

National Capital Authority

MAY 2003



THE FEDERAL CAPITAL
of
AUSTRALIA

Creation of a nation is an act of imagination and will.
In this act we create a place to which we belong
A part of the earth for which we have collective responsibility
A place of memory and tradition.
The Commonwealth of Australia was created in 1901 when
six colonies united in a federation— a nation was forged
Part of becoming a nation is to create a symbol of unity —
a National Capital — *Canberra*.

The National Capital Exhibition
Regatta Point Canberra.

TERMS OF REFERENCE

The Joint Standing Committee on the National Capital and External Territories inquiry into the Role of the National Capital Authority

The Annual Report of the National Capital Authority for 2001-02 was tabled in the House of Representatives on 12 November 2002 and stands referred to the Committee for Inquiry if the committee so wishes. Accordingly, on 26 March 2003 the Committee 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.*

Submission by the National Capital Authority to the by the Joint Standing Committee on the National Capital and External Territories into the Role of the National Capital Authority

This submission addresses the Terms of Reference in four (4) parts.

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- D Key Achievements
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- F Communication Strategy 2003
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Australia, of most democratic tendencies and bold radical government, may well be expected to look upon her great future, and with it her Federal capital, with characteristic big vision... Australia has, in fact, so well learned some of the lessons taught through modern civilisation, as seen in broad prospective from her isolated vantage point, that we may be justified in believing that she will fully express the possibilities for individual freedom, comfort and convenience for public spirit, wealth and splendour of the great democratic city ideal for which her capital offers the best opportunity so far.

(Walter Burley Griffin 1913).

The Commonwealth Role in the Planning and Development of Canberra, Australia's National Capital

A National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and of which Australians are proud.

(Portfolio Budget Statement Intermediate Outcome for the National Capital Authority, National Capital Authority Corporate Plan 2001–2005, Vision Statement).

Seat of Government

Canberra is a permanent and enduring symbol of Australia's unity as a nation. As the capital, Canberra is inextricably bound to the concept and realisation of the aims of federation. It is a national asset that belongs to all Australians.

The Commonwealth of Australia Constitution Act 1900 provided that:

The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth...

The *Seat of Government Acceptance Act 1909* provided that the Seat of Government would be in the district of Yass-Canberra in the state of New South Wales, and that an area of 'federal territory' would be granted to, or acquired by the Commonwealth for the Seat of Government, with an area of not less than 900 square miles and with access to the sea. In 1911 the Commonwealth officially assumed control of the Federal Capital Territory with an area of 911 square miles.

Successive federal governments have, with varying degrees of enthusiasm, undertaken the development of Australia's National Capital. Key moments in the history of the capital have been the subject of keen consideration by Members of the Australian Parliament, and are evidence of a continuing and demonstrable commitment to a National Capital *worthy of the object, not only for the present, but for all time.*

The City which is to be the seat of power, the nerve centre of the Commonwealth, and, in the future, the focus of the intellectual activities and the mirror of the nation's taste, will depend for its beauty and impressiveness in no small measure upon its situation. This will govern also, in large degree, the comfort, health, and happiness of all its residents.

(Report of the Royal Commission on Sites for the Seat of Government of the Commonwealth, 1903)

The surveyor will bear in mind that the Federal Capital should be a beautiful city, occupying a commanding position, with extensive views, and embracing distinctive features which will lend themselves to the evolution of a design worthy of the object, not only for the present, but for all time. Consequently the potentialities of the site will demand careful consideration from an hygienic standpoint, with a view to securing picturesqueness, and also with the object of beautification and expansion.

(Hugh Mahon, Minister for Home Affairs, Instructions to Charles Scrivener Surveyor General, 1908)

Stat of Government (Administration) Act 1924.

PUBLICATION OF PLAN OF LAY-OUT OF THE CITY OF CANBERRA AND ITS ENVIRONS.

In pursuance of the provisions of sub-section 1 of section 4 of the *Stat of Government (Administration) Act 1924*, I, George Foster Pearce, Minister of State for Home and Territories, publish hereunder a plan of lay-out of the City of Canberra and its environs. Dated this eleventh day of November, 1925.

G. F. PEARCE, Minister for Home and Territories.



1925 Gazetted Plan of the Lay-Out of the City of Canberra and Its Environs (as reproduced in 'Canberra following Griffin' by Paul Reid 2002)

Here, on this spot, in the near future, and, I hope, the distant future too, the best thoughts of Australia will be given expression to, both in legislative and administrative acts. I hope that this city will be the seat of learning as well as of politics, and it will be able to be the home of art.

(Andrew Fisher, Prime Minister, at the laying of the foundation stones and naming of the federal city 12 March 1913)

The City that is to be should have a splendid destiny before it, but the making of that destiny lies in your hands, the hands of your children, and those who come after them. Remember that the traditions of this City will be the traditions of Australia. Let us hope... that here will be reflected all that is finest and noblest in the national life of the country; that here a city may arise where those responsible for the government of this country in the future may seek and find inspiration in its noble buildings, its broad avenues, its shaded parks, and sheltered gardens – a city bearing perhaps some resemblance to the city beautiful of our dreams.

