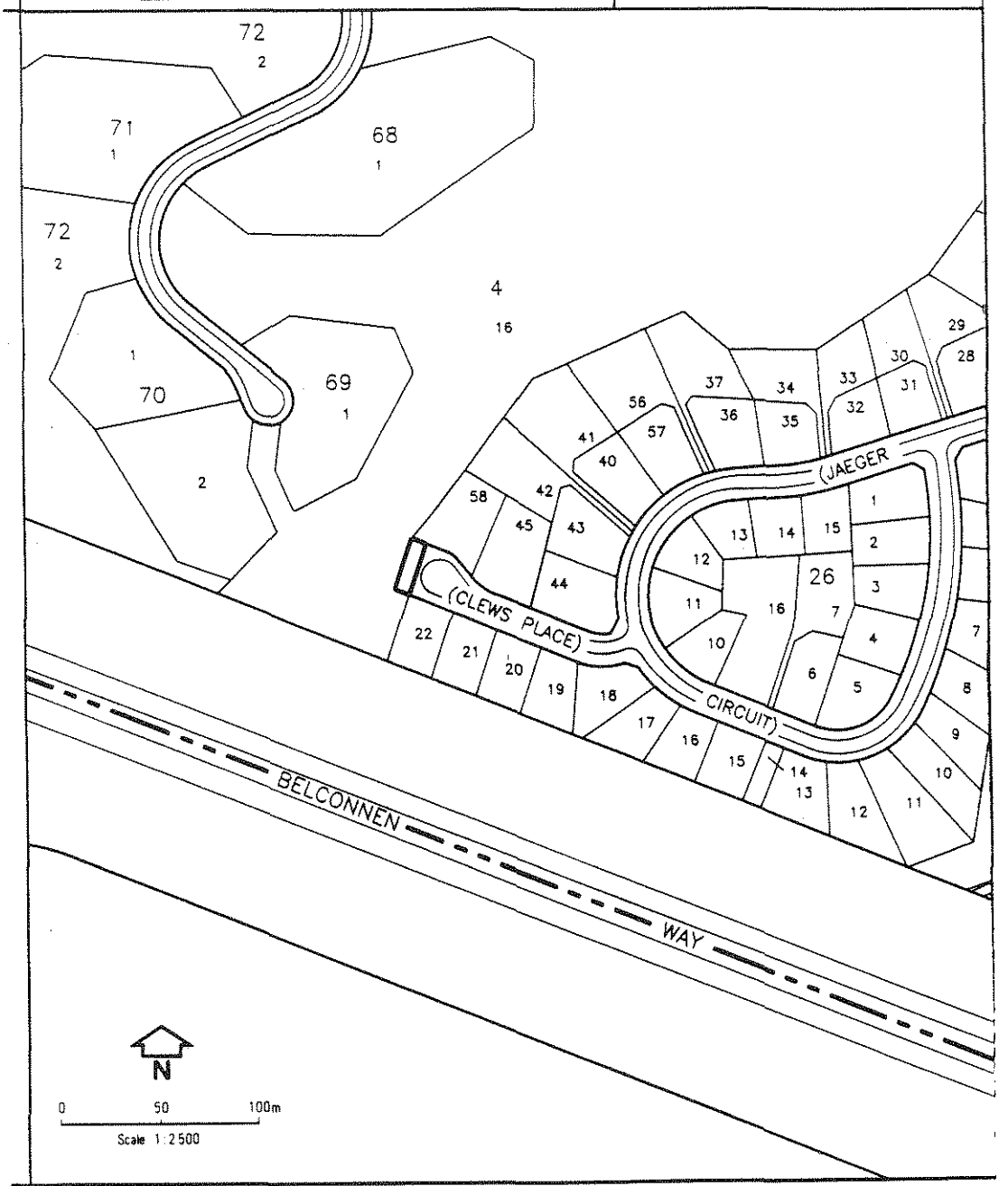
9. **Public Participation**

No public consultation has been carried out other than that inherent in the gazettal process.

