

The role of the NCA

Introduction

3.1 This chapter provides a brief overview of the structure and functions of the National Capital Authority (NCA) today to provide an accurate context for this report. Information in this chapter is sourced primarily from the NCA or from the *Australian Capital Territory (Planning and Land Management) Act 1988* (the PALM Act). Some of the NCA's functions – in particular the NCA's planning and promotional functions – are addressed in further detail in subsequent chapters. Hence this chapter does not delve into the question of whether any of these functions should be expanded or diluted.

Structure of the NCA

3.2 The NCA consists of the Chairperson and four other members, one of whom is the full-time Chief Executive. Each member is appointed by the Commonwealth. The Chief Executive manages the affairs of the NCA under the general direction of the board.¹

3.3 The NCA is supported by a team of persons across multiple disciplines employed under the *Public Service Act 1999*. The NCA delegates its powers to appropriate professionals employed in the agency and engages consultants as necessary.²

1 Section 46, *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

2 National Capital Authority, *Submission 55*, p. 18.

- 3.4 The NCA has recently been required by the Commonwealth Government to absorb a 35 per cent reduction of its former budget (this is examined in more detail in Chapter 4), which has led to a reduction in 38 positions from its staff, most of whom have now left the NCA. The classification structure as at 9 May 2008 is shown in Table 3.1 below, although Portfolio Budget Statements for the NCA indicate that staff numbers will be further reduced to 51 people.

Table 3.1 2007-08 National Capital Authority Classification Structure (as at 9 May 2008)

Classification	No.
Chief Executive	1
SES Band 1	5
EL 2	7
EL 1	8
APS 6	12
APS 5	6
APS 4	6
APS 3	4
APS 1/2	11
Total Staff	60

Source: National Capital Authority, Submission 55.10.

- 3.5 Most of the national assets in the capital managed by the NCA are maintained under competitively tendered contracts.

Statutory functions

- 3.6 The statutory functions of the NCA are set out in section 6 of the PALM Act. They are:
- to prepare and administer a National Capital Plan (NCP);
 - to keep the Plan under constant review and to propose amendments to it when necessary;
 - 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;
 - to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the national capital;

- to foster an awareness of Canberra as the national capital;
 - with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
 - 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.³
- 3.7 Subject to the PALM Act, the NCA has power to do 'all things necessary or convenient to be done for or in connection with the performance of its functions.'⁴
- 3.8 Under the Act, the Minister responsible for the NCA is given a range of specific powers, including the power to give the NCA general directions in writing as to the performance of its functions.⁵
- 3.9 The NCA submitted that its statutory functions 'are the right ones to comprehensively and collectively provide a robust framework to secure the planning and development of Canberra as the national capital.'⁶
- 3.10 The suite of functions enshrined in legislation have been appropriately summarised by the NCA which describes its role as **to plan, promote, enhance and maintain** the national qualities of the capital. The following section briefly examines how the NCA carries out these functions.

Planning the national capital

- 3.11 The NCA secures the Commonwealth's ongoing interest in the planning and development of Canberra and the Territory. The national interest in Canberra is expressed in the NCP and the NCA is charged with the administration of the plan. The NCP's statutory object is *to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.*⁷
- 3.12 Planning and development approval functions of the NCA include:
- reviewing the NCP, and proposing amendments to the plan;
 - providing advice on planning, urban design and development approval in accordance with the plan;