(Lord Denman, Governor-General, at the laying of the foundation stones and naming of the federal city 12 March 1913)

All subsequent Australian political history will concentrate its searchlight on this place where we congregate – a magnetic centre of attraction to the eyes of countless generations still unborn, and forever the visible evidence of Australia's national destiny.

(King O'Malley, Minister of State for Home Affairs, at the laying of the foundation stones and naming of the federal city 12 March 1913)

Federal Capital Commission and the 1925 Gazetted Plan for the Capital

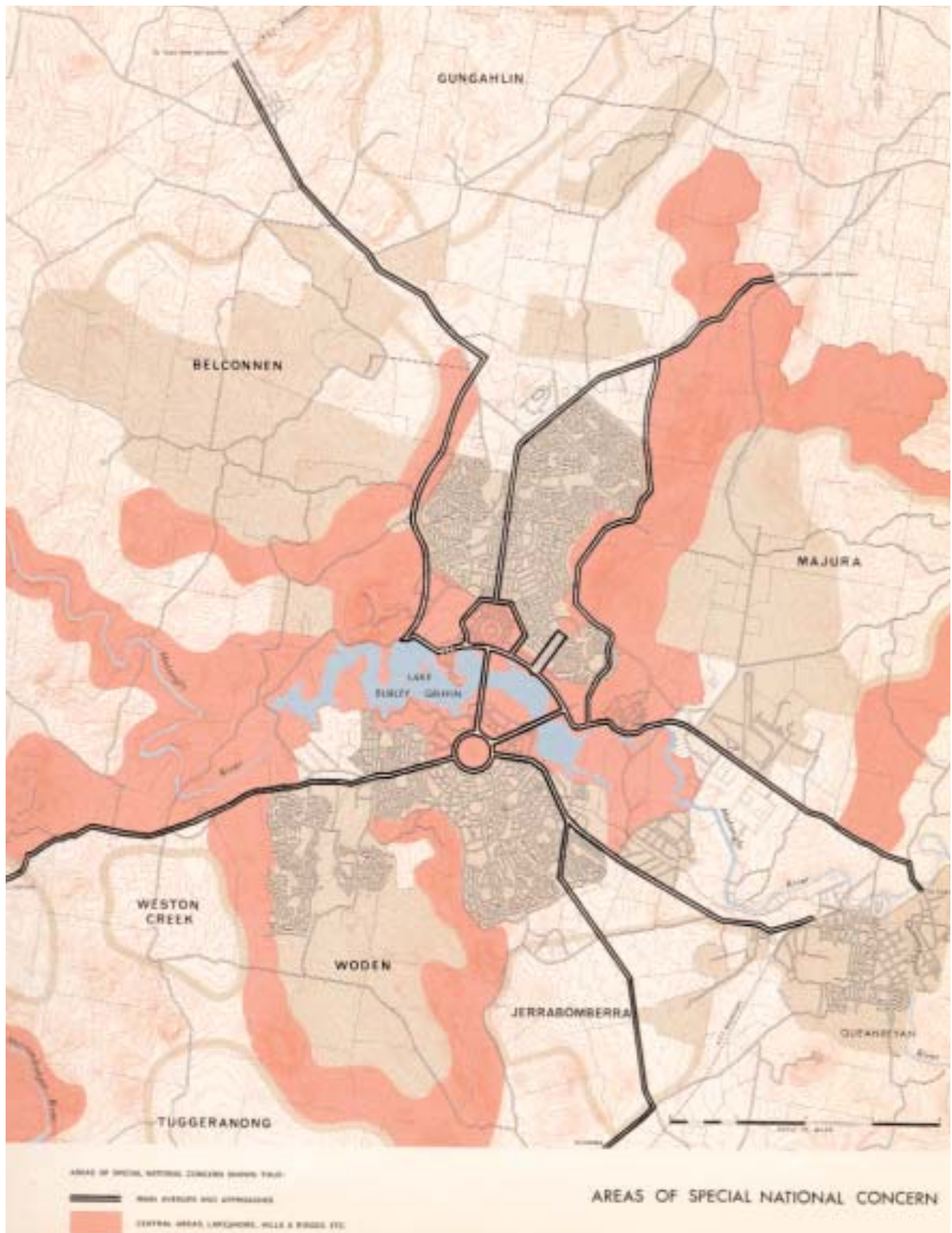
In 1925, the Federal Capital Commission (FCC) was established by the *Seat of Government (Administration) Act 1924* to plan, develop and administer the Federal Capital Territory. The Act required publication of a plan for Canberra. In 1925 the *Plan of Layout of the City of Canberra and Its Environs* (the 1925 Plan) was gazetted, which included key components of the Walter Burley Griffin 1918 Plan.

The obligation is upon us, as representatives of the people of Australia, to visualise the city to come at Canberra and to build there, not for today, but for all time... we look at Commonwealth matters with broad vision. I hope that we shall all view Canberra in the same way, and will assist to make the Federal Capital, a city worthy of the people of Australia.

