

3 August 2015

Mr Andrew Smith
Chief Planner
National Capital Authority
Treasury Building
King Edward Terrace
PARKES ACT 2600

By email: Plan.Review@natcap.gov.au

Dear Mr Smith

Thank you for the opportunity to comment on the *National Capital Plan Exposure Draft May 2015*.

The Property Council strongly supports the National Capital Authority (NCA) as defined under the ACT (Planning and Land Management) Act 1988, and is pleased that progress has been made on the review and modernisation of the National Capital Plan. The Property Council strongly supports the National Capital Authority, and we are pleased that progress has been made on the review and modernisation of the National Capital Plan.

We note that a key responsibility of the NCA is to prepare, administer, keep under constant review and amend as necessary a National Capital Plan ('the Plan') 'to ensure that Canberra and the Territory' are 'planned and developed in accordance their national significance'.

The National Capital Plan Exposure Draft May 2015 ('the Draft') is a significant step forward in refreshing and modernising the Plan. We understand that, after the NCA has considered this round of submissions, a Draft Amendment will be released to give the proposed changes statutory effect. We look forward to further consultation as part of that process.

Within the context of modernising the Plan, we believe it would have been timely and appropriate to propose key policy changes in the Draft on matters that have been the subject of debate for a number of years. These include a review of building heights in the city centre and further consideration regarding sites and precincts that should be subject to Designated Area status with regard to National Land and Territory Land. The Property Council urges the NCA to take planning leadership to progress these matters as a priority.

PART 1 – NATIONAL SIGNIFICANCE OF CANBERRA AND THE TERRITORY

We note and support the minor proposed changes to the Matters of National Significance. However, with regard to the first Matter of Significance, we do not understand the value of qualifying the ‘pre-eminent role’ of the National Capital with ‘as the centre of National Capital functions and as a symbol of Australian national life and values’. We are concerned that this statement is an unnecessarily restrictive definition of the National Capital that is not further interpreted by cross reference to section 1.2.

The Property Council supports the NCA retaining detailed planning control in Designated Areas as places that have the ‘special characteristics of the National Capital’. We believe that the NCA provides a timely and professional development assessment with demonstrable high-quality built outcomes.

However, section 1.2 should do more to clarify how Designated Areas are identified, including why they do not align solely with National Land status. The reasons outlined in this section of the Draft are not easy to reconcile with the Designated Areas proposed by the NCA as set out in Part 4.

PART 2 – STATEMENT OF PLANNING PRINCIPLES

In principle, we support the intent to introduce a ‘Statement of Planning Principles’ for the entire Territory. However, we seek assurance that the application of these principles will not add red tape or increase timeframes for development assessments or delay the progress of Variations to the Territory Plan. We also seek assurance that the ACT Government has been consulted and has endorsed the draft principles.

The removal of ‘the focus of employment location policies on offices and the ability of the Commonwealth government to control their location’ requires further explanation. In general terms this seems to be a logical planning step. However, the implications for the Territory and for employment centre development are not apparent. If the NCA pursues this approach, will defined office employment centres remain aligned with Town Centres (as illustrated in the current Fig 19 in the Plan)?

PART 3 – LANDUSE PLANS AND GENERAL LAND USE CONTROLS

Property Council strongly supports the retention of the General Policy Plan – Metropolitan Canberra (figure 2) (General Policy Plan).

We note the addition of proposed new ‘potential future urban areas’ of Symonston, Majura Valley and the West Murrumbidgee. It would be helpful to understand how these areas were selected by the ACT Government. We understand that, under the proposed new ‘flexible’ governance arrangements, the ACT Government will be able to choose when these areas become available for development by Variation to the Territory Plan (without amending the National Capital Plan as would currently be required).

The 'principles-based approach' referenced by the NCA as being the way that the Commonwealth would 'retain an appropriate level of oversight to uphold the national interest' in relation to this 'flexibility' in metropolitan planning is unclear. The Property Council expects that this will be spelt out in considerable detail as part of the Draft Amendment consultation phase. We look forward to being briefed as these 'principles' are developed and the associated process outlined.

The Property Council also suggest that Plan 3 should include a description of the relationship between the General Policy Plan and the (non-statutory) ACT Planning Strategy and any associated governance arrangements.

PART 4 – DESIGNATED AREAS AND SPECIAL REQUIREMENTS

The Property Council supports the introduction of Precinct Codes and General Codes. This contemporary planning approach will add clarity to those things considered of special value in the national interest. We note that current amendments to the Plan – including those for City Hill, Constitution Avenue and West Basin – have been transferred into these codes. We seek assurance that there have been no changes made to the planning policy or provisions in this transfer.

We note the addition of a Precinct Code for the Australian National University, and seek assurance that the provisions have been developed in liaison with and endorsed by the ANU.

The Property Council questions the basis for the addition of the Australian Institute of Sport to the Designated Areas. This proposal appear to be somewhat arbitrary (refer comment on Part 1) given the Territory Land status and the fact that the AIS has been developed over many years without apparent issue under Territory planning approval.

We note that there is a new Precinct Code proposed for the AIS and seek assurance that this has been developed in liaison with and endorsed by the ACT Government (with specific regard to sites which that Government uses) and the AIS.

The Property Council supports the proposed addition of 'Diplomatic Mission' to the Designated Areas in parts of Barton and Forrest, West Basin, Constitution Avenue and Anzac Parade. However, we recommend that a review of the associated Precinct Code should be undertaken as a priority – and before the Draft Amendment is released. The proposal to simply transfer the current two-storey limit and 0.35 maximum plot ratio may constrain innovative design responses for this special development type and should be tested.

We note that the Draft makes some alterations to development in York Park. We believe commercial accommodation should be acknowledged as a permitted use in the York Park area, given hotel projects have already gained Development Approval. It is also timely to update the 2005 York Park Masterplan.

The Property Council recommends that the NCA resolve the overlap of planning jurisdiction inherent in Special Requirement on Territory Land. We appreciate the benefits of these requirements on National Land but see little of merit in their general application.

Policies related to subject sites on Territory Land should be developed and built into the Plan to replace the Special Requirement provisions. This would provide certainty for development and instil greater confidence in future built outcomes.

The Property Council notes that significant open space areas are proposed to have Special Requirements removed including the Haig and Telopea Parks, Murrumbidgee and Molonglo River Corridors, Lanyon Bowl and Namadgi National Park. We support this proposal provided that the open space is mandated in the Plan and that no land use changes can be made (other than by amendment to the Plan).

Conclusion

The local property industry is a significant contributor to the national capital's prized liveability and economic prosperity, and has a pivotal role to play in Canberra's future. Property Council members have enduring investment in Canberra, and are committed to maintaining collaborative relationships with government to build prosperity, jobs and strong communities.

We look forward to continuing to engage with the NCA on this issue, and on issues relating to the planning of our national capital.

Yours sincerely



Catherine Carter
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Property Council of Australia