



Australian Government
National Capital Authority

REPORT ON CONSULTATION

National Capital Plan

Draft Development Control Plan No: 171/08/0003

Belconnen, Sections 44 and 49 (Cameron Offices)

October 2008

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1. Introduction

1.1 Purpose and Background

The National Capital Authority (NCA) proposes to amend DCP No. 171/07/0001 Belconnen Sections 44 and 49 (Cameron Offices) (2 March 2007) with DCP No. 171/08/0003 to reflect the demolition of the former Cameron Offices other than Wings 3, 4, and 5 and the bridge over Cameron Avenue which are listed on the Commonwealth Heritage List (CHL ID 105410) and which are to be conserved in accordance with their heritage significance. The DCP is intended to guide the redevelopment of Sections 44 and 49.

1.2 Existing National Capital Plan Provisions

The NCA prepares and administers the National Capital Plan (the Plan) and keeping it under constant review, proposing amendments to it when necessary. The object of the Plan is to *'ensure that Canberra and the Territory are planned and developed in accordance with their national significance'*.

The Plan specifies areas of land that have special characteristics of the national capital to be designated areas. Planning and approval of development within designated areas is the responsibility of the NCA.

The Plan also sets out special requirements for the development of any area (not being a designated area) that desirable in the interests of the National Capital. In some instances special requirements require the preparation of Development Control Plans (DCPs) which are approved by the NCA. A DCP is prepared responding to the relevant provisions of the Plan and sets out the requirements to regulate development in the interests of the national capital. Under the Plan, a DCP:

May be maps, drawings, photographs, specifications and written statements, They should include sufficient detail for the guidance and management of development in the area, and may include design, siting , scale, purpose timing and phasing, construction, landscaping and other relevant matters.

The *Australian Capital Territory (Planning and Land Management) Act 1988* ('the Act') does not require that the NCA consult on DCPs. Notwithstanding, as part of the process for preparing a DCP, the undertakes a public consultation process in accordance with its Public Consultation Protocol adopted July 2007.

1.3 Effect of the Draft Amendment to the National Capital Plan

The amended DCP will apply to Sections 44 and 49 Belconnen and specifically to:

- i. Blocks 7, 10, 11, 19 and 20 Section 44;
- ii. Blocks 5, 6, 7, and 8 Section 49;
- iii. Stratum Sections 193, 194 and 195.

The amended DCP:

- Adopts the Zone Objectives for CZ2-Business Zone under the Territory Plan 2008, Part 4.1;
- Requires the land (other than the land set aside for the Australian Bureau of Statistics) to be used for purposes permitted under the Territory Plan 2008 with respect to CZ2-Business Zone;
- Provides for a maximum building height of AHD 613.7 excluding rooftop plant; except that Building 5 on Block 19 is to retain its maximum height of AHD 614.17 ;
- Establishes vehicle access and egress points for each block and section;
- Establishes the rate of parking provision for the site.

2. Consultation

2.1 Draft Development Control Plan Process

Sections 44 and 49 Belconnen were disposed of by the Commonwealth in 1999. The conditions of sale required that the land be redeveloped in accordance with a Development Control Plan (DCP) approved by the National Capital Authority. DCP 171/99/0007 was approved on 24 November 1999. The DCP was amended on 20 August 2003 and further amended on 2 March 2007 (DCP 171/07/0001) following the inclusion on the Commonwealth Heritage List of Wings 3, 4, and 5 and the bridge over Cameron Avenue.

Following the decision to restrict heritage listing to Wings 3-5 and the bridge and the remnant mall, amendment to the DCP approval was granted for the demolition of the residual elements of Cameron Offices. Consequent on that approval DCP 171/08/0003 has been prepared to properly reflect the redevelopment of the site overall and to update references to the Territory Plan where appropriate. The opportunity was also taken to remove redundant provisions relating to land use and gross floor areas where these are otherwise found in the lease conditions relating to the land.

