



Role of the National Capital Authority

Inquiry by Joint Committee on the National Capital and External Territories

Submission by Bruce Wright, 25 May 2003

Background

On 26 March 2003 the Joint Committee on the National Capital and External Territories resolved to conduct an inquiry and report on the role of the National Capital Authority. In particular the Committee will consider:

- the role of the National Capital Authority as outlined in the *Australian Capital Territory (Planning and Land Management) Act 1988*;
- the Authority's overall management of the National Capital Plan;
- management issues relating to designated land under the National Capital Plan; and
- the relationship between the Authority and Territory planning authorities.

The National Capital Authority (the Authority) was created through the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). The Act establishes as functions of the Authority (S 6 of the Act):

- (a) to prepare and administer a National Capital Plan (the Plan);
- (b) to keep the Plan under constant review and to propose amendments to it when necessary;
- (c) 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;
- (d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital;
- (e) to foster an awareness of Canberra as the National Capital;
- (f) with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas; and
- (g) 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.

While, in managing aspects of the National Capital, the Chief Executive and some staff of the Authority sometimes act under delegations from the Minister, in exercising planning powers they act under delegations from the Authority (S 49).

The Minister may give the Authority general directions in writing, but particulars of such directions must be included in the Authority's annual report (S7).

The Act provides (S 9) that the object of the Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Act does not define "national significance". It also provides (S 10) that the Plan may specify areas of land that have

the special characteristics of the National Capital to be Designated Areas. The Act does not define the “special characteristics of the National Capital”.

The Act provides (S10) that the Plan:

- (a) shall define the planning principles and policies for giving effect to the object of the Plan and, in particular, 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;
- (b) shall set out the general policies to be implemented throughout the Territory, being policies of: land use (including the range and nature of permitted land use); and the planning of national and arterial road systems;
- (c) 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
- (d) 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.

Works in Designated Areas are subject to approval by the National Capital Authority (S 11).

The Act required (S 57) that the Plan be initially established within two years of self-government.

The Act provides for the Minister to declare to be National Land any land that is, or is intended to be, used by or on behalf of the Commonwealth (S 27). Land that has not been declared National Land is Territory Land, and is administered by the Territory on behalf of the Commonwealth (S 28). National Land may be managed by any of a number of Commonwealth instrumentalities, but National Land designated as “required by the special purposes of Canberra as the National Capital” may be and is in practice managed by the National Capital Authority (S 6). The Authority is the manager of those open spaces in the heart of the Capital providing the immediate setting for the major national institutions (including the Parliamentary Zone, Lake Burley Griffin, Commonwealth Park, and Anzac Parade). But it does not manage the hills that provide the backdrop to the same institutions – these are Territory Land and so are managed by the Territory, but are generally Designated Areas and so under the planning and development control of the National Capital Authority.

In broad terms, the Commonwealth bears the cost of managing National Land and reaps any benefits from its development, while the Territory bears the cost of managing Territory Land, and reaps any benefits from its development. While no costs were incurred in the initial declaration of National Land, if the Commonwealth now declares any unleased Territory Land to be National Land, it is required to pay compensation to the Territory (S 31).

National Capital Plan

Section 57 of the Act proposed significant time constraints on development of the first National Capital Plan. Two years was insufficient time to initiate a new series of studies on Canberra development and growth, transport and employment patterns as an underpinning for a new vision

for the Capital, articulate the vision in planning policies and controls, undertake statutorily required consultation, and complete Ministerial and Parliamentary approval processes. The Authority at that time decided to base the National Capital Plan in those of the key principles and policies of the former National Capital Development Commission which were seen as having impact on national significance of the Capital.

The initial staff of the National Capital (then Planning) Authority were taken from the National Capital Development Commission, and were proud of the Commission's record in creating a unique National Capital of international renown which offered a high quality of life to its residents and fitting settings for national institutions, symbols and events. Initially the Authority made no independent attempt to define "national significance" or the "special characteristics of the National Capital". Rather, the development of the first draft Plan was informed by the former National Capital Development Commission's identified "Areas of Special National Concern", and, to a lesser extent perhaps, its separation of its "national" building program from "community facilities". The National Capital Development Commission, and its offspring National Capital Authority, identified the principal concepts of the 'Y-Plan' as being of national significance. "The role of the City as the National Capital remains paramount. The National Capital role demands that national functions are located in a prominent position where they may operate effectively and efficiently. The National Capital role also demands that high environmental and aesthetic standards are applied, particularly in Areas of Special National Concern," the National Capital Development Commission said in 1984.¹ "The metropolitan growth of Canberra is based on the development of separate urban districts or towns, in a linear arrangement in the form of a 'Y'. Each town is intended to be relatively self-contained and provide for most of the needs of its residents including employment, retail, community facilities, leisure and recreation. Each town is separated from adjacent towns by hills, ridges and other major open spaces. The hierarchy of centres will be maintained Large volume vehicular traffic is carried on a peripheral parkway system. . . . The hills and ridges within and around the urban areas of Canberra will be kept largely free of urban development both to act as a backdrop and setting for the City and also to provide a means of separating and defining the towns," it said.