(Charles Marr, Member of Parliament, Second Reading Seat of Government (Administration) Bill 1924)

The gazettal of the plan and the establishment of the FCC in 1925 gave substance to the commitment of the Commonwealth Government to the planning and development of the National Capital. The gazettal demonstrated that the future of the capital necessitated conscious and consistent decisions beyond the term of a single government. It is significant that the establishment of the FCC gave to a statutory agency, rather than to a departmental administration, the responsibility to progress both construction and cultural programmes on behalf of the nation.

The FCC achieved an impressive body of building work in a short period of time including the construction of the Provisional (Old) Parliament House. The FCC also paid close attention to the symbolic role of the capital, including commemorative statuary and nomenclature. It was the catalyst for the creation of the Canberra National Memorials Committee (and associated 1928 Ordinance), which is still relevant and active in the continuing development of the National Capital today.



Reprinted from Future Canberra 1965

The FCC, considered by some observers as being responsible for Canberra's first 'Golden Age', set a precedent for an active and continuing Commonwealth role in the making of the capital.

A great deal has already been done, but the real Canberra is yet to come: we have done the pioneer work, we have built a great framework, but it will be the 'filling-in' of the framework, and the influence of time, that will make the city a reflex of the best ideals of Australia, and an example of what we in Australia think is worthy of a national capital.

(Sir John Butters, Commissioner FCC, 1928)

The FCC was abolished with the passing of the *Seat of Government (Administration) Act 1930* because some Parliamentarians felt that it had completed its job. Responsibility for the development of the capital returned to the direct control of the Minister for Home Affairs, briefed by a short-lived Advisory Council including a Civic Administrator to scrutinise proposed works. This arrangement, soon criticised by politicians and Canberra residents alike, proved to be clumsy and unworkable.

Development in the National Capital stalled in the Great Depression and was virtually halted in the Second World War. Essential government departments, in particular Defence, 'refused' to relocate to the capital. In the aftermath, the Commonwealth Government acknowledged that a limited commitment to Canberra (as foreshadowed in the 1930s) had hindered good governance and the continuing development of the National Capital during the war.

Personally, I am jealous of the reputation of this, our Australian capital. I set my face strongly against those who would deride it and bring it into contempt. I do not expect to live to see it happen, but I look forward hopefully to the time when Canberra... will be a centre for art and literature, and an attraction, not only to Australian visitors, but also to visitors from other countries... We should keep in mind the essential permanency of everything that is to be done here... We are building for future generations. There is a strong tendency on the part of some people to take the short and narrow view, to talk... of the lunacy of spending money on this Federal City. Ill-considered criticism of this kind by persons who do not appreciate the design of this city in its entirety, and who lack the vision of those who founded it, is most deplorable.

(Frank Brennan, Member of Parliament, 1938)

It became not only a matter of expediency but an article of faith with the Curtin government... and later the Chifley government that Canberra's position as the national capital must be upheld.

(Lionel Wigmore, *The Long View* 1963)

The National Capital Development Commission and Areas of Special National Concern

In 1954 a Senate Select Committee was appointed to *Inquire into the Development of Canberra*, and into departures from the 1925 Plan, the effectiveness of administration and advisory committees, roads, parks, architecture and the general state of the city.

The city has grown, but its main features are wide open spaces that serve to puzzle tourists and uninformed residents alike. City Hall, Capital Hill, the Government Triangle, and the lake areas are still grassy stretches... After 40 years of city development, the important planned areas stand out, not as monumental regions symbolising the character of a national capital, but more as graveyards where departed spirits await a resurrection of national pride.

(Senate Select Committee Report 1955)

As a direct result of that Senate Committee Report, in 1957 the Commonwealth Government established the National Capital Development Commission (NCDC). With the strong support of the Commonwealth Government, the NCDC was given broad development powers, without public administration functions.

'... the present form of administration is unsatisfactory for the task required of it. The blame for this does not lie with the officers of the various departments but with the type of organisations... the report of the Senate Committee stressed the need for unifying all the activities involved in the development of the national capital. For that reason the Commission has been given the broadest possible powers in the statement of its functions, which are to undertake and to carry out the planning, development and construction of the City of Canberra as the National Capital of the Commonwealth...'

(Allen Fairhall, Minister for the Interior and Minister for Works, Second Reading NCDC Bill, 1957)

We are building here not for the next ten, fifty or even one hundred years; we are planning and building today for all the future that lies ahead of this country. We are building not merely a place for people to live in and work in, but a national capital, which, I hope... must become a symbol of the nation and an inspiration of its citizens. We are building here not in the normal manner of town development... we are building to what is, in my view, a noble plan, drawn many years ago, it is true, and amended from time to time... on an adequate and inspiring scale for the Seat of Government... we are building here, also, under the very eyes of the people of Australia.

(James Reay 'Jim' Fraser, Second Reading NCDC Bill 1957)

As successor to the Senate Select Committee, a Joint Committee on the Australian Capital Territory was established in 1958. A Parliamentary Joint Committee has continued to have a role in considerations on the capital since that time. The Committee was called the *Joint Committee on the National Capital* in the 36th Parliament and is currently the *Joint Standing Committee on the National Capital and External Territories*.

