
The Parliament of the Commonwealth of Australia

The Way Forward

Inquiry into the role of the
National Capital Authority

Joint Standing Committee on the National Capital and External Territories

July 2008
Canberra

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Chair's Foreword

Canberra is one of only a small number of the world's capital cities which have been planned since their inception. It is a city of both national and international significance. All Australians should be proud not only of the achievements of our democracy but also of our national capital which embodies many of the democratic ideals which define us as a nation.

Since Canberra's inception in 1913 the key design elements of Walter Burley Griffin and Marion Mahony-Griffin have been given effect. Their plan integrated the existing natural landscape of the area and provided for a symbolic hierarchy of land uses designed to reflect the order and functions of democratic government. This was set in a geometric plan with the central triangle formed by grand avenues terminating at Capital Hill, the symbolic centre of the nation.

The challenge for all Australians is to ensure that Canberra as our national capital continues to be planned with the high ideals first articulated by the Griffins. The Commonwealth was solely responsible for planning the capital up until self-government in 1989. Since that time the Australian Capital Territory has been subject to a dual planning system. The National Capital Plan (NCP) administered by the National Capital Authority (NCA) secures the Commonwealth's continuing interest in ensuring that Canberra is planned and developed in accordance with its national significance. All remaining aspects of planning are subject to the Territory Plan, administered by the ACT Government.

The committee, through this inquiry, has examined the current planning arrangements with a view to reducing red tape and confusing duplication but at the same time ensuring that the Commonwealth has a direct and enduring role in the future planning of Canberra, the nation's capital. The committee focused on the administration of the NCP, the governance arrangements of the NCA, the level of oversight required to maintain the highest standards of design in the ACT, opportunities for greater cooperation with ACT Government planning authorities, and the promotion of the national capital.

The NCA should continue to exist but is in need of structural renewal. The committee has proposed that the governance arrangements be changed to give more independence to the NCA board commensurate with its status as a statutory authority. Persons appointed to the board should have qualifications or expertise relevant to a field related to the NCA's functions. Transparency and accountability to the Parliament will be enhanced through the Chairperson of the board appearing twice a year at public hearings before this committee.

The most important feature of the report is the future planning framework. The principles and policies that define the Commonwealth's interest in the national capital can be enhanced by their inclusion in the Australian Capital Territory (Planning and Land Management) Act. The NCP is in need of updating to respond to the modern challenges of climate change and ecological sustainability as well as providing for more effective consideration of future transport needs. In this way, the Commonwealth continues to set the framework for future planning.

The committee recommends the development of a single integrated planning document which comprises the NCP and the Territory Plan, with agreed definitions and clear geographic boundaries between the two plans. Where possible, these boundaries should be based on the objective that land administration be aligned with planning jurisdiction. In this way, proponents, stakeholders and the community would deal with just one planning authority.

There was a great deal of goodwill expressed by both the NCA and the ACT Government to achieve such an alignment of the respective plans, as contained in their submissions. However it became clear that there were many important details to be ironed out. Many witnesses and submitters to the inquiry were not able to express a view or contribute to the discussion about the proposals because the inquiry represented the first public exposure of the ideas.

The committee recommends a working group comprising the NCA and the ACT Planning and Land Authority (ACTPLA) should prepare detailed proposals of an integrated, co-operative approach which would be considered as part of a broader package of updating the NCP and any legislative amendment. It is envisaged that this process could take around 18 months.

The committee, therefore, has proposed that as an interim measure in order to resolve planning duplication: the Commonwealth consider amendments to the Australian Capital Territory (Planning and Land Management) Act to permit the NCA and ACTPLA to negotiate a memorandum of understanding to delegate the planning jurisdiction for Territory Land which has designated status.

The NCA and ACTPLA will also have the opportunity to receive advice on a range of planning matters through the creation of the National Capital Consultative Council (NCCC). The NCCC would consist of representatives from the Commonwealth and ACT governments, the community and business and be

co-chaired by the responsible Commonwealth Minister and the ACT Chief Minister.

The committee has also made recommendations to remove the 'gap' in heritage protection on Territory Land that fall within designated areas of the NCP.

There was a great deal of interest in the role the NCA has promoting the National Capital. The committee clarifies the NCA's role to be one focussed on the national cultural icons and events in the central national area.

