

Jack Kershaw
6 April 2008

The Secretary and Members of the JSC for the National Capital and
External Territories
Parliament House
Canberra

Dear Secretary, Members, and Senators,

I attach my submission in connection with your review of the roles and responsibilities of the National Capital Authority for your consideration.

It is based on my years of experience in dealing and being involved with firstly, the National Capital Planning Authority, and then the NCA, on many planning, design and development issues in Canberra, mainly as a concerned citizen, alone and with like-minded groups. This involvement informs my views on the topic.

My comments are meant to be constructive, as Canberra matures into a city in its own right, 20 years after the introduction of self government.

I am happy to provide evidence in person to the Committee, with graphics to illustrate my submission, if you wish. I may need to make a supplementary submission.

Yours faithfully

Jack Kershaw
(Details below)

A review of the roles and responsibilities of the National Capital Authority.
Submission to the Joint Standing Committee for the National Capital and
External Territories, April 2008.

By Jack Kershaw FRAIA.

Part 1.

What do the people of Australia, and visitors to this country expect of the National Capital experience?

Early in the twentieth century, a large tract of land was set aside for the new Australian Capital Territory. Along with certain political criteria, the tract was apparently chosen because it possessed excellent water catchment spaces, a good supply of native forest timber for construction, four climatic seasons redolent of Europe, and topography suitable for potential urban development that could be enhanced by bushland open spaces, to create a uniquely Australian setting for our capital, set apart from the rest of Australia, but close to an existing country town with a railway station, Queanbeyan, for initial servicing. The territory even would have its own leasehold system of land ownership

(Probably, the selection of sites for all new urban settlements in this country should have been made with most of those criteria in mind, but rural, transport, mercantile, resource opportunities and development usually dictated otherwise. In those cases, town planning has often been applied retrospectively.)

But Canberra was planned, and notably, designed, from the start. In particular, it was given an idiosyncratic city form with a main centre and satellite centres separated by open space and linked by transport corridors. Correctly, major government employment in the sub centres was facilitated, as well as in the centre. That city form is widely appreciated by Canberra residents.

Those responsible for that planning and design, both at decision-making and implementation levels, probably correctly felt that the whole of the capital city should be exemplary in every respect. Those aspirations were laudable, but the result saw Canberra regarded as receiving special treatment by the rest of Australia out there in "the real world".

Nevertheless, most Australians would probably agree that nothing should be spared to make what they perceive to be the physical expression and ethos of facilities and settings, directly related to the functions of the National Capital, the very best, for all the world to see.

By and large, thanks to Walter Burley Griffin's brilliant influence initially, those facilities and settings have been made so, to date, and generally consist of, and are perceived to be the existing buildings, infrastructure, natural open space and landscaping in the following selected areas, included in the current National Capital Plan (NCP);

List A.

A1. Lake Burley Griffin, its islands, Scriviner Dam, and most of the lake's immediate foreshores, say typically 100 metres wide. (including Griffin's missing Causeway weir/crossing and East Lake if and when they are considered for implementation).

A2. The National Triangle, particularly the Parliamentary Zone in the Triangle.

A3. Areas that are *of* the Triangle like,

A3.1. Acton Peninsula (also part of the lake foreshores in A1), notwithstanding the non-Griffin-like scale of the National Museum buildings. The former Royal Canberra Hospital on the peninsula reflected Griffin's designed building scale and forms.

A3.2. Anzac Parade extending out to the adjacent edges of its parallel by-roads,

A3.3. The War Memorial,

A3.4. The proposed site for a new Prime Minister's residence (part of Stirling Ridge on the southern foreshore of the lake opposite Acton Peninsula),

A3.5. Strips of land typically one block or an equivalent block (say 50-100 metres) wide only, along the outside edges of the Triangle along Kings, and Commonwealth Avenues (not Constitution Avenue - see below), and,

A3.6. "Nodes" of land at the apexes of the Triangle, i.e.

A3.6.1. Capital Hill/Parliament House formed by State Circle, and, because of the visual relationship to Parliament House, one block or an equivalent block (say 50 metres) wide only, fronting the outer edge of State Circle,

A3.6.2. City Hill inside the existing inner edge of London Circuit, designated as Canberra's municipal centre, and sited by Griffin to have a symbiotic relationship with the Capital, and,

A3.6.3. Land at Russell east of Sir Thomas Blamey Square, bounded by Russell Drive East, Sellheim Avenue, and Kelliher Drive,

A4. Government House and its gardens, and approach road Dunrossil Drive, and,

A5. The Lodge (until a new one is built elsewhere, say Stirling Ridge).