After self-government there was no time to initiate and complete an extensive planning review; the National Capital Development Commission had already identified "Areas of Special National Concern"; the hills, ridges and buffer spaces clearly underpinned much of what was significant and unique about the capital and the setting for national activities; an external trunk roads system was needed to minimise traffic through what became known as the Central National Area; the Act required that the Authority set out policies of land use and the planning of national and arterial roads systems throughout the ACT; the Act allowed Designation of areas that "have the special characteristics of the National Capital"; the scope and nature of the National Capital Plan was almost predetermined.

The requirement that the Plan "set out general policies" of land use (including the range and nature of permitted land use) and of the planning of national and arterial road systems was interpreted to mean the development and publication of maps specifying and defining the boundaries of land use throughout the ACT and setting out the routes of all major roads and the

character of roads deemed to be “have the special characteristics of the National Capital”. Hurriedly in July 1990 the National Capital Authority drafted a definition of “national significance” and included it in the National Capital Plan.

Large slabs of open space and some developed and developable land otherwise under ACT control was “Designated” as having “the special characteristics of the National Capital” and so came under the detailed planning and development control of the Authority on behalf of the Commonwealth.

This was unremarkable at the time: the ACT Government, the ACT planning authority, the Minister for Territories, the Parliamentary Committee, Federal Cabinet and both Houses of Federal Parliament all either approved or did not object to the first National Capital Plan. Public consultation undertaken by the National Capital Authority disclosed wide support, and few substantial objections.

Angst arose in implementation. To the ACT Government, the area bounded by London Circuit is a heartland, site of its parliamentary building, law courts, theatre complex, and centerpiece Civic Square; to the National Capital Authority it is a vertex of Walter Burley Griffin’s great national triangle, so is Designated and under the detailed planning and development control of the Authority. The Authority, as planning and development approval authority, involved itself in the detail not only of refurbishment and redevelopment of the buildings surrounding the square but also of the paving of the square itself.

To the ACT Government, Northbourne Avenue is a major trunk access to the central business district; to the Authority it is an “approach route” to the heart of the Capital, and so is Designated – the ACT cannot even add a turning lane without written approval (not always forthcoming) from the Authority.

To the ACT, Gungahlin Drive Extension is a critical piece of local infrastructure needed to allow reasonable access to Canberra’s major development front and home to thousands of Canberra citizens; to the Authority it threatens an internationally renowned Commonwealth institution (the Australian Institute of Sport) on one side and the environment of the National Capital Open Space System on the other. To have its way on the route of an outer suburban arterial road the ACT Government must convince the National Capital Authority, the Minister for Territories, and both Houses of the Commonwealth Parliament.

To the ACT, rural and forestry lands bordering suburban Belconnen, Weston, Gungahlin and Tuggeranong are potential development sites; development is prohibited by the National Capital Plan.

The NCDC principles and policies translated with little substantive question into the National Capital Plan in 1990 have their foundations much earlier, as long ago as the mid 1960s when Canberra’s population was growing by about 10 per cent a year.²

Rates of car ownership in Australia trebled in the 1950s and 1960s³, those who owned cars drove them further each year⁴, Australians moved from country to city, the baby boom and migration swelled the population⁵, and every capital city in Australia invited American planners in to design massive freeway systems for them.⁶

In Canberra, the result was the so-called 'Y Plan' of 1970, based on transport studies and recommendations by Alan Vorhees, who had been invited out from his US base in 1965. The 'Y Plan' gave Canberra the separate towns of Belconnen, Woden, Weston Creek, Tuggeranong, and Gungahlin, each separated from the other by hills, ridges and buffers of open space, the linking freeway system external to the towns and the road spine through each of the towns. It gave us the roads we now know as Belconnen Way, William Hovell Drive, Tuggeranong Parkway, Drakeford Drive, Monaro Highway, Athllon Drive and Gungahlin Drive, among others.⁷

The 1970 plan, complete with its 1965 road pattern, was reviewed and re-affirmed by the former National Capital Development Commission in 1984 — five years before self-government, and when Canberra's population was 243,000, about 80,000 less than it is today. Only the northern suburbs of Tuggeranong had been developed, parts of Woden, Weston Creek and Belconnen were still marked on the maps as "future urban areas", and Gungahlin was nothing but paddocks.