The committee identified three key objectives that have guided deliberations through the course of this inquiry:

- the committee's first objective is to ensure that the Commonwealth protect and promote the unique design of Canberra because it represents the intrinsic character of the National Capital;
- the committee's second objective is, where possible, to align land administration with planning jurisdiction, provided the first objective is achieved;
- the committee's third objective is to foster greater co-operation and collaboration between the Commonwealth and the ACT Government on planning and related matters.

The committee is confident that these objectives are met through the key recommendations. I believe these recommendations and the others contained in the report provide a solid foundation for the way forward for planning in the Australian Capital Territory. They will ensure that Canberra continues to be planned in accordance with its national significance and tap into the opportunities that cooperation with the ACT Government can bring.

In conclusion, and on behalf of the committee, I thank all groups, organisations and individuals who contributed to this inquiry. The interest in, passion for and commitment to their National Capital by so many Australians was inspiring and uplifting throughout the course of the inquiry.

Senator Kate Lundy
Chair



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Membership of the Committee

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Ms Natasha Petrovic



Terms of Reference

On 19 February 2008, the Minister for Home Affairs, the Hon Bob Debus MP, requested the committee to inquire into and report on:

- 1) the administration of the National Capital Plan with particular emphasis on the reduction of red tape and duplication of municipal and local planning functions, the jurisdiction of ACT spatial policy and harmonisation of planning systems;
- 2) whether the government arrangements for the NCA provide a sufficient balance between the independence of the Authority's planning decisions and its accountability for its operations;
- 3) the appropriate level of oversight required to achieve the highest standards in design for areas of national significance;
- 4) opportunities to ensure cooperation with the ACT planning authority and increased engagement with the Canberra community;
- 5) the effective national promotion of the National Capital, and the roles of the NCA and the ACT Government in advocacy for new infrastructure projects including responsibility for events and developing the distinctive character of the National Capital.

The Minister requested that the committee table its report by 30 June 2008.



List of abbreviations

3D	Three Dimensional
ACT	Australian Capital Territory
ACTPLA	ACT Land and Planning Authority
AILA	Australian Institute of Landscape Architects
ANU	Australian National University
Board	The National Capital Authority board
CBC	Canberra Business Council
CD	Compact Disc
CE	Chief Executive
CMP	Conservation Management Plan
CNA	Central National Area
COAG	Council of Australian Governments
DAF	Development Assessment Forum
DAS	Department of Administrative Services
DCP	Development Control Plan
EOI	Expression of Interest
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>

FMA Act	<i>Financial Management and Accountability Act 1997 (Cth)</i>
GDE	Gungahlin Drive Extension
NCA	National Capital Authority
NCC	Canadian National Capital Commission
NCDC	National Capital Development Commission
NCP	National Capital Plan
NCPA	National Capital Planning Authority
PALM Act	<i>Australian Capital Territory (Planning and Land Management) Act 1988 (Cth)</i>
PCA	Property Council of Australia
PEO	Principal Executive Officer
PIA	Planning Institute Australia
RAIA	Royal Australian Institute of Architects
T1	Transcript of evidence 1 - 21 April 2008
T2	Transcript of evidence 2 - 22 April 2008
T3	Transcript of evidence 3 - 23 April 2008
T4	Transcript of evidence 4 - 1 May 2008
T5	Transcript of evidence 5 - 2 May 2008
T6	Transcript of evidence 6 - 6 May 2008
T7	Transcript of evidence 7 - 14 May 2008
TTF	Transport and Tourism Forum Australia
WBGS	Walter Burley Griffin Society



Recommendations

2 Canberra—a planned capital city

Recommendation 1 (para 2.65)

That the Commonwealth Government affirm its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians.

4 Governance and administration

Recommendation 2 (para 4.61)

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to include the following provisions:

- That the National Capital Authority board consists of a Chairperson and seven members.
- That a minimum of two National Capital Authority board members be from the ACT region.
- That a person appointed as a National Capital Authority board member by the Commonwealth Government must have qualifications or expertise relevant to a field related to the Authority's functions as set out in Section 6 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.
- That the Chief Executive no longer have ex-officio status on the National Capital Authority board.
- That the appointment of Chief Executive should be made on recommendation of the National Capital Authority board and the Chief Executive be fully accountable to the board.

Recommendation 3 (para 4.62)

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require the Chairperson of the National Capital Authority to appear twice a year before the Joint Standing Committee for the National Capital and External Territories.

Recommendation 4 (para 4.63)

That a National Capital Consultative Council be established. This Council would have representatives from the Commonwealth Government and the ACT Government, the community and business. The Council would be co-chaired by the responsible Minister and the ACT Chief Minister.