Under the management of the NCDC a period of intense development and expansion commenced. The NCDC organisation structure for integrated planning, design and construction proved to be remarkably successful. By 1965 a number of the major elements of the 1925 Plan were in place including Civic Square, Kings and Commonwealth Avenue bridges, Anzac Parade and Lake Burley Griffin.

With a rapidly growing population, plans for residential growth became a priority. The Commonwealth Government and the Commission were concerned that growth beyond the bounds of the Walter Burley Griffin plan should not be at the expense of the symbolic and special characteristics of Canberra as the National Capital. Such characteristics were to be valued, protected and enhanced.

Areas of Special National Concern were identified by the NCDC. These built on and attached particular importance to the main elements of the Griffin plan and gave them an extended expression as places of national significance.

These Areas of Special National Concern were endorsed by Federal Cabinet in 1964 and included the central area, the lakeshore, hills and ridges and the main avenues and approach routes to Canberra. They received their first public expression in the Commission's 1965 publication *The Future Canberra*. They were reflected in the NCDC 1967 Design and Siting Policies and were reiterated in the 1970 publication *Tomorrow's Canberra*.

Within the National Capital there are certain areas which, because of their use, location or topography, play a somewhat more important part in establishing the character of the City than do the urban districts at large...

(The Future Canberra, 1965)

The Designated Areas set out in the current National Capital Plan as *those areas of land that have the special characteristics of the National Capital* are almost identical to these Areas of Special National Concern.

The definition and protection of these parts of the city demonstrate a consistency in Commonwealth consideration and custodianship of those enduring and vital areas of the capital.

The NCDC managed the planning and development of Canberra for some thirty years until it was abolished in 1988. During this time the population of Canberra grew from 40,000 to 270,000 people. Permanent buildings had been completed for major national institutions in the Parliamentary Zone including the National Library of Australia, the National Gallery of Australia and the High Court of Australia.

In 1988 Canberra's role as the Australian Seat of Government was brought into national and international prominence with the opening of the new and permanent Parliament House on Capital Hill.

Canberra was never going to really realise its destiny as a national capital until the New Parliament House was finally, located, designed and built. As Sir John Overall remarks, 'Trying to plan Canberra's Parliamentary Triangle had been like playing a game of chess without knowing where the king was'. For over 65 years planning and development of the city proceeded without a final decision being taken on where its raison d'être was to be located.

(Foreword by Gareth Evans *Canberra; Yesterday, Today and Tomorrow – A Personal Memoir*, 1995, John Overall, first Commissioner NCDC)

Self-Government and Shared Responsibility for the Australian Capital Territory

The Australian Parliament established the ACT as a body politic with limited Self-Government under the *Australian Capital Territory (Self-Government) Act 1988*. The legislation provided for an elected Legislative Assembly with an Executive responsible for governing the Territory (the ACT Government).

Introduction of Self-Government for the ACT created a situation where the Commonwealth Government and ACT Government would share responsibility for the further planning and development of the Territory. The Commonwealth Government would be responsible for Canberra's role and functioning as the National Capital and (subject to that Self-Government Act) the ACT Government would assume responsibility for those affairs comparable to the other Australian states and for local government services.

It was legislation beneficial to both national and local interests.

... The Territory is home to the nation's capital – this fact cannot be ignored. The Commonwealth will continue to have the ultimate responsibility for ensuring the Territory's good government. Consequently, this... includes a provision for the Governor-General to dissolve the Assembly... if the Assembly is incapable of performing its functions... Commonwealth law will prevail over Assembly law... Protections such as these are essential to the national capital. They are, of course,

instruments of last resort and it is the Government's intention to resolve any potential conflict with the ACT by consultation and negotiation.

This legislation is both comprehensive and well-conceived. It provides for fully responsible government for the people of the Territory, in its most democratic, practical and economic form... It safeguards the Commonwealth's interests in the national capital. It provides for an efficient and effective administration... It is a milestone in the democratic processes of this country.

(Graham Richardson, Minister for Arts, Sport, the Environment, Tourism and Territories, Second Reading ACT (Self-Government) Bill 1988)

As part of the 'Self-Government' process the *Australian Capital Territory (Planning and Land Management) Act 1988 (the Act)* was introduced to make the necessary new provisions for planning and land management.

Under the Act the Commonwealth purposefully created the National Capital Planning Authority (now called the National Capital Authority), through which it retained responsibility for planning and development related to Canberra's role as the National Capital.

The continuing role and responsibility of the Commonwealth in the planning and development of Canberra (through a specific agency) had been widely supported in consultation during a review of the NCDC in 1985.

There is agreement that the Commonwealth must retain control of the 'national capital' elements of planning, and that to achieve this will need a body of professionals to continue this important aspect of the NCDC's role.

(Block Review: Ongoing Role of the NCDC, 1988, cited in the report on the review of the NCPA 1995).

