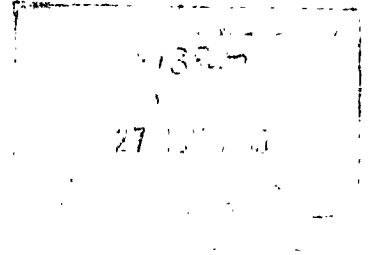


**Report of the Joint Standing Committee on the  
National Capital and External Territories**



# **Draft Amendment No. 14 (Broadacre Areas) to the National Capital Plan**

**October 1995**

The Parliament of the Commonwealth of Australia

**Draft Amendment No. 14  
(Broadacre Areas)  
to the National Capital Plan**

Report of the Joint Standing Committee  
on the National Capital and External Territories

October 1995

© Commonwealth of Australia 1995

Figure 1.1 was provided in *Submission No. 10* to the Inquiry, by the National Capital Planning Authority.

Printed by the Department of the House of Representatives

# Membership of the Committee

## 37th Parliament

Chairman	Mr Robert Chynoweth, MP
Deputy Chairman	Senator Margaret Reid
Members	Mr Eoin Cameron, MP ( <i>from 29 June 1994 to 30 March 1995</i> ) Mr Harry Jenkins, MP Mr John Langmore, MP Hon Leo McLeay, MP Mr John Sharp, MP Mr Brendan Smyth, MP ( <i>from 30 March 1995</i> ) Senator Robert Bell ( <i>from 19 August 1993</i> ) Senator John Coates Senator Mal Colston Senator Noel Crichton-Browne ( <i>from 17 August 1993 to 23 October 1995</i> ) Senator Alan Ferguson ( <i>from 23 October 1995</i> ) Senator Ian Macdonald
Committee secretary	Ms Meg Crooks
Inquiry officer	Ms Susan Johnston Ms Jennifer Hughson
Administrative officer	Ms Kate Wallace Ms Trish Ahlgren

## PREFACE

Self-government is now firmly established in the ACT. The ACT Government has come to play an increasingly important part in the planning of the ACT. However, the Commonwealth has an overriding responsibility to ensure that any development in the ACT will not compromise the Territory's role as the National Capital.

It is for this reason that any proposed amendments to the National Capital Plan must be laid before both Houses of the Parliament. It is for this reason also that the Joint Standing Committee on the National Capital and External Territories has been appointed to inquire into, and report on, proposed amendments to the National Capital Plan, on the invitation of the Commonwealth Minister responsible for the ACT.

The Committee in reporting to both Houses of Parliament provides the Committee's *recommendations which later the Government responds to in the Parliament*. The Committee is not the approving body for proposed changes to the National Capital Plan.

The Inquiry into Draft Amendment No. 14 to the National Capital Plan has allowed the Committee to consider some broad issues which will affect future development in the ACT. In this Inquiry, amongst Committee members there were differences of opinion and the Report includes a dissent Report. I wish to thank Committee members for their participation in the Committee's deliberations.

On behalf of the Committee, I would like to thank all those who gave evidence to this Inquiry in submissions and at the public hearings.

R L Chynoweth MP  
Chairman

October 1995

# CONTENTS

	<b>Page</b>
Membership of the Committee	iii
Preface	v
<b>Chapter 1      The Inquiry</b>	
Planning regulation in the ACT	1
Role of the Committee	3
Draft Amendment No. 14	4
Conduct of the Inquiry	9
<b>Chapter 2      The Issues</b>	
Introduction	11
Electromagnetic interference	12
Environmental impact	14
Oaks Estate	15
Impact on Queanbeyan	16
Electricity, water and sewerage	17
Traffic implications	19
Consultation with Queanbeyan City Council	20
Ad hoc planning	23
Proposed modification of Draft Amendment No. 14	27
<b>Chapter 3      Recommendations</b>	
Recommendations	29
Undertakings given to the Committee	31
<b>Dissent Report</b>	<b>33</b>

## **Appendices**

<b>Appendix A</b>	Letter from the Hon B Howe MP, Deputy Prime Minister and Minister for Housing and Regional Development, dated 10 November 1994	35
<b>Appendix B</b>	List of submissions	45
<b>Appendix C</b>	List of exhibits	47
<b>Appendix D</b>	List of witnesses	49
<b>Figure 1.1</b>	Location map of Draft Amendment No. 14	5

# Chapter 1 The Inquiry

## Planning regulation in the ACT

1.1 The Commonwealth has always played a key part in the planning and development of the ACT. Since the introduction of self-government in the ACT in 1989, the Commonwealth's oversight of the development of the ACT has been carried out by the National Capital Planning Authority (NCPA), which was established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth). The functions of the NCPA, set out in section 6 of the Act, are:

- (a) to prepare and administer a National Capital Plan;
- (b) to keep the Plan under constant review and to propose amendments to it when necessary;
- (c) on behalf of the Commonwealth, to commission works to be carried out in Designated Areas in accordance with the Plan where neither a Department of State of the Commonwealth nor any Commonwealth authority has the responsibility to commission those works;
- (d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital;
- (e) to foster an awareness of Canberra as the National Capital;
- (f) with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
- (g) with the Minister's approval, on behalf of the Commonwealth, to manage National Land designated in writing by the Minister as land required for the special purposes of Canberra as the National Capital.

1.2 The National Capital Plan is designed to ensure that the ACT is planned and developed in accordance with its national significance. The National Capital Plan may specify areas of land that have the special characteristics of the National Capital to be Designated Areas. The Designated Areas include Lake Burley Griffin and its foreshores, the Parliamentary Triangle and the diplomatic precincts. The NCPA has sole



responsibility for planning and development in the Designated Areas. Section 10 of the Act also provides that the National Capital Plan:

- (a) shall define the planning principles and policies for giving effect to the object of the Plan and, in particular, shall set standards for the maintenance and enhancement of the character of the National Capital and set general standards and aesthetic principles to be adhered to in the development of the National Capital;
- (b) shall set out the general policies to be implemented throughout the Territory, being policies of:
  - (i) land use (including the range and nature of permitted land use); and
  - (ii) the planning of national and arterial road systems;
- (c) may set out the detailed conditions of planning, design and development in Designated Areas and the priorities in carrying out such planning, design and development; and
- (d) may set out 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.

1.3 The *Australian Capital Territory (Planning and Land Management) Act 1988* also provided for the ACT Government to establish its own planning authority and the ACT Planning Authority was subsequently set up. The ACT Planning Authority does not have jurisdiction in Designated Areas. In relation to other land in the ACT, the Territory Plan (prepared and administered by the ACT Planning Authority) has effect to the extent that it does not conflict with the National Capital Plan.

## Role of the Committee

1.4 The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth) provides that the National Capital Plan and any proposed amendments to the Plan are to be laid before each House of the Parliament and may be disallowed.

1.5 In May 1993 the Joint Standing Committee on the National Capital and External Territories was established by resolution of the House of Representatives and agreed to by the Senate. Paragraph 1(c) of the Committee's Resolution of Appointment provides, amongst other things, for the Committee to inquire into and report on:

such amendments to the National Capital Plan as are referred to it by a Minister responsible for administering the *Australian Capital Territory (Planning and Land Management) Act 1988*.

1.6 The Committee reports to both Houses of the Parliament. The Government's policy is to respond in Parliament to Committee reports within three months of their presentation (including any dissent report).

1.7 On 10 November 1994, Hon Brian Howe MP, Deputy Prime Minister and Minister for Housing and Regional Development, wrote to the Committee, inviting the Committee to inquire into, and report on, Draft Amendment No. 14 to the National Capital Plan. The Committee resolved to accept the reference and the Minister was advised accordingly.

**Draft Amendment No. 14**

1.8 Draft Amendment No. 14 refers to an area of land bounded by Oaks Estate, the ACT-NSW border, Canberra Avenue and the Molonglo River Corridor. This area is shown on the map in Appendix A. The area is also identified on figure 1.1 as sites A,B,C and D.

1.9 This area is included in the Broadacre Areas described in the National Capital Plan. Broadacre Areas may act as a land buffer between towns and are generally used for purposes requiring large areas of land not available in urban areas, or for purposes requiring or benefiting from locating in a non-urban environment.