2.2 Public Consultation Process

The NCA offered pre-consultation briefings to a number of parties identified as having an interest in Cameron Offices. Meetings were held with parties who indicated a wish for an individual briefing and all identified interested parties were invited to provide written comment on the draft DCP.

The NCA released the draft DCP for public comment from Saturday 2 August 2008 to Friday 15 August 2008.

The consultation process in accordance with the Authority's protocol included:

- Pre-consultation with key stakeholders (prior to the release of the draft DCP) including:
 - ACT Planning and Land Authority;
 - Department of the Environment, Water, Heritage and Arts;
 - Royal Australian Institute of Architects;
 - Belconnen Community Council;
 - Department of Finance and Deregulation;
 - Department of Immigration and Citizenship;
 - Australian Bureau of Statistics; and
 - Commonwealth Superannuation (Comsuper);
- A notice published in the Canberra Times on Saturday 30 July 2008;

- Publication of the draft development control plan on the Authority's web site;
- Publication of the draft development control plan and distribution from the Authority's offices and the National Exhibition Centre; and
- A public information session at the Authority's offices on Wednesday 30 July 2008 from 1200 to 2.00pm.

2.3 Public Information Session

There was a nil attendance at the public information session.

2.4 Written Submissions

One (1) written submission was received.

3. Written Submissions and Pre-consultation

A summary of the key issues identified in the one (1) written submission received and from the pre-consultation are outlined below.

3.1 Jurisdiction

Issue

Following its advice that the appropriate course of action was to transfer the land from National Land to Territory Land, ACTPLA wrote to the NCA explaining its position in detail. The ACTPLA stated that as the land was no longer required for Commonwealth purposes it should be taken to be Territory land. The Authority advised that it intended to request the Department of Finance and Deregulation to act to effect the transfer of land.

ACTPLA took the view that all development on Sections 44 and 49 should be subject to the requirements of the Territory Plan 2008 in order to ensure consistency with all other development on land not being designated land. The Authority also expressed concern that the proposed DCP deleted a number of controls over matters such as gross floor area and parking and that there was a potential for development in accordance with the DCP to adversely impact on adjacent developments on Territory land.

The Authority pointed out that development on Sections 44 and 49 should be assessed under the Planning and Development Act 2007 as land within the CZ2 Business Zone Belconnen Town Centre. This would ensure consistency of process with similar developments in the Territory.

The Authority was further concerned that the DCP imposed responsibilities on the Territory with respect to some aspects of development, in situations where the Territory could neither legally exercise its purported powers nor apply charges for the planning services it provided.

A final area of concern was that the Commonwealth had no legal arrangements to control unit titling and that the Territory could at some future time inherit an ad hoc unit titling system that would create administrative problems for the Territory not of its own making.

NCA Consideration

The Australian Capital Territory (Planning and Land Management) Act 1988, Part 5, provides for Commonwealth land in the ACT to be either National Land or Territory Land. Sections 44 and 49 Belconnen were declared to be National Land at the time of self government. The Act makes no provision for the automatic declaration of land no longer required for use by or on behalf of the Commonwealth to be Territory Land; however, conditions in leases granted to persons other than the Commonwealth foreshadow eventual transfer of the land to the Territory.

The issue of the timing for the transfer of land to the Territory is a matter for the Commonwealth agency responsible for the disposal of land no longer required for Commonwealth purposes. At the present time that agency is the Department of Finance and Deregulation.

Irrespective of the timing of the transfer of the land to the Territory, the NCA is responsible to set out the special requirements for the development of any area (not being a Designated Area) being requirements that are desirable in the interests of the National Capital. Accordingly the NCA considers it appropriate to require development of Sections 44 and 49 to be consistent with a development control plan while those areas remain within the Commonwealth's jurisdiction.

3.2 Heritage

Issue

DEWHA raised a number of concerns about the potential impact of redevelopment on the heritage significance of the remnant Cameron Offices. DEWHA was concerned that the DCP acknowledge directly the heritage significance of Wings 3-5 and the remnant mall and bridge.

