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*Mary Evans*

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

REVIEW OF THE NATIONAL CAPITAL PLAN  
2ND REPORT - THE CERTIFIED DRAFT PLAN

Report of the Joint Parliamentary Committee  
on the Australian Capital Territory

August 1990

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## MEMBERSHIP OF THE COMMITTEE

Chairman	Mr J V Langmore, MP
Deputy Chairman	Senator M E Reid
Members	Senator T Aulich Senator R J Bell Senator W R Parer *Senator A R Devlin Mr R P Elliott, MP Hon. J C Moore, MP Hon. G G D Scholes, MP Mr J R Sharp, MP
Secretary to the Committee	Mr I Dundas
Staff	Miss T Cumberland Mrs M Lyons

\* Senator A R Devlin retired on 30 June 1990.

## TERMS OF REFERENCE

The Committee was appointed to inquire into and report on:

- . the National Capital Plan and amendments to the Plan which are referred to it by the Minister responsible for the *Australian Capital Territory (Planning and Land Management) Act 1988*; and
- . such other matters relating to the Australian Capital Territory as may be referred to it by:
  - (i) resolution of either House of the Parliament, or
  - (ii) the Minister responsible for the Australian Capital Territory.

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## LIST OF RECOMMENDATIONS

### RECOMMENDATION 1:

- . the National Capital Plan provide that Special Requirements be applied in the Lanyon area either by including the area in the Murrumbidgee Corridor or by separately identifying the Lanyon area; and
- . the River Corridors, where Special Requirements are to be applied, be defined in the National Capital Plan with more precision than the map of the General Policy Plan. (*Paragraph 2.19*)

### RECOMMENDATION 2:

- . the Department of Defence urgently consider ways of making as much of the land as possible occupied by the Belconnen and Bonshaw naval communications stations available for housing development. (*Paragraph 3.6*)

### RECOMMENDATION 3:

- . the National Capital Planning Authority and the Territory planners consider alternatives to *standard housing development on the western edge* of Belconnen. (*Paragraph 3.9*)

### RECOMMENDATION 4:

- . all gazetted National Land should be identified in the National Capital Plan as either Designated Areas or areas where Special Requirements will apply; and
- . an area of gazetted National Land only be identified as a Designated Area where that land displays some special characteristic of the National Capital. (*Paragraph 3.16*)

### RECOMMENDATION 5:

- . approval of the National Capital Plan by the Minister for the Arts, Tourism and Territories be dependent on a commitment to inter-government discussions on the financial and economic implications of the Plan; and
- . the Commonwealth accept full financial responsibility for the additional costs imposed on the Territory as a consequence of the Plan. (*Paragraph 3.29*)

# 1. THE NATIONAL INTEREST AND THE NEW PLANNING ARRANGEMENTS IN THE ACT

## The new Plan and the Committee's inquiry

1.1 The introduction of self government in the Australian Capital Territory created the need for new planning arrangements to ensure that the national interest in Canberra as the national capital be protected. *The Australian Capital Territory (Planning and Land Management) Act 1988* was promulgated to, among other things, provide for the preparation of a National Capital Plan. The object of the Plan is to ensure that Canberra and the Australian Capital Territory are planned and developed in accordance with their national significance.

1.2 Preparation of the new Plan began in May 1989 following the passage of the Act which also created the National Capital Planning Authority (NCPA) and charged it with the responsibility of preparing the Plan.

1.3 The NCPA was required to have the Plan prepared by May 1990. It was to have completed a process of public consultation before finalising a Plan which was to be proposed to the Minister and then tabled in Parliament. In July and October 1989 two volumes of a draft Plan were released for public comment and, also in July 1989, the Minister for the Arts, Tourism and Territories referred the draft to the Committee for review. The NCPA and the Committee co-ordinated their activities with a view to having the Committee's report tabled before the Plan was finalised. This was to allow the NCPA to be fully aware of the Committee's views.

1.4 The dissolution of the Parliament for the 1990 general elections interrupted this timetable. The Committee in the previous Parliament had completed its review of the Plan and had prepared a report but was unable to table its report. However the Committee was able to discuss its concerns with the NCPA and to suggest modifications to the draft Plan.

1.5 On Thursday 31 May the present Committee tabled the report prepared by the Committee in the previous Parliament. During the election period the NCPA prepared a revised draft which was certified, as provided by section 16 of the Act. This certified draft Plan was also tabled in Parliament during May.

1.6 Certification of the draft Plan overcame the requirement for the NCPA to complete the Plan by May 1990 and it allowed for a further round of public consultation. It also provided the Committee with a further opportunity to review the Plan and the responses received by the NCPA. The Committee's review of the certified draft is the subject of this report.