The Act also set down the object for a National Capital Plan (the Plan) to be prepared and administered by the NCPA *to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.*

In effect the Plan replaced the gazetted 1925 Plan, and required a continuing and direct Commonwealth involvement to serve the national interest in the future of the capital – *the Plan will be submitted to the responsible Commonwealth Minister for approval and will be subject to Parliamentary scrutiny.*

(The Act Explanatory Memorandum)

A Territory planning authority was to prepare and administer a Territory Plan whose object was to ensure the planning and development of the Territory [to] provide its residents with an attractive, safe and efficient environment in which to live and work and have their recreation... The Territory Plan will set out the Territorial planning principles and policies other than those required for National Capital reasons...

(The Act Explanatory Memorandum)

The Act makes it clear that the National Capital Plan prevails over the Territory Plan, but the two plans are wisely intended to be complementary.

Self-Government and Land Administration

Because the *Commonwealth of Australia Constitution Act 1900* provided for the Seat of Government to be within ‘territory’ vested in the Commonwealth (and such land was granted by New South Wales under the *Seat of Government (Acceptance) Act 1909*), all of the land in the ACT is owned by the Commonwealth Government.

The Act clarified the status of land in the ACT:

Part V provides for the management of land in the ACT. It confers on the Commonwealth the right to specify at any time which areas of land it requires for its use or intended use. This land will be called National Land. All other land will be called Territory Land and will be managed by the ACT Executive on the Commonwealth’s behalf. The existing leasehold system will be retained and only the Commonwealth will be able to vary it.

(Graham Richardson, Minister for Arts, Sport, the Environment, Tourism and Territories, Second Reading ACT (Planning and Land Management) Bill 1988)

The Commonwealth remains the owner of land in the Territory. However, this clause vests responsibility for the management of Territory Land, on behalf of the Commonwealth, in the Executive (of the ACT).

(The Act Explanatory Memorandum)

It is important to understand and appreciate that the status of the land in the ACT, whether it be ‘National Land’ or ‘Territory Land’, does not determine planning responsibilities – that is done by the Act, the National Capital Plan and the Territory Plan.

There is also no freehold land in the ACT. All land tenure is by leasehold. The land is leased with the right to develop and use for specific purposes. Lease terms cannot exceed 99 years, although they can be renewed. Lessees own the improvements and the right to use the land in accordance with the lease, but the land itself continues to belong to the people of Australia.

The International Experience of Statutory Agencies

The Australian experience of Canberra as the National Capital is similar to that of the capital cities of other democratic nations, notably Washington DC in the United States of America and Ottawa in Canada. All three nations have sought to establish their capitals as special places for their citizens and have taken a consistent and profound interest in their planning, development and cultural significance. All have a history of statutory federal agencies responsible for the capital on behalf of their federal government. Each also has a defined relationship with ‘city’ government jurisdictions.

In Washington DC the National Capital Planning Commission (NCPC), established in 1952, continues to be responsible for planning, federal capital improvements and reviewing significant development projects. The predecessor of the NCPC, the National Capital Park and Planning Commission, was created in 1926.

In Ottawa, the National Capital Commission (NCC) established in 1959, continues to be responsible for planning, development approval and enhancement works, and for fostering Canadian awareness of the capital. The predecessor of the NCC, the Ottawa Improvement Commission, was created in 1899.

The Australian Experience

The Australian Parliament's interest in the National Capital over time is evident in the scrutiny and endorsement of the gazetted 1925 Plan, its commitment to the establishment and resourcing of the FCC and the NCDC, and in its many actions throughout the life of Canberra. It is now expressed in the National Capital Authority and in the National Capital Plan.

The role of the Authority as established through the functions and powers in the Act is in effect to manage the Commonwealth Government's continuing interest in the planning and development of Canberra as Australia's National Capital.

The functions of the National Capital Authority are comprehensive. Whilst differing in the detail, its role and functions closely align with those of its international equivalents and their predecessors. The functions include planning and development control and approval, management of areas of public and cultural value, enhancement and development of significant areas through initiation and commissioning of works, and raising awareness of the city as the National Capital. The achievements of the Authority are substantial, testimony to the active interest of the Commonwealth to protect, enhance and promote Australia's National Capital.

Major progress in the history of Australia's National Capital has been achieved because of the continuing commitment of the Commonwealth Government to a vision for the city expressed through a gazetted plan, subject to the scrutiny of the Parliament— with planning and development managed by an independent statutory agency with appropriate authority.

