

2 May 2008

Ms Stephanie Mikac
Inquiry Secretary
Joint Committee on National Capital and External Territories
Parliament House
CANBERRA ACT 2601

By email

Dear Ms Mikac

Re: Inquiry into the role of the NCA – Supplementary Comments

I refer to your request for any supplementary comments that Hindmarsh may wish to make to the Inquiry to be provided by 2 May 2008. During our attendance at the hearing on 22 April 2008 Hindmarsh took on notice two questions from the Committee, and our responses to those questions are set out below.

Community Consultation Process

The Committee asked if Hindmarsh perceived any differences in the community consultation process on a development application when dealing with the National Capital Authority (NCA) or the ACT Planning and Land Authority (ACTPLA).

Our experience in a number of jurisdictions is that the requirements for community consultation by a development applicant are not always well defined. We note that recently the ACT planning laws have changed and there are now requirements specifically stated for consultation when a development proposal is of a certain size and impact. This differs somewhat from the National Capital Plan, which does not make specific reference to community consultation except for designated areas with relation to visual impact. On that basis, it can be argued that the provisions on land in the ACT Government's jurisdiction are more clearly defined.

Comparison of performance of NCA and ACTPLA

The Committee asked if Hindmarsh could provide a rating of NCA and ACTPLA in terms of professionalism and being responsive to the needs of a developer making applications before them.

We believe that it is not possible to make a direct comparison of the two agencies in these areas, as they play different roles and have to deal with the issues arising from development applications through different administrative structures. As a general theme, we have found both organisations to be committed to discharging their responsibilities and cognisant of the business needs of private sector developers. There are clearly constraints on the resources of both agencies, which have impacted on their responsiveness and ability to meet the statutory timeframes for assessing development applications.

Our recent experience with the NCA has been on our Constitution Avenue projects leading up to the lodgement of our development application (DA) for the RSL Headquarters project in February this year. We found the agency to be highly professional and supportive of our intentions to deliver a high quality outcome for that site. Since our DA has been lodged, however the agency has undergone staff reductions which appear to have affected its capacity to respond as we had anticipated.

We have a number of applications currently with ACTPLA, whose role and function within the ACT Government means that it receives a very wide variety of applications and it is required to deal with the whole range of approval processes necessary in a municipal government environment. The processes are quite complex in some areas and are not always well defined through standards or codes that are clearly communicated to developers.

Our experience has been that, while direct comparisons are difficult, the major factor on the adequacy or otherwise of performance in assessing and approving development applications has been the level to which the approval process has been co-ordinated within Government. When the planning authorities are operating in an environment where there is cross-agency co-ordination and monitoring of progress, and the developer can deal with central points of contact, the performance is significantly improved. For this reason we have recommended that the NCA and ACTPLA work closely together in the implementation of planning policy.

If you need any further information please do not hesitate to contact me.

Yours sincerely,



per **Darren Dougan**
Chief Executive Officer