



Australian Government
National Capital Authority

REPORT ON CONSULTATION

DRAFT AMENDMENT 81

REMOVAL OF OUTDATED AND UNNECESSARY POLICY MATERIAL

April 2013

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1 Introduction

1.1 Purpose and background

This report summarises the issues raised during the public consultation process undertaken by the National Capital Authority (NCA) on Draft Amendment 81 – Removal of Outdated and Unnecessary Policy Material (DA81) to the National Capital Plan (the Plan).

The purpose of DA81 is to remove redundant and out-of-date material from the Plan. This is being done to increase the clarity of the Plan. These changes will improve transparency of future changes that may occur as part of a broader review process.

1.2 Existing National Capital Plan provisions

Immediately prior to self-government in 1988, the National Capital Development Commission (NCDC) was responsible for the planning, development and construction of the ACT. Some of the content of the Plan represents a continuation of planning policies established by the NCDC. In the time available to produce the first Plan, an exhaustive and rigorous review of existing policies was not possible.

A comprehensive review of the Plan has not been undertaken since its inception in 1990. Consequently, the Plan contains material that is outdated, is no longer relevant to the administration of the Plan, or would more appropriately form part of supporting documentation for the Plan (rather than part of the statutory document itself). Since 1990, amendments to the Plan have generally been on an ‘as needs’ basis.

On 14 December 2012, the Authority agreed to prepare an amendment to the Plan to remove redundant and obsolete material.

An amendment to remove superfluous material is a step toward the creation of a new Plan. If approved, the Amendment will result in a refined document within which more detailed policy review work can be undertaken.

The material proposed to be removed from the Plan is that which:

- is out-of-date.
- is of relevance to the Plan but could more appropriately form part of a supporting document (such as background material identifying the matters taken into consideration when formulating Plan policy content).
- is not necessary to the successful implementation of the Plan.

1.3 Effect of the Draft Amendment to the National Capital Plan

If approved, DA81 will result in changes to the Plan as described below:

- Deletion of the following sections of the Plan:
 - Various sections of Part Two – Administration and Implementation
 - Part Three – Background Notes
 - Appendix C – National Capital Development Commission Policies Revoked by the National Capital Plan

- Appendix D – Declared National Land
- Appendix E – Water Quality Policies
- Various sections of Appendix J – Lake Burley Griffin Technical and Management Guidelines
- Appendix K – Commonwealth Grants Commission 1986 Classification Criteria
- Appendix R – Morshead Drive Widening
- Appendix W – West Belconnen.
- Amendment to Policy 1.2.3(d) of the Plan to remove reference to Appendix E.
- Amendment to section 4.1 of the Plan to remove reference to Part Three.
- Amendment to Policy 8.6.3(b) of the Plan to remove reference to Appendix E.
- Deletion of Policy 12.3(e) of the Plan as it is no longer relevant with the removal of Appendix E.
- Removal of the annotation on Figure 17 of the Plan referring to Appendix R.

2 Consultation

On Saturday 2 February 2013, the NCA released DA81 for public comment and a notice was published in *The Canberra Times* on that day ([Attachment 1](#)). On Wednesday 6 February 2013, a notice was published in the *Commonwealth Notices Gazette* ([Attachment 2](#)). A media release was provided to national media outlets advising DA81 was open for public comment.

The period for public comment ran in excess of 30 business days, concluding on 21 March 2013, thereby meeting the requirements of the NCA's Commitment to Community Engagement (August 2011). Hard copies of DA81 were made available to the public at the National Capital Exhibition, as well as the NCA offices. In addition, DA81 and supporting documentation was available on the NCA's Have Your Say website.

Key activities during the consultation period of DA81 included:

- On 5 February 2013, a request for an exemption to undertake a Regulation Impact Statement was sought from the Office of Best Practice Regulation.
- On 13 and 14 February 2013, the NCA held public information sessions at the NCA offices. No people attended either session.
- On 5 February 2013, the NCA referred DA81 to the following stakeholders:
 - ACT Government Environment and Sustainable Development Directorate
 - Murray Darling Basin Authority
 - Planning Institute Australia
 - Canberra International Airport
 - Walter Burley Griffin Society Inc.
 - Yarralumla Residents' Association
 - Belconnen Community Council
 - North Canberra Community Council Inc.
 - Gungahlin Community Council
 - Inner South Canberra Community Council
 - Tuggeranong Community Council
 - Woden Valley Community Council
 - Weston Creek Community Council
- On 8 February 2013, the Office of Best Practice Regulation advised no Regulation Impact Statement would be required for DA81.
- In March 2013, the Environment and Sustainable Development Directorate provided a response to the draft amendment. There was no objection to DA81 proceeding.