## The certified draft National Capital Plan

1.7 The certified draft Plan, like the two initial draft volumes which preceded it, is a document circulated for comment prior to the preparation of a final Plan. When the final Plan is tabled it will also need to be seen as a document in transition. During the inquiry conducted by the previous Committee the Executive Director of the NCPA put forward the view:

the time frame required us really to get up a workmanlike document ... and not necessarily a new visionary document, we were constrained by the timetable ... [but]... I do not see it as an interim plan. I prefer to see it as a plan which meets Canberra's development needs for the next five to ten years ... However, there is no doubt that there is an interest on the part of the Territory administration, and a general interest on our part, in looking again at the structure of Canberra's development and the location of urban land use, to assess whether or not the Y-plan, or the current metropolitan policy plan, is in fact economic and ... robust, and meets the needs of the future; takes account of changed social structures in the community; and perhaps changing market preferences in the area of housing. Those are wider policy issues. It is probably going to take an 18-month or two-year project to address them effectively.<sup>1</sup>

1.8 This view is reflected in part three of the certified draft which states:

Neither the certified draft Plan nor the eventually approved final draft Plan should be regarded as one-off end state, static documents. The Plans are to be seen as the first National Capital Plan and as the start of a dynamic and evolving process.

1.9 For the Plan to serve during the next five to ten years it will have to provide clear directions to government, developers and the public. The Plan cannot be prescriptive for the whole of the ACT and will have to be read in conjunction with the Territory Plan which is to be prepared by the Territory Planning Authority. It will therefore need to clearly spell out the areas it deals with and how it relates to the Territory Plan. It will also be necessary for the Plan to contain a schedule for further review of planning policies and itemise the policies to be reviewed. The Committee does not consider that the Plan at this stage needs to comprehensively and finally deal with all the issues that may affect the future development of Canberra but believes that the certified draft will, if adopted as the first National Capital Plan, meet the requirements of the Act, at least for the next five to ten years.

1.10 The certified draft Plan is substantially different to the initial draft and has been revised to take account of the public responses. The NCPA was required by the Act to 'have regard' to all the views put to it and it has also taken account of the concerns raised by the Committee in the previous Parliament. The introduction to the certified draft sets down the main amendments to the draft Plan. These include revisions to:

- . reduce the extent of the proposed Designated Areas by removing much of the land adjoining the avenues and the Murrumbidgee River corridor area;
- . convert to Designated Areas a number of areas previously included as areas where special requirements would apply;

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<sup>1</sup> Review of the draft National Capital Plan, *Evidence*, 11 December 1989, p265.

- . delete a number of areas previously proposed as areas where special requirements would apply, namely Belconnen, Woden, Tuggeranong and Gungahlin Town Centres, Cotter Road and the Kings Highway east of Queanbeyan;
- . include Namadgi National Park, the whole of the Murrumbidgee River Corridor and Telopea and Haig Parks as areas where special requirements would apply;
- . remove much of the detail in the proposed special requirements for the development of Civic;
- . refine the principles and policies to make clear their intent;
- . remove a substantial amount of detail from the policy statements;
- . impart a clear understanding of what constitutes the national significance of Canberra and the Territory and of the Commonwealth's interest in the planning and development of the nation's capital;
- . include a long-term perspective on the future development of the Plan and on its financial implications; and
- . include greater consideration of regional issues and the economy of the ACT.

1.11 Most of the submissions received by the NCPA and the evidence presented to the present Committee indicate that the certified draft is seen as an improvement over the first drafts. This is not to say that the certified draft has received universal support. The Conservation Council of the South-East Region and Canberra (CCSERC) for example, believes that some revisions contained in the certified draft weaken the Plan.<sup>2</sup> The CCSERC submitted to the NCPA that:

We welcome aspects of the revision, but feel other areas to still be deficient. We regret those changes that in our view have weakened the Plan ... There should be no backing away from the underlying principles at the detailed planning level, much of which now appears as if it will be in the hands of the Interim Territory Planning Authority ... [we] ... argued for a widening of designation rather than a narrowing ... [and] ... regret that special requirements are no longer in force with regard to the town centres other than Civic ... we would still wish to see the Murrumbidgee and Molongio River Corridors designated ...<sup>3</sup>

1.12 By comparison the Canberra Association for Regional Development (CARD) stated that although they welcomed many of the changes they were still concerned about what they regarded as the prescriptive nature of the plan.<sup>4</sup> The ACT Government and the Interim Territory Planning Authority (ITPA) expressed concerns about the initial draft. These concerns were taken into account, and in some cases the draft Plan was

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<sup>2</sup> Conservation Council of the South East Region and Canberra  
- *Submission to the National Capital Planning Authority.*

<sup>3</sup> Letter from the Conservation Council of the South-East Region and Canberra to the National Capital Planning Authority, 3 June 1990.

<sup>4</sup> *Evidence*, p48.

changed by the NCPA to accommodate the views of the ITPA. However, the ACT Government and the ITPA remain concerned about several major issues. Their concerns and the major concerns raised in other submissions in response to the certified draft are discussed in chapter 3 of this report. Whilst there are still concerns about the draft it is clear that the NCPA has taken account of the views put to it and has responded in a way that is intended to produce a Plan that is both workable and acceptable.