ACT ADMINISTRATION
O I & D

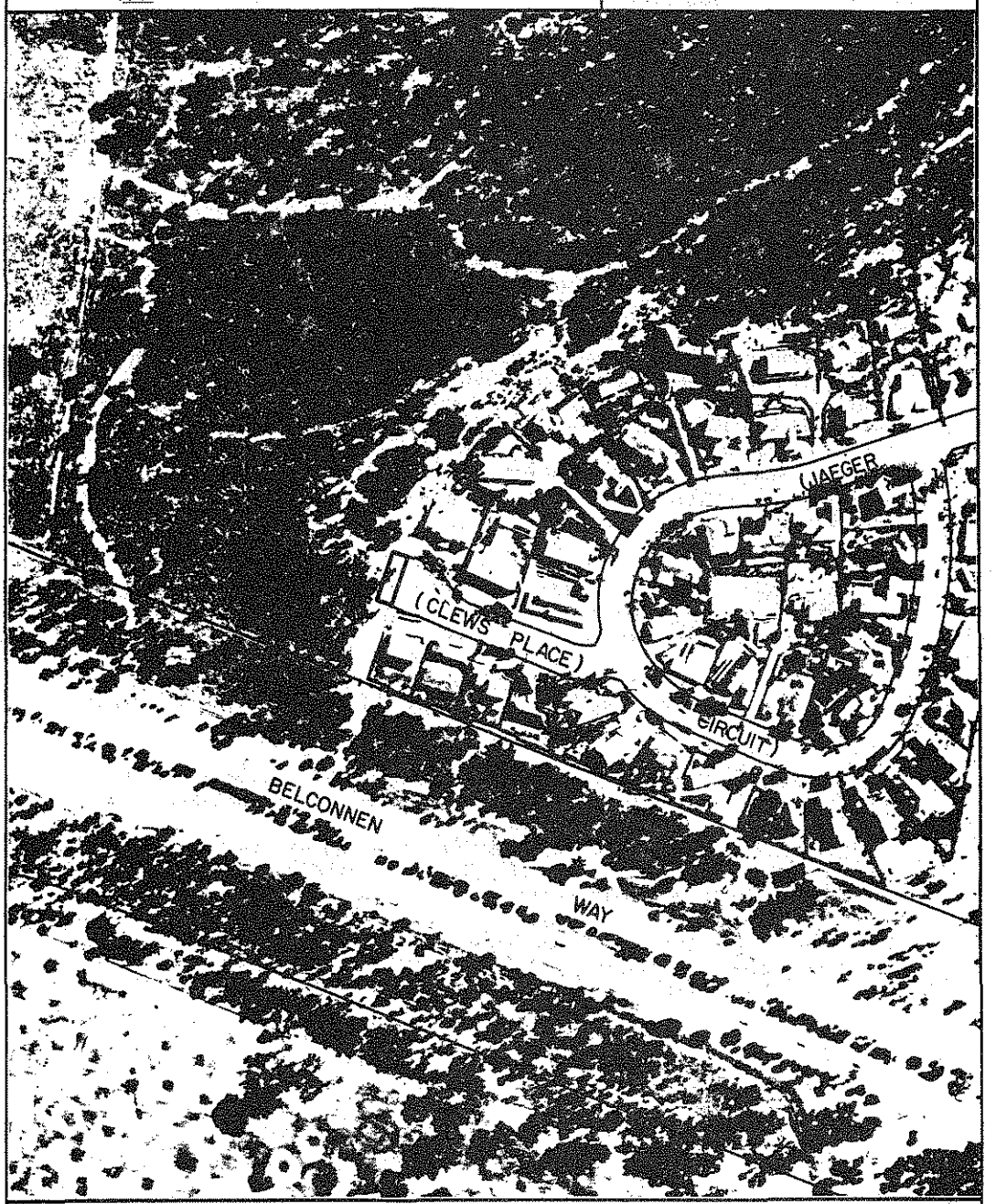
208

VARIATION No. 1



ROAD ADDITION

BRUCE: Clews Place - Road Addition



BRUCE: Clews Place - Road Addition

EXHIBIT

October 25, 1988
3 Portus Place
BRUCE 2617
A.C.T.