1.10 In general, the National Capital Plan does not permit industry as a land use in Broadacre Areas. However, prior to the promulgation of the National Capital Plan which specified the permitted range of land use in Broadacre Areas, the Canberra Tannery, Canberra Abattoir and Queanbeyan Sewage Treatment Plant were already operating in the Broadacre Areas. To accommodate long-established land uses, the National Capital Plan provided for 'hazardous and offensive industries' to operate in a restricted section of Broadacre Areas.

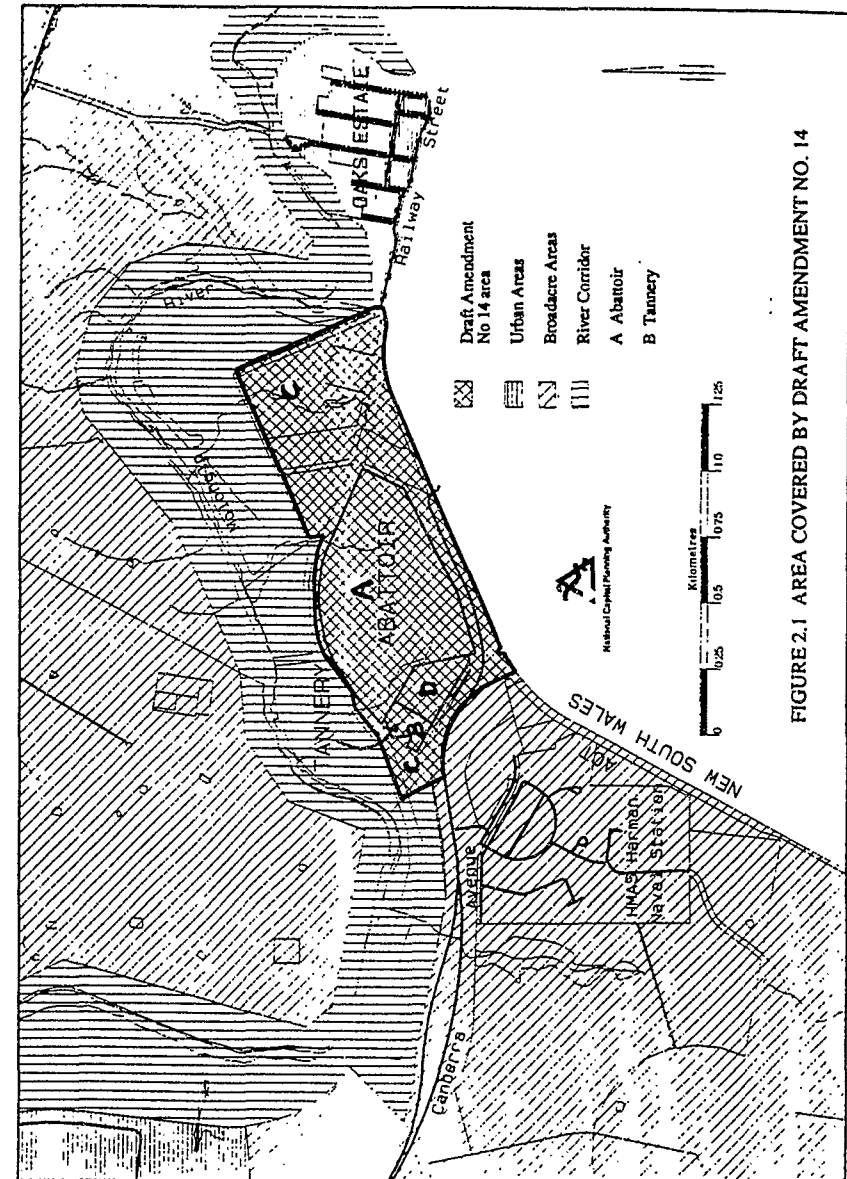


FIGURE 2.1 AREA COVERED BY DRAFT AMENDMENT NO. 14

1.11 The range of uses now permitted for Broadacre Areas in the National Capital Plan comprises:

- Administrative and Utility Services
- Agriculture
- Animal Care Facility
- Caravan Park/Camping Ground
- Community Facility
- Education and Office establishments used by the Department of Defence
- Forestry (Majura and Kowen Plantations only)
- General Farming
- Hazardous and Offensive Industries restricted to the land to the west of Oaks Estate on the north side of Canberra Avenue and subject to environmental assessment
- Intensive Farming
- Landscape Buffer
- Open Space
- Outdoor Recreation Facility
- Park
- Retail Plant Nursery
- Scientific Research Establishment
- The Royal Australian Mint on its present site only
- Tourist Facility
- Transport Facility, including Road

and may include Dwelling if necessary for the operation of any of these uses.<sup>1</sup>

1.12 However, the National Capital Plan foreshadowed in 1990 that, in the long term, Broadacre Areas could be considered for the siting of future industry, defence installations, institutions and other activities requiring significant large sites.<sup>2</sup>

1 NCPA, *National Capital Plan*, December 1990, p. 42.

2 NCPA, *National Capital Plan*, December 1990, p. 41.

1.13 Draft Amendment No. 14 to the National Capital Plan seeks to amend the land-uses permitted in Broadacre Areas, as noted above, by:

- **deleting**

Hazardous and Offensive Industries restricted to the land to the west of Oaks Estate on the north side of Canberra Avenue and subject to environmental assessment; and

- **substituting**

Industries restricted to the land to the west of Oaks Estate on the north side of Canberra Avenue and subject to environmental assessment.

1.14 The Territory Plan permits a wider range of land use in Broadacre Areas. In particular, the Territory Plan would allow general industry to set up on sites A, B and D (see figure 1.1), which include the sites of the abattoir and tannery. However, the Territory Plan has no effect to the extent that it is inconsistent with the National Capital Plan.

1.15 In evidence, it was acknowledged by the ACT Planning Authority and the NCPA that the impetus for Draft Amendment No. 14 had been an application by P D Mulligan (Holdings) Pty Limited, the parent company of the proprietors of the Canberra abattoir, to vary its lease. The purpose of Draft Amendment No. 14 is to bring the National Capital Plan into alignment with the Territory Plan so that the leaseholder could apply to the ACT Planning Authority for a change in lease conditions which would then allow an industrial estate of some fifty blocks to be developed on the site of the existing abattoir.

1.16 However, the ACT Planning Authority emphasised that Draft Amendment No. 14, by itself, would not result in an automatic change in land use on the abattoir site. Assuming Draft Amendment No. 14 came into effect, a mandatory assessment process would be required by the ACT Government before any change in land use, or any development application, was approved. The ACT's planning process is outlined below.

- 1.17 IF Draft Amendment No. 14 to the National Capital Plan comes into effect,
- THEN the National Capital Plan would allow industry to establish in the whole of the area covered by Draft Amendment No. 14.
  - THEN the National Capital Plan would be more consistent with Territory Plan in allowing industries to establish in that section of the Broadacre Areas occupied by the abattoir and the tannery.
  - THEN the lessee of the abattoir site could submit a lease variation application to the ACT Government to change the land use clause(s) in the lease to permit industrial development. The existing lease limits the use of the site to 'abattoir'.
  - THEN a Preliminary Environmental Impact Assessment of the land use proposal would be mandatory. A developer arranges the assessment for submission to the ACT Environment Minister who can require further studies. There would be community consultation at this stage. The proponent advertises, in the *Commonwealth of Australia Gazette* and a daily paper, that copies are available to members of the public.
  - If the environmental assessment is satisfactory, then there could follow a variation to the crown lease for the abattoir site.
  - A developer would also be required to submit a development application for approval of buildings. Public notification would be mandatory for any buildings exceeding 2000 square metres in floor area. Aggrieved third parties can appeal the ACT Planning Authority's decision to the Planning and Land Appeals Board.
  - A developer would be required to seek design and siting approval for any roadworks and other public works necessary to service the proposed development. A developer may be required to prepare an Implementation Plan for these works which would be publicly notified.

1.18 Many of the concerns raised in this Inquiry relate to the proposal to establish an industrial estate and not to Draft Amendment No. 14 per se. It was suggested that the ACT planning process outlined above was the appropriate forum for raising problems with potential industrial development on the abattoir site. Draft Amendment No. 14 simply proposes a change to the National Capital Plan which would allow industry (as a general category) to operate in an area where hazardous and offensive industry already operates.