The most distinguishing feature or expression of those places is their axial arrangement, impressive vistas, open-space setting, and the general design excellence of the built and natural elements there.

As well, the buildings and installations there virtually all possess the ubiquitous expression of special or "public" elements, relating to the Commonwealth in the main, or the municipality of Canberra - notably not of a major commercial nature, but of an institutional, government administrative, commemorative, cultural, or community one. Some of those places are *Territory Land*.

It is believed that such an expression of public buildings and installations in an open space setting, is the one that that should continue for the places in List A, as the most appropriate for the National Capital. It is an expression that most Australians, visitors, and ACT residents seem to know, consider appropriate, relate to, and appreciate.

Any current Amendments to the NCP for places in List A, that do not comply with that semiotic, open space, axial expression (such as do much of the so called Griffin Legacy Amendments 56 (Griffin "principles and policies"), 59 (City Hill), 60 (Constitution Avenue), and 61 (The West Basin of the lake), already rejected by the Joint Standing Committee on the National Capital as recently as 2007) need to be withdrawn immediately.

In fact those Amendments (56, 59, 60 and 61) are widely regarded as a thinly veiled blueprint for inappropriate and intrusive commercial development in highly sensitive areas, incongruously juxtaposed against, and rationalised by dogmatic interpretations of Griffin's 1918 (revised from the original 1912) plans. This brings into play the relationship of the ACT Government Treasury's Land Development Agency (driven to exploit land) and the NCA, in relation to *Territory Land* within or of the National Triangle.

Such commercial development, and even private residential development of a significant scale (such as apartment blocks), needs to be heavily and carefully curtailed in those sensitive areas, out of respect for them, and, in the case of *Territory Land* there, the important symbiotic relationship between the ACT's municipal-centre land and the National Capital, as envisaged by Griffin.

The extent of the above places in List A is less than the NCP currently encompasses, either as *National Land*, *Designated Land*, or as areas with *Special Requirements*, coming under the control of the National Capital Authority (NCA) or other similar Commonwealth organisations.

In conjunction with the necessary legislative changes to the *ACT (Planning and Land Management) Act 1988*, the areas in List A, could be designated as the essence of The National Capital.

The NCP-jurisdictional places, not included in List A, are considered to be not so perceived by the public as being part of the National Capital experience/ethos, even if owned by or relating to the Commonwealth. Those places include, but may not be limited to:

List B.

B1. Land adjoining the north side of Constitution Avenue (The visual impact of this avenue on the Triangle has been reduced by Parkes Way, a non-Griffin element within the Triangle, the gently curving parkway road, which, in reality is here to stay as the major east-west traffic distributor. Works to temper the impact of Parkes way are rightly under consideration.),

B2. The Australian National University (ANU) campus and Civic roads adjoining it,

B3. The Australian Institute of Sport (AIS) campus,

B4. The various grounds of the CSIRO, the Australian Defence Force Academy (ADFA) and the Royal Military College Duntroon (RMC),

B5. The Australian National Botanical Gardens (ANBG),

B6. The airport and adjacent RAAF Base Fairbairn areas (Retaining the safety and noise protection aspects of the current Commonwealth legislation only),

B7. The "Approach" and "Main" Avenues, apart from Commonwealth and Kings Avenues and State Circle (see List A),

B8. The various Diplomatic Areas,

B9. The Canberra Hyatt Hotel and Albert Hall areas,

B10. Residential areas one block back from State Circle, and Collins Park, in Forrest,

B11. The Barton offices and residential areas,

B12. Areas of Civic near Northbourne Avenue, and outside London Circuit,

B13. The residential/commercial area west of City Hill between Parkes Way and Edinburgh Avenue, and Edinburgh Avenue itself,

