

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

*FURTHER REPORT ON THE
ACTON/KINGSTON LAND SWAP*

REPORT NO.23
OF THE
STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

DECEMBER 1996

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

Resolution of appointment of the Standing Committee on Planning and Environment:

[that] a Standing Committee on Planning and Environment [be established] to examine matters related to planning, land management, transport, commercial development, industrial and residential development, infrastructure and capital works, science and technology, the environment, conservation, heritage, energy and resources...

[And that the committee] inquire into and report on matters referred to [it] by the Assembly or matters that are considered by the committee to be of concern to the community.

[Further, that] if the Assembly is not sitting when the Standing Committee on Planning and Environment has completed consideration of a report on draft Plan variations referred pursuant to Section 25 of the *Land (Planning and Environment) Act 1991* or draft Plans of Management referred pursuant to Section 203 of the *Land (Planning and Environment) Act 1991*, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation.

Minutes of Proceedings (Third Assembly) No. 1 Thursday 9 March 1995,
amended 22 June 1995

Terms of reference of the committee's inquiry:

To inquire into and report on the Acton Peninsula and Kingston sites which are subject to the land swap announced between the A.C.T. and Federal Governments with particular reference to (i) planning controls over both sites (ii) the value of the land swap to the A.C.T. (iii) environmental and heritage issues (iv) current and future usage of the sites, and (v) any other related matters.

Minutes of Proceedings (Standing Committee on Planning and Environment)
21 April 1995

Committee Membership

Mr Michael Moore MLA (Chair

Mr Trevor Kaine MLA (Deputy Chair)

Ms Lucy Horodny MLA

Ms Roberta McRae, OAM MLA

Secretary: Mr Rod Power

Background

1. On 15 May 1996 the Standing Committee on Planning and Environment tabled in the Legislative Assembly its Report No.11 entitled *Interim Report on the Acton/Kingston Land Swap*.
2. The report was the culmination of 13 months of Committee consideration, during which the Committee received 60 submissions, conducted two inspections, held eight public hearings and one private meeting (totalling 48 witnesses).
3. The Committee made eleven recommendations. In essence, the Committee concluded that the land swap - as it was then structured - was not beneficial to the A.C.T. Further, the Committee concluded that the land swap exposed serious difficulties that were inherent in current planning arrangements between the A.C.T. and Commonwealth Governments.
4. To date, the Government has not formally responded to the report. The Committee notes that it is customary for the Government to respond to committee reports within three months of tabling.
5. In order for the Committee to be brought up to date on latest developments affecting the land swap, the Committee asked the Chief Minister (on 31 October 1996) to approve the attendance of relevant officials at a briefing session. The Chief Minister agreed to the request.
6. The briefing was held, in public, on 22 November 1996. The officials who attended were from the Chief Minister's Department and the Interim Kingston Foreshore Development Authority.
7. This report relates to information obtained by the Committee at that public hearing.

What the Committee learnt at the public hearing

8. The Committee was concerned to learn at the public hearing that Government officials could give no indication of the position of the A.C.T. Government in discussions underway with the Commonwealth. The Committee was told a number of times that the officials were waiting for the Commonwealth to put its position on the negotiating table. This, and the absence of **any** information about the Government's position, leads the Committee to conclude that the Government - rather than strongly putting its own case - is waiting for the Commonwealth to indicate its position before the Territory finalises its negotiating stance.

9. **The Committee is concerned that this approach by the A.C.T. Government may not ensure the protection of the Territory's interests.**

10. When questioned whether there actually exists a land swap agreement between the A.C.T. and Commonwealth Governments at the present time, the officials told the Committee that the answer is no.

11. This response by officials has important implications for the future of Acton Peninsula, in particular. The Committee considers it is essential to know what is being planned for Acton before the land swap proceeds. Also, it is important to identify the process to be followed in assessing any proposal for Acton Peninsula.

12. **The Committee considers the statement by officials that no land swap agreement exists at the present time should cause the Government to re-evaluate the very basis of the land swap.** In particular, the Committee considers the Government should urgently advise the Assembly about the advantages and disadvantages of:

- (a) going ahead with the original land swap;
- (b) seeking a modified form of the land swap, and
- (c) ending any suggestion of a land swap (meaning, in effect, that the two sites are treated as separate units).

Recommendation

13. *The Committee recommends that the Government make a statement in the Legislative Assembly during the first sittings of 1997 about developments affecting the*

Acton/Kingston land swap. The statement should specifically address the following questions:

(a) what is the Government's negotiating position in discussions now underway with the Commonwealth;

(b) what are the advantages and disadvantages of pursuing a swap of land at Kingston for land at Acton;

(c) what are the advantages and disadvantages of separating out the Acton and Kingston sites, that is, of abandoning the idea of a land 'swap';

(d) what is the time scale for action on both the Acton and Kingston sites;

(e) what is being proposed for Acton Peninsula and what is the process by which any proposal for its development will be assessed; and

(f) what is the formal response of the A.C.T. Government to the report of the Standing Committee on Planning and Environment on the Acton/Kingston land swap, delivered in May 1996.

Michael Moore MLA
Chair

6 December 1996