### Conduct of the Inquiry

1.19 The Committee took evidence from the key interested parties at public hearings on 27 February 1995 and 6 March 1995. Written submissions provided by these parties were incorporated into the Hansard transcript of evidence. Copies of the complete transcript of evidence were distributed to interested parties to facilitate the exchange of views.

1.20 The Committee also conducted a site inspection of the area covered by Draft Amendment No. 14 on 27 February 1995.

1.21 The next chapter of this Report discusses the main issues surrounding Draft Amendment No. 14 raised in Submissions and at public hearings.

## Chapter 2 The Issues

### Introduction

2.1 Draft Amendment No. 14 would remove the major obstacle to further industrial development in that limited part of the Broadacre Areas in the ACT where hazardous and offensive industry is already allowed. As already stated, the Committee is aware that the driving force behind Draft Amendment No. 14 is a proposal for the redevelopment of the abattoir site in the Broadacre Areas as an industrial estate.

2.2 The map at figure 1.1 shows that part of the Broadacre Areas affected by Draft Amendment No. 14. The abattoir and tannery blocks are identified on the map. The map also indicates neighbouring land uses, including the Oaks Estate residential area on the ACT border and the naval station south of Canberra Avenue. The main access roads to the area are also shown.

2.3 Draft Amendment No. 14 raises several important issues:

- the possibility that further industrial development on the abattoir site could result in **electromagnetic interference** with the Royal Australian Navy's Bonshaw communications facility;
- the potential **environmental impact** of allowing further industrial uses on the abattoir site;
- the potential loss of amenity for residents of **Oaks Estate**, a residential suburb abutting the Broadacre Areas and within view of the abattoir site;
- the potential **impact on Queanbeyan**;
- the implications of the rezoning for delivery of **electricity, water and sewerage** services to the abattoir site; and
- the **traffic implications** of a more intensive industrial use of the site.

2.4 In addition, the process by which Draft Amendment No. 14 was conceived and developed raises some further questions about land use planning in the ACT, namely:

- the adequacy of **consultation with Queanbeyan City Council** on proposed developments near the ACT-NSW border; and
- the **ad hoc** nature of land use **planning** in the National Capital.

2.5 The Committee considers the evidence on each of these issues in turn.

### Electromagnetic interference

2.6 The National Capital Planning Authority submitted that this was the only issue of national significance arising from Draft Amendment No. 14.<sup>1</sup>

2.7 HMAS *Harman* Naval Station is located near the abattoir site, south of Canberra Avenue, as shown on the map at figure 1.1. The Naval Station incorporates the Bonshaw Naval Receiving Station – a high-frequency receiving station that is only effective against a low level background of radio frequency noise, hence its location on Canberra's outskirts with Broadacre buffer zones.

2.8 The Royal Australian Navy (RAN) submitted that certain industrial activity in the immediate vicinity of Bonshaw (notably, heavy-duty welding) would interfere with its capability.<sup>2</sup>

2.9 The RAN plans to move its communications facilities to a site in the Riverina area. However, Bonshaw would be maintained until the end of the year 2000 and the RAN would be concerned about the radio frequency noise level in the vicinity right up until the last day of operation.<sup>3</sup>

---

1 *Hansard*, p. 15.

2 *Hansard*, p. 75.

3 *Hansard*, p. 75.

2.10 The NCPA considered that the potential problem of electromagnetic interference with Bonshaw could be avoided if the ACT Planning Authority imposed lease conditions requiring any new industries setting up near Bonshaw to adhere to relevant Australian Standards.

2.11 The ACT Planning Authority submitted:

The ACT Government is conscious of the necessity to minimise interference to the operation of the Harman/Bonshaw naval signals establishment. A similar situation arose with the proposed location of the Australian Geological Survey Organisation at Symonston. This was resolved to the satisfaction of the Department of Defence by incorporating into the lease a requirement that development complied with Australian Standard 1044 and Australian Standard 2064. These standards limit the type of equipment which may be operated to ensure that the level of electro-magnetic interference generated is within acceptable levels.<sup>4</sup>

2.12 The RAN considered that the insistence on relevant Australian Standards was an adequate safeguard. The RAN's major problem was being unaware of what industries could be establishing proximate to Bonshaw. If the RAN was consulted in the planning stages, it would conduct trials to ensure that any proposed industrial activity would not generate unacceptable levels of electromagnetic interference. The lessee of the abattoir site, also the proposed developer of the site, indicated that negotiations have already taken place with the RAN to devise field testing arrangements and lease conditions that would satisfy the RAN's concerns.<sup>5</sup>

2.13 The Committee concludes that the potential for electromagnetic interference with Bonshaw is not a bar to the introduction of Draft Amendment No. 14, but, nonetheless, is a very important factor which must be taken into consideration by the ACT Planning Authority prior to the approval of any new industrial development on the abattoir-tannery site in the Broadacre Areas.

---

4 *Hansard*, p. 40.

5 *Hansard*, p. 133.

## Environmental impact

2.14 One of the requirements of the *Land (Planning and Environment) Act 1991* (ACT) is that a thorough environmental assessment of lease variation applications be prepared. This mandatory requirement is outlined in Chapter 1. The NCPA observed that this process had not yet commenced.<sup>6</sup>

2.15 However, the lessee of the abattoir site, P D Mulligan (Holdings) Pty Limited, commissioned a preliminary study in relation to a proposal to close the abattoir and redevelop the site as an industrial estate with about fifty, one-acre blocks.

2.16 The consultants for this preliminary study, CMPS & F Pty Limited, concluded that:

- the use of the land for the abattoir and holding paddocks had resulted in deterioration of the site, particularly the loss of grass cover;
- sediments and nutrients from abattoir operations were flowing to the Molonglo River untreated;
- the redevelopment could be expected to improve air and water quality;
- there were no important biological, cultural or other features to be protected at the site; and
- the redevelopment of the site could reduce its attractiveness; however, this could be mitigated by retaining existing, mature trees and by sensitive landscaping and design.<sup>7</sup>

---

6 *Hansard*, p. 66.

7 Exhibit No. 2, pp. 31–2.

2.17 The Committee considers that there has been inadequate consideration of the environmental impact of the proposal to develop an industrial estate on the abattoir site. However, the Committee accepts assurances by the NCPA and the ACT Planning Authority that the mandatory environmental assessment process under the Territory Plan – involving as it does consultation with interested parties – would provide a more comprehensive environmental impact analysis than has already been undertaken.

## Oaks Estate

2.18 Oaks Estate is a residential suburb in the ACT, separated from the abattoir site by paddocks (the eastern section of site C), shown on the map at figure 1.1.

2.19 The Committee did not receive evidence from Oaks Estate residents, although it was aware that concerns about Draft Amendment No. 14 had been raised with the NCPA by one resident, Ms Meagan Cousins. Ms Cousins objected to the proposal on the grounds that it may adversely affect the community of Oaks Estate, a unique and separate community in the ACT. In particular, Ms Cousins noted that the river corridor was not of minor environmental significance.<sup>8</sup> The Committee recognises Oaks Estate is a unique and separate community in the ACT. The Committee considers that the ACT Planning Authority should be responsible for preserving the uniqueness of this area.

2.20 The ACT Planning Authority submitted that the Territory Plan precluded future industrial development in the buffer zone between Oaks Estate and the abattoir-tannery sites. The proposed industrial development, the ACT Planning Authority stated, could be confined to the abattoir site.<sup>9</sup> The ACT Planning Authority stated that it had been involved in local planning with Oaks Estate residents, dealing with these residents quite closely, and foreshadowed full consultation with interested parties on any development proposals ensuing from Draft Amendment No. 14.<sup>10</sup>

---

8 Exhibit No. 1.

9 *Hansard*, p. 38

10 *Hansard*, p. 81.

## Impact on Queanbeyan

2.21 The Queanbeyan City Council is concerned that the preliminary assessment for public notification failed to consider properly the impact of Draft Amendment No. 14 on Queanbeyan. The Queanbeyan City Council is particularly concerned about the potential impact of the proposed amendment on the areas of Queanbeyan adjacent to the ACT-NSW border.<sup>11</sup>

2.22 The Queanbeyan City Council acknowledged that, while it is not desirable to have offensive and hazardous industries so close to residential areas, it would be difficult for the ACT to locate offensive and hazardous industries elsewhere. In addition, the Queanbeyan City Council noted that offensive and hazardous industries would be subject to environmental controls, thereby limiting any impact on residential areas.<sup>12</sup>

2.23 The Queanbeyan City Council has some concern about the environmental impact assessment processes for industry other than offensive and hazardous industry under the Territory Planning Authority's planning controls. The Queanbeyan City Council considered that there would be an opportunity for industries to be allowed to develop in the area in question without there being any particular consideration of the impact on Queanbeyan.<sup>13</sup>

---

11 *Hansard*, p. 20.