The structural principles of the 1984 NCDC review were incorporated into the National Capital Plan, and have remained set in stone ever since. While successive amendments to the National Capital Plan have changed planning policies in particular areas, and some minor variation has been made to the boundary between suburban and rural/land uses (particularly at West Belconnen) no planning agency has completed and adopted a strategic or structural review of the Canberra Plan since 1984, when NCDC reaffirmed its own 1970 'Y Plan'.

Both the ACT administration and the National Capital Authority have had a number of attempts since then to reconsider structural and strategic planning of Canberra. Each has failed on every occasion, blocked by the administrative, political and financial arrangements for self-government and the resulting balances of power.

At first glance, one could consider that the National Capital Plan has served the Commonwealth well. With the exception of only very minor incursions, it has protected the National Capital Open Space System from development; the vistas and backdrops of key national institutions, symbols and activities — the views which give the Capital its unique character — remain intact.

But, while the ACT bus network struggles to attract passengers, the Parliamentary Triangle and adjacent areas are blighted by illegal parking in addition to acres of over-full surface car parks; the ACT administration baulks at having to comply with Authority demands in areas ranging from Civic Square to O'Connor Ridge; requirements of the National Capital Plan significantly constrain the development options of an ACT Government in need of the income stream which comes from providing land to meet development pressures; and metropolitan strategic transport planning is affected by the Commonwealth through constraint on Northbourne Avenue, a failure to implement a reasonable parking regime on national land, and continuing Commonwealth control over arterial roads. The metropolitan and transport structure specified by the National

Capital Plan is based on principles which involved the Commonwealth determining employment location by building office blocks for public servants; yet the structure remains when most of the workforce is privately employed, the National Capital Authority does not build office blocks, and the Commonwealth has sold many of those it used to own.

In setting out land uses and arterial road patterns across the ACT, the National Capital Plan determines the structure of the city; yet the National Capital Authority does not have the resources to effectively re-examine whether the structure remains the optimal one for Canberra nor the ability to implement any urban structure.

Financial relationships

In many respects, the ACT enjoys a similar financial relationship with the Commonwealth to those of any other state or territory.

However, the ACT relationship is complicated by some unique and interlocking issues.

Commonwealth ownership and control of National Land imposes both costs and benefits. Lake Burley Griffin, for instance, imposes costs on the ACT in running infrastructure past it. There seems little doubt, though, that the visual and recreational amenity of the lake, maintained at Commonwealth expense, also provides benefits to the ACT. Commonwealth ownership of Commonwealth Park is a particularly relevant example. It was developed and is maintained at Commonwealth expense. Like the lake, its existence must also impose some costs on the ACT through the opportunity costs of lost development and/or the cost of running infrastructure past it. The site has such a high level of amenity that the ACT remains committed to running its annual Floriade festival in the park. The ACT administration takes the benefit of the Commonwealth expense on the park, and complains publicly that the National Capital Authority imposes constraints on the ACT's use of the park.

Commonwealth planning and development control of Territory Land also imposes both costs and benefits. Few would argue that the forested nature of the inner hills which form the backdrop to most views in the capital are not central to the capital's unique character. So it is unexceptional that the National Capital Plan requires that the inner hills be preserved essentially undeveloped and that it imposes requirements for protection and management of the environment.⁸ The inner hills and other open spaces of the capital offer recreational and environmental benefits to the Canberra community and are highly valued by many Canberra residents. Their existence also imposes costs on an ACT administration in terms of foregone development opportunities and infrastructure cost, as well as direct management and maintenance costs.