## 2. THE COMMITTEE'S FIRST REPORT AND CHANGES TO THE DRAFT PLAN

### Revisions to the draft Plan

2.1 The Committee in the previous Parliament found that the intention of the Australian Capital Territory (Planning and Land Management) Act is quite clear and that the NCPA had produced a draft that complied with the Act. The Committee generally supported the draft but found that there were some shortcomings, particularly in the presentation and explanation of the proposed planning measures. The Committee made nineteen recommendations related specifically to the Plan and a further four recommendations relating to the Commonwealth's financial obligations, the administration of the Plan and the provisions of the Act.

2.2 The certified draft National Capital Plan was prepared and circulated before the Committee's report was tabled. The NCPA only had its general discussions with the Committee as a basis for preparing amendments which would overcome the Committee's concerns. However of the first nineteen recommendations contained in the Committee's report all but three dealt with concerns that were later overcome, at least to a significant degree, by the certified draft Plan. Many of the Committee's recommendations referred to the need for more analysis, discussion and explanation, particularly in the relation to economic projections, and the development of the public sector and other demographic factors. The Committee also saw a need for more explanation of terms such as 'national significance' and for greater justification for some provisions of the plan. The NCPA generally addressed these concerns in the certified draft but it has been argued that the draft still did not contain sufficient detail about some of the issues. A representative of the ACT Government argued for example that:

...In a document that is well over 200 pages, there are only some five pages devoted to the question of an economic and financial assessment of the plan. There is very limited treatment of possible development scenarios. The economic assessment deals almost exclusively with transport infrastructure costs and, whilst they are very important, there are other issues which we feel need to be addressed in making an economic and financial assessment of the plan.<sup>1</sup>

2.3 The Committee notes the severe time constraints that the NCPA has laboured under and considers that it has achieved as much as could have reasonably been expected in the time and with the funds and staff available. However the economic and demographic projections are matters that will require continuing updating and the Committee expects that future major revisions of the Plan will contain substantially more economic analysis and will show specifically how the Plan accommodates the developments forecast by this analysis. The NCPA will have to carry out this research in partnership with the ACT authorities and the Territory Plan will also have to reflect the outcome of the revisions.

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<sup>1</sup> *Evidence*, p27.

## Designated Areas and Special Requirements

2.4 The Act allows the NCPA to identify areas as Designated Areas or areas where Special Requirements will apply. In Designated Areas no works can proceed without NCPA approval and the NCPA may specify detailed conditions of planning, design and development. In other areas the NCPA can set out Special Requirements for development. Most of the sites proposed in the certified draft Plan as Designated Areas or areas where special Requirements will apply accord with the recommendations of the previous committee. The significant exception relates to the previous Committee's recommendation against a proposal to define an area north of Parkes Way and some parts of Civic as Designated Areas.

2.5 This is the only specific recommendation made by the previous Committee about a planning provision which was not adopted in the certified draft. The area in question is a corner of the Parliamentary Triangle and is therefore an important part of the central area of Canberra most directly relevant to the functioning of the city as a national capital. The Chief Executive of the NCPA told the Committee that:

it is necessary to take a long term view if one looks at Canberra's development over a period of time from 1911. We have had ... a lot of changes of approach, changes of administration, and changes of design influence, ...[which]... have either ignored or overwritten, or somehow or other set aside fundamental principles of Griffin's plan, particularly the importance of the triangle and the physical representation of the triangle in some nodal markers ... at each corner ... Issues like, say the development of Parkes Way ... means that further development of that idea, radically begins to affect the possibility of doing anything further with Griffin's notions.

Similarly, the view is that by maintaining designation of that central triangle the probability of us being able to get the consistent achievement of the themes underpinning Griffin's ideas is increased.<sup>2</sup>

2.6 The Chief Executive also told the Committee that the NCPA had held discussions with the ITPA with the aim of achieving agreement about a joint approach to design and development of the proposed Designated Area within London Circuit.

2.7 The Committee has reservations about the need to designate the area north of Parkes Way. However, it does not consider that its concerns are sufficient to propose that this part of the Plan be disallowed, particularly if there is a possibility of the NCPA and ITPA developing joint approaches in those Designated Areas in which both authorities have an interest.

2.8 At least one area of Civic that the NCPA still proposes to identify as a Designated Area, contrary to the views of the previous Committee, is subject to continuing debate. An office block development has been proposed for part of City section 10 (the YMCA site) but the NCPA proposes that the main use for this area will primarily be for tourist and recreation use in accordance with the Civic Centre Policy Plan. This is one of the few areas of leased land that are to be Designated. The dispute that has arisen is indicative of the problems that can occur where leased land is to be treated this way in the National

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<sup>2</sup> Evidence, p99.

Capital Plan. The Committee shares the concerns of the NCPA about the development but reiterates the view that designation of leased land may lead to conflict with the Territory Government.

2.9 Diagram 1.13 of the certified draft National Capital Plan shows the approved land use classes in the Lake Burley Griffin and foreshore section of the Central National Area. The diagram shows that a strip of land to the south of Dunrossil Drive is to be used as open space. A large block further to the south, encompassed in a lease held by the Royal Canberra Golf Club, is identified as restricted access open space. A draft variation to the Yarralumla Policy Plan has proposed that the open space adjacent to Dunrossil Drive be reduced from a strip of approximately 90m to a strip of 20m with the remaining area reclassified as restricted access open space. The draft variation also proposes that the boundary between the open space and the restricted access open space be fenced. This variation is intended to facilitate the construction of a golf course. The Chief Planner of the NCPA advised the Committee that the variation has been modified and that it is now proposed to retain a 35m strip of open access land. The final Plan is expected to reflect this variation.