Secretary & Manager
NCDC
GPO Box 373,
CANBERRA, ACT 2601

City Plan Variation

I wish to submit the following comment regarding the latest series of city plan variations (Variation 1988/4):

I wish to object to any further plan variations until mechanisms are put into place mandating performance by the authorities and contractors. It seems pointless proceeding with joint committee review or public consultation when the intentions of the committee are circumvented as they have been in the following examples. As a minimum, adherence to development conditions should be more strongly policed particularly as private developers undertake more land servicing.

1. The Joint Committee report on Variation 9 in 87th Series (BRUCE WEST development) stated that the development would be compatible with the natural setting

   " a cut off drain/ fire break / nature trail is placed between the upper edge of the development and the Bruce ridge"

   However a 4 to 5 metre wide fully sealed roadway is being constructed. Please refer to attached NCDC letter and photo.

   Verbal advice from NCDC is that the road was not included in plan variation because it will be closed to public traffic! This is subterfuge by the bureaucracy.

2. The South Bruce development was subject to NCDC prepared development conditions. These conditions were included in the "head lease" conditions imposed on the developer. These conditions included

   " will be developed in a manner sympathetic with the landscape. This will require the leasee to exercise special care;

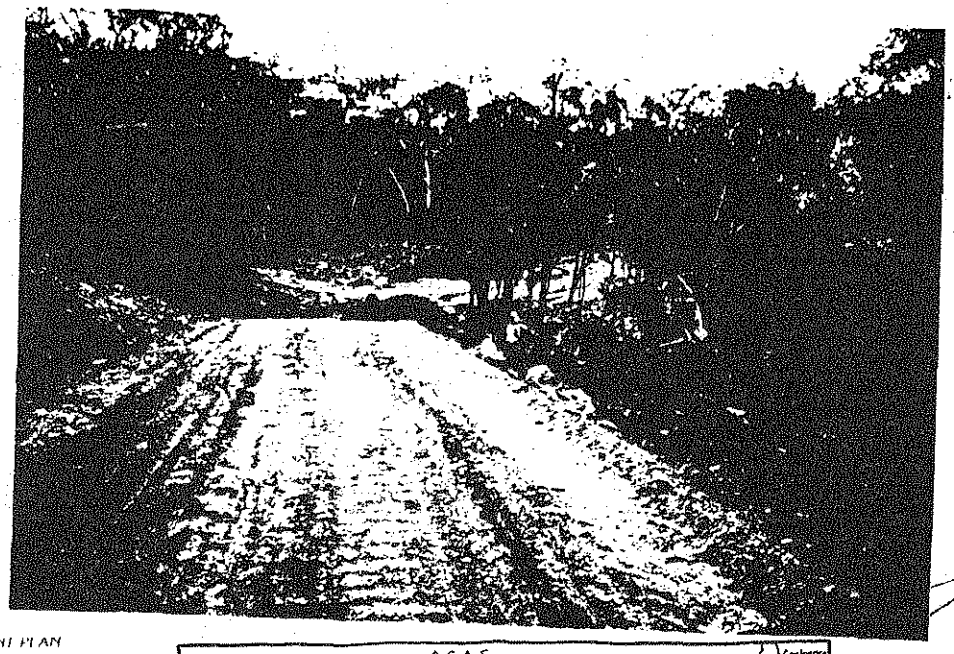
   . in the design and siting of buildings to suit the topography; so that the scale of buildings are reduced"

   However, the attached photograph shows a house (Clews Pl BRUCE)

which is the antithesis of the development conditions. The latest variation (1988/4) relates to the photographed house and is really only required due to the inability or unwillingness of the authorities to force adherence to the development conditions. The encroachment of the driveway would not have been required if the scale of the house and or design were different.

Sincerely

Greg Dunstone



This in the plan has resulted in the above. h will 3r be aled !! ve nature trail!