Recommendation 5 (para 4.64)

That the Commonwealth Government establish the position of Commonwealth Architect within the Department of Prime Minister and Cabinet.

5 The NCA's consultation with the community

Recommendation 6 (para 5.58)

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to require all draft amendments to the National Capital Plan and all proposed works (with the exception of de-minimus works) in the Parliamentary Zone to be referred to the Joint Standing Committee on the National Capital and External Territories for its consideration and report, if necessary, within three months.

Recommendation 7 (para 5.59)

In the interest of improving uniformity between the two planning systems, the Development Assessment Forum model should be assessed by the National Capital Authority for its relevance and application to the National Capital Plan and a report provided to the Joint Standing Committee and Minister within three months from the date of the Government Response to this report.

6 Securing our heritage

Recommendation 8 (para 6.31)

That existing relevant Commonwealth and Territory legislation be amended to protect the heritage of all Designated Areas in Canberra.

7 Promoting the national capital

Recommendation 9 (para 7.64)

That the role of the National Capital Authority be clarified to include promotion of the national cultural icons located in the Central National Area.

Recommendation 10 (para 7.65)

That the National Capital Consultative Council prepare a domestic and international tourism and marketing plan for the national capital for consideration by both the ACT and Commonwealth Governments in their next respective budgets. In addition, the committee recommends that such a plan factor in the Centenary of Canberra celebrations in 2013.

8 The Canberra International Airport and employment location strategies

Recommendation 11 (para 8.37)

That the Department of Infrastructure, Transport, Regional Development and Local Government consult with the National Capital Authority to ensure that the Airport Master Plan and the major development plan is in line with the National Capital Plan.

Recommendation 12 (para 8.56)

That the National Capital Consultative Council make recommendations to the Commonwealth Government for a policy to govern future locations of Commonwealth Government agencies in Canberra.

9 Canberra's transport system

Recommendation 13 (para 9.63)

That the Commonwealth and the ACT Government prepare a joint Sustainable Transport Plan which is recognised in both the National Capital Plan and the Territory Plan.

10 The dual planning framework

Recommendation 14 (para 10.108)

That, as a possible interim measure to resolve duplication, the Commonwealth consider amendments to the *Australian Capital Territory (Planning and Land Management) Act 1988* to permit the National Capital Authority and ACT Planning and Land Authority to negotiate a memorandum of understanding to delegate the planning jurisdiction for Territory Land which has designated status under the National Capital Plan from the NCA to ACTPLA.

Such a delegation would need to be accompanied by the necessary resources to fulfil these functions.

Recommendation 15 (para 10.109)

That, in the interests of removing unnecessary complexity and red tape:

- 'Special Requirements' be removed from the National Capital Plan;
- All areas of National Land previously subject to Special Requirements be converted to Designated Areas; and
- Any areas of Territory Land previously subject to 'Special Requirements' where the Commonwealth has a significant and enduring planning interest be converted to Designated Areas until a broader review of the National Capital Plan and Territory Plan is undertaken to assess whether such areas should be considered for future gazettal as National Land.

11 A vision for future planning

Recommendation 16 (para 11.58)

The strategic goal of ecologically sustainable development should be embedded as a major principle in the *Australian Capital Territory (Planning and Land Management) Act 1988*.

Recommendation 17 (para 11.83)

That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to enshrine the policies and principles of national significance as described in the proposed National Capital Land Use Plan in a schedule of the Act, and that the proposed Implementation Strategy be included as a disallowable instrument.

The Act should also be amended to specify a requirement for the National Capital Land Use Plan and Implementation Strategy to be reviewed every three to five years.

Recommendation 18 (para 11.132)

That the National Capital Authority and ACT Planning and Land Authority form a joint working group to achieve a single integrated document which:

- comprises the two statutory plans, and agrees on clear geographic boundaries between the two plans based on the committee's objective that, where possible, land administration be aligned with planning jurisdiction;
- includes a harmonised language, definitions and structure;
- provides guidelines for interpretation of the two plans;
- provides advice to the Commonwealth Government on enshrining the policies and principles relating to national significance across the Australian Capital Territory in the form of the National Capital Land Use Plan in the *Australian Capital Territory (Planning and Land Management) Act 1988*; and
- provides advice to the Commonwealth and ACT Governments on the key elements of the Implementation Strategy.

Recommendation 19 (para 11.133)

That the National Capital Authority be resourced to participate in the working parties and reviews as required.

