



**Canberra
Business
Chamber**



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Submission on THE NATIONAL CAPITAL PLAN EXPOSURE DRAFT

May 2015

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THE NATIONAL CAPITAL PLAN EXPOSURE DRAFT

May 2015

Canberra Business Chamber commends the continuing commitment of the Australian Government to the planning, development and promotion of Canberra as the National Capital.

Canberra Business Chamber strongly supports the role of the National Capital Authority (NCA) as custodian of the National Capital Plan (the Plan). As a statutory document that is 'owned' by the Parliament of Australia, the Plan has proved to be a good statutory tool for defining the Commonwealth's strategic interest in the Capital and expectations for high quality design outcomes commensurate with the national status of Canberra.

The local interest is equally well defined in the Territory Plan administered by the ACT Government. Canberra Business Chamber has advocated that the relationship between the two plans has required review and modernisation to take account of the maturing of the ACT Government in the management of planning and development on Territory Land.

Canberra Business Chamber welcomes the *National Capital Plan Exposure Draft May 2015* (the Exposure Draft) and considers that it goes some way towards making necessary and practical change. The Exposure Draft is supported in principle.

The following comments on the Exposure Draft are made in the spirit of constructive critique.

STRUCTURAL CHANGES

- The revised format and structure of the Plan is supported. The introduction of clear Parts and the closer alignment in format and hierarchy to the Territory Plan will assist in reducing the perception of complexity and lessen confusion between the two plans.

MATTERS OF NATIONAL SIGNIFICANCE

- The merger of general matters and introductory clauses in the current plan into a new Part One adds clarity and serves to highlight the value of the 'Matters of National Significance' in the planning and development of Canberra. This is a very valuable change and is supported.
- The proposed change to the first 'Matter of National Significance' is less convincing. Amending '*The pre-eminence of the role of Canberra and the Territory as Australia's National Capital*' by replacing the underlined words with '*...as the centre of National Capital functions and as a symbol of Australian national life and values*' unnecessarily qualifies the 'role'. This may weaken the intent with an interpretation that restricts the 'significance' of the national capital to only those things pertinent to the Commonwealth – is 'function' intended to sweep up National Capital roles such as the Seat of Government and home of the Australian judiciary? Canberra Business Chamber suggests that further legal consideration be given to the proposal.
- In the second 'Matter of National Significance' (*Preservation and enhancement of the landscape features which give the National Capital its character and setting*) the replacement of the word 'preservation' with 'conservation' and the addition of the words '*and which*

contribute to the integration of natural and urban environments is supported. It may be worthwhile defining 'conservation' in the Appendix to align generally with that given in the Australian ICOMOS *Burra Charter* (*Conservation means all the processes of looking after a place so as to retain its cultural significance*).

- All other changes proposed to the 'Matters of National Significance' are supported.

STATEMENT OF PLANNING PRINCIPLES – POLICY

- The proposal to introduce a 'Statement of Planning Principles' for the entire Territory is generally supported. As the objectives and principles would be 'binding on both the Australian and ACT Governments' it will be important for the Territory to be confident that this Statement aligns with the object of the Territory Plan and will add value to their planning processes. Canberra Business Chamber seeks your advice that these 'principles' are not likely to have negative fiscal / business ramifications for the ACT Government with no reduction in Specific Purpose Payments (or similar) to the Territory as a result of these (or other) proposed changes to the Plan.

METROPOLITAN PLANNING - POLICY

- Revisions to the *General Policy Plan – Metropolitan Canberra* (figure 2) (General Policy Plan) propose the addition of new 'potential future urban areas' – Symonston, Majura Valley and in the West Murrumbidgee area. It is assumed that all of these were agreed with the ACT Government as part of the consultation on the Exposure Draft.
- Canberra Business Chamber supports the proposal to give greater 'flexibility' to the ACT Government to determine when 'potential future urban areas' might come into play through Variation to the Territory Plan without further amendment to the National Capital Plan (as is currently the case). The Territory has matured and should have the opportunity to determine when land is to be made available for urban development. Canberra Business Chamber does however have a number of issues that require further clarification:
 - under the *ACT Planning and Development Act 2007* the ACT Government is required to make a planning strategy for the ACT. The *ACT Planning Strategy 2012* responds to that requirement. To avoid confusion and ensure cooperation it would be helpful if the relationship between that strategy (which is not part of the Territory Plan) and the General Policy Plan was made clear in the context of the proposed flexibility – potentially through collaborative review by the NCA and ACT Government on an agreed cyclical basis;
 - the 'national interest principles' based approach that will be used for the Territory to achieve the Commonwealth's compliance test triggered by this new flexibility should be articulated. The Canberra Business Chamber is concerned that any gains in flexibility and autonomy are not diluted by new compliance red tape or Commonwealth ministerial intervention. Equally we want to be sure that there are robust measures in place such that the national interest is sufficiently safeguarded. We assume that details of the proposed process that would realise this intent and will be made clear in the Draft Amendment; and
 - the point in the process at which the NCA agrees 'compliance' should be nominated. Is it before or after a Draft Variation to the Territory Plan is issued? Canberra Business Chamber is of the view that compliance would best be agreed ahead of the Variation process so that the ACT Government and Canberra community does not waste time / energy in local consultation that could be rendered void by subsequent Commonwealth processes.