DEVELOPMENT PLAN

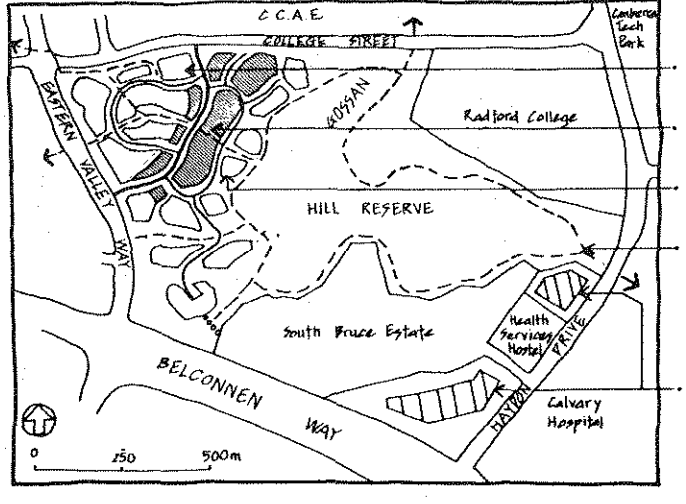
The Development Plan indicates the manner in which the Policy plan may be implemented. It is correct at time of publication but may be changed without notice in the future. The Development Plan is included to assist in an understanding of the implications of the Policy Plan.

The Commonwealth proposes to:

- *construct open space management access trails, fire breaks, informal walking trails and cut off drains around the upper edge of development.*
- *construct footpaths and cyclepaths as necessary to link to existing crossings of College Street, Eastern Valley Way and Haydon Drive.*
- *construct an emergency access only to link between new development and Clews Place in the South Bruce Estate.*
- *implement a tree revegetation program at selected areas on the Hill Reserve.*
- *design the internal distributor street to accommodate a bus route if required.*

Development conditions shall:

- *require that all housing, in particular cluster housing, to be sited with minimal disturbance to landscape.*
- *require that material and colour controls be applied to all housing as necessary to ensure harmonious relationships within landscape.*



Sites to be released for Medium Density Residential Development

Sites to be released for Standard Residential Development

Sites to be released for Cluster Housing Development

Access trails, fire breaks, informal walking trails to be constructed as necessary.

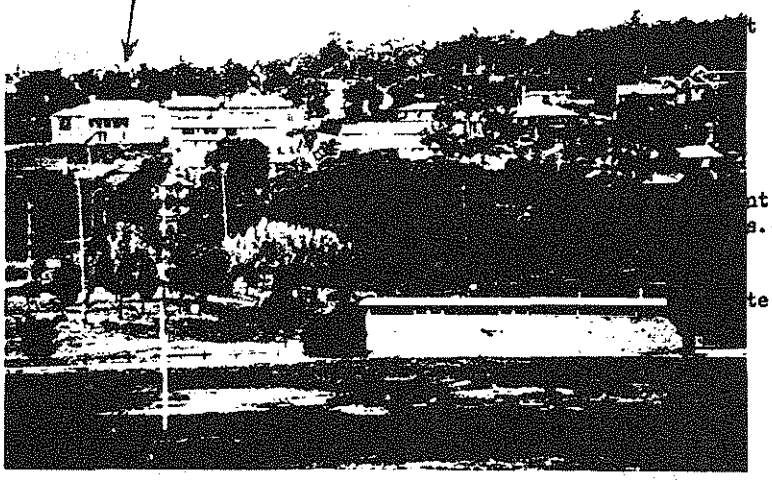
Sites to be released for Community Facilities and/or Cluster Housing development in a landscape setting

Extract fron

BRUCE BLOCK 1353 BELCONNEN DISTRICT

DEVELOPMENT CONDITIONS FOR COMPREHENSIVE RESIDENTIAL DEVELOPMENT

Indicating relevant clauses related to detached residential and cluster housing leases



3.1 That the site will be developed in a manner sympathetic with the landscape. This will require the lessee to exercise special care;

- in the design and siting of buildings to suit the topography; so that the scale of buildings are reduced;
- in determining service alignments to reduce tree loss;
- in determining service alignments and private roads within cluster housing to reduce tree loss;
- in proposing cut and fill to avoid tree loss.

5.0 PRELIMINARY DISCUSSIONS

Because of the unique landscape qualities offered by the site, the lessee must discuss preliminary Development Plans, Sketch Plans with the National Capital Development Commission and/or the relevant authority and obtain their written agreement to preliminary plans prior to the preparation of working drawings for approval under the Buildings Design and Siting Ordinance.