What is the full cost to the ACT (including opportunity cost) of keeping Mount Ainslie as a bushland backdrop to the Australian War Memorial? So far as I can ascertain, no one knows. The Commonwealth pays the ACT some money for it, but it remains unclear whether it is the right amount. How much would it advance the ACT's coffers if it could allow urban development on the slopes of Black Mountain, Red Hill, Stirling Ridge, or Mount Stromlo? We can not know whether an ACT government would choose to do so, because the Commonwealth insists through

the National Capital Plan that these remain part of the complex of “hills, rivers and buffer spaces” which give the capital its landscape character. What of the costs of the Commonwealth’s demand through the National Capital Plan that urban development be constrained to central Canberra and the “towns” of Woden, Weston Creek, Tuggerangong, Belconnen and Gungahlin? They have never been calculated.

By what logic does Commonwealth Avenue become National Land and so the Commonwealth’s responsibility to maintain as it crosses Lake Burley Griffin, and then become Territory Land and so the ACT’s responsibility again as it passes the National Library, Commonwealth Treasury, and even the offices of the National Capital Authority in its path up the hill to serve as the main entrance road to the Commonwealth’s Parliament House? But Capital Circle, even the lane of it which is reserved for the almost exclusive use of the ACT government’s buses, is the Commonwealth’s responsibility. Does that balance the road serving the Prime Minister’s Lodge being the Territory’s responsibility to maintain? Does the ACT’s free use of Commonwealth Park for Floriade make up for ACT government costs in having to redesign aspects of Civic Square, or its new courthouse, or the Playhouse Theatre, to meet Commonwealth demands? By what logic is the construction and maintenance of arterial roads across the ACT the financial responsibility of local government, while it is the Commonwealth which reserves to itself the final say on where the roads go, and in some cases how wide they might be and even whether they can include turning lanes or roundabouts or traffic lights?

The Commonwealth does pay the ACT some compensation for costs incurred because of Canberra’s role as the National Capital. Firstly, there are funds handed over by the Commonwealth to the Territory each year through the Department of Transport and Regional Services. As best as I can ascertain from the department, these comprise \$8.7 million this financial year for water and sewerage costs and \$21.6 million for national capital influences on costs of providing municipal services — both figures whose origins apparently have more to do with history than with independent and transparent evaluation of real costs or a just Commonwealth share of them.

In addition, the Commonwealth Grants Commission assesses some transitional allowances and “special fiscal needs” which have been steadily decreasing over the years and in 2002/2003 total \$14.7 million under just two headings, \$10.7 million for police and \$4.0 for corporate affairs.

The Grants Commission processes also deliver \$36.07 per capita per year (around \$11 million) for “disability factors to recognise that some costs in the ACT are increased because it is the Australian national capital”. These comprise (all are per capita) \$11.05 for additional costs associated with the leasehold system and planning costs, \$0.65 for the above-average level of Commonwealth litigation, \$2 for public safety and emergency services, including consideration of large areas of grass and bushland, \$4.50 for the “standard costs” of maintaining such a large area of open space, and \$4.87 for the effects on ACTION of free parking in the Parliamentary Triangle and Canberra’s dispersed layout.

The funds which come through the Grants Commission process at least reflect independent assessment of claims by the ACT, though in some cases the Grants Commission makes clear that

the amounts allocated bear no relationship to actual costs of fulfilling Commonwealth requirements in Canberra. In the latest inquiry the ACT was granted only 28 per cent of the funds sought.

There is an absence of accountability in Commonwealth decision-making affecting the ACT. Decisions of the Commonwealth impose both benefits and costs on the ACT. But they are made without acknowledged regard for these consequences. The self-government legislation requires the Commonwealth's National Capital Authority to develop a Plan which sets "standards for the maintenance and enhancement of the character of the National Capital and . . . general standards and aesthetic principles to be adhered to in the development of the National Capital", yet makes no provision for the costs of implementing those standards on land managed by the ACT administration.

The Commonwealth has accepted some ACT proposals to extend suburbia into land which had been reserved as rural buffer space (the suburb of Dunlop, for example) and has rejected others. But in neither its acceptance nor its rejection of these proposals did the Commonwealth acknowledge costs and benefits imposed on the ACT.

The Commonwealth demands that the ACT administration protect the inner hills (Mount Ainslie, Black Mountain, Mount Majura, and Red Hill, among others) as "key symbolic and landscape elements . . . expressing the defined land, water and municipal axes and providing the dominate backdrop feature to the city," and that it manage them "as a multi-use recreation and environmental system with different parts having their own special character and use." And in return, the Commonwealth pays the territory not the opportunity cost of foregone development, not the cost of the management and maintenance required, but, *post hoc*, the Commonwealth Grants Commission's assessment of some standardised cost of managing open space, and a small top up toward the costs of fire protection.