Recommendation 20 (para 11.134)

That any draft amendment(s) to the National Capital Plan proposing uplift of Designated Areas and a formal geographic re-alignment of planning jurisdiction be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry.

Recommendation 21 (para 11.135)

That, in the interest of aligning the National Capital Authority's planning system with the ACT's, the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to include a provision for decisions on development applications made under the Act to be subject to review through the Commonwealth Administrative Appeals Tribunal.

Recommendation 22 (para 11.153)

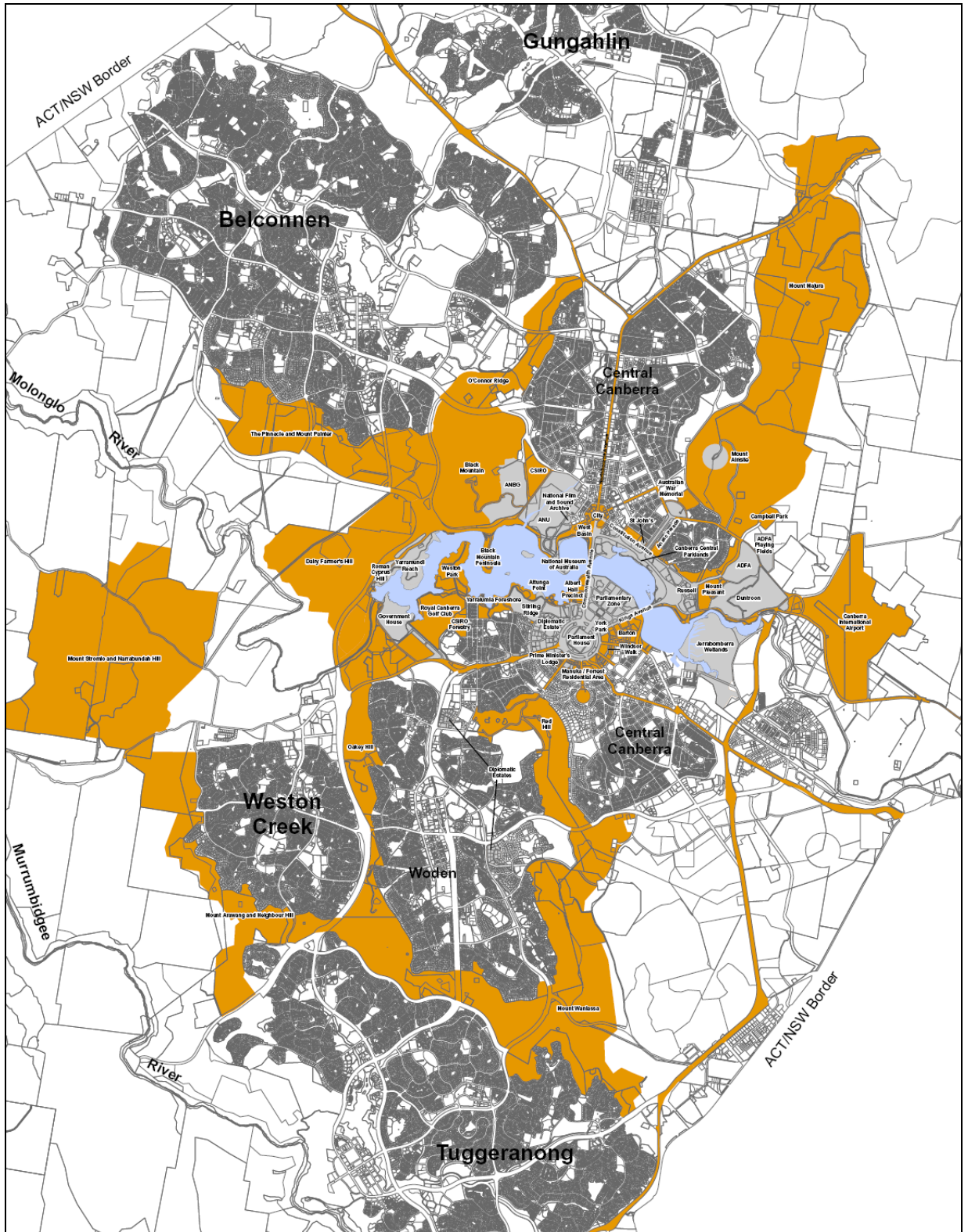
That the Commonwealth provide resources to the National Capital Authority to continue the development of a cost effective three-dimensional integrated plan in digital format which is available online with the purpose of gaining efficiencies in planning and enhancing consultation.