2.10 The area contains tree plantings which are an continuation of the Westbourne Woods national estate area. It is an attractive area that is extensively used for recreation. It is also a major ceremonial driveway, being the approach road to Government House. Any fencing or tree removal which may accompany the development of a golf course could detract from the area and restrict public access for general recreational use. The Committee intends to seek further information about this proposal and will take it up as a separate issue.

#### Other issues raised by the previous Committee

2.11 The previous Committee recommended that the proposals to undertake a long term review of planning policies needed to be made explicit in the first National Capital Plan and that the Plan contain a schedule for the review. The certified draft contains a section on the review program and states that:

Much of the content of the certified draft Plan, represents a continuation of planning policies established by the NCPA and which have been in force in Canberra for some time. In the time available to produce the first Plan, an exhaustive and rigorous review of existing policies was not possible. However now the task of producing this certified draft Plan is complete, the necessary review can commence...

First a review is needed of the broad land use policies of the Plan relating to future urban development, which in effect requires a comprehensive study aimed at producing a strategy which will guide the future development of metropolitan Canberra...

The second form of review of the certified draft Plan will involve a review of the more detailed components of the plan, and will result in the Authority ... developing initiatives, plans and development proposals for important national areas.

2.12 The NCPA proposes that the review will be completed after the National Capital Plan is prepared and is to involve a review of the broad land use policies relating to future urban development as well as a review of the more detailed components of the

Plan. The certified draft does not fully overcome the previous Committee's concerns because it does not contain a schedule for the review process but the Committee is satisfied that the program outlined by the NCPA is adequate and that there is a commitment to the program.

## National Land

2.13 The Australian Capital Territory (Planning and Land Management) Act allows a Minister to declare land in the ACT to be 'national land' and not subject to the Territory Plan. To be so declared, however, the land must be used by the Commonwealth. The identification and declaration of land as national land and arrangements for the development and administration of national land were matters that concerned the previous Committee. It recommended that the Plan should discuss the administrative arrangements that should apply to national land.

2.14 This matter was not, however, taken up in the certified draft. It remains as a continuing concern particularly in view of the argument put by the ITPA that:

The National Capital Planning Authority, through its own Act, can only introduce policies if they are of national significance; and in many cases the sites that are of national land will not be of national significance...Throughout the Territory there is quite a lot of national land which is not of national significance and will not be covered by the national capital plan. We will certainly have policies describing the use that should be appropriate in the Territory plan, but with no real guarantee that there will be the legal power to make sure that that happens ... if use is being determined for the Commonwealth on the basis of having an income, and there are not strict planning controls over those uses, then I do not think it is too difficult to predict a situation in the future where there would be a conflict between the Commonwealth's revenue interests and the Territory planning authorities in the ACT Government's planning interest. I do not believe that there is a proper mechanism at the moment to control that.<sup>3</sup>

2.15 If all areas of gazetted national land are defined as Designated areas then they would, for planning purposes, be subject to the National Capital Plan. The Department of Administrative Services administers most areas of national land. It is concerned about the possibility of complying with either the National Capital Plan or the Territory Plan in all instances. A representative of the Department's Australian Property Group told the Committee that:

we are ... concerned about the implication in the certified draft plan that the Commonwealth will be bound by Territory law. This is contrary to the situation applying elsewhere in Australia and we would prefer an arrangement whereby the Commonwealth could negotiate with Territory planners in a similar manner to that which applies elsewhere in Australia ... I think our attitude would be that we are happy to try to fit in wherever possible. We are happy to consult with the NCPA and we are happy to try to fit into that broad plan wherever possible. We think that it would be a problem for us operationally, and it would have a number of other significant implications, if we were bound in every case either to seek approval or to comply with the NCPA's wishes in every activity that we might be pursuing and in every circumstance.<sup>4</sup>

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<sup>3</sup> Evidence, p13.

<sup>4</sup> Evidence, p69.

2.16 The Commonwealth is a major land occupier in the ACT and its land use has a major influence on the character of Canberra. There is a need to ensure that Commonwealth land use decisions do not contradict the object of the Act. The previous Committee recommended that the NCPA develop administrative procedures in relation to the application of the Plan to Commonwealth land and the management of all land in which the Commonwealth has an interest. It proposed that these procedures be binding on the Department of Administrative Services and other Commonwealth authorities with land management interests in the ACT.

2.17 The Committee agrees with the recommendations of the previous Committee relating to National Land and the application of the National Capital Plan to Commonwealth authorities. It believes that the National Land issue requires more attention. This matter is discussed further in the following chapter.