DEWHA considered that it was necessary for the owner/manager of the land (Department of Finance and Deregulation) to prepare a conservation management plan in accordance with their obligations under the EPBC Act to inform the conservation of the remnant offices and to make provision for their interpretation.

DEWHA considered that there were a number of items within the DCP that needs to be updated to reflect the demolition of the non- heritage elements, and that the preamble and objectives should clarify and emphasise the need for heritage conservation. Concerns were expressed regarding the deletion of controls relating to gross floor areas, the relationship between height maxima and the relationship between the DCP and the Territory Plan 2008.

DEWHA was particularly concerned that the retention of stratum sections 193, 194 and 195, as well as the remnant wings 3-5 was emphasised in the DCP.

The AIA (Formerly RAIA) suggested that the potential requirements of the ACT Heritage Act need to be written into the DCP.

NCA Consideration

While Sections 44 and 49 continue to be National Land, the sections are no longer the property of the Department of Finance and Administration and are in private ownership.

A Conservation Management Plan was prepared under the previous DCP and approved by the former Australian Heritage Commission. While it is appropriate for that CMP to be amended to reflect the demolition of Wings 6-9, as the remnant Cameron Offices is entered on the National Heritage List and subject to the EPBC Act, it would be redundant to use the DCP as a vehicle for this purpose.

The leases over Sections 44 and 49 represent contractual arrangements between the Commonwealth and the registered proprietors. The leases contain detailed provisions relating to land use and gross floor areas and require development of the land to be in accordance with the Territory Plan in force at 2 February 2000.

Under the Territory Plan 2002 development in Sections 44 and 49 was subject to Part B2B. The requirements of Part B2B are quite general in nature and are more related to objectives than

establishment of detailed criteria for development. Under the Territory Plan 2008 Sections 44 and 49 would be zoned as CZ2 –Business Zone. The Territory Plan 2008 contains much greater detail in terms of development requirements but the two plans are not mutually inconsistent.

Development control plans may be prepared for places not in designated areas subject to the requirements of the Paragraph 4.5.1 of the National Capital Plan. The requirements do not encompass Territory heritage legislation either with the intention of adopting the legislation or for information purposes. For the ACT Heritage Act to have effect, the land would need to be Territory Land, in which case the DCP would be extinguished.

3.3 Building Height

Issue

Respondents sought clarification on maximum building height with reference to the height of the remnant Wings 3-5. The concern was to ensure that the building height did not exceed the height of the remnant wings.

NCA Consideration

The prescribed maximum height of buildings on Section 44 and 49 is 613.7m AHD with the exception of Block 19 (Wing 5) which has an existing height of 614.17m AHD. The prescribed maximum parapet height of new buildings is the same as the existing Wings 3-5, ensuring that new buildings do not overlook the heritage places.

3.4 Land Use

Issue

The original DCP required development to be in accordance with the Territory Plan in effect at the commencement of the Holding leases to ensure that development on Section 44 and 49 was consistent with contemporary development controls on Territory Land. However, the Territory Plan 2002 was modified on a number of occasions following the granting of the holding leases, and was eventually extinguished with the repeal of the *Land (Planning and Environment) Act 1991* (ACT).

NCA Consideration

The adoption of the Territory Plan 2008 introduced as system of planning controls not envisaged at the time of the granting of the holding leases. The DCP proposes to bring the planning and development controls exercised by the NCA in determining development applications under the Planning and Land Management Act, into line with the development codes applied under the Territory Plan 2008. This consistency in assessment will ensure that development on National land is not inconsistent with development on adjacent Territory Land in the same precinct.