The National Capital Plan defines management guidelines for the National Capital Open Space System, and through the Commonwealth Grants Commission process some money is paid to the ACT for managing the land. But the Commonwealth process of paying is not tied either to actual costs incurred nor to any process of ensuring that management of the area has been to a satisfactory standard.

Fostering awareness

The statutory functions of the National Capital Authority include (S 6 e of the Act) "to foster an awareness of Canberra as the National Capital".

The initial funding arrangements for the Authority took no account of and made no provision for this function. Spending on the function was initially modest, limited to what could be diverted from administrative funds.

While the Authority undertakes a range of activities in pursuit of fostering awareness (some of which are adaptations of programs introduced in those early, unfunded, days), perusal of NCA publications, including its latest annual report, disclose no overarching strategy.

The Authority has been under some pressure publicly to interpret its role of fostering awareness as one of support for the efforts of the Canberra Tourism and Events Corporation.

There is a good case for the National Capital Authority to be required to foster awareness of the National Capital – unless Australians know and appreciate their Capital, why should they be obliged to pay for it? But to the extent that this role is interpreted as attracting tourists to Canberra, it simply sets up a federally funded body to compete unfairly with other Australian cities and regions which have to fund their own tourism promotions.

The National Capital Authority should “foster awareness” of Canberra as the National Capital. Its target audiences should be those unlikely to visit the Capital (most typically residents of the north and west of Australia), and those visitors who are already here. If it broadened the understanding of the National Capital in both these groups, it would strengthen federal parliamentary democracy in Australia without unfairly competing with tourism promotion bodies elsewhere.

The experience of other federal capitals

In Canada’s National Capital Region, the federal government enjoys no powers that it does not have in other parts of Canada. The National Capital Region has no constitutional existence; rather it is only the definition of the area, centred on Ottawa and Gatineau, in which the national government’s National Capital Commission has responsibilities. The statutory functions of the National Capital Commission are remarkably similar to those of Australia’s National Capital Authority.⁹

National Capital Commission	National Capital Authority
Prepare plans for and assist in the development, conservation and improvement of the National Capital Region in order that the nature and character of the seat of Government of Canada may be in accordance with its national significance	Prepare a National Capital Plan whose object is to ensure that Canberra and the Australian Capital Territory are planned and developed in accordance with their national significance.
The Commission may construct, maintain and operate squares, highways, parkways, bridges, buildings and any other works, and maintain and improve any property of the Commission or any other property . . . at the request of the Minister in charge.	On behalf of the Commonwealth, commission works to be carried out in any area Designated as having the special characteristics of the National Capital, and manage all National Land reserved for the special purposes of the National Capital
The Commission shall . . . coordinate the development of public lands in the National Capital Region. Any proposals for work on	No works shall be performed in a Designated Area (having the special characteristics of the National Capital) unless they are in accordance

<p>public buildings or public lands shall be submitted to the Commission for approval.</p>	<p>with the National Capital Plan and they have been approved in writing by the National Capital Authority.</p> <p>The National Capital Plan shall set out general policies of land use and the planning of national and arterial road systems to be implemented throughout the Territory, and may set out special requirements for the development of any area, being requirements that are desirable in the interests of the National Capital.</p> <p>Neither the Commonwealth nor the Territory nor any of their agencies shall do any act that is inconsistent with the National Capital Plan.</p>
<p>Organize, sponsor or promote such public activities and events in the National Capital Region as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada.</p> <p>Coordinate the policies and programs of the Government of Canada respecting the organization, sponsorship or promotion by departments of public activities and events related to the National Capital Region.</p>	<p>Foster an awareness of Canberra as the National Capital.</p>

Despite those similarities, the fact that the National Capital Commission’s planning powers are confined to federally owned lands means the organisations and their influence are very different, as are the two capitals they (to greater or lesser extents) plan and manage.

In practical (as opposed to constitutional and statutory) terms, the Australian government “owns” only small proportions of both the ACT and Canberra – the area which has been declared National Land.¹⁰ National Land in Canberra is managed by a range of federal agencies for a variety of purposes; that which is required for the special purposes of Canberra as the National Capital is managed by the National Capital Authority. This latter category is quiet modest in area, comprising in general terms Lake Burley Griffin and selected parts of the foreshores, the area bounded by Parkes Way and Kings and Commonwealth Avenues (excluding Parliament itself), Anzac Parade, and some diplomatic lands. As discussed earlier, The Authority’s planning powers and responsibilities extend across the territory.