Position Statement

- Canberra was planned and developed from its inception, within the Australian Capital Territory, to serve its national purpose as the Seat of Government. This remains its primary purpose.
- The National Capital belongs to all Australians. The Commonwealth's abiding interest and commitment is essential to the future development and enhancement of Canberra as the National Capital.
- The Commonwealth is responsible for and accountable to all Australians for decisions about their National Capital and is the guardian of the national interest in the capital. The Australian Parliament has always had a vital role in the planning and development of the National Capital. That role should be reinforced.
- The responsibility for the future planning and development of Canberra and the Territory is shared between the Commonwealth Government and the Australian Capital Territory Government (as established under the *ACT (Planning and Land Management) Act 1988*, and consequent to the provisions of the *ACT (Self Government) Act 1988*). The legislated provisions have proved to be both comprehensive and robust and should remain essentially unchanged.
- History demonstrates that a Commonwealth statutory agency has proved to be the most effective means of ensuring that Commonwealth Government intentions and decisions for the future planning and development of Canberra and the Territory, as the National Capital, are realised and secured.
- The National Capital Plan replaced the 1925 Plan of Layout of the City of Canberra and Its Environs (which included key components of the Walter Burley Griffin 1918 plan) and principles and policies developed by the former National Capital Development Commission. The 1925 Plan served its purpose well. The National Capital Plan is a modern plan, sufficiently flexible to accommodate change, and sufficiently strong to secure the future planning and development of Canberra and the Territory in accordance with their national significance, and to accommodate the legitimate interests of Territory residents.

The Role of the National Capital Authority

... the Commonwealth has a clear interest in and responsibility for the National Capital. This interest extends not only to the development and functioning of the National Capital aspects of Canberra but also to the role which the National Capital can play as a source of national identity and pride and in developing understanding of the Australian political system.

(Steering Committee Report of the Review of the Functions and Resourcing of the National Capital Planning Authority May 1995)

The National Capital Authority

The Authority is established under the Australian Capital Territory (*Planning and Land Management*) Act 1988 (*the Act*).

Part II of the Act establishes the Authority, prescribes its powers and functions and makes it subject to general ministerial direction. The Minister for Regional Services, Territories and Local Government (currently) administers the Act.

The Authority consists of a Chairman, a Chief Executive and three other members, all of whom are appointed by the Governor-General. The Chief Executive is full-time while the other four members serve on a part-time basis (section 33 of the Act). The Chief Executive manages the affairs of the Authority under the general directions of the Authority (section 45 of the Act). (The current members and previous members of the Authority are listed at Attachment A).

The staff of the Authority is employed under the Public Service Act 1999.

The Authority manages the continuing interests of the Commonwealth in the National Capital including the range of functions required to maintain, enhance and promote the national qualities of the capital.

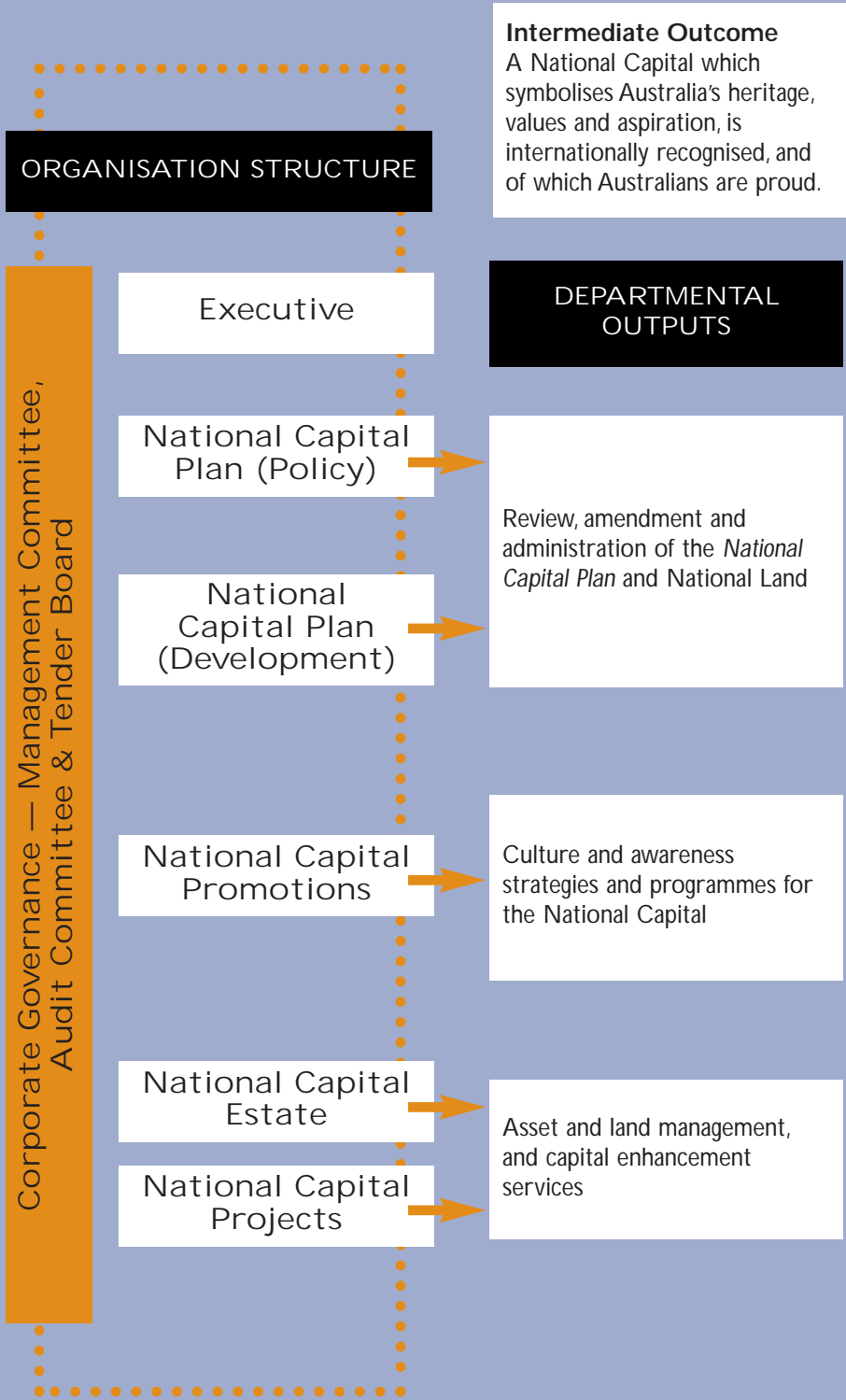
(Commonwealth Government Portfolio Budget Statement 2001–2002)