- B14. The Campbell Park offices north of ADFA,
B15. Yarramundi Reach, apart from a section of its foreshore in item A1 in List A (note visual relationship to Government House),
- B16. Black Mountain Peninsula,
- B17. Yarralumla Bay foreshores,
- B18. Weston Park and Yarralumla Nursery,
B19. The Royal Canberra Golf Club and Courses, and open land to its and Government House's west as far as the Tuggeranong Parkway,
B20. The "National" Zoo and Aquarium, and environs,
- B21. The inner hills and ridges including Mt. Ainslie, Black Mountain, Mt. Pleasant, Red Hill, Mt. Taylor, etc. making up The Canberra Nature Park, the Majura Valley, and the Mt. Stromlo area,
B22. The National Parks and nature reserves, catchment areas, etc. in the ACT, Lanyon Bowl, the river corridors, rural and forestry areas,
- B23. The rural villages, existing, fire-destroyed, and possible new ones (see the post-January-2003-bush-fire study entitled *Shaping our Territory* *.),
- B24. Tidbinbilla Deep Space Communication Complex (TDSCC),
- B25. The Civic swimming pool complex and residential/commercial area just to its west (although within the National Triangle),
- B26. *Broadacre* areas (see current NCP),
- B27. Haig Park and Telopea Park,
- B28. Lower Ainslie Avenue, and University Avenue.
- B29. Parkes Way, west of Commonwealth Avenue, and Clunies Ross Street, and,
- B30. Areas of *National Land* not in those in List A, such as Tuggeranong Office Park, some Defence or former Defence sites, and the like.

It needs to be understood that, to a very large degree, the citizens of Canberra have detailed knowledge of, a great attachment to, and respect for, all of the places listed in Lists A and B - as do many other Australians, and citizens of foreign countries with a particular interest in Canberra.

Canberrans generally feel that the items in List B are part of their city and environs, to share with all Australians and visitors to Canberra.

They will have no hesitation in defending the character of those places, both through community action/representation, and through the local Legislative Assembly ballot box - as they do with areas not specifically listed, such as the local residential, commercial, community, and industrial areas.

It also needs to be understood that that the NCA does *not* possess the normal municipal planning resources and instruments suitable for the correct control of development within all areas of the ACT.

An example of the NCA's shortcomings in that regard would be the proposed development of NCA *Designated Land*, Section 63, City Hill in which the NCA had to clumsily borrow a host of development controlling instruments from the ACT Government, in order to facilitate proposed development there that is a clear departure from the extant open-space character of the City Hill precinct, ironically at the request of the land owner, the ACT Government. The writer and others have made several representations to the Commonwealth and ACT Governments on this very unsatisfactory matter.

It is considered feasible and appropriate that the areas in List B, could and should be under the control of the experienced and well-equipped ACT Government Planning and Land Authority (ACTPLA), with the following provisos.

. The ANU, ADFA, RMC, TDSCC, ANBG, and CSIRO organisations could prepare their own campus plans for ACTPLA/ACT Government approval as to any impact on the environment, utilities, traffic, etc..

. New Development Control Plans be prepared by ACTPLA, independent of developers, for the all other areas in List B, in consultation with the Commonwealth, with the usual community and Assembly consultation/input, superseding existing applicable NCP instruments.

Especially notable in that regard are the ACT existing or potential residential, commercial and institutional areas that have interfaces with, or visual relationships to, the suggested new National Capital areas, such as the northern edge of Constitution Avenue, and along the "Approach Avenues".

. Foreign diplomatic missions would make Development Applications to ACTPLA through a dedicated liaison officer in the Commonwealth Department of Foreign Affairs and Trade.

. All open spaces listed as items B16, B18, B21, B22 and B27 to be fully protected as such, in perpetuity.

. Existing environmental, ecological/biodiversity, and heritage controls in Commonwealth Legislation, other than the current *ACT (Planning and Land Management) Act 1988*, to come into play, if applicable, to development in all items in List B (and List A).

It is considered that the current level of duplication in planning, design and management services between the Commonwealth and the ACT on the items in List B, would mean that the transfer would involve considerable savings to the Commonwealth. The ACT may need some additional Commonwealth funds to cover the transfer, mostly in the short term.

* See Item B23. It is notable that expert opinion from ecologists (e.g. recently from Dr, Michael Dunlop of the CSIRO, and others) on bushfires, recommends against regular "fuel-build-up" burning in native forests such as those that virtually surround Canberra, in favour of allowing natural fires to start and serve their various ecological functions, and then extinguishing them before they go too far. In that regard, having rural villages around Canberra would enable a resident workforce of fire managers and fighters (often having other jobs say, in forestry, agriculture or national parks and wild life management and operations) to be on hand close to the native forests, to respond quickly to fire outbreaks - especially with the onset of global warming.