2.18 The previous Committee also recommended that the National Capital Plan should require Special Requirements for the whole of the Murrumbidgee River corridor including the Lanyon area. The certified draft does now propose that Special Requirements be applied to the river corridors but most of the Lanyon area that was of concern to the previous Committee is not included in this area. The General Policy Plan map presented in the certified draft National Capital Plan is ambiguous but appears to identify much of the Lanyon area as either 'Broadacre Areas National Capital Open Space' or 'Rural Areas' rather than as a river corridor. The range of permitted land uses and the planning principles and policies set down for the Lanyon area in the National Capital Plan may protect the existing landscape features but the Committee notes the comments of the ACT Government that:

...The urban development of large tracts of land (designated rural and broadacre) has been pre-empted...<sup>5</sup>

2.19 This comment may not have been intended to apply to the Lanyon area but the Committee considers that if there is a possibility of urban expansion into such areas then there is a need for Special Requirements in the Lanyon area. The Committee recommends that:

- the National Capital Plan provide that Special Requirements be applied in the Lanyon area either by including the area in the Murrumbidgee Corridor or by separately identifying the Lanyon area; and
- the River Corridors, where Special Requirements are to be applied, be defined in the National Capital Plan with more precision than the map of the General Policy Plan.

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<sup>5</sup> Letter from the ACT Chief Minister to the Minister for the Arts, Sport, the Environment, Tourism and Territories, 25 June 1990.



### 3. CONCERNS AND ISSUES RAISED IN RESPONSE TO THE CERTIFIED DRAFT NATIONAL CAPITAL PLAN

#### West Belconnen

3.1 The General Policy Plan map included in the certified draft National Capital Plan shows the western edge of Belconnen, from Fraser in the north to Higgins in the south, as a future urban area subject to the Territory Plan. The certified draft explains that development in this area is to be specified within the Territory Plan and that the development details will be determined after appropriate public consultation. This proposal was the most contentious aspect of the certified draft Plan and provoked the greatest number of submissions.

3.2 Most of the objections to this proposal were received from residents of Fraser and Charnwood and were based on concerns about social and environmental impacts. They were mostly opposed to using the land for housing. Some suggested the need to retain a buffer space in case of an extension of the ACT border to accommodate whole new suburbs to the north-west, and some were concerned with the impact on existing infrastructure. The North/West Belconnen Residents Action Group called for the area to be retained as rural land to maintain the 'bush capital' character of Canberra and proposed that the NCPA should retain responsibility for the area.<sup>1</sup>

3.3 Representatives of the Conservation Council of the South-East Region and Canberra told the Committee that they agreed in principle that the area due west of Belconnen could be developed for urban development but that they were very concerned about possible development of the area to the south-west.<sup>2</sup>

3.4 The Committee notes that the National Capital Plan is only providing for an option without committing the ACT Government to develop this area. A decision about the development of the fringe of Belconnen will be taken at a later stage. The Committee also notes the advice from the Chief Planner of the ITPA that:

...In considering the development of Belconnen which was originally planned for a population of 120,000 and currently has a population of, I think, approximately 85,000, we were looking at ways in which there could be opportunities for residents to have accommodation in Canberra and have access to existing facilities ... I can well understand that people in the area have concerns about it ... I would expect that ... there will have to be extensive public discussions. I would be very conscious of the fact that residents in the area will have very strong views about what is possible and what is not possible. I do think these are the issues that Canberra has to grapple with ... we are currently preparing some plan in principle. We would then have discussions with the residents...<sup>3</sup>

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<sup>1</sup> North/West Belconnen Residents Action Group, *Submission to the National Capital Planning Authority*.

<sup>2</sup> *Evidence*, p40.

<sup>3</sup> *Evidence*, p20.

3.5 The certified draft National Capital Plan proposes a review of broad land use policies relating to future urban development. It also discusses options for urban expansion including some potential sites, such as land currently occupied by the Department of Defence, that have not yet been released for development.

3.6 The Committee recognises that the subdivision of new areas will be necessary soon to provide land for housing the expanding population. This could be achieved at least cost by using the sites currently occupied by the Belconnen and Bonshaw Naval Stations. However, the Committee is concerned that the closure of the facilities could result in the relocation of Defence personnel away from Canberra at a time when population growth is needed to help sustain the Territory's economy. Alternative approaches need to be considered as soon as possible. These could include introduction of new equipment, which may reduce the land area required by the communication facilities so that some land could be released for housing. Another alternative would be to relocate the facilities to areas in or near the Territory where housing development is not an option. The Committee recommends that:

- . the Department of Defence urgently consider ways of making as much of the land as possible occupied by the Belconnen and Bonshaw naval communications stations available for housing development.

3.7 There is considerable opportunity cost for the ACT Government in the continued occupation of these sites by the Department of Defence. A stronger incentive for removal of these facilities would be created if the ACT Government charged rents for the sites equivalent to the sales revenue foregone.

3.8 The occupation of the Belconnen site by the Department of Defence has resulted in the protection of native grass communities. In many other areas of south-east Australia similar communities have been replaced or substantially modified by agricultural practices. The remaining areas of unchanged native grassland are of considerable conservation significance and the Belconnen Naval Communication site supports the last known remaining viable population of an endangered species of moth. Any future housing development will need to be constrained by the need to preserve remnant native grassland because the survival of this species is entirely dependent on the retention of the grassland in its current condition. The ecology of this area is not completely understood and it is possible that other species are also dependent on its retention.