3 Key issues

The NCA received three written submissions in response to DA81, from the ACT Government Environment and Sustainable Development Directorate (ESDD), the Canberra Airport and the Walter Burley Griffin Society. All submissions were acknowledged by the NCA.

Canberra Airport provided full support for DA81, and for the broader review of the Plan. ESDD coordinate a whole-of-government response to the draft Amendment. One suggestion was made by the Conservator of Flora and Fauna in regard to water quality reference material (refer [Attachment 3](#)), however there was no objection to DA81 proceeding.

The Walter Burley Griffin Society provided comments generally in regard to the review of the Plan more broadly. These comments and the NCA's response are outlined below. A summary of each submission is included in [Attachment 3](#), together with a detailed NCA response.

3.1 Review of the National Capital Plan

Comments received

The Walter Burley Griffin Society provided a series of recommendations to the following effect:

1. the NCA needs to publish the steps it proposes to take in reviewing the Plan
2. the NCA should release for public comment the 'Statement of Planning Principles' (as referred to in Authority meeting minutes of December 2012) applicable to the whole of the ACT
3. the 'Statement of Planning Principles' should be supported by a comprehensive planning report to update and augment Part Three of the Plan
4. DA81 should be held in abeyance until such time as comprehensive metropolitan planning has been completed and the NCA has determined what is up-to-date and necessary policy material.

NCA response

The NCA will publish the 'roadmap' for review of the Plan for public information.

The 'Statement of Planning Principles' forms part of the working draft of a revised Plan. It is intended that public consultation will occur on an exposure draft of the Plan later in 2013. The exposure draft of the Plan will be accompanied by supporting material detailing the proposed changes to the Plan, and providing background to each of the themes covered in the 'Statement of Planning Principles'.

Any planning reports supporting a revised Plan will not be included within the Plan itself. Planning reports and other background material will help inform the policy content of the Plan, but should not form part of the statutory document itself.

The result of removing outdated and unnecessary material at this point in the Plan review process will result in a more refined document within which more detailed policy review can be undertaken. The material proposed to be removed will have no effect on the day-to-day administration of the Plan.

No changes to DA81 are recommended.

4 Recommended changes

No changes to DA81 as released for public consultation are recommended.

5 Conclusion


On 2 February 2013, DA81 was released for public consultation. The public consultation period ran concluded on 21 March 2013, thereby meeting the requirements of the NCA's Commitment to Community Engagement (2011).

Three written submissions were received in response to DA81. In response to these submissions, no changes have been recommended to DA81.

6 Attachments

1. Notice of release of Draft Amendment 81 for public comment published in *The Canberra Times*.
2. Notice of release of Draft Amendment 81 for public comment published in the *Commonwealth Notices Gazette*.
3. Summary of submissions and NCA response.

Attachment 1 – Canberra Times notice



Australian Government
National Capital Authority

DRAFT AMENDMENT 81

REMOVAL OF OUTDATED AND UNNECESSARY POLICY MATERIAL

Draft Amendment 81 – Removal of Outdated and Unnecessary Policy Material (DA81) proposes to remove redundant and out-of-date material from the National Capital Plan (the Plan). This is being done to increase the clarity of the Plan. These changes will improve the transparency of future changes that may occur as part of a broader review process.

The material proposed to be removed from the Plan is that which:

- » is out-of-date.
- » is of relevance to the Plan but could more appropriately form part of a supporting document (such as background material identifying the matters taken into consideration when formulating Plan policy content).
- » is not necessary to the successful implementation of the Plan.

DA81 of the Plan has been prepared in accordance with sections 15(1) and 23 of the Australian Capital Territory (Planning and Land Management) Act 1988 and is now available for public inspection and comment.

The National Capital Authority (NCA) will be holding a series of small group public information sessions on DA81. The NCA requests that interested parties RSVP to attend a session by registering at www.nationalcapital.gov.au/rsvp or phoning 02 6271 2888.