EMPLOYMENT LOCATIONS – POLICY

- The general intent of removing Commonwealth control on office locations as a means to manipulate employment growth in particular areas (by deleting the detailed policies from the 'Employment Location' in the Plan) appears to have merit. However Canberra Business Chamber requests that the overarching strategic direction regarding defined employment centres (as shown in Fig 19 of the Plan) be considered for retention – potentially integrated as part of the revised General Policy Plan.

DIPLOMATIC LAND USE – POLICY

- Canberra Business Chamber strongly supports the proposal to add 'Diplomatic Mission' to Designated Areas in parts of Barton/Forrest, West Basin, Constitution Avenue and Anzac Parade. The need to find new accommodation opportunities for the diplomatic estate (a fundamental role of the National Capital) in Canberra has been a pressing issue for a number of years.
- The Precinct Code proposed for the diplomatic estate retains the current maximum building height of two storeys on development. This should be re-considered. As an alternative, Canberra Business Chamber suggests that a performance-based approach be considered that relates to streetscape and context. There may well be occasions where taller buildings with small footprints are more suitable to the context and diplomatic requirements than a simplistic two-storey solution.

HERITAGE – POLICY

- The inclusion of heritage places within Designated Areas being considered as Commonwealth Areas for the purposes of applying the provisions of the *Environmental Protection and Biodiversity Act 1999* is supported. This will provide greater certainty for the protection of Territory heritage assets in such areas.

DESIGNATED AREAS

- The introduction of Precinct Codes for Designated Areas is supported as a positive tool which will make it easier to appreciate the Commonwealth design and siting intentions for areas of special national importance.
- Canberra Business Chamber accepts the advice of the NCA that planning provisions for existing Designated Areas have all been retained without change in the transfer to Precinct Codes. We note that the words 'intersecting with London Circuit' appear to have been inadvertently deleted from the landmark building height provisions for City Hill (Exposure Draft 4.6) a change that would ordinarily be subject to scrutiny.
- Nevertheless, development projects within the City Hill Precinct that are of significant value to Canberra business and to the profile of our city, notably the Australia Forum and future opportunities for the Canberra Theatre and Gallery complex, may need to be of a height above that currently permissible in the Plan. Canberra Business Chamber encourages the NCA to use this process to appraise and test the height provisions for City Hill as part of the Draft Amendment process.
- A comprehensive explanation is not given for the proposed addition of the Australian Institute of Sports (AIS) to the Designated Areas. Canberra Business Chamber understands that most of the AIS is Territory Land and that the ACT Government has vested interests in the site.

Removing ACT planning approval from this area seems arbitrary. Canberra Business Chamber reserves its position on this recommendation subject to further information being made available.

- Dunrossil Drive leading to Government House is National Land but has not been proposed for addition to the Designated Areas. Canberra Business Chamber is of the view that the national interest test in this case (by virtue of use, heritage and location) warrants inclusion and recommends the transfer of status.
- NCA works approval in Designated Areas that are on Territory Land has been a source of some discontent with the ACT Government and has led to confusion for planning and development in Canberra for a number of years. In the interests of streamlining and clarifying approval processes, Canberra Business Chamber encourages the NCA to continue to work with the ACT Government towards rationalisation of the matter.

SPECIAL REQUIREMENTS

- Canberra Business Chamber is concerned that the dual and overlapping responsibilities of the NCA and the Territory in the planning approval process for areas subject to Special Requirements (on Territory Land) remains unresolved. These requirements and the associated red tape are arguably the most confusing for the community with little to show in the quality of the built outcomes. Canberra Business Chamber encourages the NCA and the ACT Government to work together to remove all Special Requirements from Territory Land in the Plan and replace them with sound and comprehensive policies attuned to achieving positive urban, open space and design outcomes.
- The proposed removal of Special Requirements from some areas within the National Capital Open Space System and from Haig Park and Telopea Park is supported on the proviso that their continued use and conservation as open space places is protected in the Plan.
- Canberra Business Chamber strongly supports the city centre as the commercial and social heart of Canberra while recognising that the other Town Centres have a vital role in servicing their surrounding areas. However, we see no reason why Civic (part) is retained in the Special Requirements. We note that Appendix L (civic centre townscape provisions) is proposed for deletion, that NCA approved Development Control Plans are not currently required for this area, that all of the sites are on Territory Land (Figure 138 Exposure Draft), and that the 'principles' and 'policies' for the City as proposed in the Exposure Draft add little apparent value to future built outcomes. We recommend that as an alternative to Special Requirements the NCA should work with the ACT Government to develop comprehensive policies for quality urban outcomes for Civic to be embedded in the Plan commensurate with the status of the National Capital. This would give greater certainty to developers and the community - particularly for the next phase of significant city developments.

GENERAL

Canberra Business Chamber notes that the Exposure Draft does not entertain any change to the overarching *ACT (Planning and Land Management) Act 1988*. In effect this means that the relationship between the National Capital Plan and the Territory Plan and associated amendment/variation and approval processes cannot be fully reviewed. There would be merit in the NCA and ACT Government reviewing the Act to explore more streamlined measures and processes in the relative plans. This could result in changes being proposed to modernise the Act and establish a more collaborative relationship between the Territory and Commonwealth.