3.9 Residents of west Belconnen already have the difficulty caused by distance from town centre services. They were justified in arguing that the benefits of living on the edge of the suburbs, such as access to open space and attractive views, should continue. New development in this area need not be in the form of standard residential blocks but could, for example, take the form of low density rural-residential blocks interspersed with significant areas of unrestricted access open space. Such a development would protect the amenity of existing residents while providing for some increase in population. An open space buffer zone between the existing suburbs and any new development should also be retained to preserve the amenity of the residents of Fraser and Charnwood.

The costs of a low density development would be higher than the costs of standard residential development but could be fully recovered by land sales. The Committee recommends that:

- the National Capital Planning Authority and the Territory planners consider alternatives to standard housing development on the western edge of Belconnen.

3.10 Before any development of north west Belconnen proceeds the ACT Government would need to consider the effect on adjacent areas of New South Wales and discuss planning and development control procedures with the State authorities.

3.11 At the very least a vigorous environment and social impact assessment should be prepared before any decision is made to expand west Belconnen towards the border.

### Designated Areas

3.12 The ACT Government and the ITPA raised a number of significant concerns about the certified draft and the planning process. A major argument that they put forward is that gazetted National Land should be defined in the Plan as Designated Areas and that Territory land should not in general be designated. This view was not based on any legal interpretation of the Australian Capital Territory (Planning and Land Management) Act but it was derived from the need for a simple and practical means of handling development.<sup>4</sup> The ITPA proposed that where there was a national interest in Territory land that this interest should be protected by Special Requirements set down in the National Capital Plan rather than by designation. It was accepted by the ITPA however, that the major avenues should be designated as proposed even though they were not National Land.<sup>5</sup>

3.13 The NCPA modified the first draft of its Plan to partly accommodate the views of the ITPA to the extent that it reduced the extent of designation of Territory Land. It also accommodated the ITPA's views by designating the sites occupied by some major national institutions and facilities such as the Australian National University, the Royal Military College/Australian Defence Force Academy complex, the Campbell Park offices and Canberra airport.

3.14 The areas not now to be designated still require some measures to protect the national interest that prompted the NCPA to initially include them as Designated Areas in the first draft. CCSERC argued for example in favour of retaining designation for the Murrumbidgee corridor and for land adjacent to the major approach routes.<sup>6</sup> The Committee considers that the alternative proposed in the certified draft Plan of prescribing Special Requirements rather than designation for these areas provides adequate protection of the national interest.

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<sup>4</sup> Evidence, p11.

<sup>5</sup> Evidence, p11.

<sup>6</sup> Conservation Council of the South-East Region and Canberra, *Submission to the NCPA*.

3.15 The Committee does not consider that occupation or use of land by the Commonwealth automatically results in that land displaying the special characteristics of the National Capital and therefore qualifying for designation. The ITPA is concerned that unless National Land is designated it won't be subject to the control of either the National Capital Plan or the Territory Plan. The Committee shares this concern but considers that where such land does not contribute to the special characteristics of the National Capital it should not be designated. Alternative mechanisms need to be used to bring all National Land within the scope of either the National Capital Plan or the Territory Plan. The Act provides that the National Capital Plan:

may set out special requirements for the development of any land (not being a Designated Area), being requirements that are desirable in the interests of the National Capital.

3.16 The Committee considers that, given the importance of sound and co-ordinated planning in the National Capital and the significance of the Commonwealth as a land manager, it is in the interest of the National Capital for all areas of National Land to be within the scope of either the National Capital Plan or the Territory Plan. To achieve this the Committee recommends that:

- all gazetted National Land should be identified in the National Capital Plan as either Designated Areas or areas where Special Requirements will apply; and
- an area of gazetted National Land only be identified as a Designated Area where that land displays some special characteristic of the National Capital.

3.17 The Committee considers that the proposals for Designated Areas contained in the National Capital Plan are acceptable. This includes leased and unleased Territory land in the Central National Area and the Inner Hills Areas. These are the most significant areas in establishing the character of the National Capital and need to be protected in the national interest. The Committee also considers that it is appropriate to designate the Australian National University and CSIRO Black Mountain sites because of the visual proximity to the parliamentary area. The inclusion of the RMC/ADFA, Campbell Park and airport sites reflects a view that Commonwealth use and occupation of the sites is an aspect of the characteristics of the National Capital. Designation of these areas is also the consequence of the need for co-operation and compromise between the Commonwealth and the Territory.