3 Section 6, *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

4 Section 8, *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

5 Subsection 7 (1), *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

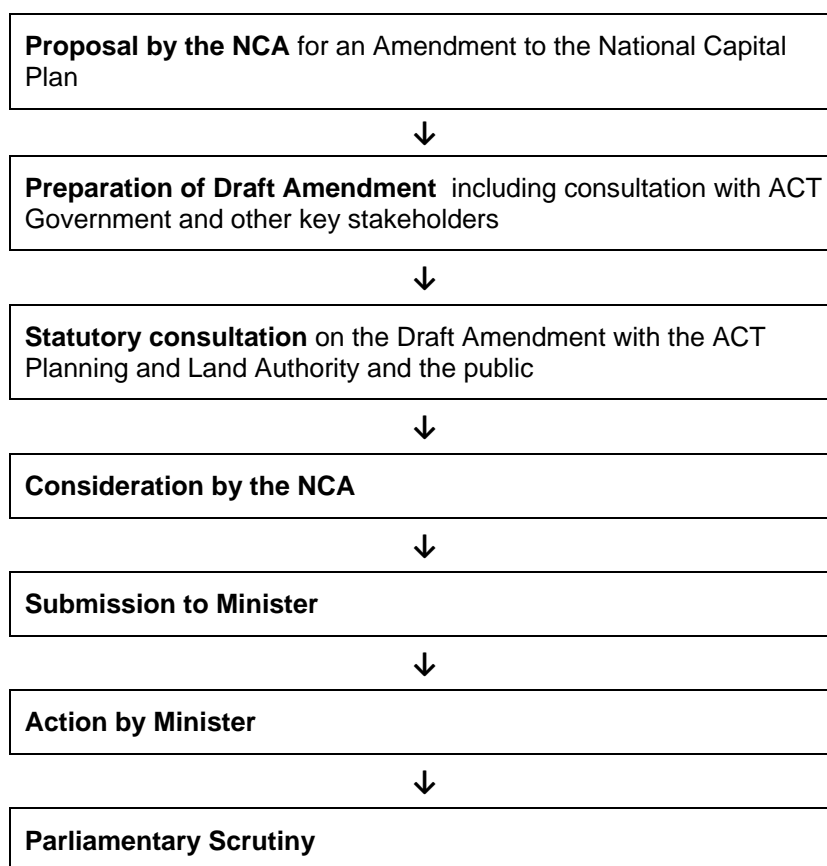
6 National Capital Authority, *Submission 55*, p. 19.

7 Section 9, *Australian Capital Territory (Planning and Land Management) Act 1988* (Cth).

- assessing works applications for buildings and structures, demolition, tree felling, landscaping or excavation in areas which are designated as having the special characteristics of the national capital;
- co-ordinating parliamentary approvals for works proposed within the parliamentary zone;
- preparing detailed conditions of planning design and development for sites in areas which are designated as having the special characteristics of the national capital; and
- preparing Development Control Plans for areas which have special requirements applying under the NCP.

3.13 Table 3.2 outlines the various steps required for an amendment to the NCP.

Table 3.2 Amendments to the National Capital Plan: Process Flow Chart

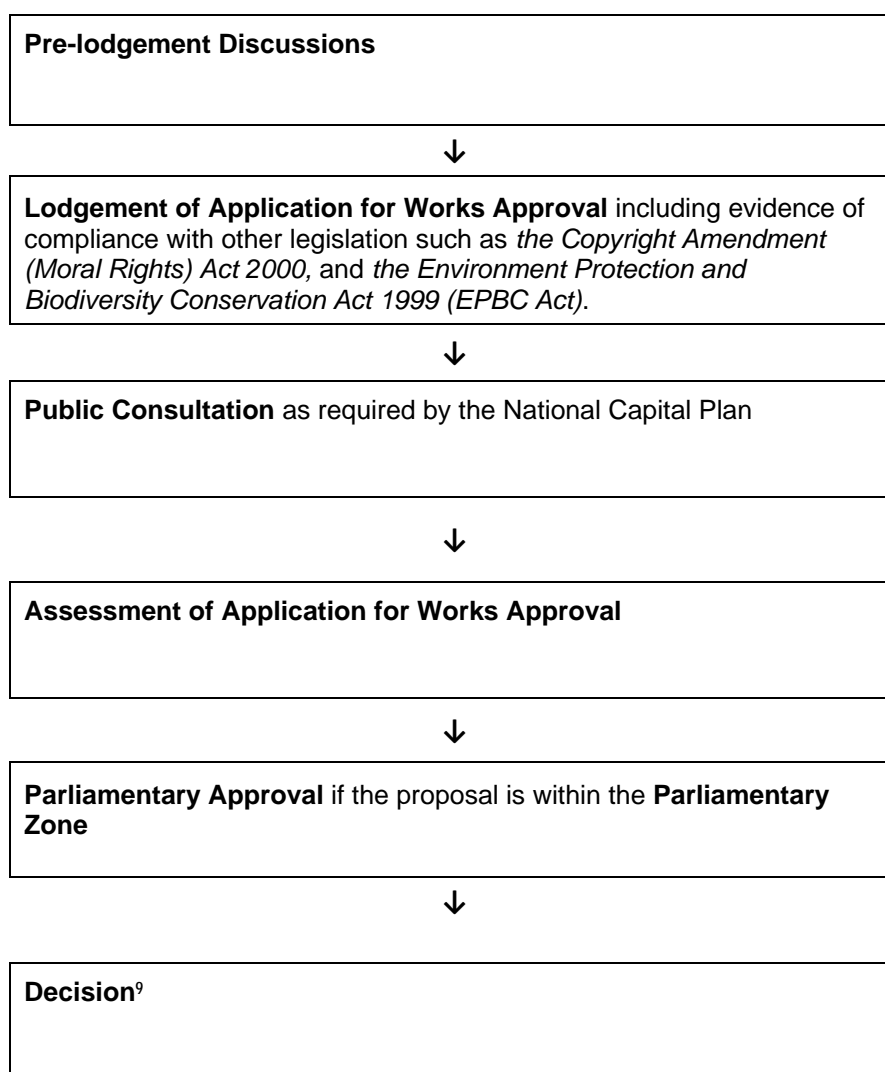


Source: National Capital Authority, Submission 55, p. 24.