National Capital Development Commission

220 Northbourne Ave., Canberra, A.C.T. G.P.O. Box 373 Canberra 2601, Australia
Telephone: 46 8211 Area Code: 062 Telegrams: Comdev Canberra Telex: 62673
All correspondence to be addressed to The Secretary and Manager.

In reply please quote: 85/1070
S.Matheson:pd

Dear Mr and Mrs Dunstone

Thank you for your letter of 31 December 1985 seeking further clarification of the development plan for Bruce Sections 4 and 21, particularly in respect of the gully which runs from the Hill Reserve to Eastern Valley Way.

This gully will be contained within an open space corridor with an average width of 45 metres (33m to 60m), which will act as a floodway.

The adjoining residential development is proposed to be in the form of low density cluster housing dispersed in a natural bush setting, thus preserving as much of the natural vegetation as possible. Specific development controls will be devised for each of these blocks to ensure this objective is achieved.

The Commission is aware that the gully is very susceptible to erosion and there will therefore be no formal pedestrian routes through the gully. Measures will also be taken to protect the gully from damage during the construction period.

While it is not possible to guarantee that development will not be visible form the gully, as the existing tree cover is not dense, attempts will be made to minimise the impact on the gully and proposed further planting intensification will assist in this regard.

...2/.

The Bruce West development area will be separated from the Bruce Hill Reserve by a cut-off drain and fire maintenance track. There is little likelihood that contractors will need to go into the reserve area during construction, however, it will be a condition of development that any damage caused during construction will be rectified by the contractors. It will also be a condition of development that disruption to existing vegetation and landform within the development area is to be kept to a minimum.

I hope the above information is of some assistance to you and I will write to you again when the Policy and Development Plans for Bruce Sections 4 (part) and 21 (part) is finalised.

Yours sincerely

Alan Phillips /SM

ALAN PHILLIPS
ACTING SECRETARY AND MANAGER

24 January 1986

Mr and Mrs G Dunstone
3 Portus Place
BRUCE ACT

National Capital Development Commission

220 Northbourne Ave., Canberra, A.C.T. G.P.O. Box 373 Canberra 2601, Australia
Telephone (062) 46 8211 Telegrams: Comdev Canberra Telex: 62673 Facsimile: 476980
All correspondence to be addressed to The Secretary and Manager.

In reply please quote 85/1396
B Nesbitt:GB

Dear Mr Dunstone

I refer to your letter of 29 September 1988 and to the telephone discussion on 5 October 1988 between yourself and Brian Nesbitt of this office.

I wish to confirm that there will be a 3 metre bitumen sealed fire trail constructed between the upper edge of the development at Bruce West and the Bruce Ridge. The trail will serve a number of purposes viz:

- an emergency vehicle access
- fire break
- nature trail
- bicycle path

I should point out that the trail will not be available to motorists as gates will be erected which will bar access to unauthorised motor vehicles.

Yours sincerely

Alan Phillips

ALAN PHILLIPS
SECRETARY AND MANAGER

11 October 1988

Mr Greg Dunstone
3 Portus Place
BRUCE ACT 2617

BRUCE: SECTION 4 - ROAD ADDITIONS

1. Purpose

To provide the road layout for the Bruce Ridge West housing estate.

2. Background

The Draft Policy and Development Plan for Bruce Ridge West was published on 10 August 1985 and is now being finalised.

The proposed housing estate formed part of the Draft Plan, and the most noteworthy feature of the proposed area was that it was on steep land and overlapped an area designated for the National Estate.

The National Estate area included a geological feature known as 'the gossan'. The policy and development plans intention is to preserve the gossan and the Australian Heritage Commission has concurred.

The upper slopes of the area shall be reserved for the conservation of the wooded ridge. The policy for the lower slopes is to provide a mixture of housing, with medium density housing being located on the lower slopes, standard housing on the middle slopes, and cluster housing in the upper areas.

3. Length

2.37 kilometres.

4. Estimated Cost of Construction

For roads and services is $3 million.

