

Corporate
Partners 2003

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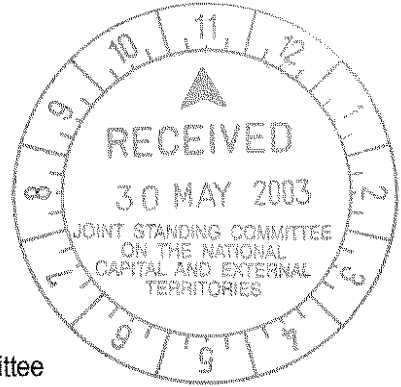
BRADLEY • ALLEN
LAWYERS



SUBMISSION 26

30 May 2003

Mr Quinton Clements
Committee Secretariat
Federal Parliament's National Capital Committee



Dear Mr Clements

Inquiry into the National Capital Authority

Who we are

The Property Council of Australia represents the multi-billion dollar property investment industry, in which more than nine million Australians have a direct stake in investment property through their superannuation, life insurance policies and managed funds such as property trusts and balanced funds.

Our members are the companies which help shape, build and finance our cities, companies which have long term interest in the future of our urban and regional centres.

They include the bulk of the Territory's investors in office towers, shopping centres, industrial parks, tourism and infrastructure, and are also key players in the residential property market.

The property sector and associated industries, such as retail trade, communication services and finance, represent approximately 30%¹ of the total ACT economy. In addition the property sector and associated industries is the second biggest employer² after government business and Defence in the ACT.

Desirable outcomes

The Property Council is looking for a number of outcomes from the Inquiry into the Authority including;

- One piece of land = one planning authority;
- Harmonisation between the Authority and PALM planning policies;
- Open communication between PALM and the Authority;
- Resolution about the lack of clarity with the Authority planning process;
- Clearly identified responsibilities between PALM and the Authority, and
- Clearer definition of 'national significance'.

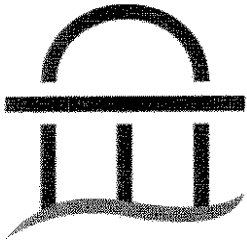
¹ Australian Bureau of Statistics (2000)

² Australian Bureau of Statistics (2000)

The Voice of Leadership

Level 1, AMP Building, 1 Hobart Place Canberra ACT 2601 - GPO Box 1025 Canberra ACT 2601
PH 02 6248 6902 - FAX 02 6248 8210
Email act@propertyoz.com.au - www.propertyoz.com.au





Planning Environment

The Property Council supports the current planning environment in the ACT of having dual planning regimes and systems – PALM and the Authority. However, resolution is required between which of the two authorities has responsibility over all elements of the planning approval process and administration.

“There is undoubtedly some difference between the planning objectives of the ACT and the Authority.”³

The role of the Authority

The Property Council endorses the role of the Authority as the custodian of National Capital and the administrator of the National Capital Plan - the object of which is to ensure that Canberra and the ACT are planned and developed in accordance with their national significance.

The Commonwealth has an important role to play in the nation's capital and the Commonwealth needs to be engaged in this role. The Property Council recognizes the Commonwealth as the freeholder and the ACT as the administrator.

The Property Council acknowledges the Authority's function as providing awareness of the national capital and believes the Authority carries out this role with particular success for example School Visit Programme, Discover Canberra in January, Christmas celebrations. The Property Council supports the role of the Authority in marketing the Capital however this activity should not overshadow the Authority's role in planning and development. Are there sufficient resources within the Authority to undertake both marketing and planning role without decreasing the impact of either?

The Property Council also believes the role and responsibilities of the Authority are not clear to the Canberra public and that there is a perceived unwillingness to see the Authority as a source of knowledge to the ACT and other stakeholders. As such we believe the Authority should form an integral part of ACT planning reviews and other decisions through a harmonious working relationship with ACT government.

The Property Council acknowledges the strong working relationship and 'good will' between the planners at both PALM and the Authority but do support the current unfavorable relationship between the Minister for Territories and Chief Minister regarding the Authority, as it is diverting attention away from important Canberra issues.

The Property Council considers that the Authority should urgently heighten its role in research and policy development for the local of Commonwealth employment locations and Canberra's transport strategy.

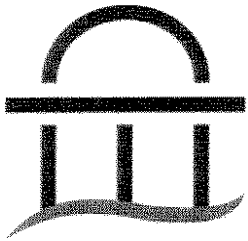
The Property Council supports the role of the Authority in taking a leadership role in promoting and marketing the Capital however this should not be to the detriment of planning and development. Their needs to be sufficient resources and budget within the Authority to undertake both marketing and planning role without decreasing their impact.

³ David Hughes, *Capital Ideas: Suggestions for Economic Reform in the ACT*, Federalism Research Centre ANU 1993, p72

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The Authority's overall management of the National Capital Plan ("NCP")

The Property Council supports the NCP as the dominant planning document for the ACT as the Commonwealth government is the freeholder.

However the Property Council is looking to the Authority to engage more closely with industry regarding its administration and review of the NCP and its development as the ramifications of its development have far reaching effect on the property industry in the ACT.

The Property Council requests a more specific definition of 'national significance' and 'heritage significance' in relation to the NCP.

The Property Council is looking for certainty in planning process in the ACT therefore puts forward the following recommendations:

Designated land

The Property Council support's the role of the Authority as overseer of the management of designated land including hills, ridges and buffers and main roads and nationally significant arteries such as Northbourne, Canberra and Constitution Avenue is supported by the Property Council. However, the Property Council is seeking more consultation with the ACT and industry on the management and development of designated land, as any development of designated land should not be in isolation from the ACT's future plans.

The Property Council would support the idea of the Authority becoming the sole authority on current dichotomous land (such as Northbourne, Canberra and Constitution Avenues). We would support an increase in Authority jurisdiction over major approach routes such as Adelaide Avenue.

Relationship between NCA and Planning and Land Management

It is crucial that there is resolution of 'grey' areas of jurisdiction between PALM and the Authority. For example where the Authority has jurisdiction over avenues, corridors and pre defined designated areas, then the Authority should be the approving authority.

The Property Council is looking for better negotiated outcomes for our members to reconcile the differences between the Authority and PALM planning processes.

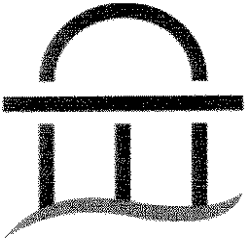
This 'grey' area between the two authorities is of concern and the Authority and PALM would be aware of a number of examples where the dual jurisdiction has resulted in inconsistency of advice between authorities and non-approval. Should an example be required the Property Council would be pleased to articulate a chronological account of a particular example under separate cover or in an appearance before the Committee

The Property Council is advocating that a line be drawn between the authorities that result in one authority dealing with one piece of land. Our suggestion would involve changes to both the Territory and National Capital Plan.

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The Property Council is also seeking stronger communication and relationship between PALM and the Authority. A recent suggestion to have an ACT representative on the Authority Board and vice versa was supported by the Property Council but unsupported by the Authority.

Currently there are a number of overlapping studies in the ACT, for example the Spatial Plan (ACT), Non urban land supply (ACT), urban fridge study (ACT) and Employment Nodes (the Authority). It is imperative that a much more integrated approach be taken between the two authorities with regards to these and other studies in order to stop a scatter gun approach to planning within the ACT. We recommend that the Authority and PALM form an agreement of reciprocal involvement in all authority studies.

The Property Council is available and would be pleased to make an appearance to the Committee.

Yours sincerely

Romilly Madew
Executive Director – ACT Division

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