12 *Hansard*, p. 104.

13 *Hansard*, p. 102–3.

2.24 One of Queanbeyan City Council's main concerns is the potential for inadequate buffer zones to be established should Draft Amendment No. 14 be approved. The Queanbeyan City Council stated that Draft Amendment No. 14 would allow an expanded range of industry to go 'right to the border without any provisions for buffer areas and without any provisions for adequate transport routes.'<sup>14</sup> Nevertheless, the Council admitted that there would be less concern if industrial development in the area was well planned, with appropriate buffers and appropriate transport linkages.<sup>15</sup>

2.25 The Committee considers past industrial development on the NSW side of the border to be highly visible from a major approach route into the National Capital. The Council agreed that the Queanbeyan industrial estate on the hilly area to the south of Canberra Avenue was '...probably the most inappropriately located industrial area one could find'.<sup>16</sup> The Committee concludes that problems of the past should not be used to justify other inappropriate development.

## Electricity, water and sewerage

2.26 The Preliminary Assessment of the proposal to build an industrial estate on the abattoir site concluded that there would be a need for augmented services – water, sewerage and electricity – to be provided to the area.

---

14 *Hansard*, pp. 109–10.

15 *Hansard*, p. 110.

16 *Hansard*, p. 107.



2.27 The lessee of the abattoir site, P D Mulligan (Holdings) Pty Limited pointed out that the abattoir was already a major user of town water and sewerage services – with an annual water consumption equivalent to an entire Canberra suburb of 4000 residents and with a high level of discharge of impurities into the sewerage system.<sup>17</sup> The company noted any upgrading or replacement of abattoir plant that might prove necessary for continued viable operations on the site could be expected to result in increased usage of water and sewerage services.<sup>18</sup>

2.28 Queanbeyan City Council submitted that Oaks Estate was already connected to Queanbeyan's sewerage treatment works but that a large proportion of the Broadacre Areas did not have access to sewerage and that Queanbeyan City Council was not prepared to allow any industrial development in the area to connect to its sewer system.<sup>19</sup>

2.29 The ACT Planning Authority submitted that ACT service authorities had advised that, either there was sufficient capacity in existing infrastructure to cope with any anticipated extra load, or augmentation could be readily undertaken at the developer's expense.<sup>20</sup>

2.30 The Committee agrees that any additional services to the area should be provided at the developer's expense. The Committee considers that attention should be given to minimising the environmental and visual impact of any new service facility.

---

17 *Hansard*, p. 146.

18 *Hansard*, p. 120 & p. 132.

19 *Hansard*, p. 22.

20 *Hansard*, p. 39.

## Traffic implications

2.31 Queanbeyan City Council raised concerns about the traffic implications of further industrial development on the abattoir site.

The area which is specified in draft Amendment 14 has restricted access and the standard of the roads are not suitable for access to an area with potential to be used for further industrial development.

Access to the area is via one of three routes – Canberra Avenue and Uriarra Road, Queanbeyan and Railway Street in the Oaks Estate.

Access to Canberra Avenue is restricted due to the nature of the intersection with the old Canberra Avenue entry route to Queanbeyan and the new Canberra Avenue alignment. Traffic from Canberra travelling east to the subject area and traffic from the subject area travelling west to Canberra can be easily accommodated with the existing road layout. However, entry to the subject area from Queanbeyan travelling in a westerly direction on Canberra Avenue is extremely difficult as is leaving the area in an easterly direction to Queanbeyan via Canberra Avenue. This difficulty in gaining access to the area from Queanbeyan will undoubtedly result in more industrial traffic using Uriarra Road and using Monaro Street to get to the subject area. Queanbeyan already has a significant problem with trucks in Monaro Street, within the Central Business District, which is the main route through Queanbeyan providing access to Queanbeyan's industrial areas and Canberra.

Access to the area from Railway Street in the Oaks Estate is restricted due to a narrow (single lane) bridge over the Canberra-Queanbeyan railway line. The Oaks Estate Road from Pialligo Avenue to Railway Street has a low level bridge over the Molonglo River which is subject to flooding.

Therefore before any further industrial development in the area is allowed the road network to the area needs to be substantially upgraded.<sup>21</sup>

---

21 *Hansard*, p. 22.

2.32 However, the ACT Planning Authority did not agree that access roads would have to be upgraded, advising the Committee:

- that the lessee [of the abattoir site] had undertaken an initial traffic assessment which found that the capacity of the system was generally sufficient to cope with the anticipated additional loads;
- that it was proposed to provide a roundabout at the intersection of Uriarra Road and Morse Road for safe and efficient access to the site; and
- that the ACT City Services Traffic and Roads Section was understood to have agreed with the proposal to provide a roundabout.<sup>22</sup>

2.33 The Committee considers that these issues will need to be given closer attention in the course of the ACT planning processes, should a development application ensue from Draft Amendment No. 14.

### Consultation with Queanbeyan City Council

2.34 Queanbeyan City Council was concerned that Draft Amendment No. 14 could have a major impact on Queanbeyan's nearby residential areas which are downwind of the Broadacre Areas and thus would be vulnerable to air pollution and noise from any new industrial development on the abattoir site. The site is also more visible from Queanbeyan than from the ACT.

---

22 Hansard, p. 39.

2.35 Queanbeyan City Council believed that insufficient attention had been given to the potential economic impacts of the proposal on Queanbeyan – taking into account the immediate proximity of the Queanbeyan industrial estates and the fact that around 60% of Queanbeyan residents, and a smaller proportion of ACT residents, cross the ACT-NSW border on their way to work.<sup>23</sup>

2.36 Queanbeyan City Council formally advised the NCPA of these and other concerns in relation to Draft Amendment No. 14 in October 1994, as part of the NCPA's community consultative process. However, Queanbeyan City Council submitted to the Committee that its concerns had been largely ignored. Queanbeyan City Council said that it had had a similar experience in relation to Draft Amendment No. 13 to the National Capital Plan (Symonston).<sup>24</sup>

2.37 The Committee is firmly of the view that there is a need for the ACT Planning Authority and Queanbeyan City Council to establish a good working relationship in relation to border planning issues. The Committee took up this matter with the NCPA and the ACT Planning Authority.

2.38 The NCPA does not consider Queanbeyan City Council's concerns to be of national significance. The Acting Executive Director of the NCPA explained:

So far as the amenity issue was concerned, you are quite right that my authority has not considered the amenity or the economic impact on Queanbeyan that a change of this nature would produce. We believe that that is a matter for the Territory Plan and for the Territory planning processes. We really have confined ourselves to only considering items of national significance which, of course, is what we are required to do.

---

23 Hansard, p. 108.

24 Hansard, pp. 97–8.

... We see it from this point of view: the National Capital Plan enables the territory to make a range of planning decisions and whether it makes those decisions or not is up to the territory. So is has an umbrella which we are suggesting there is no national reason to restrict.<sup>25</sup>

**2.39** The ACT Planning Authority submitted that the issues raised by Queanbeyan City Council would be addressed in the consultative process which would flow from any lease variation or development application for the site. This process is outlined in detail in Chapter 1.

**2.40** The ACT Planning Authority stated in evidence that it was:

... very confident that the issues that have been raised will be fully addressed through the subsequent environmental lease variation and development application processes and, through all of those, we would consult with Queanbeyan City Council. We have met with the council and discussed the issues but that is relatively informal.

...We have regard to the intergovernment relationships and I think it was you [the Committee] who mentioned the growing level of cooperation within the various local agents and local governments in the ACT.<sup>26</sup>

**2.41** The ACT Planning Authority also pointed out that, even if the abattoir site was redeveloped for industry, there would remain a significant broadacre separation between the abattoir site and Oaks Estate and the other areas of Queanbeyan, constituted by the sewage treatment works, the nurseries, the horse agistment paddocks, and the substation and power lines. The current Territory Plan does not presently permit industrial development on these sites. Queanbeyan City Council admitted it would have less concern about Draft Amendment No. 14 if it could be assured this was the case.<sup>27</sup>

---

25 *Hansard*, p. 64.