7. Particular Planning Considerations

The layout contains provision for the following features:

- cluster housing with a high landscape component, allowing housing to blend into the visually important wooded ridge skyline;
- special attention to the design of drainage on the steep gullies, with the loop road acting as an interceptor to flows, and with the gully landscapes treated in a naturalistic way;
- a cut off drain/fire break/nature trail is placed between the upper edge of the development and the Bruce Ridge. Access to the geological feature of the gossan and nature reserve will be via this trail;
- an emergency access is proposed between the South Bruce and Bruce West estates, to overcome problems if the exit to South Bruce from Jaeger Circuit were blocked.

This residential area will be served by schools at Aranda and Macquarie, a local shop at Emu Ridge (accessible by an underpass under Eastern Valley Way) and Belconnen Town Centre facilities. Recreation requirements can be met on Bruce Ridge itself, the playing field at West of Eastern Valley Way and good access to Lake Ginninderra and its surrounds.

The Commission is continuing to examine alternative means of providing safe pedestrian access across Belconnen Way.

8. Environmental Considerations

Extensive negotiations occurred with the Australian Heritage Commission, Canberra College of Advanced Education and independent geological consultants to establish the significance and use of the previously designated Heritage Area.

The Heritage Commission has agreed to modify the boundaries of the proposed heritage area in the knowledge that the gossan will be protected by the plan. The gossan geological feature while not unique to the region does provide an important and convenient sample for geology students in the ACT.

National Capital Development Commission

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Telephone: (062) 46 8211 Telegrams: Comdev Canberra Telex: 62673 Facsimile: 476980
All correspondence to be addressed to The Secretary and Manager.

In reply please quote: 88/1627
B Nesbitt:mh042

Dear Mr Dunstone

I refer to your letter of 25 October 1988 concerning the 1988/4 Series of Variations to the City Plan.

Your comments will be referred to the Parliamentary Joint Sub-Committee on the ACT which will conduct public hearings into the proposal and then report to the Parliament.

The Secretary of the Joint Sub-Committee may contact you in due course regarding the possibility of your giving evidence.

Yours sincerely

Alan Phillips

ALAN PHILLIPS
SECRETARY & MANAGER

31 October 1988

Mr Greg Dunstone
3 Portus Place
BRUCE ACT 2617

ISAACS: SECTION 571 BLOCK 4 - ROAD ADDITION

1. Purpose

This proposal provides for an access road off Shepherdson Place to enable the area to be developed for Standard Residential blocks. Initially this will take the form of a Housing Display village.

2. Background

Block 4 Section 571 Isaacs is located at the extreme southern end of the suburb, in the district of Woden. The site was designated for medium density residential use in 1977 by the Isaacs Neighbourhood Plan. In response to an application for a housing display village the boundaries were amended to enlarge the block and the land use policy broadened to Residential. The approved Policy Plan was adopted in 1987.

3. Length

The length of the proposed local access road is approximately 300 metres.

4. Estimated Cost of Road Construction

Approximately $160,000 (all costs borne by the lessee).

5. Existing Development

The site is bounded to the north by uncommitted Commonwealth land designated for Medium Density cluster housing. To the east it is bounded by a floodway and as yet undeveloped Standard Residential blocks (8 blocks). To the south and west the site is bounded by National Capital Open Space and Erindale Drive. Those areas proposed for residential use are serviced and are likely to be released towards the end of 1988.

6. Proposed Development

The site has been leased to the Housing Industry Association for the purposes of development a Housing Display Village. The Association has sought to subdivide the site for standard residential blocks and now seeks the consideration of the Parliamentary Joint Sub-Committee on the ACT to gazette the access road. The road variation will permit the development of 19 Standard Residential blocks.

All blocks will be accessed from this road. Block sizes vary from $893m^2$ to $1400m^2$ and average $1177m^2$.

In addition to the standard blocks proposed an area of medium density housing will be developed on the northern part of the site. This may be accessed from the existing Shepherdson Place but will also have frontage to the access road now proposed for gazettal.

The proposal reflects the general form of development that will be established in this locality.