The National Capital Commission, on the other hand, owns vast swathes of Canada's National Capital Region. While in recent years it has divested itself of some small parcels seen as having limited national role, at its peak in the mid 1990s the Commission owned 460 square kilometres of land (10 per cent of the National Capital Region) including 258 kilometres of roads, paths and parkways, 41 bridges, and more than 850 residential, agricultural and commercial properties leased to private interests.¹¹ The Commission owns the parkways which provide "approach routes" to the heart of the capital and it owns the open-space network which provides structure to urban growth. In years past, the Commission had significant influence of metropolitan planning throughout Ottawa and across the river in what were then known as Hull, Aylmer and Gatineau (now Gatineau), using its financial resources and its in-house professional planning expertise to assist provincial, regional and local government agencies which at the time had few such resources compared with the Commission. More recently, as National Capital Commission budgets have become more constrained and provincial, regional and local governments have developed more professional planning capacity, the National Capital Commission has been relegated to its statutory role – planning federally owned lands. Simultaneously, metropolitan-wide strategic planning processes have failed.¹²

Federal agencies in Canada make grants to municipal government in lieu of – and equivalent to – land taxes. These payments are in addition to the local benefits derived from the operation by the National Capital Commission of significant public infrastructure such as roads, bridges and parks. However, as in Canberra, there often appears to be little logic as to whether a particular piece of infrastructure is owned by the federal or another level of government.¹³

Planning arrangements in the Canadian capital have had significant adverse impacts on the capacity of the federal government to shape its capital: federal authorities have found their powers inadequate to protect views to and from major national sites and buildings¹⁴; and metropolitan transport planning is failing as the National Capital Commission finds itself in straitened circumstances and no other government has the powers or means to achieve metropolitan-wide planning.¹⁵ The financial capacity and the power of the National Capital Commission and its predecessors to acquire land allowed establishment and maintenance in earlier years of a significant green belt and national capital open space system. That system is arguably now under threat through budgetary constraints imposed on the Commission.¹⁶

In one respect governance of Washington DC is similar to that in Australia's capital – the existence of a federal territory in which the federal government has constitutional responsibility and power quite separate from federal powers in the states of the federation.

While we have in recent years seen the growth of so called dormitory suburbs outside the ACT (particularly in Queanbeyan and Jerrabomberra but with growing pressures for new developments) and extensive commuting to Canberra from over-border villages and rural-residential developments, the bulk of Canberra's workforce still lives within the ACT. But the population of the US capital has long since spilled over the borders of the District of Columbia – the 570,000 people living in Washington DC¹⁷ are part of a metropolitan population of more than

4 million across surrounding counties, and most of the workforce of Washington DC commutes across the borders.

The *District of Columbia Self-Government and Government Reorganization Act* of 1973 established a mayor and council in Washington DC with responsibilities similar to those of both a state and a city in other parts of the US. It also established a National Capital Planning Commission, a federal body concerned with planning of federally owned lands (about 14 per cent of Washington DC), but the Act gave central planning responsibility to the Mayor of the District of Columbia. Powers retained by Congress included a 30-day review period for council legislation and the power to veto any local government legislation, and line-by-line review of the district budget.¹⁸

Self government of Washington DC has been marred primarily by a failure to put in place sustainable financial relationships between the two levels of government. While federal attempts at revitalization since 1977 have had some success, the picture remains bleak. The population of just over 570,000 is higher than the mid-1990s population, but it is still well down on the peak, pre-self government, population of about 900,000. Outside the national core, Washington DC is widely poor (with some rich enclaves), 60 per cent black, and with double the national average unemployment.¹⁹ The initial self-government package essentially left the government and community of Washington DC with insufficient financial resources to manage. Poor local services and high local taxes in Washington DC made surrounding counties more attractive as residential neighbourhoods for the large workforce of the capital. Falling population further increased the difficulties for local government in Washington DC, and increased the attractiveness of living over the border.²⁰

Federal planning control and management of federal lands has ensured maintenance of a grand federal core in Washington DC; the failure to ensure adequate funding for local government led to urban degradation and social dislocation in surrounding areas of Washington DC and mass movement of middle class population to surrounding counties.

Conclusions

The experience of Ottawa demonstrates the planning failures inherent in limiting federal planning control to federally owned land.