Figure i 1912 Plan, Walter Burley Griffin's competition winning design



Source: Image courtesy of the National Archives of Australia.

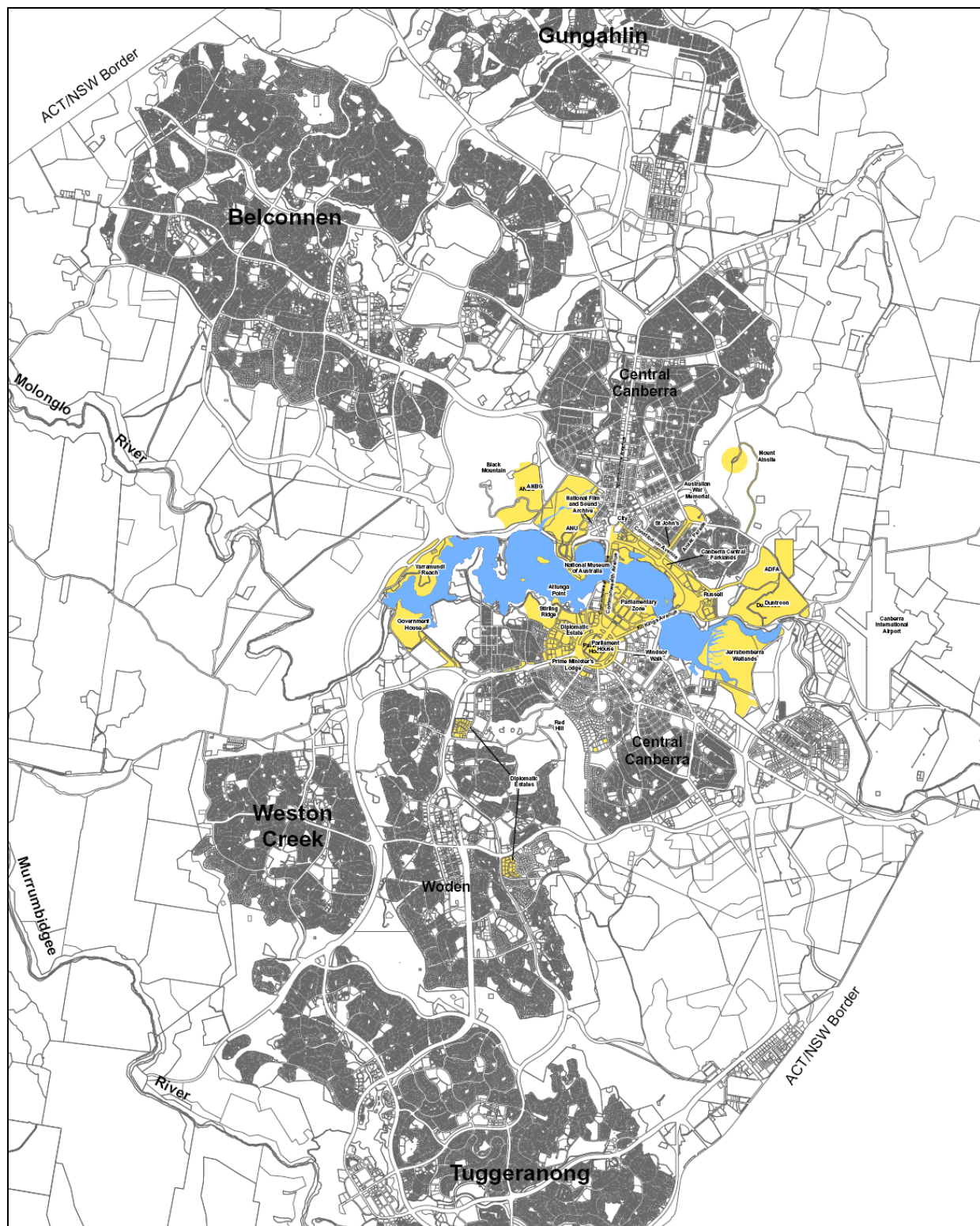
Figure ii NCA Submission: Proposed Designated Areas to be Removed



- Block Boundaries
- Lake Burley Griffin (LBG)
- Proposed Areas of Special National Importance (Includes LBG and all roads as indicated)
- Designated Areas to be Removed

Source: National Capital Authority, Submission 55.