7. Particular Planning Considerations

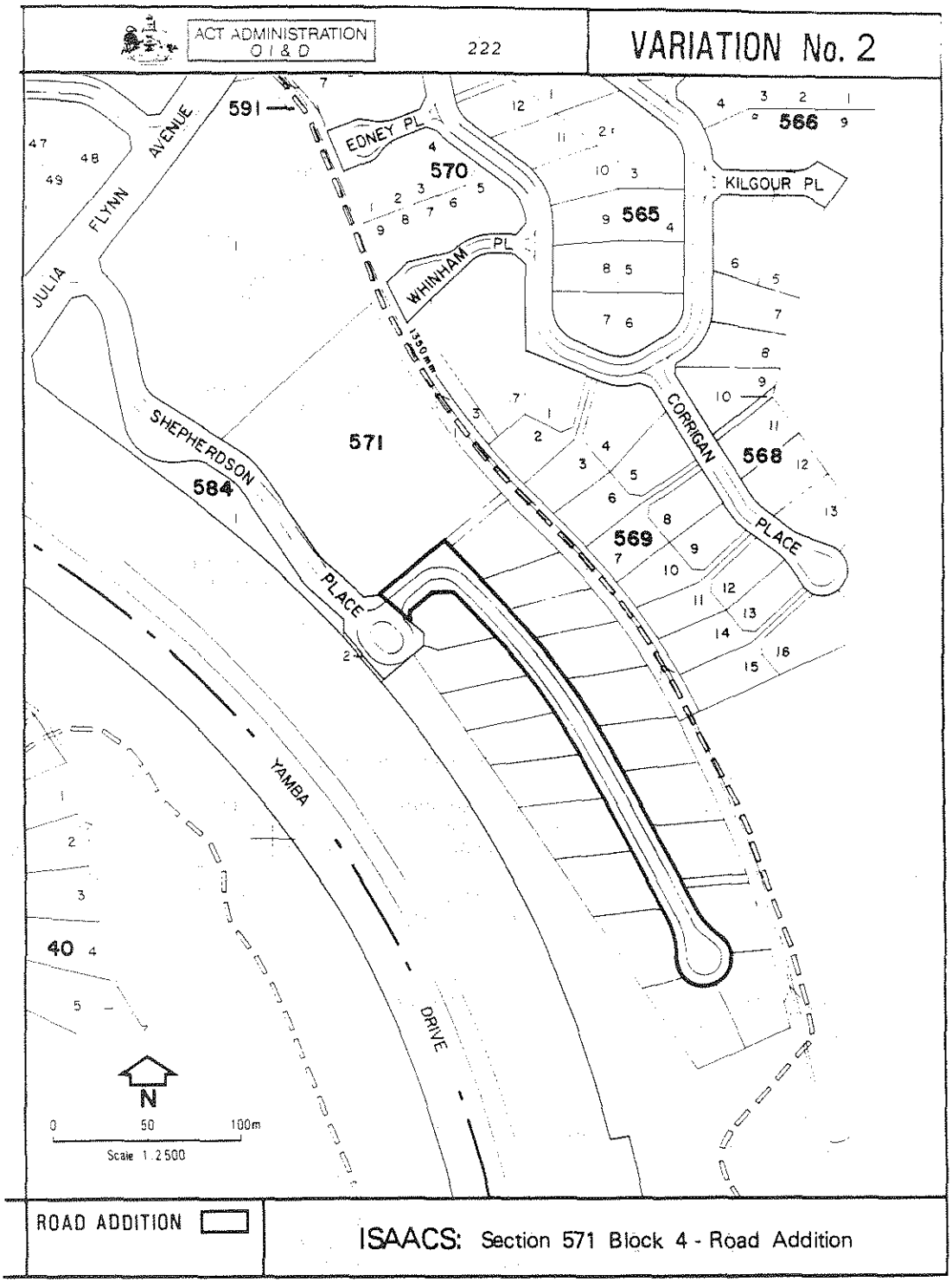
The road layout has responded to the limited design opportunities presented by the site. It provides for the wide frontages to the blocks sought by the HIA. This gives greater flexibility for the range of housing designs needed for a display village.

8. Environmental Considerations

Nil

9. Public Consultation

The proposal to develop a Housing Display Village falls within the land use policy for this site, and accordingly no public consultation has been necessary other than that inherent in the gazettal process.