## The Nature of Special Requirements

3.18 In the certified draft plan the NCPA has reduced the areas it proposes be subject to Special Requirements and has changed the nature of the Special Requirements in other areas. In most cases the Special Requirement is that Development Control Plans be prepared jointly by the Commonwealth and the Territory and subsequently administered by the Territory. The Plan anticipates that referral to the NCPA of development proposals would not normally be required where the development complies with the Development Control Plans. In adopting this approach the NCPA has made the Plan less prescriptive and less intrusive in areas that will be subject to the Territory Plan. However the areas to be covered by Special Requirements are still extensive. They include:

- . land adjacent to the major approach routes and avenues which are Designated Areas;
- . the Kingston foreshores;
- . north-east Lyneham;
- . north Curtin;
- . the Australian Institute of Sport;
- . the University of Canberra;
- . the Royal Australian Mint;
- . CSIRO sites at Belconnen, Gungahlin and Campbell;
- . Haig Park;
- . Telopea Park;
- . Civic;
- . the land occupied by the HMAS Harman and Bonshaw Naval Communication facilities;
- . RAAF Gungahlin;
- . Tidbinbilla Tracking Station;
- . the National Biological Standards Laboratory;
- . the Murrumbidgee and Molongolo River corridors; and
- . Namadgi National Park.

3.19 The ITPA initially was concerned about the proposal that Development Control Plans should be prepared as Special Requirements. It was considered that the ITPA's ability to administer development in these areas would be delayed pending preparation of the Development Control Plan. The Chief Planner of the ITPA told the Committee that discussions with the NCPA about these concerns had lead to agreement that:

*these development plans be incorporated straight into the Territory Plan so that immediately the Territory Plan is in place ... the agreement with NCPA would be that the conditions which it would agree to as Special Requirements could then apply. I think we have now found the solution to what otherwise was a sort of delayed part of the National Capital Plan.<sup>7</sup>*

3.20 Some of the areas where Development Control Plans are to be applied as a Special Requirement are gazetted National Land. In these cases, and in some other

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<sup>7</sup> *Evidence*, p12.

areas, the authority occupying the site may have to prepare the Development Control Plans. In most other areas this task will be the responsibility of the ITPA in consultation with the NCPA. *As an interim measure existing policy plans prepared by the former National Capital Development Commission will be adopted as the Development Control Plans.*

3.21 The Committee considers that the Special Requirement approach proposed in the certified draft is an appropriate way of protecting the national interest in planning. It allows co-operative planning with the Territory and centralised administration of development while ensuring appropriate standards are maintained.

3.22 The ITPA, although now appearing to accept this proposed approach to Special Requirements, is critical of the continuing reference to former National Capital Development Commission policies where these are to be adopted as Development Control Plans. The Chief Planner told the Committee that references to the National Capital Development Commission should be omitted and where the Commission's policies are adopted in the new Plan they should be acknowledged as NCPA policies.<sup>8</sup> The Committee agrees with this view, as did the Chief Executive of the NCPA when questioned.<sup>9</sup> The Committee considers that the adoption of former policies should be made explicit but once incorporated in the National Capital Plan they should be considered as an integral part of the Plan and referred to as NCPA policies. The same principle should apply where the ITPA incorporates existing policies in the Territory Plan.

#### Implementation and administration of the Plan

3.23 Many of the concerns and criticisms made in response to the Plan relate to matters that cannot be easily dealt with in the Plan itself. They are the consequence of the provisions of Australian Capital Territory (Planning and Land Management) Act or the arrangements established to support self government in the Territory. For example, both CARD and CCSERC referred to the lack of an appeals process whereby the National Capital Plan can be challenged. This matter was discussed by the previous Committee which recommended that the Act be amended to allow appeals to be made. The Committee agrees with the views of its predecessor and notes that in this instance it is the Act, and not the Plan, that requires amendment and that this problem does not constitute grounds for rejecting the Plan.

3.24 The certified draft National Capital Plan argues that:

*The Act clearly requires that the National Capital Plan binds the Commonwealth, so that appeals are not an appropriate mechanism where the Authority is dealing with works and development proposals made by Commonwealth agencies. It is only when citizens' rights are affected that an appeals process is appropriate, and, because of the very small amount of leased land located within Designated Areas the likelihood of large numbers of either development proposals or consequent appeals is very small indeed. The number would certainly not justify the establishment of any special purpose appeals mechanisms.*

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<sup>8</sup> Evidence, p12.

<sup>9</sup> Evidence, p82.

3.25 The Committee agrees that the number of appeals might not be large but considers that there should be mechanisms to deal with disputes over decisions affecting leased land even if they are small in number.

3.26 The ITPA and the Territory Government remain critical also of the lack of agreement with the Commonwealth over reimbursement for costs incurred by the Territory Government as a consequence of the Plan. A representative of the Government told the Committee that the National Capital Plan has a very significant and pervasive impact on the economic and financial development of the Territory but that this was not sufficiently recognised in the Plan.<sup>10</sup>

3.27 This problem was also discussed by the previous Committee which recommended that the Commonwealth should accept full responsibility for additional costs created by the Plan. The Committee also recommended that the Commonwealth Grants Commission review the cost implications of the Plan.

3.28 The resolution of financial matters will require considerable negotiation between the Commonwealth and the Territory as well as further investigation by the Commonwealth Grants Commission. The National Capital Plan can be more explicit in outlining the cost implications of its provisions, however, agreement on funding is a matter for the Commonwealth and Territory governments and cannot be resolved by the NCPA in the National Capital Plan.

