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The Secretary  
Joint Standing Committee on the National Capital and External Territories  
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**SUBMISSION TO THE  
INQUIRY INTO THE ROLE OF  
THE NATIONAL CAPITAL AUTHORITY (NCA)**

**Preamble**

The Planning Institute of Australia (PIA) is the National association representing professional town planners throughout Australia. The Institute has a total membership of about 4,500.

PIA considers that the planning of Canberra and the governance arrangements for the planning system in the ACT are issues of National importance.

PIA, as well as other industry bodies, has been recommending for some time that a comprehensive review of the planning system in the ACT should be undertaken. The action of the Federal Government in asking the Joint Standing Committee to conduct this inquiry is appreciated, and PIA is pleased to make this submission.

## **PIA's National Policy position**

PIA's position on the future of planning in the ACT is now included in a National Policy position. It can be found on PIA's web site and is the basis for our submission to this inquiry. PIA believes the ongoing role of the Commonwealth in the future of Canberra, our National Capital, is critically important. PIA does not support any proposal to hand over strategic planning responsibilities for the National Capital to the ACT Government, and for the NCA (or equivalent) to be removed from that role.

## **The Commonwealth's interest in and responsibility for the ACT.**

Canberra is a unique city, having been specifically created by and for the Federal Government to be Australia's National Capital. It is one of a select group of 'planned' Capital cities around the world. The Commonwealth Government remains the major industry in Canberra and the Commonwealth, in accordance with the Australian Constitution Act (s. 125) is the owner of the ACT. The city has grown to accommodate a substantial population and is a significant regional centre. Self government for the ACT in 1989 changed the Commonwealth's role in directly governing the Territory, but the Commonwealth retained responsibility to plan and guide Canberra and the ACT to ensure that the National Capital is successful and sustainable for the benefit of all Australians.

The NCA is required under the *ACT (Planning and Land Management) Act 1988* [the 'PALM' Act]: "*to ensure that Canberra and the Territory are planned and developed in accordance with their national significance*". The national significance of Canberra is acknowledged in that law as Canberra the city, in its setting, the Australian Capital Territory.

The Commonwealth's responsibility for the National Capital can be partly exercised through ensuring that the planning and development of Canberra meets the highest standards of design. This responsibility also extends however to ensuring that Canberra, as the National Capital and Australia's largest inland city, is economically, socially and environmentally sustainable and able to respond to the new challenges of climate change.

The city of Canberra, as bequeathed by the Commonwealth to the new ACT Government in 1989, had some critical infrastructure deficiencies which are restricting the city's ability to deal with climate change. This condition has been exacerbated by limited investment in infrastructure by both jurisdictions for nearly two decades. For example, the ACT has proved to have an inadequate long term water supply and an ineffective public transport system. As a small jurisdiction with state-like functions, the ACT Government has very limited resources and is unable to fund the required infrastructure upgrading. The Commonwealth should see this as a National Infrastructure issue, recognising its

particular responsibilities for the National Capital, and provide special assistance to the Territory in this regard.

The provision of effective infrastructure needs to be underpinned by an efficient city structure, delivered by a robust, long term, sustainable, overall integrated land use and transport plan for the city. An associated strategic plan should then identify critical infrastructure development priorities. The Commonwealth, through the NCA, should be taking the lead in this work, in accordance with the PALM Act, rather than focussing exclusively on specific projects in the central area.

Ensuring an economically robust and sustainable future for the National Capital city and its unique setting is, as a result of self government in 1989, a JOINT responsibility- both in terms of planning and in terms of the provision of infrastructure.

There is no longer any excuse for the Commonwealth Government, through the NCA, to delay reviewing and updating the National Capital Plan, which is now completely out of date.

There is also no longer any excuse for the ACT Government to continue to undermine the important and separate role of the Commonwealth as custodian of the National Capital city on behalf of all States and the people of Australia.

A new planning and infrastructure system, with both jurisdictions playing an important role, is the way of the future.

## **2. Governance relationships between NCA and Territory planning authority.**

PIA ACT's previous recommendation for cross representation between the authorities is still relevant to the NCA. There should be Territory representation on the Board of the NCA. However, there is now no effective means of Federal involvement in the Territory planning authority, as the advisory Planning and Land Council has been abolished.

However the NCA, as the Commonwealth's planning agency, has the over-riding role and responsibility under the PALM Act, and therefore the NCA is the body where it is most critical to have broad representation.

To enable it to undertake effective overall and strategic planning, a more fundamental expansion of the board of the NCA would be highly desirable, to include representation from the Territory, perhaps also the surrounding region of NSW and, importantly, a Board member with planning experience and expertise. A system of consultative committees, such as are employed by the Western Australian Planning Commission, is also likely to enhance the quality and relevance of planning work undertaken by the NCA.