26 *Hansard*, p. 82.

27 *Hansard*, pp. 109–10.

## Ad hoc planning

**2.42** Both the NCPA and the ACT Planning Authority welcomed the proposal to redevelop the abattoir site for industry because of pressure for more industrial sites in the ACT.<sup>28</sup> Yet no apparent attention had been given to allocating further industrial sites until the proposal to redevelop the abattoir site was initiated by the lessee.

**2.43** The Committee was interested to learn that the areas set aside for industrial development in the ACT – that is, Fyshwick, Hume, Mitchell, Fern Hill Technology Park and Symonston Advanced Technology Park – were considered inadequate for future needs. The Committee was informed that:

- Hume industrial estate was sold out and expansion would be inhibited by the proximity of Jerrabomberra and other residential subdivisions;<sup>29</sup>
- Fyshwick was changing in nature: Fyshwick now housed discount retail outlets and was becoming less suitable as a site for manufacturing;<sup>30</sup> and
- the proposed industrial estate on the abattoir site would offer large one-acre plus blocks not generally available in other industrial estates in the ACT and interest had already been shown in the lease of such blocks for warehousing and storage.<sup>31</sup>

---

28 *Hansard*, p. 72 & p. 85.

29 *Hansard*, p. 87.

30 *Hansard*, pp. 83–4 & p. 85.

31 *Hansard*, pp. 120–1.

2.44 The Committee also asked whether any consideration had been given to alternative sites for new industrial development in the ACT and was informed that potential industrial sites in the ACT were limited. The Mugga Lane landfill site was considered unsuitable for industrial development because of its proximity to National Capital Open Space (at Red Hill) and because the site is highly visible from residential areas in the ACT.<sup>32</sup>

### *Betterment*

2.45 In the course of obtaining evidence for the Committee's examination of the issues into Draft Amendment No. 14 the matter of betterment was discussed. Betterment in Canberra is a charge paid by a lease holder to the ACT Government when there is a variation in the provisions of the lease which adds value to the lease. The ACT Department of the Environment, Land and Planning reported that:

It is based on the premise that, as land in the ACT is vested in the Commonwealth, the community should receive a return from any additional rights granted to the lessee of an existing lease.<sup>33</sup>

2.46 Just how much betterment the community should receive is contentious. The issue was raised in the 1988 Report on the Canberra Leasehold System by the House of Representatives Standing Committee on Transport, Communications and Infrastructure which recommended that:

...the current 50 per cent betterment levy should be replaced by compensation to the lessee for the value of the lease that is surrendered, including improvements, and a charge of the full premium value for the grant of a new lease together with the cost of any off-site services.<sup>34</sup>

---

32 *Hansard*, pp. 93–4.

33 *Submission*, No. 11, p. 1.

34 House of Representatives Standing Committee on Transport, Communications and Infrastructure, Report on the Canberra Leasehold System, AGPS, Canberra, November 1988, p. 52.

2.47 At the beginning of 1995 the *Land (Planning and Environment) Regulations* allowed for a general betterment rate of 100 per cent.<sup>35</sup> The assessment for betterment of the unimproved value after a change in the lease provisions could be reduced when a leaseholder is obliged to improve land to make it useable for a new purpose.<sup>36</sup> The ACT Department of the Environment, Land and Planning advised the Committee that:

The present ACT Government's election platform included a commitment to restrict betterment on all residential and commercial developments to a maximum of 50 per cent. This would require an amendment to the Regulations which the Minister for the Department of the Environment, Land and Planning is intending to introduce into the ACT Legislative Assembly as soon as possible in the current sittings. If the amendment is allowed, betterment payable by the Canberra Abattoir lessee would be 50 per cent of the added value.<sup>37</sup>

2.48 The Committee notes that in July 1995 the ACT Government established a three-person Board of Inquiry, chaired by Justice Paul Stein AM, to inquire into and report on the administration of the ACT leasehold system since self-government, with particular reference to the determination of betterment.

2.49 Further, the Board of Inquiry is to make recommendations for reforms, the circumstances in which betterment should be charged, and appropriate levels of betterment. The Board is expected to report late in 1995.

2.50 The Committee considers that through the ACT Government the community should receive a fair share of the addition to the value of a lease which occurs as a result of change in a lease purpose clause.

---

35 *Submission*, No. 11, p. 1.

36 *Hansard*, pp. 144–5.

37 *Submission*, No. 11, p. 2.

**Land acquisition**

2.51 At a public hearing on 6 March 1995 the Committee was advised by Mr Peter Hunt, representing the leaseholder, PD Mulligans (Holdings) Pty Ltd, that:

...there is no law in the ACT statute book for compulsory acquisition of land in the ACT.<sup>38</sup>

2.52 The Committee has received advice to the contrary.<sup>39</sup> The Committee sought further advice on the status of compulsory acquisition of land in the ACT. The ACT Environment and Land Bureau advised the Committee in September 1995 of the *Capital Territory Lands Acquisition Act 1994* (the Acquisition Act) which has been in full effect since 1 February 1995.

2.53 The extent to which compensation is payable when the ACT Government 'takes back', or a lessee surrenders, an unexpired lease is complex. The compensation provisions in the Acquisition Act are covered by over 50 sections in Parts VI and VII of the Acquisition Act. Compensation payable is subject to the provisions of the lease.

2.54 The exception to the provisions for compensation are those leases (usually granted for rural purposes) which contain a withdrawal clause which enables the Territory to withdraw land which is required for a public purpose. In this case the lessee would be compensated for lessee owned improvements only, in accordance with the terms of the lease.

2.55 The Acquisition Act is in line with Commonwealth legislation. The Committee notes that the matter of compensation payable if a lease is 'taken back' by the ACT Government, or surrendered by a lessee, comes under the jurisdiction of the ACT Government.

---

38 *Hansard*, p. 149.

39 *Submission*, No. 12, p.2.

**Proposed modification of Draft Amendment No. 14**

2.56 The Committee is concerned about the passive role which the NCPA appears to have played in the development of Draft Amendment No. 14. The NCPA agreed that it had initiated Draft Amendment No. 14 because it could see no good reason not to and was mindful that a decision by the NCPA not to vary the land use policy for Broadacre Areas would be subject to review by the Federal Court.

2.57 Towards the end of the Inquiry, the NCPA submitted to the Committee that the effect of Draft Amendment No. 14 to the National Capital Plan could be confined to the abattoir-tannery sites (essentially sites A and B on figure 1.1) rather than extending it to the full extent of the land identified in Draft Amendment No. 14.<sup>40</sup>

2.58 The Committee considers that the issues which should determine the extent of the area affected by Draft Amendment No. 14 are the amenity of the nearby residents adjacent to the area described in Draft Amendment No. 14, the need for an adequate buffer zone to allow screening between any development in the area and Canberra Avenue and, to some extent, the need to reduce anomalies between the National Capital Plan and the Territory Plan.

2.59 In line with the above, the Committee considers that a modified proposal which would confine the effect of Draft Amendment No. 14 to sites A, B and D would be more appropriate.

---

40 *Hansard*, p. 113.

## Chapter 3 Recommendations

3.1 The National Capital Plan permits offensive and hazardous industries on the Broadacre Area land west of Oaks Estate on the north side of Canberra Avenue. This land comprises sites A, B, C and D (see figure 1.1).

3.2 Draft Amendment No. 14 of the National Capital Plan seeks to expand the range of permitted land uses in areas A, B, C and D from 'offensive and hazardous industries' to 'industries'.

3.3 The Land Use Policy for the site under the Territory Plan is broadacre and sites A, B and D are also subject to the 10F area specific policy for the Harman Industrial Area. The Territory Plan Land Use Controls for sites A, B and D already allow for development of those areas for a number of purposes including industry (and hazardous and offensive industry). The current Territory Plan does not permit industrial development on site C. To the extent that provisions in the Territory Plan are inconsistent with those in the National Capital Plan, the provisions in the Territory Plan have no effect.