3.29 The ACT Government has called for inter-government discussions on financial matters to take place before the Plan is finalised and considers that agreement on these matters should be addressed in the Plan.<sup>11</sup> The Committee agrees that the Commonwealth has obligations that it is going to have to meet when the Plan is finalised and that inter-government negotiations should occur. However, the Plan needs to be finalised as soon as possible. Finalisation of the Plan will provide an opportunity to consider the financial issues because it will provide some basis for estimating financial and economic impacts. The Committee considers that the negotiations called for by the ACT Government should be held but finalisation of the Plan need not be held up pending the outcome. The Committee recommends that:

- . approval of the National Capital Plan by the Minister for the Arts, Tourism and Territories be dependent on a commitment to inter-government discussions on the financial and economic implications of the Plan; and
- . the Commonwealth accept full financial responsibility for the additional costs imposed on the Territory as a consequence of the Plan.

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<sup>10</sup> Evidence, p25.

<sup>11</sup> Evidence, p29.

## 4 CONCLUSIONS

4.1 The certified draft National Capital Plan represents a substantial and generally well accepted advance on the first two draft volumes of the Plan. The Committee in the previous Parliament came to the conclusion the Plan was commensurate with the provision of the Australian Capital Territory (Planning and Land Management) Act and it generally supported the Plan while recommending a number of specific revisions. The revisions which are now included in the certified draft Plan generally accord with the previous Committee's recommendations. The issues that the NCPA appear not to have resolved in a way that satisfies the previous Committee's recommendations are still a matter for concern. However, they are not so significant as to require that the Plan be rejected either in whole or in part.

4.2 The Committee considers that the certified draft is an adequate basis for the National Capital Plan and would support a final Plan along the lines of the certified draft. The matters that concern the Committee need to be addressed but most can be dealt with outside the Plan itself. One issue that needs to be dealt with in the Plan relates to the identification of Designated Areas and areas where Special Requirements should apply. The criterion for identifying an area as a Designated Area is that the area has some special characteristic of the National Capital. The Committee considers that these characteristics are displayed by most of the areas defined as the Central National Area, including the southern part of Civic around City Hill which is an important corner of the Parliamentary Triangle. The Inner Hills and the main approach routes and avenues also contribute significantly to the character of the National Capital. The Committee supports the designation of these areas.

4.3 In addition to identifying Designated Areas the NCPA has also identified areas where Special Requirements should apply. In these areas the Territory is also to be involved in planning and management. The Committee supports the NCPA's proposals for Special Requirements.

4.4 The previous Committee's concerns about the future of the Lanyon area appear not to be adequately addressed in the certified draft. The present Committee shares these concerns and has recommended that Special Requirements be applied to the Lanyon area. The Plan proposes that Special Requirements be applied to River Corridors but the definition of such areas in the Plan is poor and the Committee has recommended that the definition be improved.

4.5 The Committee is also concerned about proposed land use changes adjacent to Dunrossil Drive which will reduce public access to the open space and may alter the landscape character of this area. The Committee intends to seek more information about this proposal.

4.6 The most contentious issue raised in the certified draft Plan is the proposed option of developing land for housing on the western edge of Belconnen. The Committee has recommended that this proposal be reconsidered and that parts of the major sites currently occupied by the Department of Defence be made available for housing.

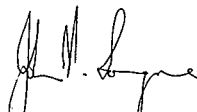


4.7 There are several matters related to the administration and implementation of the Plan rather than the specific contents which concern the Committee. National Land which is not in a Designated Area or subject to Special Requirements will not be subject to specific planning, design or development provisions of either the National Capital Plan or the Territory Plan. To declare large areas of National Land as a Designated Area is not an appropriate solution to this problem unless that land satisfies the criteria for classification as a Designated Area. It is in the interests of the National Capital to have all land in the Territory subject to planning controls and the Committee has recommended all National Land in the Territory, other than National Land that is in the Designated Areas, should be subject to Special Requirements.

4.8 Concerns about the financial and economic impacts of the Plan, particularly the additional costs that may be incurred by the Territory, remain even though the certified draft discusses these issues in a more comprehensive way than the first draft. Acceptance of the Plan by the Territory Government will be impeded unless these concerns are dealt with, and the ACT Government has called for negotiations before the Plan is finalised. The Committee considers that the Plan should contain more information about cost implications and identify specific additional costs that will be imposed on the Territory but the Plan itself does not need to be the vehicle for determining Commonwealth-Territorial financial relationships. The Committee has recommended that the Minister for the Arts, Tourism and Territories commit the Commonwealth to negotiations about the financial implications of the Plan and that the Commonwealth accept full financial responsibility for additional costs the Plan imposes on the Territory.

4.9 The Committee is also concerned about the lack of an appeals process against decisions the NCPA may take in relation to leased Territory land that is in a Designated Area. This however is also a matter that need not be taken up within the Plan but which requires other action. The Committee has endorsed the recommendation of the previous Committee that the Australian Capital Territory (Planning and Land Management) Act be amended to allow for such appeals.

4.10 None of these concerns are such that the Committee is led to reject the certified draft National Capital Plan or recommend that the final Plan, if it contains the same or similar provisions, be disallowed either in whole or part after it is tabled.



J. V. LANGMORE  
Chairman

20 August 1990