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Secretary of the Joint Standing Committee on the National Capital and External Territories
House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600
jscncet@aph.gov.au

Dear Sir/Madam

Joint Standing Committee (JSC) for the National Capital & External Territories Inquiry into the future role of the NCA

This submission is made by City West Property Holdings Pty Limited (**CWPH**), the crown lessee of Section 63, City ACT, purchased at auction in December 2007 for \$92m. CWPH is owned jointly by Leighton Properties Pty Limited and Mirvac Projects Pty Limited. Under the terms of the purchase the National Capital Authority (**NCA**) is the approval authority for all development works within the boundaries of Section 63.

CWPH, as a crown lessee of designated land who will potentially be directly effected by this Inquiry, is pleased to note the positive nature of its term of reference. The fact that the Inquiry is to inquire "into the future role of the NCA and the way in which the Commonwealth will protect its interests in the National Capital", suggests the future existence of the NCA is not in question and that the Commonwealth is not abandoning its interests in and obligations to the National Capital. Terms (d) to (e) are similarly positive and imply no reduction in the role and importance of the NCA, as they require the Committee to consider:

- a reduction of red tape and duplication in the administration of the National Capital Plan;
- maintenance of a proper balance within the NCA between independence and accountability;
- measures to achieve the highest standards of design for areas of national significance;
- greater co-operation between the NCA and the ACT Planning and Land Authority and increased engagement with the Canberra community on the part of the NCA;
- effective national promotion of the National Capital; and
- the roles of both the NCA and the ACT Government in the advocacy of new infrastructure projects, the staging of events and the development of the distinctive character of the National Capital.

Given the positive nature of the Terms we do not see any threat to the ongoing existence and effectiveness of the NCA. Rather the reverse. We see an enhanced and strengthened NCA resulting from the Inquiry, one with the power and resources to redress the many years of national capital neglect by previous Federal administrations over the past 20 or so years.

The JSC needs no reminding that Canberra is the Nation's Capital and that Federal Governments of all persuasions have an obligation to ensure the city is designed and developed in a fashion

befitting its importance and that this responsibility rests with the Commonwealth and not the local municipal authority and its ratepayers.

This being the case, the question needs to be asked: which parts of the ACT are "National" and which parts "Local"? The answer is, in our own view, quite simple. Clearly, it is that the National areas are:

- the Parliamentary Triangle bounded by the Parliament Building, Kings Avenue, Commonwealth Avenue and Constitution Avenue between City Hill and Russell;
- the views from this area to any points outside this area including adjacent land;
- the views into this area from any major viewing points abutting this area;
- any land likely to be needed for any expansion of national capital needs and activities in the future; and
- all major entry points to the Parliamentary Triangle from the ACT/NSW border to the Triangle.

The first four are, in our view, axiomatic and we will leave their discussion to others. The last is based on our belief that every citizen of Australia has the right, when visiting the Nation's Capital, whether alone or with their children or grandchildren, whether by air, rail or road, to enjoy that experience to the utmost and not have it diminished to any degree by a need to travel along routes compromised by sub-standard environments characterised by levels of urban planning and building design and construction that are less than complementary to what they will encounter when they reach the Nation's heart. Put simply, they should not have to travel through dross to reach excellence.

This thinking is not new and it is at the very heart of the Sale Contract for Section 63. The Contract and development crown lease were deliberately framed in the way they are as Section 63 abuts the Parliamentary Triangle and the quality of the development works to be carried out there have the potential to either enhance or diminish the Triangle and those visiting it. The Contract Conditions specify the NCA as the approving authority for all development works on the land and this is something we support and wish to see respected by all parties. Our position is consistent with the view stated above that local authorities should not be burdened with the costs (both capital and administrative) of matters rightly the responsibility of the Commonwealth and that the approaches to the Parliamentary Triangle should complement the Triangle itself. The NCA, with its resources, experience and roots in the old National Capital Development Commission is best positioned to assist all stakeholders in the nation achieve a result of which they can be proud.

However, should the Parliament decide to amend the Australian Capital Territory (Planning Land and Management) Act 1988 to either disband the NCA completely or reduce its role such that it has planning control only for the Parliamentary Triangle we would still expect the contract and crown lease conditions for the sale of S.63 to be respected. In the case of S.63, the seller was the Commonwealth through the agency of the ACT Government and the special role of the NCA was embedded in the S.63 contract documents and development crown lease. Thus the seller was and is the approval authority. Having written a contract which specifies a particular approving authority, the Commonwealth should honour that undertaking.

Our position does beg the question of what would happen should the NCA cease to exist. Our response is that the Committee should, if it is proposing such a course, anticipate cases such as ours and specify in its Report transition arrangements which preserve not only our contractual rights, obligations and expectations but also those values and concerns which so strongly influenced the drafters of the contract and the crown lease documents. Such transition arrangements will ensure that Section 63 is treated in the same manner as it would have been treated had the NCA continued to exist and that all stakeholders receive the results they expect.

Yours faithfully



David Patmore
Business Development Manager
Leighton Properties Pty Limited

Development Managers for
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