



SUBMISSION .....30.....

**JOINT STANDING COMMITTEE**  
**ON THE NATIONAL CAPITAL AND EXTERNAL**  
**TERRITORIES**

**INQUIRY INTO THE ROLE**  
**OF THE NATIONAL CAPITAL AUTHORITY**

1. The National Capital Authority described the purpose of Draft Amendment 39 of November, 2000, if approved, as being to pass jurisdiction for detailed planning and development control of the residential land in Deakin and Forrest, lying between State Circle and National Circuit, from the Commonwealth and the National Capital Plan to the Territory and the Territory Plan.
2. The contemporary reasoning of the National Capital Authority in support of this amendment was that:-

The part of Deakin/Forrest area that lies between State Circle and National Circuit 'is the only instance of standard density residential development included within a Designated Area. This has led to residential properties within the Designated Area being subject to different terminology, different development conditions and different planning and development processes from other residential properties in the locality. IT IS IMPORTANT THAT THESE DIFFERENCES SHOULD BE AVOIDED ... AND UNINTENDED CONFUSION BETWEEN ADMINISTRATION OF RESIDENTIAL AREAS IN THE SAME LOCALITY BE MINIMIZED.' (emphasis added)

3. However, as recorded on page 13 of its submission dated 14 June, 2002 to the Joint Committee, the Authority in decisions of 7 December, 2001 and 6 February, 2002, decided not to pass jurisdiction to the Territory
 

"...as a consequence of the newly elected ACT Government's announced restrictions on dual (and triple) occupancy development (DTPV 192) and intent to prepare local plans".
4. Lessees of residential properties in Deakin and Forrest lying between State Circle and National Circuit have therefore still to contend with their residential properties being subject to different terminology, different development conditions and different planning processes from other residential properties in the locality.
5. The National Capital Authority clearly considered it no longer to be "...IMPORTANT THAT THESE DIFFERENCES SHOULD BE AVOIDED...AND UNINTENDED CONFUSION BETWEEN ADMINISTRATION OF RESIDENTIAL AREAS IN THE SAME LOCALITY BE MINIMIZED" (emphasis added).

6. Chapter 4 of the Joint Committee's Report of October, 2002, was concerned with a breakdown in the Consultative Process of the National Capital Authority relating to No.15 State Circle, Forrest, a consequence of which was to lead the Committee to conclude that

"...the NCA was inclined, on this occasion, to have treated the Committee contemptuously".

7. There is as yet no indication whether or not the National Capital Authority has accepted the Committee's recommendation...

"That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require public consultation by the National Capital Authority in relation to works proposals in Designated Areas".

8. Even such a Statutory amendment would still leave lessees in this area of Deakin/Forrest lying between State Circle and National Circuit in a seriously disadvantaged position. They do not have, and would not have under the proposed amendment, any effective right of appeal from decisions of the National Capital Authority such as that relating to No.15 State Circle, Forrest.

9. Conclusions

The National Capital Authority itself made the case for passing jurisdiction over this land in Deakin and Forrest lying between State Circle and National Circuit from the Commonwealth to the Territory.

The National Capital Authority failed to make any rational case for retaining its jurisdiction over this land in Deakin and Forrest lying between State Circle and National Circuit.

It is a gross injustice for the lessees of the land in Deakin and Forrest lying between State Circle and National Circuit to have no effective rights of appeal from decisions of the National Capital Authority.

The absurdity of this situation is apparent by comparing the position of lessees of land on the south side of National Circuit with the disadvantaged lessees, just across the road, on the north side of National Circuit.

10. Recommendation

This pocket of land in Deakin/Forrest, to quote the National Capital Authority, is the only instance of standard density residential development under the control of the National Capital Authority.

It is high time for jurisdiction to pass to the Territory as proposed by the National Capital Authority itself in Draft Amendment 39 of November, 2000.

*Lenox Hewitt*

**Lenox Hewitt, Canberra ACT, June, 2003**