3.4 The National Capital Planning Authority (NCPA) submitted that while in theory Draft Amendment No. 14 extends the potential for industrial development on the land adjacent to Oaks Estate, the Land Use Policy under the Territory Plan for the area adjacent to Oaks Estate does not permit industrial use. The NCPA in a later submission to the Committee, dated 3 March 1995, noted that the proposed change in land use in Draft Amendment No. 14 to 'industries' could be confined to sites A and B rather than sites A, B, C and D (the whole of the area identified in Draft Amendment No. 14).

3.5 The Committee would prefer a situation where anomalies between the National Capital Plan and the Territory Plan are reduced rather than maintained.

3.6 In response to issues raised in the course of the Inquiry, including some of the concerns of the Queanbeyan City Council and the need to preserve the character of Oaks Estate, the Committee makes the following recommendations.

3.7 Recommendation 1

The Committee recommends that Draft Amendment No. 14, as originally proposed, not be agreed to.

3.8 Recommendation 2

The Committee recommends that Policy 5.2(i) (The range of uses permitted in Broadacre Areas) on page 42 of the National Capital Plan be amended in such a way as to:

- (i) limit an expanded range of permitted industry to sites A, B and D only (see figure 1.1) on the land to the west of Oaks Estate on the north side of Canberra Avenue, and
- (ii) ensure that industry proposed for sites A, B and D referred to above is subject to environmental assessment.

3.9 Recommendation 3

The Committee recommends that all industry, including hazardous or offensive industry, not be permitted on site C (see figure 1.1), but that the normal range of non-special area uses for Broadacre Areas in the National Capital Plan be permitted.

3.10 A number of undertakings, both implicit and explicit, were mentioned in evidence given to the Committee. Recommendation 2 is conditional on all of these undertakings being fulfilled. In particular, it is the Committee's view that the following undertakings underpin the Committee's decision, and that the Committee's deliberations would be undermined were any of these undertakings not to be honoured.

Undertakings given to the Committee

3.11 It is the Committee's understanding that:

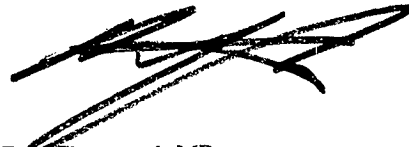
- the ACT Planning Authority will ensure through lease conditions that any future development in the Broadacre Areas will not inhibit the operational capacity of the Bonshaw Naval Receiving Station;<sup>1</sup>
- landscaping, and particularly tree planting will be carried out to minimise the visual impact of any industrial development in the Broadacre Areas, particularly with regard to adjoining residential areas and the Canberra Avenue approach to the National Capital;<sup>2</sup>
- an environmental impact study, involving community consultation, would be required and overseen by the ACT Planning Authority prior to any approval being given for the redevelopment of any land in the Broadacre Areas;<sup>3</sup>

1 The ACT Government noted that it was '...conscious of the necessity to minimise interference to the operation of the Harman/Bonshaw naval signals establishment.' *Hansard*, p. 40.

2 The ACT Planning Authority stated that '...Additional development controls will be incorporated into any new lease to give effect to the statutory object of the National Capital Plan "to ensure that Canberra and the Territory are planned and developed in accordance with their national significance". It is envisaged that such controls would include requirements for appropriate screen landscape treatment for any development potentially visible from Canberra Avenue which is a major approach route to the National Capital. Similar treatments would be applied on frontages visible from the railway (another means of approach to the National Capital) and the Molonglo river corridor which forms part of the National Capital Open Space System...The existing canopy of native trees over the site provides an effective screen to these locations and careful site planning will be necessary to ensure their retention and reinforcement where necessary.' *Hansard*, p. 37 & p. 39.

3 The ACT Planning Authority stated that '...any...development proposal would trigger a mandatory Preliminary Assessment of potential impacts on the human, non-human, and biological environments...Should further assessment be required this may take the form of investigation of a specific aspect of the proposal, a Public Environment Report or an Environmental Impact Statement.' *Hansard*, p. 38. Further, '...any actual works that occur on the site are subject to design and siting approval by the territory... They are subject to public scrutiny as well...Actual individual developments which may occur on the site...are all separately subject to territory government approval...depending on the nature of what they are...they may also be subject to a public process.' *Hansard*, p. 81.

- there will be consultation with Queanbeyan City Council in relation to any developments near the ACT-NSW border;<sup>4</sup>
- any augmentation of services to the Broadacre Areas required for industrial development on the abattoir site will be at the developer's expense,<sup>5</sup> and
- the ACT Planning Authority, in consultation with the local roads and traffic authority, will assess the traffic implications of any proposed development in the Broadacre Areas and ensure that the traffic flow along Canberra Avenue, a major access road to the National Capital, is not impeded.<sup>6</sup>



Rob Chynoweth MP  
Chairman

- 
- 4 The ACT Planning Authority stated that issues raised by Queanbeyan City Council '...are most appropriately addressed by the ACT Planning Authority when a formal development application is received and in accordance with the statutory processes...' *Hansard*, p.39. '...we are very confident that the issues that have been raised will be fully addressed through the subsequent environmental lease variation and development application processes and, through all of those, we would consult with Queanbeyan City Council.' *Hansard*, p. 82.
- 5 The ACT Planning Authority noted that '... augmentation [of services] can be readily undertaken at the developer's expense.' *Hansard*, p. 39.
- 6 The ACT Planning Authority stated that 'The lessee has undertaken an initial traffic assessment which found that the capacity of the system is generally sufficient to cope with the anticipated additional loads. It is proposed to provide a roundabout at the intersection of Uriarra Road and Morse Road for safe and efficient access to the site. It is understood that the ACT City Services Traffic and Roads Section has been consulted and agree with this proposal.' *Hansard*, p. 39.

**DISSENT BY  
SENATOR ROBERT BELL  
SENATOR JOHN COATES  
SENATOR MAL COLSTON  
HARRY JENKINS MP  
JOHN LANGMORE MP**

We consider that the proposal should not be dealt with in isolation from the reason for which it has been proposed. To do so as if it were a planning matter which had been properly prepared as part of the ongoing long-term planning needs of the ACT would be to ignore reality.

In fact, the proposal has arisen only because the existing lessee of site A, P D Mulligan (Holdings) Pty Ltd, wishes to close the abattoir it operates there, and to concentrate its operations at another abattoir in Cowra. It wishes to seek to profit from the remainder of its lease term (and any renewal) by developing and subdividing the site as an industrial estate, as mentioned in paragraph 1.15 of the majority report.

We accept that the existing abattoir is old, that if it were to continue as an abattoir it would need substantial investment to modernise its equipment and its processes and to make it more acceptable environmentally. We also accept that in such circumstances a lessee should be able to seek to have its lease terminated and that there is value to the lessee in the remainder of its lease term. However, we believe that the fairest way in which the lessee's needs and rights should be satisfied, while ensuring that the community's rights are protected, is for the lease to be terminated and the lessee to be appropriately compensated for the value of the remainder of the term of the lease based on its current use.

While recognising that there would be risks in its proposed investment as a developer, and acknowledging that betterment would be payable to the ACT Government, there is no justification for the present lessee potentially to profit from such a substantial change of use, nor for it automatically to become the developer of what would be effectively a new industrial suburb without competing for that right. If, in the proper planning processes, it is determined that the area in question is the appropriate place for a new industrial suburb for the ACT, then that planning, subdivision and development should be by the ACT Government, not by a private developer, unless the Government decided to contract out all or part of the process, and called tenders for this task in the proper way.



The decision-making about whether there should be a new industrial suburb, whether it should be in this area or elsewhere in the ACT-Queanbeyan area, the size and nature of the industrial estate, its relationship to Queanbeyan and Oaks Estate, and other planning requirements, would thereby be fully in the community's hands and not those of a single private company which happened to hold a lease for a quite different purpose, and one which it no longer wished to pursue.

We reiterate that the lessee should be treated fairly, and that it should not suffer a loss in respect of the properly assessed value of the rest of its lease term.

Therefore, based on these issues of principle, we **recommend**:

- that the amendment as originally proposed not be approved, and that it not be approved in the suggested modified form.

We further **recommend**:

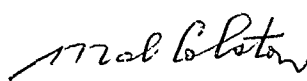
- that the company be advised that, if it surrenders its lease or if the lease is compulsorily acquired, the company can be fairly compensated under ACT legislation;
- that the ACT Government be requested to consider the issues raised in this Report, and in particular in this dissent, including the surrender or acquisition of the lease, and advise the Commonwealth of its preferred use for the land within the overall plan for the development of the ACT and after consultation with the Queanbeyan City Council;
- that, if then necessary, the Minister refer an appropriate amendment to the Committee for consideration.



