

**AUSTRALIAN CAPITAL TERRITORY
(PLANNING AND LAND MANAGEMENT) ACT 1988**

**APPROVAL OF AMENDMENT 39
OF THE NATIONAL CAPITAL PLAN
Deakin/Forrest Residential Area
(Between State Circle and National Circuit)**

TABLING STATEMENT

Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the *Act*) provides that the National Capital Authority is responsible for preparing and administering the National Capital Plan, for keeping the Plan under constant review and for proposing amendments to it when necessary. Amendment 39 has been prepared in accordance with sections 14 to 23 of the *Act*.

Amendment 39 applies to the residential area between State Circle and National Circuit in Deakin/Forrest. This is a “Designated Area” of the National Capital Plan. This means that the National Capital Authority is responsible for planning and approvals for development in the area.

The Amendment introduces planning policies designed to encourage an excellent urban design solution for this important residential precinct adjacent to Parliament House, while protecting the residential amenity and landscape character of the area.

This is in accordance with the objective of the Amendment which is:

To ensure that the residential areas of Deakin and Forrest that lie between State Circle and National Circuit maintain and enhance the character of the National Capital and are planned and developed in accordance with its national significance.

The National Capital Authority released Draft Amendment 39 for public consultation on 18 November 2000, the period for comment closing on 12 January 2001. Since that time the Joint Standing Committee on the National Capital and External Territories has addressed the Draft Amendment through two inquiries, including its Inquiry into the Role of the National Capital Authority, and the Authority has conducted further consultations directly with the residents and other lessees of property in the subject area.

The Government has responded to the recommendations of both of the Committee’s inquiries.

This Amendment to the Plan provides for:

- residential development excluding commercial accommodation (including serviced apartments)
- home businesses
- urban design outcomes commensurate with this important residential precinct adjacent to Parliament House
- redevelopment of blocks that address State Circle to be two storey in height with three storeys permissible if blocks are amalgamated or isolated by amalgamation.
- a plot ratio for residential redevelopment of existing blocks of 0.4 and on State Circle of 0.8 for amalgamated blocks and up to 0.8 for those blocks flanking Melbourne Avenue and for other blocks where it can be demonstrated that this would result in excellence in the urban design outcome.

- other development conditions for sites fronting State Circle which address architecture, vehicle access, building envelopes, set backs, car parking, landscape and off-site works. An Indicative Development Plan, Elevation and Cross Section for State Circle is also provided.
- a requirement to publicly notify proposed residential redevelopment applications has been included in Appendix M of the National Capital Plan.

The objective for the Development Conditions for sites fronting State Circle are to:

- *Provide for high quality residential development of a scale and character appropriate to the setting of Parliament House and the Main Avenue role of State Circle.*
- *Protect the residential amenity of rear neighbours in terms of privacy, sunlight access and provision of a landscape buffer.*
- *Reduce traffic access from residences to State Circle.*
- *Provide for a variety of housing types and sizes.*

The Authority has completed all the statutory requirements for amending the Plan including the submission of its Report on Consultations, consulting with the Territory planning authority and the Office Regulation Review.

On 26 May 2005 (I as) the responsible Minister approved Amendment 39 (Deakin/Forrest Residential Area), in accordance with the *Act*.

The Amendment is being laid before both Houses of Parliament as a disallowable instrument in accordance with the *Legislative Instruments Act 2003*. If either House, in pursuance of a motion of which notice has been given within 15 sitting days after the Amendment has been laid before that House, passes a resolution disallowing the Amendment, or part of the Amendment, the Amendment or part so disallowed ceases to have effect.