

15 April 2008

Committee Secretary
Joint Standing Committee on the National Capital and External Territories
Department of the House of Representatives
PO Box 6021
Parliament House
Canberra ACT 2600

By email

Dear Sir

Re: INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY

Hindmarsh is pleased to provide this submission to the Joint Standing Committee Inquiry on the role of the National Capital Authority. Our submission consists of comments in relation to the Terms of Reference published for the Inquiry, from the perspective of a long-standing, experienced and diverse construction and property development company with a demonstrated strong commitment to high quality urban development in Canberra.

The main points that are made in our submission can be summarised as follows:

- There is an ongoing role for a Federal Government planning authority to be responsible for the strategic development of Canberra as the Nation's Capital, embodied in the objectives of the National Capital Plan. It is not a role that should be devolved to the Territory Government.
- There should be a clear delineation of roles between the Federal planning authority and the Territory planning authority regarding the responsibilities for the development and implementation of the National Capital Plan and Territory Plan, with the National Capital Plan taking precedence in the overall strategic direction of Canberra and the preservation and management of the areas of national significance.
- The Federal planning authority should be constituted as an expert organisation, with a clear charter so it is accountable for meeting the objectives set and provided with a separate and transparent funding mechanism.
- There should be greater levels of co-operation on planning issues between the Federal planning authority and the Territory planning authority, and there should also be similar levels of consultation and agreement in strategy in other areas such as land release and infrastructure priorities.

More detailed comments on each of the Terms of Reference for the inquiry are set out below.

1. *Administration of the National Capital Plan with a particular emphasis on the reduction of red tape and duplication of municipal and local planning functions, the jurisdiction of ACT spatial policy and harmonisation of planning systems;*

It is acknowledged that there are inherent difficulties in having dual arrangements in relation to the administration of planning policy and functions. However, the importance of the role of Canberra as the Nation's Capital is such that the system needs to operate with a level of sophistication that will deliver sensible and effective results, rather than a simplistic "one size fits all" approach.

The dual aspects of Canberra as, firstly the formal seat of Government in Australia and the location of its national institutions, and secondly as an active, growing city of more than 300,000 people, requires the planning system to be accountable in a way that is not seen elsewhere in Australia. As explained by Professor Ken Taylor in his article published in the Canberra Times on 14 April 2008, other countries with a planned national capital city have a planning body that reports to the national government.

There is a risk that this duplication can lead to disagreement and confusion about priorities. This can be averted by ensuring that the overall strategic policy for Canberra, the National Capital Plan, clearly sets out how to resolve issues of competing priority between national and local interest. There needs to be a very clear delineation of the relative status of the National Capital Plan and the Territory Plan so that the two are complimentary and not independent of each other. The National Capital Plan should deal with the overall strategic and nationally significant elements, and the Territory Plan should deal with the day-to-day, local government processes and responsibilities.

2. *Whether the governance arrangements for the NCA provide a sufficient balance between the independence of the Authority's planning decisions and its accountability for its operations;*

As previously stated, it is our view that the development and implementation of Canberra's strategic planning policy is a complex task, which requires the application of a high level of expertise and skill over a sustained period. It is important that any organisation charged with this responsibility has these skills and the governance structure to ensure accountability for how those skills are used.

This means that the organisation should have both a policy role and a delivery role, and therefore needs to be funded accordingly. It would be counter-productive to have a Federal planning body undertake the policy development role, but leave implementation and management of the areas of national significance to another Federal agency or the Territory. This may encourage "blame-shifting" and a lack of accountability by all agencies involved.

3. *The appropriate level of oversight required to achieve the highest standards in design for areas of national significance;*

It is our view that the highest standards of design and development should be strived for in the areas of national significance so that Canberra can fulfil its role as the National Capital. This also means that the standard of development throughout the rest of Canberra should

be such that the city has a coherent structure and remains connected with the nationally significant areas. Therefore the Federal planning authority should have an involvement and oversight of the strategic direction of Canberra as an integrated city.

4. Opportunities to ensure cooperation with the ACT planning authority and increased engagement with the Canberra community;

Co-operation between the Territory and Federal planning authorities is essential to ensure that strategic policies are implemented effectively and instances of competing priorities or objectives are dealt with by both Federal and Territory Governments in a timely manner. This level of co-operation should be reflected in both the structure of the authorities themselves and in the processes that are followed in the carriage of their respective responsibilities.

Our view is that attempts at co-operation have been limited to planning issues between the National Capital Authority and the ACT Planning and Land Authority, but there has been little evidence of attempts at consultation and agreed approaches in other areas. There is little benefit in trying to engage the Canberra community and industry on co-ordinated planning when there is no forum for consulting on co-ordinated land release policies or infrastructure planning. One of the benefits industry saw in the Griffin Legacy was in the land swap arrangements for Constitution Avenue and Parkes Way and the allocation of priorities for road and transport infrastructure flowing for that strategic planning policy.

5. The effective national promotion of the National Capital, and the roles of the NCA and the ACT Government in advocacy for new infrastructure projects including responsibility for events and developing the distinctive character of the National Capital.

The promotion of Canberra should be an area in which the objectives of the Federal Government and the ACT Government are closely aligned. It is important that Canberra is promoted not just as a location of the national institutions but as a thriving, interesting city with its own character and experiences to offer.

The ACT Government has a responsibility to its citizens to ensure the services and infrastructure of Canberra operate efficiently and allow the people of the ACT to pursue their chosen activities, but the Federal Government has the responsibility to ensure that Canberra "works" as an integrated city and that major infrastructure development is adequately planned for and delivered.

If you wish to discuss anything in relation to this matter please do not hesitate to contact me.

Yours sincerely,



Darren Dougan
Chief Executive Officer