The NCA invites interested people and organisations to provide written comments on DA81 by close of business 21 March 2013 to:

Andrew Smith, Chief Planner, National Capital Authority, GPO Box 373, CANBERRA ACT 2601

email: draft.amendment@natcap.gov.au or via the NCA's Have Your Say website at www.nationalcapital.gov.au/haveyoursay

DA81 is available from the NCA's website or:

National Capital Authority	National Capital Exhibition
Treasury Building	Regatta Point
Ground floor King Edward Terrace	Commonwealth Park
PARKES ACT 2600	between 9am and 5pm weekdays
between 9am and 5pm	and 10am to 4pm weekends
Monday to Friday	

Further information is available by telephone on (02) 6271 2888 or email draft.amendment@natcap.gov.au.

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WWW.NATIONALCAPITAL.GOV.AU

04/02/2013

Attachment 2 – Commonwealth Notices Gazette notice

Amendment of the National Capital Plan

Draft Amendment 81

Removal of Outdated and Unnecessary Policy Material

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between 9am and 5pm Monday to Friday

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Attachment 3 – Summary of submissions

Note: The NCA seeks an open and transparent draft Amendment process. Draft Amendment 81 documentation advised that the NCA would prepare a Consultation Report for publication on the NCA website, and that this Consultation Report would include a summary of each submission, along with the name and suburb of each person making the submission. Names/suburbs of submitters have been omitted where a submitter requested confidentiality and where the NCA agreed to this.

No.	Details of submitter	Key points raised in submission	NCA consideration
1	Canberra Airport	Canberra Airport supports a review of the National Capital Plan. Canberra Airport supports DA81.	Noted.
2	ACT Government Environment and Sustainable Development Directorate	The planning and land authority, within the Environment and Sustainable Development Directorate has nil comment. The following comment was received from the Conservator of Flora and Fauna: <i>'...if the National Capital Plan retains a reference to water quality reference material, it is suggested that the ACT Environmental Flow Guidelines 2006 (2011 version to be tabled soon) also be added to those references mentioned in the Amendment documentation'.</i>	The NCA notes that the planning and land authority within the Environment and Sustainable Development Directorate has no comment. There is no intention for the National Capital Plan to contain references to external water quality and management material. References were provided in the draft Amendment documentation as examples of the scope of other documents and legislation relevant to water management, and to demonstrate that the removal of water quality policies from the National Capital Plan is appropriate given the current legislative and management arrangements.
3	Walter Burley Griffin Society	While the Walter Burley Griffin Society (the Society) is pleased that updating the Plan has commenced, the Society considers that removal of outdated and unnecessary policy material should be the last step in the process. The Society makes the following recommendations: <i>Recommendation 1 – The National Capital Authority should publish the steps it proposes to</i>	In response to Recommendation 1, the NCA will release the 'roadmap' for review of the Plan for public information. In response to Recommendations 2 and 3, the roadmap document outlines the intended format and structure of a revised Plan, which includes the 'Statement of Planning Principles' as Part Two of the revised Plan. The NCA intends to release an exposure draft of the Plan for public consultation later in 2013.

