



FAX TO: The Secretary of the Joint Committee on National
Capital and External Territories
6277 2067

4 pages

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Re: Inquiry into the Role of the National Capital Authority

Our submission is as rate paying residents of the ACT.

Role of National Capital Authority (NCA).

The role of the NCA in planning development of the ACT appears in essence to be to create and administer the National Capital Plan (NCP) as per the Australian Capital Territory (Planning and Land Management) Act 1988 (referred to subsequently as the Act). Through this the NCA sets overall planning guidelines, sets specific details for designated areas and sets special requirements for certain areas deemed to be in the interests of the National Capital (s10 of the Act). We are unclear as to which agencies or departments control other Commonwealth land that is not the apparent responsibility of either the NCA or the ACT Government (e.g. the Majura firing range).

We recognise that Federal law can over ride territory law as evidenced with euthanasia in the Northern Territory. However in the ACT, the NCA (s29.4 of the Act) appears to have micro management powers to override planning by the ACT government (eg Gungahlin Drive). While there are quite detailed procedures the NCA must adopt when establishing or amending the NCP, there appear to be no such procedures if s29 were to be invoked. There is no reference to any trigger that would move the NCA to intervene nor indeed is there any reference to what appeal processes, if any, that may exist.

This difficulty has been brought into sharp focus in recent years as different interpretations have been placed on the Act. An elasticity of meaning in the wording of the Act permits the NCA to directly intervene in matters that the ACT Government had apparent carriage of eg Gungahlin Drive Extension. The question that now

must be addressed is does or should the NCA have total control over matters in the ACT and is or should the ACT Government be only an agent of the NCA, subject to having its decisions overturned by NCA or its Minister.

It appears that the ACT is responsible for lease compliance even in designated areas. While the NCA has enunciated some commendable guidelines for the protection of various natural features of the ACT, there seems to be some ambivalence on how these should be monitored and compliance ensured. A problem of which we are aware with relation to the Molonglo river corridor has been mentioned informally in both jurisdictions with no action taken and indeed no interest shown. Perhaps there is need to have a general hot line where complaints can be lodged and investigations carried out by whichever jurisdiction is responsible.

Another area of concern is that maps on the National Capital Plan and those of the Territory Plan are somewhat contradictory. In relation to some specific blocks in our area, we have had difficulty finding out the responsible jurisdiction.

We acknowledge that dealing with multi jurisdictional responsibilities is not unique to the ACT. However being so close to the locus of federal power leaves ordinary citizens feeling at the mercy of its attendant hot house political manoeuvres. As voters within the ACT, the jurisdiction that is most impacted upon by NCA decisions, the avenues and scope for presenting a point of view to the NCA seems limited and cumbersome. Accountability of the NCA to the ACT jurisdiction appears bounded to say the least.

From the perspective of an ordinary citizen it would help if there were a one-stop shop/person to assist with their inquiries where NCA and ACT Government responsibilities intersect.

Management of the NCP

We would like to make two observations. Firstly, the NCA is required to be keep the NCP under constant review (s6.4 of the ACT). Yet it seems that Part 3 of the NCP "Background Notes" has not been updated since originally written pre 1988. We query whether the NCA can "foster an awareness of Canberra as the National Capital" (s6 (e)) if its own public thinking appears to be quite out of date.

Secondly, we note that the NCA will prepare landscape plans for Approach Roads beyond the built-up area (p74 of the NCP). We have attempted to find out this information for Pialligo Avenue and had to engage in a "ping pong" correspondence between the NCA and relevant ACT ministers and officials. People whose livelihoods may be affected should have a clear path on how to find out what they need to know.

Management Issues related to Designated Land

The NCA has extensive powers over designated land. This has the potential to conflict and has already conflicted with planning by the ACT Government. It would appear that development on such land may proceed with no requirement to consult with the ACT government or its constituents. It is also not clear if lessees of designated land pay rates to the ACT Government.

The potential for conflict is exemplified by the continuing commercial office development at the Canberra International Airport (CIA). This has raised concerns about the impact on planning of other commercial centres by the ACT Government. The scope for the CIA to proceed along these lines is limited only by gross floor area of 2000 square metres of any one building (p97 NCP) not by any upward limit on the number of such buildings. Public consultation on CIA development will only be triggered if the cost is above \$10 million. No apparent consideration by NCA has been given to how this relatively unfettered development may be starving other town centres such as Tuggeranong and Gungahlin of development needed and supported by the ACT Government.

This in turn raises questions about the provision for and funding of infrastructure by ACT ratepayers (eg roads, roundabouts, water, storm water and sewerage).

While under definitions of the Act (s4), land is taken to include water, there is no mention of how the NCA will deal with ground water and access to it. The ACT Government allocates quotas of bore water to various leaseholders on territory land and this is a matter of public record. However, there appears to be some secrecy about what water allocations are given to those on National land or designated land eg CIA, Golf Club? On a specific point, while we acknowledge that the NCA is only one party to the Environment Reference Group for the CIA it is matter of concern

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that it has not met for several years despite the major developments at the airport.

Ground water does not recognise lease boundaries. If this precious resource is to be managed in a sustainable manner, there needs to be a transparent and co-operative process between the NCA and the ACT Government to do so.

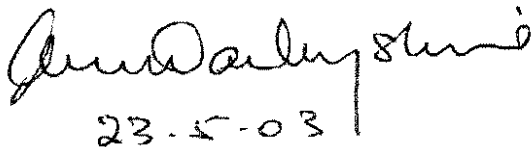
In summary it appears that the NCA in its administration of designated areas has the potential to disrupt planning by ACT Government, create inequities in the treatment of resources such as bore water and cause the ACT government to incur extra costs beyond its control.

Relationship between NCA and ACT Government

The potential for the NCA to over ride or thwart the elected ACT government needs to be addressed. There are serious considerations for the nature of democracy if an elected territory government is the creature of an unrepresentative agency.

Thank you for the opportunity to participate in the Joint Committee's inquiry. We would be happy to provide any further information if required.

Yours Faithfully


23.5.03