The functions of the Authority as set out in section 6 of the Act are:

- a) *to prepare and administer a National Capital 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 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.*

The powers of the Authority as set out in section 8 of the Act are to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Outcome and Outputs Information 2001–2002



In 1996 the National Capital Authority's name was changed (from the National Capital Planning Authority). The Government changed the name *to better recognise the breadth of . . . activities in looking after the National Capital on behalf of all Australians.*

(National Capital Authority Annual Report 1996–97)

The National Capital Authority's vision for Canberra is:

A National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and of which Australians are proud.

(National Capital Authority Corporate Plan 2001–2005)

This vision statement has been accepted by the Commonwealth Government as the intermediate outcome for the Authority in portfolio budget statements (PBS).

The mission of the Authority is:

To build the National Capital in the hearts of all Australians

The goals of the Authority, as set out in the Corporate Plan 2001–2005 and in the PBS agency overview, are:

to realise the promise of the city plan and the ideals of the founders

to foster Canberra as the National Capital

to develop the special character of the National Capital

(The National Capital Authority Corporate Plan 2001-05).

(The Corporate Plan 2001-05 is Attachment B).

The Statutory Functions of the Authority

The statutory functions of the National Capital Authority comprehensively establish the extent of the Commonwealth's interest in the National Capital.

There have been a number of reviews of the functions of the Authority since it commenced in 1989. The most significant reviews were: land management and capital works functions (1993); diplomatic leasing (1994); and functions and resourcing (1995). Each of these reviews has reaffirmed the functions as relevant to the effective management of the Commonwealth interest. (Details are at Attachment C).

Collectively the functions provide a robust framework to secure the planning and development of Canberra as the capital; to accommodate the Seat of Government and associated national and cultural requirements; to provide national public places for all Australians to visit and enjoy; to enhance the unique character and symbolic meaning of the capital; and to develop appreciation of the capital as a reflection of our democracy and national life. In effect the functions commit the Commonwealth to the creation and maintenance of a National Capital worthy of pride and valued by all Australians.

The key achievements of the Authority between 1989 – 2003 in planning, capital works, fostering awareness of the capital, and land and asset management, testify to the effectiveness of the Commonwealth role in the planning and development of Canberra as the National Capital. (Key Achievements are at Attachment D).

National Capital Planning

Section 6 of the Act provides for the Authority

- a) *to prepare and administer a National Capital Plan;*
- b) *to keep the Plan under constant review and to propose amendments to it when necessary;*

Output 1 – Portfolio Budget Statement

The National Capital, as the Seat of Government of the Commonwealth, is provided for in the Constitution. The Australian Parliament and successive Governments have had a long standing interest in, and commitment to, the planning and development of Canberra as the National Capital.

The Commonwealth's continuing interest in the capital following Self-Government for the Australian Capital Territory is given legislative expression through the provisions of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

As prescribed by section 9 of the Act the object of the National Capital Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.

The National Capital Plan was prepared by the Authority and was first gazetted in 1990.

The Act and the Plan make manifest the Commonwealth role in the planning and development of the capital. The Plan is the statutory instrument designed to describe and underpin that interest. The planning functions of the Authority provide the mechanisms for the proper management of the Commonwealth's continuing planning responsibilities.

The Walter Burley Griffin plan for Canberra is widely recognised as a masterful and inspired design of the 20th century. Leadership in planning has been a hallmark of the development of Canberra as the National Capital and has earned national and international recognition.

As one of the few purpose-built capital cities in the world, Canberra provides a fascinating case study of a nascent city. Sited on a broad valley with a man-made lake and surrounded by wooded hills, the Australian capital is one of the most liveable cities in the world.

(Andrew Metcalf, Canberra Architecture, 2003)

Good planning requires vision, focus, expertise and well-informed judgement – this is most clearly true for a National Capital. Planning decisions influence the sustainability of cities and quality of lifestyle. Development decisions (works approvals, development conditions and development control plans) can significantly affect aesthetics, property values and project viability. Planning considerations and decisions about the capital should be made at arms-length from party politics, individual interest groups, and in the long-term interest of all Australians, having regard for the interests of the residents of Canberra.