Consideration also needs to be given to the current fragmented state of planning under the ACT Government. The various ACT Governments have experimented with a number of different administrative and legislative arrangements. The ACT planning 'authority' has moved between several different departments and is currently a stand-alone agency (the ACT Planning and Land Authority - ACTPLA), although responsibility for both transport planning and the land development program was recently moved to other agencies. For a time there was an independent Commissioner for Land and Planning (whose role was limited to dealing with contentious development applications). The Commissioner's position was abolished and an advisory Planning and Land Council was introduced but this was also disbanded as a cost-cutting measure.

All this bureaucratic change and the reduction in the influence of the planning role in the ACT Government leaves very little confidence in the ACT's ability to take on the planning functions of the National Capital alone. Indeed the move to separate the transport planning role flies in the face of global best practice, which is to integrate land use and transport planning.

Better integrated Territory planning functions may require some major change to the current ACT departmental structure, eg. through the creation of a Department of Planning and Infrastructure, again along the lines of that existing in Western Australia, rather than persisting with the fiction of an 'independent' planning authority. However, of overriding importance is a clear understanding that the Commonwealth and ACT planning responsibilities need to work together, with distinct yet complementary roles, to deliver the best outcomes for Canberra and the ACT.

### **3. Content of the National Capital Plan**

The National Capital Plan was adopted in the early 1990s as an amalgam of planning policies of the former National Capital Development Commission. It was essentially a static, statutory land use plan and was quite prescriptive and detailed in many respects. It has not fundamentally changed since, despite having many specific amendments.

A more up to date and effective National Capital Plan (and more in the spirit of the enabling legislation) would focus on providing a robust and sustainable overall plan for the Territory, supplemented by land use and urban design policies for areas of special National significance. Section 10 of the PALM Act requires (inter alia) that the National Capital Plan: *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; 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.*

The National Capital Plan also: *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 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.*

The detail of local area planning and development controls would more appropriately be implemented through the Territory Plan, in a manner consistent with the National Capital Plan. Issues around development management are canvassed further under Section 5 below.

Many previous reviews have recommended that the National Capital Plan be urgently reviewed and updated. It is inexcusable that the Commonwealth Government has neglected this critical responsibility for the future of the National Capital. It is now imperative that this happen and that it be done jointly with the ACT, the NSW Government and surrounding community, and the community and industry of Canberra.

#### **4. The Canberra Plan and the National Capital Plan**

The ACT Government in 2004 produced a 30 year strategic plan for Canberra (the “Canberra Plan”), incorporating a Spatial Plan, a Social Plan and an Economic White Paper. There was little reference to the National Capital aspects of Canberra however, and an absence of clear policies and investment priorities to reform Canberra as a truly sustainable city, responding effectively to the challenges of climate change. The Canberra Plan was followed by the Sustainable Transport Plan, most of which has not been implemented by the ACT Government.

As suggested above, the Commonwealth should provide the lead in the overall planning of Canberra in order to ensure that Canberra and the Territory are planned and developed in accordance with their National significance.

An updated National Capital Plan should incorporate the key drivers in the Canberra Spatial Plan and Territory Plan and should now be integrated to form one seamless Plan incorporating:

- an overall land use and transport structure for the city, based on extensive consultation;
- a clear strategy for infrastructure provision and development sequencing, to implement the agreed overall plan; and
- detailed land use and development controls covering the whole Territory, to be administered by the Territory in consultation with the NCA where appropriate.

Funding for new plans and administrative arrangements would need to be shared between the Australian and Territory Governments, in recognition of the Commonwealth’s responsibilities for the maintenance, sustainable development

and promotion of the National Capital. Similarly, the Commonwealth needs to provide for strategic infrastructure investment in the Territory to ensure that the National Capital exemplifies the best standards and most appropriate methods of dealing with the challenges of climate change.

The recent funding cuts to the NCA, following earlier cuts to ACTPLA, have left the ACT planning system in poor shape. It is essential that the Commonwealth and ACT planning agencies are well resourced, in order to ensure that the overall planning of Canberra is maintained at the highest standards and produces high quality development, as befitting the National Capital.

## **5. Development Management**

The ACT Government has recently comprehensively modified the Territory Plan, consistent with the recommendations of the Commonwealth-supported Development Assessment Forum (DAF), to provide a state of the art framework for controlling development including public consultation and appeal rights and managing the input of relevant government agencies. This is to be applauded.

There is no reason why the same regime should not be extended to areas under the control of the Commonwealth Government. A separate and relatively archaic development management system for those areas (even though the development industries like it) is no longer supportable.

The PALM Act would need to be amended to apply a consistent development management regime to National land (other than in the Parliamentary Zone), Territory land and Designated Areas.

It is understood that the NCA will be proposing to this inquiry a new allocation of land responsibilities to once and for all eliminate the duplication of roles and planning rules. PIA supports this initiative. However, PIA also supports one development management system with the NCA responsible for administering it in areas of National significance, as proposed under the NCA submission, and the ACT administering it in all other areas. The community will be consulted in accordance with the ACT development management system and all developers and investors will play by the same rules throughout the Territory.