3.14 The NCA is responsible for works approvals in 'Designated Areas' - areas which have been identified as having the special characteristics of the national capital. The NCA considers proposals for works in Designated Areas on the basis of relevant provisions set out in the NCP. The NCA's role is 'to assist applicants through a process of negotiation and design

development to achieve outcomes appropriate to those areas which embody the special characteristics of the national capital.’⁸ Part of this process includes ensuring compliance with obligations under the *Environment Protection and Biodiversity Conservation Act 1999*. Table 3.3 below provides a flow chart describing the various steps in the works approval process.

Table 3.3 Works Approval Process: Flow Chart



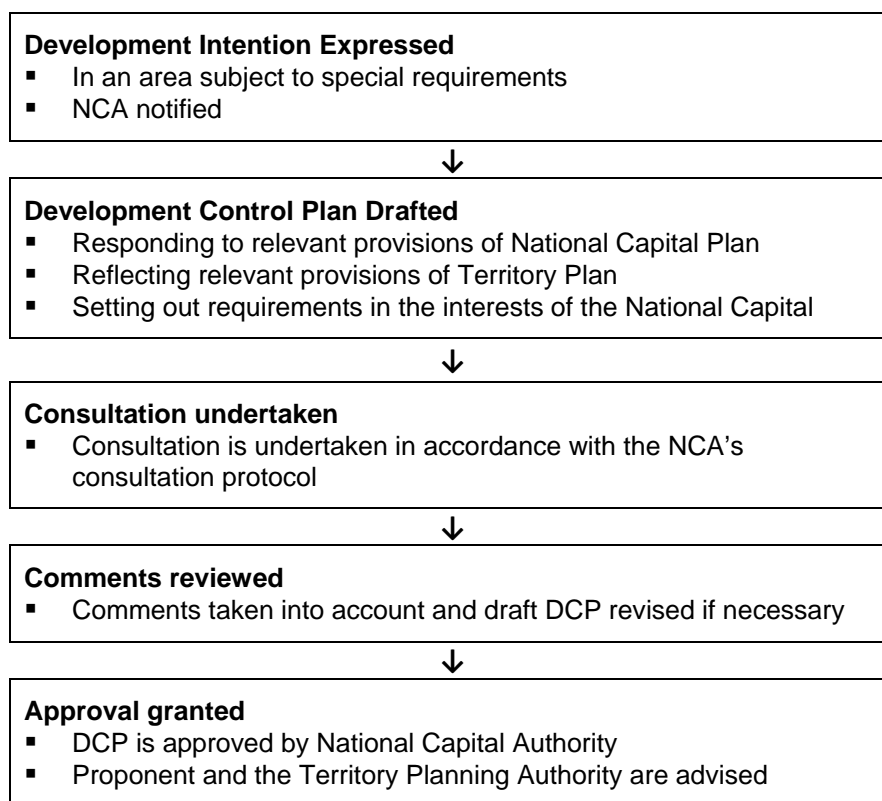
Source: National Capital Authority, Submission 55, p. 25.

3.15 Table 3.4 outlines the process through which a Development Control Plan is prepared for 'Areas Subject to Special Requirements' under the NCP.

⁸ National Capital Authority, viewed 18 June 2008, <<http://www.nationalcapital.gov.au>>.

⁹ There is the opportunity for recourse under the *Administrative Decision (Judicial Review) Act 1977* (Cth) to determine if a decision of the Authority is correctly made, or to normal common law processes.