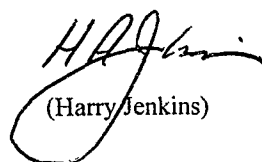
(Robert Bell)



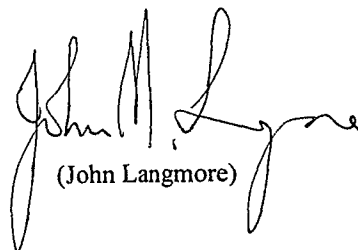
(John Coates)



(Mal Colston)



(Harry Jenkins)



(John Langmore)



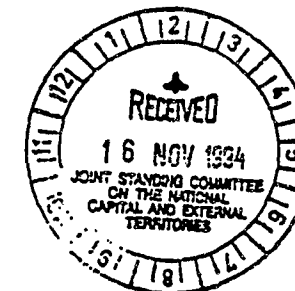
DEPUTY PRIME MINISTER  
MINISTER FOR HOUSING AND REGIONAL DEVELOPMENT

Appendix A

Parliament House  
CANBERRA ACT 2600

Telephone: (06) 277 7680  
Facsimile: (06) 273 4126

10 NOV 1994



Mr R. L. Chynoweth MP  
Chairman  
Joint Standing Committee on the  
National Capital and External Territories  
Parliament House  
CANBERRA ACT 2600

Dear Mr Chynoweth

The National Capital Planning Authority is responsible for administering and proposing amendments to the National Capital Plan. The Authority will release Draft Amendment No. 14 to the National Capital Plan for public comment on Saturday 1 October 1994. The closing date for submissions is Friday 28 October 1994. A copy of the Draft Amendment is enclosed.

Draft Amendment 14 proposes to amend the range of uses permitted in the *Broadacre Areas* land use category, in the specific area described in the National Capital Plan as "the land to the west of Oaks Estate on the north side of Canberra Avenue". More specifically it is the area generally encompassed by Oaks Estate, the ACT-NSW border, Canberra Avenue and the Molonglo River Corridor. It is described in the National Capital Plan under *Policies for Broadacre Areas* (pages 41 and 42).

Currently the National Capital Plan permits only this one location in the *Broadacre Areas* to be used for industrial purposes. These industrial purposes are confined to *Hazardous and Offensive Industries*. Draft Amendment 14 proposes to amend the range of uses permitted in the *Broadacre Areas* land use category to provide the opportunity for a wider range of industrial uses than present.

Discussions between the Territory Government, the NCPA and existing lessees in the area have led to the drafting of this amendment. The limiting of industrial activity to *Hazardous and Offensive Industries* makes it difficult to attract additional viable business to the area.

The National Capital Planning Authority has taken broad environmental considerations into account in drafting Amendment 14 and any further development would be subject to environmental assessment.

Approval of specific development proposals in the area lies with the ACT Planning Authority, in the context of the Territory Plan. The Territory Plan's range of permitted industrial uses, covering a large part of the area, includes uses other than hazardous and offensive industries.

The environmental evaluation process, which any further development will have to undergo to meet the requirements of the Territory Plan, and the Territory's environmental legislation, will provide appropriate safeguards and be sufficient to meet the objectives of the National Capital Plan.

Mr George Tomlins, Chief Planner, Australian Capital Territory Planning Authority has indicated support for the release of Draft Amendment 14 for public consultation. A copy of his letter is attached.

I would be grateful if you would advise me if the Joint Standing Committee on the National Capital and External Territories wishes to inquire into and report on the Draft Amendment. Officers of the NCPA would be pleased to provide a briefing on the Draft should you require further information. The NCPA will also provide copies of the Draft Amendment to the Committee's Secretariat as required.

Yours sincerely



BRIAN HOWE

AUSTRALIAN CAPITAL TERRITORY  
(PLANNING AND LAND MANAGEMENT) ACT 1994

**DRAFT AMENDMENT  
TO THE  
NATIONAL CAPITAL PLAN**

**AMENDMENT No. 14**

**September 1994**

## PREAMBLE

The National Capital Plan ("the Plan") came into effect on 21 December 1990 following approval by the then Minister for the Arts, Tourism and Territories.

A function of the National Capital Planning Authority ("the Authority"), is to keep the Plan under constant review and to propose amendments to it when necessary. The statutory provisions for amending the plan are set out at sections 14 to 22 of the Australian Capital Territory (Planning and Land Management) Act 1988 ("the Act").

This Draft Amendment of the Plan is made available for public inspection under section 15 of the Act. Section 15 of the Act provides as follows:

- (1) *After preparing the Draft Plan (Amendment), the Authority shall:*
  - (a) *submit a copy to the Territory planning authority;*
  - (b) *by notice published in the Commonwealth Gazette and in the principal daily newspaper published and circulated in the Territory:*
    - (i) *state that the draft Plan (Amendment) has been prepared, and that copies will be available for public inspection at the places and times, and during the period, specified in the notice; and*
    - (ii) *invite interested persons to make written representations about the draft Plan (Amendment) within a reasonable period specified in the notice and specify the address to which the representations may be forwarded; and*
  - (c) *make the draft Plan (Amendment) available for inspection accordingly.*
- (2) *The Authority shall:*
  - (a) *consult with the Territory planning authority about the draft Plan (Amendment) and have regard to any views expressed by it; and*
  - (b) *have regard to any representations made by the public;*  
*and, if it thinks fit, may alter the draft Plan (Amendment).*

## DRAFT AMENDMENT No. 14

Draft Amendment 14 proposes to amend the range of uses permitted in the *Broadacre Areas* land use category, in the specific area described below.

The area to which Draft Amendment No. 14 refers is described in the National Capital Plan as "the land to the west of Oaks Estate on the north side of Canberra Avenue". More specifically it is the area generally encompassed by Oaks Estate, the ACT-NSW border, Canberra Avenue and the Molonglo River Corridor. It is described in the National Capital Plan under *Policies for Broadacre Areas* (pages 41 and 42).

Currently, the National Capital Plan permits only this one location in the Broadacre Areas to be used for industrial purposes. These industrial purposes are confined to *Hazardous and Offensive Industries*. Draft Amendment 14 proposes to amend the range of uses permitted in the *Broadacre Areas* land use category to provide the opportunity for a wider range of industrial uses than present.

Discussions between the Territory Government, the NCPA and existing lessees in the area have led to the drafting of this proposed amendment. The limiting of industrial activity to *Hazardous and Offensive Industries* makes it difficult to attract additional viable businesses to the area.

The National Capital Planning Authority has taken broad environmental considerations into account in drafting Amendment 14 and any further development would be subject to environmental assessment.

Approval of specific development proposals in the area lies with the ACT Planning Authority, in the context of the Territory Plan. The Territory Plan's range of permitted industrial uses, covering a large part of the area, includes uses other than hazardous and offensive industries. It is considered that the environmental evaluation process, which any further development will have to undergo to meet the requirements of the Territory Plan, and the Territory's environmental legislation, will provide appropriate safeguards and be sufficient to meet the objectives of the National Capital Plan.

The statutory object of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. Given the low visibility of the site and the small scale of possible future development in metropolitan terms, the National Capital Planning Authority considers that the national significance of Canberra and the Territory will not be affected if the Plan is amended as proposed.