Confining federal planning powers to federally owned lands in Canberra would, under current circumstances, be much more limiting than the Canadian situation, because of the modest extent of land currently under federal "ownership" in Canberra.²¹ Under such a regime, to give the National Capital Authority powers comparable to those held by Canada's National Capital Commission, vast tracts of Canberra (such as the National Capital Open Space System, Namadgi National Park, the major approach routes, and significant parts of inner Canberra) would have to be declared National Land and maintained at Commonwealth expense.

Even then, the Ottawa experience demonstrates that federal authorities would lose influence over significant vistas, view corridors and urban structure.

An unconstrained ACT government would almost certainly (and not unreasonably) view the approach routes, Kings and Commonwealth Avenues, and State or Capital Circles as trunk thoroughfares for both public and private transport, regardless of implications for access to the Parliamentary Triangle or the character of the Triangle. On the other hand, if these were brought into Commonwealth ownership and the National Capital Authority followed the Canadian example, commercial vehicles and the ACT's buses would be banned from these roads.

The experience of Washington demonstrates the results of continuing failure to implement fair and transparent financial relationships between the federal and local government. The growth of Queanbeyan and Jerrabomberra, the deterioration (at least visually, if not structurally) of Canberra infrastructure as that which was built in the boom years of the 1960s and 1970s ages, the demands by the ACT government to identify new development fronts in lands reserved by National Capital Plan as open space, and the jockeying by neighbouring councils to host the next "Jerrabomberra", all point to the slow Washingtonisation of Canberra.

Requiring "local" or ACT Government representation on the National Capital Authority would be an unsatisfactory and internally inconsistent resolution to the identified problems in planning of the Capital. The role of the National Capital Authority is to protect the national interest and it should remain unashamedly so. The ACT government is rightly concerned with the local interest. Finding the appropriate path between these should be a public process based on clearly articulated principles, not dependent on how the numbers add up in a private meeting of the governing group of a statutory agency deliberately stacked with conflicting interests.

A single planning authority answerable to two governments has little to commend it. If there were not inherent incompatibilities between some federal and local objectives, there would be no need for any federal involvement in planning and land management in the National Capital. Federal governments invariably seek in their capital a level of order, space, symbolism and views; developing cities and state/territory governments invariably lean to a greater degree of private investment, development and activity even if it is at the expense of order - more economic activity rather than symbols, the clutter of development now rather than space and vistas and settings. A single planning authority provides no mechanism, other than internal bureaucratic battles, to resolve these inconsistencies. Nor does such a system provide an obvious way to address costs - who pays for development constraints imposed by a single authority? He who brought the greatest number of dollars to planning would invariably win. With a single planning authority in the current situation, that would be the ACT Government, on every issue.

Geography provides a more useful division of power and responsibility. Give the Commonwealth Government total control over the heart of the capital; in some other areas give it the capacity to constrain some development choices which would impact significantly and adversely on National Capital character; and let the local government have its way unconstrained elsewhere. That was the apparent intention of the current system: the failings have come from the lack of connection between planning decisions and costs, the consequently excessive scope of

the National Capital Plan, and the failure of the National Capital Authority to update strategic underpinnings of the Plan.

It is clear that the National Capital Plan is out of date; that it fails to recognise the changes over many years in Canberra's governance, demographics, outlook, and economy; and that it seeks to control aspects of development which are of limited, if any, national significance.

Even under the existing statutory regime, an adequately resourced National Capital Authority could and should tread much more lightly on ACT planning. The Commonwealth interest in the preservation of the inner hills could be met through Special Requirements rather than Designation, as could its interest in the Civic Square precinct, and some other Designated Areas, perhaps all such Territory Land areas.

The Act requires (S 10) that the National Capital Plan "shall set out the general policies to be implemented throughout the Territory, being policies of . . . land use and the planning of national and arterial road systems". The current Plan interprets this to require the inclusion of maps specifying land use throughout the Territory and the routes of national and arterial roads. My, lay, view is that policies of land use and policies of the planning of roads are not necessarily maps, and do not necessarily specify the precise location of particular land uses nor the precise location of particular roads. If my view was supported by legal advice, and if the Authority chose to act on such advice, amendments to the National Capital Plan could provide much greater freedom for the ACT administration to plan the city in detail, drawing the maps itself while complying with policies established in a revised National Capital Plan. Such a move by the National Capital Authority would recognise that, while there is national interest in the broad structure of the capital and in the protection of hills, rivers and buffer spaces, there is no national significance in the precise boundary between developed land and open space in the far reaches of Tuggeranong or Gungahlin. It would similarly recognise that there is no national interest in the precise route of the Gungahlin Drive Extension, for instance. The real national interest, in protection of the Australian Institute of Sport and, so far as is practicable, the bush of Bruce Ridge, could be expressed in and maintained by Special Requirements.