Table 3.4 Development Control Plan Process: Flow Chart



Source: National Capital Authority website: www.nationalcapital.gov.au

Promoting the national capital

- 3.16 The NCA's role in the promotion of the national capital is set out in its statutory function to *foster an awareness of Canberra as the National Capital*.
- 3.17 The NCA maintains that its promotional role complements the activities of the Commonwealth cultural institutions and the role played by ACT Government tourism.¹⁰
- 3.18 In recent years, the NCA has contributed to a number of events in the national capital. These include *Australia Day Live* on the lawns of Parliament House; *Summer and Winter in the Capital*; VP Day and the *Tropfest* short film festival. In addition, the NCA stated that it has been proactive in encouraging acclaimed performers such as Sir Elton John and Cirque du Soleil to national venues.¹¹
- 3.19 The NCA's outreach programs include: the *National Capital Exhibition* at Regatta Point, Commonwealth Park, which tells the story of Canberra; a range of information and on-line education tools (including primary and

10 National Capital Authority, *Submission 55*, p. 62.

11 National Capital Authority, *Submission 55*, p. 12.

secondary school education kits and virtual tours of the Exhibition; the National Carillon and Blundells Cottage); guided walking tours to prominent locations within the Central National Area; and school holiday programs.

- 3.20 The NCA advised the committee that in order to meet the recent savings measures required by the Government, the NCA 'has reduced its deliverables in promotions and is concentrating on the National Exhibition, some venue marketing and on-line outreach.'¹² The NCA's promotion of the national capital is addressed in more detail in Chapter 7.

Enhancing the national capital

- 3.21 In its role of commissioning capital works for the national public areas in Canberra, the NCA seeks to ensure that 'national places continue to be created which will enrich the experience of Canberra and increase the understanding of and involvement in the capital.'¹³
- 3.22 The NCA receives a capital injection of \$1.5m to fund new public works (since July 2004) and depreciation of approximately \$10 million per annum for the replacement of assets.¹⁴
- 3.23 Works carried out by the NCA on National Land include core infrastructure and services, memorials and artworks, and the development of parks and gardens and new public places.¹⁵
- 3.24 Some significant projects undertaken by the NCA in recent years include:
- National Police Memorial (September 2006);
 - RG Menzies Walk (February 2006);
 - Australian of the Year Walk (January 2006);
 - Old Parliament House Gardens reconstruction (December 2004);
 - Women's Suffrage Commemorative Fountain (December 2004);
 - National Emergency Services Memorial (July 2004);
 - Commonwealth Place (July 2002);
 - Reconciliation Place (July 2002);
 - Magna Carta Monument (October 1997);

12 National Capital Authority, *Submission 55*, p. 12.

13 National Capital Authority, *Our Nation, Your Capital*, p. 11 viewed 18 June 2008, <http://www.nationalcapital.gov.au/downloads/publications/the_role_of_the_NCA.pdf>.

14 National Capital Authority, *Submission 55*, p. 42.

15 National Capital Authority, *Submission 55*, p. 10.

- Memorials on Anzac Parade; and
 - Anzac Parade street lighting, paths, seats and interpretive plaques.
- 3.25 The NCA believes that its capital works role is critical to ensuring that national public assets continue to be created, and to an appropriate standard so that they meet the expectations of users and ‘enrich the understanding and experience of the national capital.’¹⁶

Maintaining and protecting the national capital

- 3.26 Consistent with its statutory functions, the NCA develops and manages assets, including National Land declared by the responsible Commonwealth Minister to be *land required for the special purposes of Canberra as the National Capital*. Most of this land is located in the central areas of Canberra.
- 3.27 The NCA administers leases granted in respect of National Land and manages the assets which include memorials, artworks, fountains, parks and gardens, public amenities, signage, lights and other infrastructure.¹⁷ The NCA is therefore charged with maintaining and protecting some of the nation’s most significant cultural landscapes and assets. These include Lake Burley Griffin, Commonwealth and Kings Parks, Anzac Parade and its memorials, Commonwealth Place, Reconciliation Place, the National Carillon, the Captain Cook Memorial Jet and the Diplomatic Estate (comprising sites of foreign embassies and high commissions in the national capital).
- 3.28 The majority of maintenance services on National Land are contracted out by the NCA on a competitive basis.¹⁸ Lake Burley Griffin is governed by the *Lakes Ordinance 1976 (Cth)* and the NCA administers powerboats, moorings, major events, abstraction of water for irrigation and various other matters associated with the lake. Lake Burley Griffin and Scrivener Dam are managed and maintained through service delivery contracts.¹⁹

16 National Capital Authority, *Submission 55*, p. 11.

17 National Capital Authority, *Submission 55*, p. 50.

18 National Capital Authority, *Submission 55*, p. 13.

19 National Capital Authority, viewed 18 June 2008, <http://www.nationalcapital.gov.au/enhancing_and_maintaining/lake_burley_griffin/>.