**THE NATIONAL CAPITAL PLAN  
DRAFT AMENDMENT No. 14**

Amend Policy 5.2(i), (The range of uses permitted in Broadacre Areas), at page 42 by deleting the words "Hazardous and Offensive" from the ninth dot-point so that the amended permitted use, between "General Farming" and "Intensive Farming" reads:

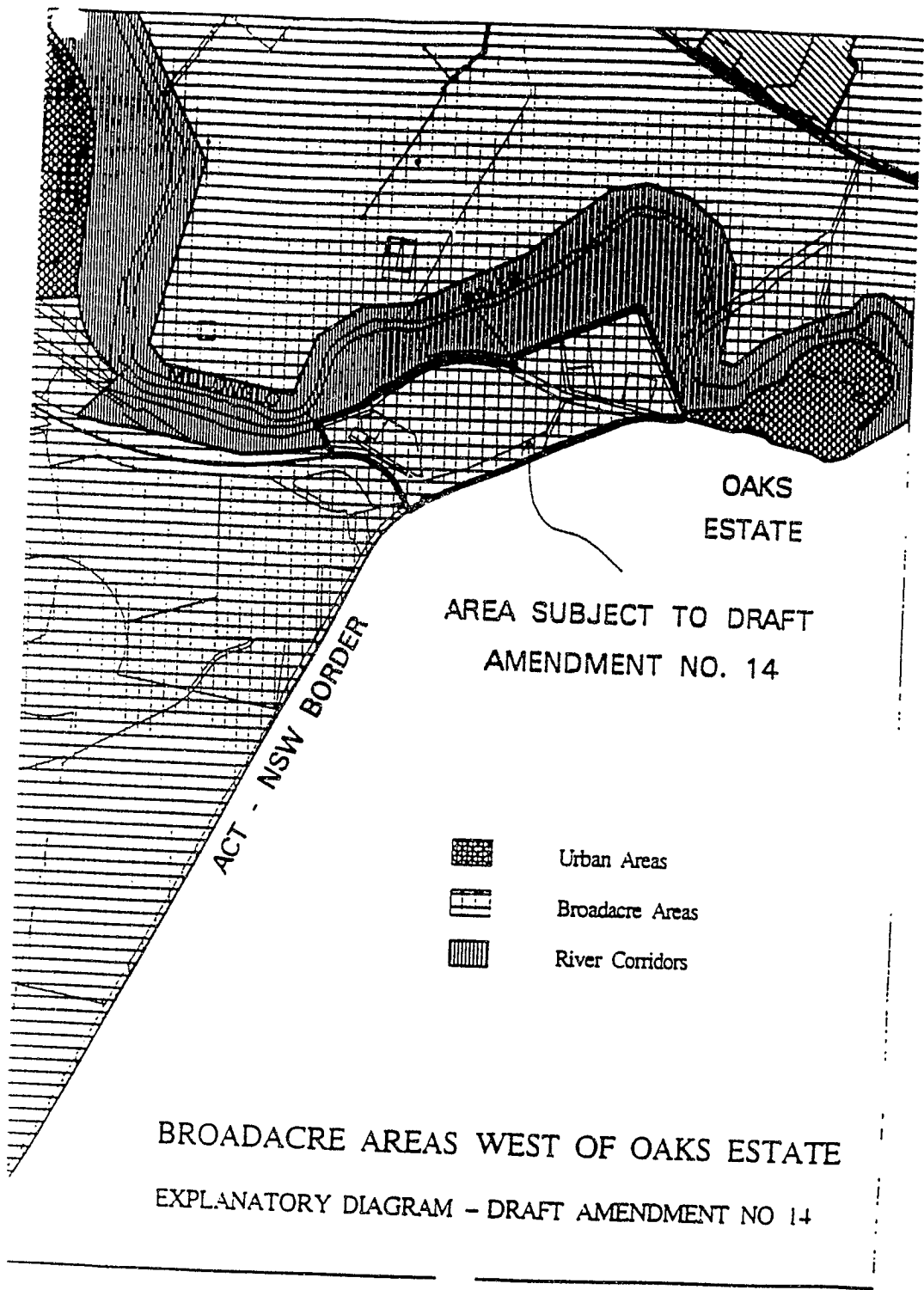
*"Industries restricted to the land to the west of Oaks Estate on the north side of Canberra Avenue and subject to environmental assessment"*

**An Invitation to Comment**

Individuals and organisations are invited to comment on the Draft Amendment proposal. Comments in writing should be forwarded by close of business on Friday 28 October 1994, to:

**The Acting Executive Director (Planning and Development Control)  
National Capital Planning Authority  
GPO Box 373  
CANBERRA ACT 2601**

If you would like further information, please contact the Authority's Acting Director of Planning Projects, Keith Burnham, on (06) 271 2808, or by fax (06) 273 4427.



ACT GOVERNMENT  
 DEPARTMENT OF THE ENVIRONMENT LAND AND PLANNING  
 JOHN OVERALL OFFICES 228 NORTHBOURNE AVE BRADDON ACT 2601  
 GPO BOX 1902 CANBERRA ACT 2601  
 (06) 287 8111  
 ACT PLANNING AUTHORITY

*Creating a Quality Canberra  
 Today and Tomorrow!*

(06) 265 8628  
 REF: SP

The Chief Executive Officer  
 National Capital Planning Authority  
 GPO Box 373  
 CANBERRA ACT 2601

Attention: Mr Keith Burnham

Dear Mr Burnham,

Re: Draft Amending Series No. 14

I refer to letter of 23 September 1994 regarding Draft Amendment No 14 to the National Capital Plan.

It is noted that the intention is to amend Policy 5.2(i) so that the amended permitted use in Broadacre Areas, between "General farming" and "Intensive Farming" reads:

"industries restricted to the land to the west of Oaks Estate on the north side of Canberra Avenue and subject to environmental assessment".

The ACT Planning Authority has no objection to the release of the proposed amendment for public consultation.

Yours sincerely

*G Tomlins*  
 G Tomlins  
 Chief Territory Planner

20 September 1994

## List of submissions

(Listed in order received and published)

- 1 National Capital Planning Authority (NCPA), of 18 January 1995 regarding the respective responsibilities of the NCPA and the ACT Government in relation to Draft Amendment No. 14.
- 2 Queanbeyan City Council, of 17 February 1995.
- 3 NCPA, of 21 February 1995 regarding discussions with the Department of Defence on Draft Amendment No. 14.
- 4 ACT Planning Authority, of 22 February 1995.
- 5 NCPA, of 23 February 1995.
- 6 Peter Hunt for P D Mulligan (Holdings) Pty Ltd, of 28 February 1995.
- 7 NCPA, of 3 March 1995, responding to issues raised at the public hearing on 27 February 1995.
- 8 Queanbeyan City Council, of 10 March 1995, responding to issues raised at the public hearing on 6 March 1995.
- 9 Peter Hunt for P D Mulligan (Holdings) Pty Ltd, responding to issues arising from Queanbeyan City Council's submission of 10 March 1995, and dated 4 April 1995.
- 10 NCPA, of 12 May 1995.
- 11 John Thwaite, A/g First Assistant Secretary, Land Division, ACT Government Department of the Environment, Land and Planning (ACT Government), of 23 May 1995.
- 12 Michael Ratcliffe, Chief Executive, National Capital Planning Authority, September 1995, providing advice from John Meyer, General Manager, Lease Administration, ACT Environment and Land Bureau (dated 8 September 1995).

## Appendix C

### List of exhibits

- 1 Meagan Cousins, Submission of 30 October 1994 to the NCPA re Draft Amendment No.14, provided to the Committee by the NCPA on 31 January 1995.
- 2 P D Mulligan (Holdings) Pty Ltd, Preliminary Environmental Assessment in relation to Jerrabomberra Block 182 (June 1994), provided to the Committee on 20 February 1995.
- 3 P D Mulligan (Holdings) Pty Ltd, copy of judgement of Higgins J. (ACT Supreme Court) in the matter of an application by CALARDU Pty Ltd. to vary the provisions of a Crown Lease, 18 December 1990, SC 670 of 1989, provided to the Committee on 6 March 1995.

## List of witnesses

### Public hearings

**Canberra, Monday 27 February 1995**

#### **National Capital Planning Authority**

Mr John E. Bolton, A/g Executive Director (Planning and Development Control)  
Dr Kevin J. Frawley, A/g Director Environmental Planning  
Mr Ted Schultheis, Senior Planner

#### **Royal Australian Navy**

Lieutenant Commander William P. Franklin, Officer in Charge,  
Naval Communications Station Canberra

#### **ACT Planning Authority**

Mr Anthony T. Adams, Principal Planner:  
Canberra Central/Woden/Weston Creek Section  
Mr Gordon G. Lowe, Senior Professional Officer

#### **Queanbeyan City Council**

Mrs Judith L. Bedford, Development Manager

**Canberra, Monday 6 March 1995**

#### **P D Mulligan (Holdings) Pty Ltd.**

Mr Peter Hunt, Director, Tir Pty Ltd, consultant  
Mr Brian Mann, Director, Pendua Pty Ltd, consultant  
Mr David Mulligan, Managing Director