If legal advice is that the current Act prohibits such changes to the National Capital Plan, the Act should be changed urgently.

Such extensive revision of the National Capital Plan should be based on strategic analysis of today's Canberra and of projections and alternative scenarios. The National Capital Authority should be provided with the resources necessary for it to undertake such analysis with the ACT administration in true partnership. The ACT administration already has such a review underway, but a review by either government will fail to address legitimate concerns and aspirations of the other.

The National Capital Authority should rigorously consider, investigate, articulate and expose to national and local consultation definitions of both the "national significance" of the Capital and the features which determine whether an area has the "special characteristics" of the Capital. Without the meaning of these terms being defined and broadly accepted and appreciated, any

National Capital Plan lacks *raison d'être*. With such definitions, the National Capital Authority could begin the task of identifying the scope of a revised National Capital Plan.

Only when the scope of a new National Capital Plan is outlined could necessary work be undertaken on refining financial relationships between the two levels of government.

If statutory change is to take place, the most pressing need would be for a statutory link to be drawn between Commonwealth planning decisions – constraints and opportunities – and payments from the Commonwealth to the Territory.

Identification of the costs of Commonwealth planning decisions could well concentrate the collective National Capital Authority mind on what is really of national significance.

¹ National Capital Development Commission, *Metropolitan Canberra Policy Plan Development Plan*, July 1984, p 24.

² Australian Bureau of Statistics, *Australian Capital Territory in Focus 1998*, ABS 1307.8, p 207.

³ Brain, R, *Australian Planning Institute Journal*, January 1970, p 25.

⁴ Morrison, Ian, *The Corridor City: planning for growth in the 1960s*, *The Australian Metropolis – a Planning History*, Allen & Unwin, p113.

⁵ *Australian Demographic Trends 1997*, Australian Bureau of Statistics 3102.0, pp 126, 127.

⁶ Wright, Bruce, *Expectations of a Better World – Planning Australian Communities*, Royal Australian Planning Institute 2001, pp50, 51.

⁷ National Capital Development Commission, *Metropolitan Canberra Policy Plan Development Plan*, 1984, p 31.

⁸ S 8 of the National Capital Plan.

⁹ Wright, Bruce, *National Significance and Australia's National Capital*, National Capital Planning Authority, 1994. There may have been minor changes to these statutory responsibilities since these were taken from the National Capital Act, but the functions remain broadly similar.

¹⁰ All ACT land was acquired by the Commonwealth. At the time of self-government, much of it was given over to the effective control of the Territory administration, managing the land on behalf of the Commonwealth.

“Ownership” in this discussion is equated, in practical terms, to that land which was reserved as National Land. In the ACT only National Land is managed by the Commonwealth.

¹¹ Wright, Bruce, *National Significance and Australia's National Capital*, National Capital Planning Authority, 1994.

¹² Wright, Bruce, *Impacts of systems of governance on federal capitals*, National Capital Authority and International Council for Canadian Studies, 1998, pp 21-23.

¹³ *ibid*, pp 15, 16

¹⁴ *ibid*, pp 35-37

¹⁵ *ibid*, pp 27-33

¹⁶ *ibid*, pp 17-26

¹⁷ Government of the District of Columbia, <http://about.dc.gov.au/facts.asp>, 25 May 2003.

¹⁸ Wright, Bruce, *Impacts of systems of governance on federal capitals*, National Capital Authority and International Council for Canadian Studies, 1998, pp 13,14.

¹⁹ Government of the District of Columbia, <http://about.dc.gov.au/facts.asp> and US Census Bureau, <http://www.census.gov>, 25 May 2003.

²⁰ Cairns, Hilary, with Schoplein, RB, ed 1997, *Washington DC in Transition: Reinventing our Nation's Capital – A Summary of Research and Seminars of the Task Force on the District of Columbia Governance*, Washington DC, Georgetown University, Georgetown Public Policy Institute, April 1997, pp 6-15.

²¹ “Ownership” in this discussion is equated, in practical terms, to that land which was reserved as National Land.