	<p><i>take in reviewing and updating the National Capital Plan.</i></p> <p>Supporting documentation for DA81 noted that the NCA will prepare a number of amendments to the Plan over the coming years. To understand where the review of the Plan is headed, the overall review process should be made clear at the outset, with the purpose, timing and outline content of the steps along the way clearly stated.</p> <p>The Society if aware the NCA has prepared such a document (as recorded in the minutes of the Authority meeting on 14 December 2012). Public consultation of the Plan review should have commenced with public release of this ‘roadmap’.</p> <p><i>Recommendation 2 – As a matter of urgency, the National Capital Authority should release for public comment the ‘Statement of Planning Principles’ for the Australian Capital Territory, preparation of which was authorised at the meeting of the Authority on 14 December 2012.</i></p> <p>Minutes of Authority meetings in October and December 2012 refer to the preparation of a ‘Statement of Planning Principles’ for the ACT, and to a ‘Review of the Matters of National Significance Discussion Paper’. To date, there has been no consultation with the community on either.</p> <p>This situation must be placed in the context of the clear Ministerial direction given to the NCA in December 2008 ‘to reduce duplication in responsibilities between the Commonwealth and</p>	<p>The exposure draft of the Plan will incorporate the ‘Statement of Planning Principles’. Supporting documentation will be made available at this time, including background papers on each theme covered by the ‘Statement of Planning Principles’.</p> <p>Any planning reports supporting a revised Plan will not be included within the Plan itself. Planning reports and other background material will help inform the policy content of the Plan, but should not form part of the statutory document itself.</p> <p>In response to Recommendation 4, the NCA intends to progress DA81. The result of removing outdated and unnecessary material at this point in the Plan review process will result in a more refined document within which more detailed policy review can be undertaken. The material proposed to be removed will have no effect on the day-to-day administration of the Plan.</p>
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		<p>ACT planning authorities.’</p> <p>In tabling the Government response to the Joint Standing Committee on the National Capital and External Territories (JSCNCET) report <i>The Way Forward</i>, the (then) Minister for Home Affairs announced the appointment of an inter-governmental committee to investigate options for the simplification of planning and land management responsibilities in the ACT. This committee never reported.</p> <p>In November 2010, the (then) Chair of the NCA admitted the inter-governmental committee had made no progress.</p> <p>A year after this, the NCA Chief Executive advised the JSCNCET that there had been no discussion for several months, stating that the primary reason is the fundamental difference between the ACT Government and the NCA about the range of responsibilities that each has in the planning system.</p> <p>Four years after the (then) Minister for Home Affairs announcement of the inter-governmental committee, the Authority (at its meeting in December 2012) states that the first step towards creating the ‘Statement of Planning Principles’ is to identify and agree the planning issues or themes which will be addressed.</p> <p>As a matter of urgency, the NCA should release for public comment the ‘Statement of Planning Principles’ for the ACT.</p>	
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	<p><i>Recommendation 3 – The ‘Statement of Planning Principles’ for the Australian Capital Territory should be supported by a comprehensive Planning Report updating and augmenting Part 2 of the National Capital Plan, which was prepared in the late 1980s at the transition of Commonwealth planning responsibilities for Canberra from the National Capital Development Commission to the National Capital Planning Authority (as the NCA was then known).</i></p> <p>DA81 proposes to eliminate Part 2 of the Plan as ‘outdated and unnecessary policy material’. Part 2 of the Plan is indeed a poorly written, poorly structured digest of metropolitan planning date thrown together in what appears to have been little more than a hurried ‘cut and paste’ job 25 years ago.</p> <p>The metropolitan planning topics addressed in Part 2 are not ‘unnecessary’ they are essential for orderly planning in the ACT.</p> <p>The metropolitan planning topics addressed in Part 2 are essential to maintain the statutory hierarchy between the Plan and the Territory Plan as established under the <i>Australian Capital Territory (Planning and Land Management) Act 1988</i> (the Act).</p> <p>There has been a failure by the NCA to meet its obligations under the Act. Part 2 of the Plan and its statutory basis in Part 1 should have been systematically revised and updated over the past 25 years. Instead, 25 year old material still</p>	
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		<p>resides in the Plan, while the ACT Government has adopted <i>The Canberra Spatial Plan</i> in 2002 and the <i>ACT Planning Strategy</i> in 2012, which to the extent that these plans have been inconsistent with the 25 year old material in the National Capital Plan, must be deemed to have had no effect under law.</p> <p>The NCA needs to undertake the advanced metropolitan planning that the object of the Act demands. Instead, the NCA shows signs of abdicating its responsibilities, as signalled in the Authority's submission to the 2008 JSCNCET inquiry, and as implied in DA81 where Part 2 of the Plan is proposed to be eliminated with no commitment to replace it with an updated planning report on metropolitan planning for the ACT.</p> <p><i>Recommendation 4 – DA81 represents the least important task facing the NCA in the long-delayed National Capital Plan review. In due course it will be appropriate as a simple housekeeping matter to remove 'outdated and unnecessary policy material.' First it is essential to determine what is up-to-date and essential policy material. Until this is done, DA81 should be held in abeyance and re-issued only when the substantive content of a 21st century National Capital Plan has been established in accordance with the Australian Capital Territory (Planning and Land Management) Act 1988.</i></p>	
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