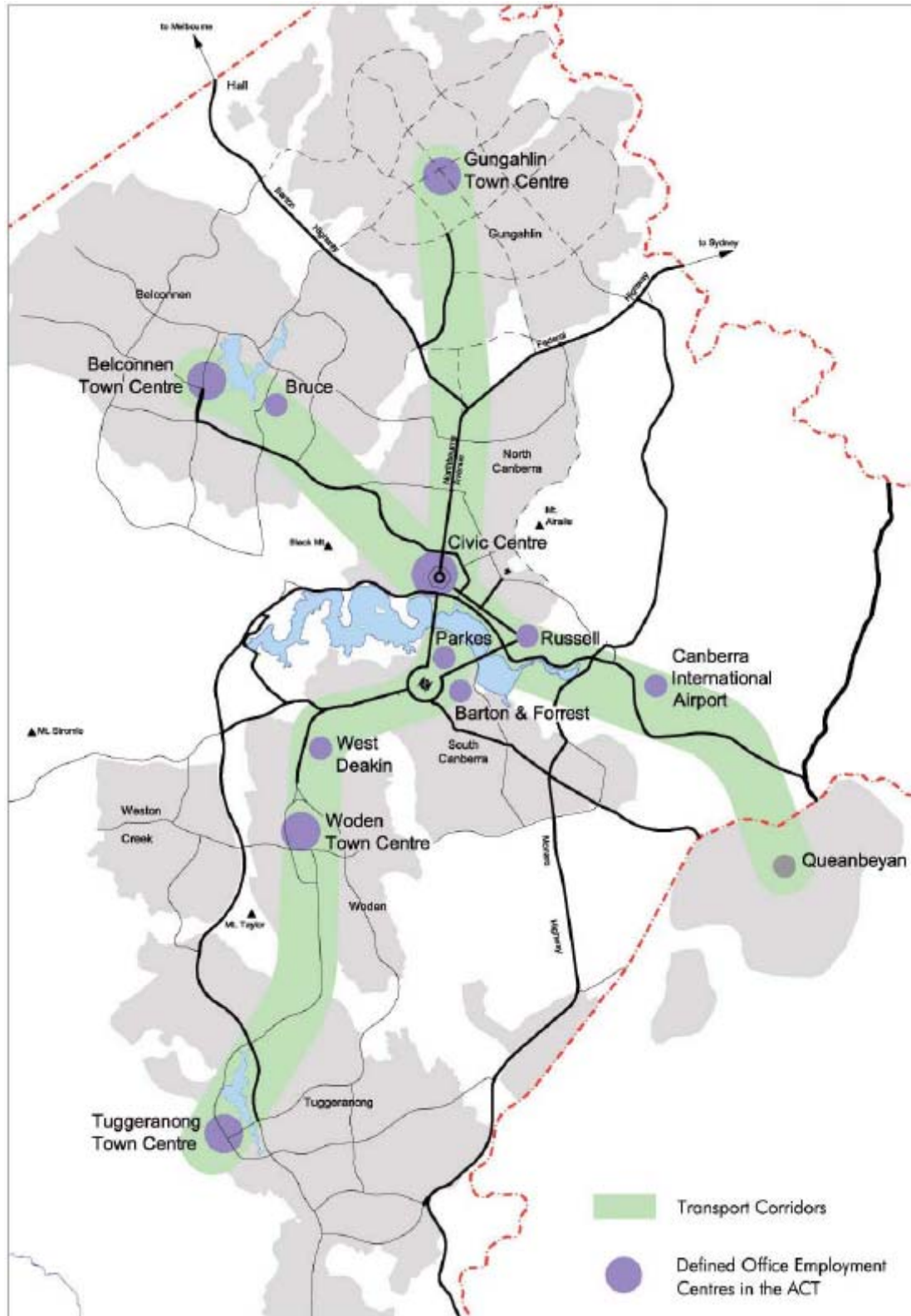
Figure iii NCA Submission: Proposed Areas of Special National Importance



- ACT Block Boundaries
- Lake Burley Griffin (LBG)
- Proposed Areas of Special National Importance (Includes LBG and all roads as indicated)

Source: National Capital Authority, Submission 55.

Figure iv Defined Office Employment Centres



Source: National Capital Authority, Amendment 44, National Capital Plan.

Figure v Examples of three dimensional planning model - View of Lake Burley Griffin and surrounds from Black Mountain



Figure vi Examples of three dimensional planning model - View of Lake Burley Griffin from Parliament House