ISAACS: Section 571 Block 4 - Road Addition

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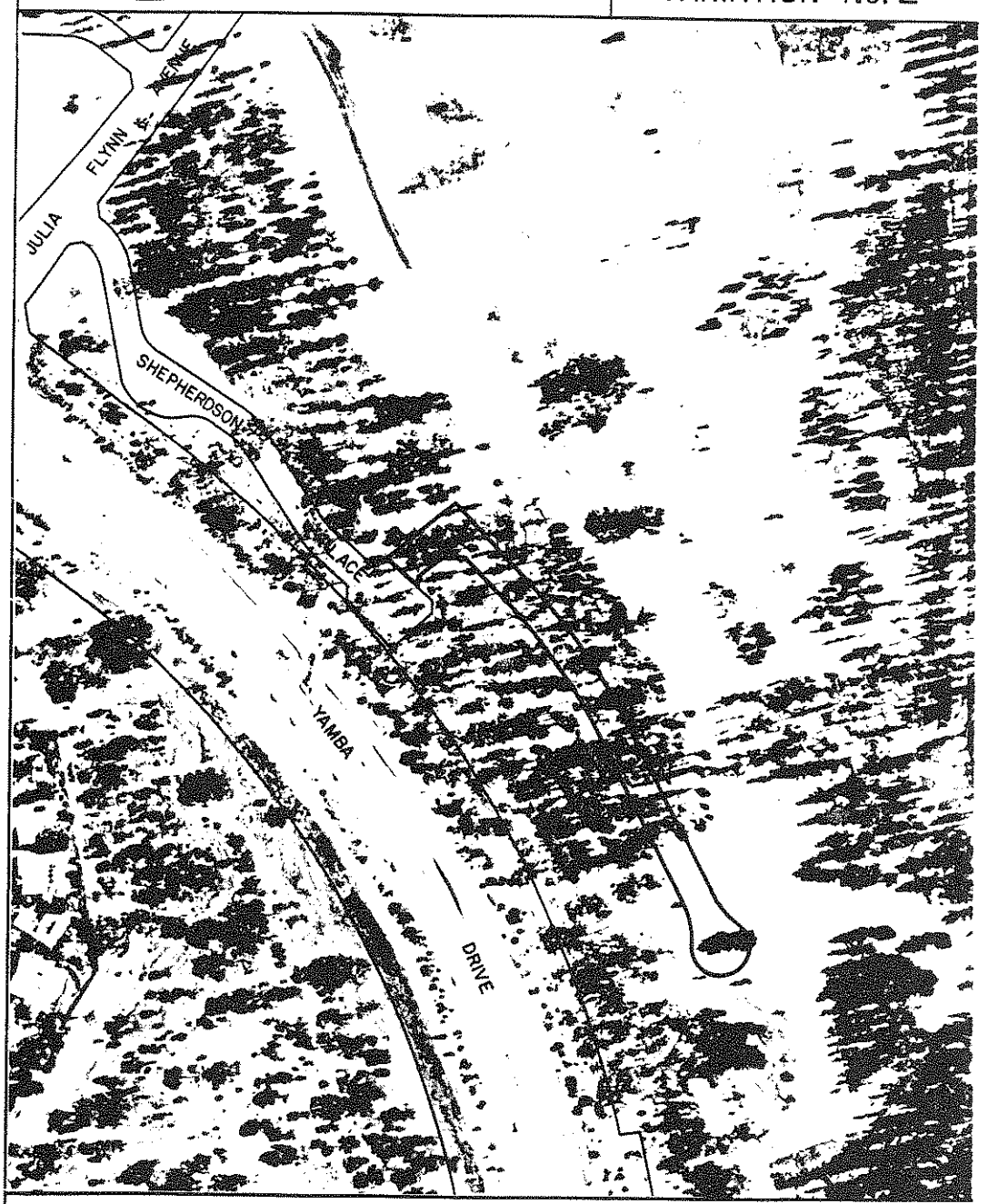
VARIATION No. 2



ISAACS: Section 571 Block 4 - Road Addition