Part 2.

Suggested resource, and Departmental/Ministerial arrangements for the administration of the new National Capital areas.

Given the ACT's recommended role in List B, the Territory's general responsibility for utilities, traffic etc., and the characteristics of List A (areas recommended to remain with the Commonwealth - effectively the new National Capital areas), the role of any entity responsible for the List A areas, would be weighted more towards detailed planning, and design in particular, rather than planning in the broader infrastructure, social, utilities, employment, and statutory respects. The new entity would retain control over the height of buildings and other structures in central Canberra.

Accordingly, it is recommended that the current National Capital Authority board and operational structures be dismantled, and the position of a full time National Capital Architect (NCA), with staff, be established within an

appropriate Inner Cabinet Department preferably, to have overall control over the spaces in List A, to broadly design the spaces and the elements in them, and to keep them under review, to implement works there, to commission outside consultants for those purposes as required, to liaise with the ACT Government and Commonwealth entities having "ownership" of some of the spaces and the elements therein, such as Parliament House, Defence facilities, National Institutions, the Finance Department etc..

The new NCA's brief would be to continue and enhance the much-loved open-space character of the areas in List A, expressing the ethos of the National Capital, and the symbiotic relationship that the main municipal elements of Canberra have with the Capital, free of major commercial development.

Basically, the functions of the office of the National Capital Architect's office would be similar to those listed at *Section 6* of the current *ACT (Planning and Land management) Act*. In that regard, item *6(e)* therein "*to foster awareness of Canberra as the National Capital*" would be modified to focus on the new National Capital areas in List A, acknowledging that Canberra is now clearly a city in its own right, with its own local government, while remaining the Seat of Government for Australia. Certainly, it would not be the duty of the new NCA to stage events - currently, a misguided extension of the function *6 (e)*. It would continue to operate the Regatta Point information centre within the Triangle.

The position of National Capital Architect would need to be filled by a person of the highest talent, qualification, and hands-on experience in the fields of major architectural, urban and landscape design, also possessing deep knowledge and understanding of Griffin's designs and philosophies, and great management, communication and presentation skills.

The current open Joint Standing Committee arrangement of the Commonwealth Parliament, with respect to the National Capital, would continue. The new NCA would need to embrace effective public notification and consultation for all plans, designs, and works proposals; and undertake regular Australia wide surveys on its work.

Part 3.

Related matter.

The relatively small physical size of the ACT, its lack of major agricultural, forestry, mining, manufacturing, fishing, maritime etc. industries, interface/responsibility problems with New South Wales on significant

issues like bush fires, transport, emergency services, National Parks, ecological matters, etc., its very close proximity to the NSW town of Queanbeyan, the costly requirements of having its own education, justice, health, policing, roads and traffic, and other State-like departments, beg the question as to the efficacy of the ACT as an entity.

Canberra is an attractive, important city in a thriving region of NSW, and would have a lot to offer that State. Likewise, NSW could offer much to improve the efficiency, vitality and connectivity of the ACT. Integration with NSW could enhance regional development, probably more so than discussed in *Part Three (Background Notes)* of the current National Capital Plan, and an enlightened Federalism could see many efficiencies at the macro level in surface and air transport, energy, conservation, and water resources, in such integration.

It seems sensible therefore, for the ACT to become part of NSW (It's even been suggested that Canberra could produce a State Premier), and for there to be a local municipal council here. If that were to be considered for implementation, then there could be advantages in the council covering the ACT, Queanbeyan and other surrounding council areas, to form say the Canberra, Queanbeyan and District Council (CQDC), with its base in Canberra. ACT assets of a municipal nature and ACT land would be transferred to the new Council. Canberra would be normalised.

Planning would remain in the Council's jurisdiction as normal, and ACTPLA could become the Council's Planning Department with improved scope and opportunities for more comprehensive and co-ordinated applications of planning and development control measures. Broader regional planning would remain with NSW in an improved Federal relationship with the Commonwealth.

The proposed National Capital areas in List A above, under the Commonwealth's new NCA, would relate to the new CQDC in the a similar way as it is proposed it relate to the current ACT Government and ACTPLA, in Parts 1 and 2 above.

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