## **Conclusions and Recommendations**

PIA does not support any proposal to hand over strategic planning responsibilities for the National Capital to the ACT government, and for the NCA (or equivalent) to be removed from that role.

Rather, the Federal and Territory Governments need to come together and produce a much better integrated planning system for the ACT. The current fragmentation of urban planning and development responsibilities brings to mind

the situation in the 1950s which led to the formation of the National Capital Development Commission, to provide the vision and leadership to create a great capital city. The same level of commitment is now required to allow Canberra to respond to the great challenges of climate change and produce a truly sustainable city.

PIA believes there is an important strategic planning role and responsibility for the Commonwealth in setting and maintaining the broad direction for the future of the National Capital. The Commonwealth also has the heavy responsibility of preserving Canberra's reputation world wide as one of the outstanding planned cities in the world. We must not forget this.

However, the ACT is the appropriate authority to set the more detailed planning policies and administer the planning responsibilities for all land except the most critical areas of National importance. Both jurisdictions should share the infrastructure funding responsibilities to keep Canberra the unique city that it is, and to meet the emerging challenges of climate change in an inland city.

The blame game must stop.

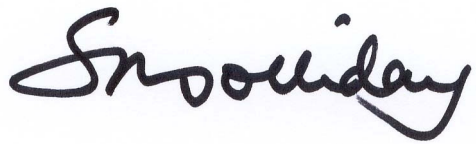
**PIA therefore recommends:**

1. PIA believes that the Commonwealth should retain the over-riding responsibility: *"to ensure that Canberra and the Territory are planned and developed in accordance with their national significance"*. Not only do planning and development need to meet the highest standards of design but also, as the National Capital and Australia's largest inland city, Canberra needs to be economically, socially and environmentally sustainable and able to respond to the new challenges of climate change.
2. The Commonwealth bequeathed to the new ACT Government in 1989 a planned city but with some critical infrastructure deficiencies which are restricting the city's ability to deal with climate change. The Commonwealth Government should see this as a National Infrastructure issue, recognising its particular responsibilities for the National Capital, and provide special assistance to the Territory.
3. The provision of effective infrastructure needs to be underpinned by an efficient city structure, delivered by a robust, long term, sustainable, overall integrated land use and transport plan for the city. An associated strategic plan should then identify critical infrastructure development priorities. The Commonwealth, through the NCA, should be taking the lead in this work, and work jointly with the ACT.
4. To enable it to undertake effective overall and strategic planning, the Board of the NCA should be expanded to include representation from the Territory, the surrounding region of NSW, and a member with planning

expertise and experience. A system of consultative committees, such as are employed by the Western Australian Planning Commission, is also likely to enhance the quality and relevance of planning work undertaken by the NCA.

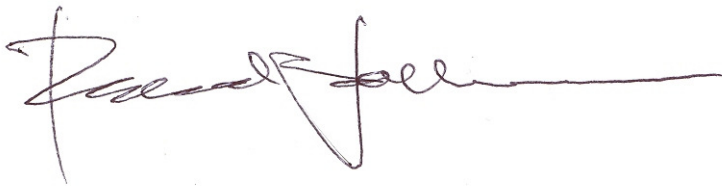
5. Territory planning functions need to be much better integrated with transport planning, which may require some major change to the current ACT departmental structure, rather than persisting with the fiction of an 'independent' Territory planning authority.
6. The National Capital Plan must be urgently reviewed and updated in the spirit of the enabling legislation. The plan would focus on providing a robust and sustainable overall plan for the Territory, supplemented by land use and urban design policies for areas of special National significance.
7. The detail of local area planning and development controls would more appropriately be implemented through the Territory Plan, in a manner consistent with the National Capital Plan.
8. The National Capital Plan, Canberra Spatial Plan and Territory Plan should be integrated to form one seamless Plan incorporating:
  - an overall land use and transport structure for the city, based on extensive consultation;
  - a clear strategy for infrastructure provision and development sequencing, to implement the agreed overall plan; and
  - detailed land use and development controls covering the whole Territory, to be administered by the Territory in consultation with the NCA where appropriate.
9. Funding for the development of new plans and administrative arrangements would need to be shared between the Australian and Territory Governments, in recognition of the Commonwealth's responsibilities in the maintenance, sustainable development and promotion of the National Capital. Similarly, the Commonwealth needs to share in the funding for strategic infrastructure investment in the Territory to ensure that the National Capital exemplifies the best standards and most appropriate methods of dealing with the challenges of climate change.
10. It is essential that both the Commonwealth and Act planning agencies are well resourced, in order to ensure that Canberra and the Territory are planned and developed in accordance with their National significance and reputation world wide.
11. The PALM Act needs to be amended to apply a consistent development management regime to National land (other than in the Parliamentary Zone), Territory land and Designated Areas.



A handwritten signature in black ink that reads "Snoulday".

Sue Holliday, MPIA CPP, PIA National President

28 March 08

A handwritten signature in black ink that reads "Richard Johnston".

Richard Johnston FPIA CPP, President PIA ACT

28 March 08