4. Summary of Recommended Changes to draft Development Control Plan

Following a review of the comments raised during public consultation and in the submissions on the Draft Development Plan No. 1`71/08/0003 – Belconnen Sections 44 and 49 –Cameron Offices the National Capital Authority (NCA) recommended a number of changes to the draft DCP as released for public comment. These changes involve:

Preamble

Amend 1.3 with the following:

- *The purpose of this DCP and DCP drawing is to provide guidance for the preparation of redevelopment proposals for the subject site within the framework of the National Capital Plan and the applicable Territory Plan. Development of the remnant wings 3, 4, and 5, Courtyard D and Stratum Sections 193, 194, and 195 shall be in accordance with the requirements to conserve their heritage significance as set out in the authorised conservation management plan.*

Land Use

Amend 3.1 with the following:

- *Any land uses on the site will be developed in accordance with the relevant objectives and controls of the Territory Plan 2008, and specifically, conditions set out in Business Zone Development Table – CZ2;*

Amend 3.1 sub clauses (c) - (f) inclusive by deleting the purpose clause provisions and inserting:

(c) (iii) Purpose clause:

- *To use the premises for any of the uses included the Territory Plan Part 4.1 CZ2 Business Zone Development Table*

(d) (iii) Purpose clause:

- *To use the premises for any of the uses included the Territory Plan Part 4.1 CZ2 Business Zone Development Table*

(e) (iii) Purpose clause:

- *To use the premises for any of the uses included the Territory Plan Part 4.1 CZ2 Business Zone Development Table*

(f) (iii) Purpose clause:

- *To use the premises for any of the uses included the Territory Plan Part 4.1 CZ2 Business Zone Development Table*

Land Subdivision

Amend subclause 5.1 with the following:

- *Subdivision of land within Sections 44 and 49 should generally be in accordance with the indicative Plan of subdivision shown at DCP Drawing 171/08/0003. Any variation to the subdivision as shown on the DCP Drawing will be subject to approval by the NCA.*

Environment and Heritage Considerations

Amend Clause 7 by adding new subclause 7.7 as follows:

- *Any adverse environmental impacts on adjacent properties from on-site developments are to be identified by the lessee and action taken in accordance with the relevant legislation (Commonwealth and Territory).*

Substations Storage and Service Areas

Amend clause 11 with the following

- *Provision to be made for the storage and removal of waste material and general services areas in accordance with the Development Control Code for Best Practice in Waste Management in the ACT (ACT) and plans prepared by the lessee and subject to this code are to be approved in writing by the NCA. All areas are to be suitable screened from public view.*

Lighting

Amend clause 12 with the following:

- *All public access areas on the site are to be designed in accordance with Design Standards for Urban Infrastructure – 12: Public Lighting (Department of Territory and Municipal Service (formerly Urban Services)) and shall be illuminated and kept illuminated by the lessee at its own expense.*

5. Conclusion

Draft Development Control Plan 171/08/0003 – Belconnen Sections 44 and 49 (Cameron Offices) was released for public consultation from 26 July 2008 to 15 August 2008. The consultation process initiated by the NCA for the draft DCP involved providing copies of the draft DCP to identified stakeholders and inviting them to pre-consultation meetings. A number of amendments were made arising from that consultation.

The ACTPLA declined to comment on the DCP on the basis that it regarded itself as the appropriate responsible authority for the development of Sections 44 and 49.

Subsequently NCA invited the community to attend a public information session on but this session failed to attract any response from either the community or interested agencies. However, ACTPLA at this stage wrote to NCA concerning the issue of jurisdiction and advising that it was seeking approval of the Minister to declare the land surplus to Commonwealth requirements and declare it Territory Land.

NCA acknowledges that this action would be consistent with the *Australian Capital Territory (Planning and Land Management) Act 1988* but recognises that it has a duty to consider development applications made under existing legislation in a timely manner whilst the land remains National Land.

To the extent possible NCA has aligned the criteria for assessment with that used by the Territory in similar circumstances. Following a review of the comments made by stakeholders, ACTPLA and advice that the holding leases had surrendered in favour of consequent leases, a number of changes to the draft DCP have been recommended by the NCA as outlined above.

6. Attachment 1 – Public Submissions Table