At the time of Territory Self-Government some members of Parliament expressed the view that the development of the city as the National Capital was generally complete. Such views were pertinent to the establishment of Self-Government for the Territory.

Times have changed and the Territory has grown. It is now a mature City-State which can no longer look to the Commonwealth alone for the economic security of its citizens. The development of Canberra as the national capital is now virtually complete.

(Clyde Holding, Minister for Arts and Territories, Second Reading, Australian Capital Territory (Self-Government) Bill 1988).

In this context it is worth remembering that it was also in 1988 that the new and permanent Parliament House finally opened. This may well have contributed to the idea that the 'National Capital' planning of the city was completed.

Notwithstanding such statements, the Commonwealth Government of the day recognised that it had a fundamental responsibility to secure future planning by preserving the national significance and extending the special character of the city as the National Capital.

Canberra is a magnificent place. We all acknowledge the expertise and creativity that has gone into making Canberra what it is today – a national capital unequalled in the world for its natural and man-made beauty . . . The Commission (NCDC) can be proud . . .

This new Authority will prepare a National Capital Plan which will define the policies, aesthetic principles and any development requirements required to maintain and enhance the character of the National Capital.

(Graham Richardson, Minister for Arts, Sport, the Environment, Tourism and Territories, Second Reading, *Australian Capital Territory (Planning and Land Management) Bill 1988*)

The National Capital will never be 'complete'. It will continue to grow and change to reflect Australian culture and identity.

No city, no matter how well planned, can take its future for granted.

(OECD report *Urban Renaissance Canberra: A Sustainable Future 2002*).

The Plan must be, and is, a document which safeguards the status and legacy of the capital, but is flexible to change in order to keep the vision of the founders for the capital fresh and relevant, and in tune with a dynamic city. The requirement for the Authority *to keep the Plan under constant review and to propose amendments to it when necessary* is essential to the future of the city.

Draft Amendments to the Plan are proposed by the Authority. Just as the Authority was required to prepare the Plan (first gazetted in 1990), it is required to keep the Plan under constant review and propose amendments to it when necessary. The process then includes public exhibition and consultation, including consultation with the ACT Planning Authority, submission to the Minister for approval and scrutiny by Parliament.

The Act and the Plan place the responsibility for preparing development conditions, approving development control plans and approving works in Designated Areas in the Authority. This ensures that such detailed decisions are made with expertise and independence, and that quality outcomes are achieved commensurate with the National Capital as a national asset.

The statutory planning functions of the Authority ensure independent and expert administration whilst affording Australian Parliamentary scrutiny and ownership of the National Capital Plan.

The National Capital Plan and issues associated with the Plan are detailed in Part 3 of this submission. The Planning relationship with the ACT planning authority is detailed in Part 4 of this submission.

National Capital Works

Section 6 of the Act provides for the Authority

- 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;*

Output 3 – Portfolio Budget Statement

Canberra is a magnificent city. The vision of the Walter Burley Griffin plan and the quality of the landscape and central urban spaces are attributes unique to the National Capital. The national public places at the centre of the capital provide the setting for the Parliament and national institutions. Such places are also the setting for the ceremonial and community events that reflect our nation's history, spirit and aspirations. The national areas of the capital should be meaningful, accessible and enjoyable.

The functions of the Authority give it the capacity to ensure that (subject to funding) national assets continue to be created and maintained, are of an appropriate standard, meet the expectations of users, support appreciation and understanding of the role of the capital and our democracy, and enrich the experience of the capital.

On National Land managed by the Authority for the special purposes of the National Capital such works include maintenance works (to address safety and public amenity), works to enhance or maintain prior Commonwealth investment in national assets (refurbishment of monuments and fountains), core infrastructure and services (roads, parking, pathways and lighting) and the development of the landscape setting for new building sites, public parks and places, commemoration and celebration.

The capacity to advocate and initiate works has been essential to the continued development and enhancement of the capital for all Australians. In recent years this is demonstrable in the works undertaken by the Authority on Anzac Parade (new monuments, paths, lighting, seats, roadworks and interpretative plaques), at the Russell Defence Headquarters (Constitution Avenue completion, Field Marshall Sir Thomas Blamey Square), and in the Parliamentary Zone (Peace Park, the International Flag Display, Commonwealth Place, Reconciliation Place, the Federation Centenary Fountains, the Treasury Fountain, Magna Carta Monument and Reconstruction of the Old Parliament House Gardens).

The manner in which the Authority has commissioned works has extended the rich history of Australian design and construction leadership in the National Capital.

The Authority has frequently used national and international design competitions to initiate and guide major projects. A substantial body of competitions is associated with the development of Canberra, beginning with the first in 1911 to design the capital, won by Walter Burley Griffin. Such competitions have encouraged new and emerging talent and lifted the quality of Australian design. Many works commissioned by the Authority have been the subject of design addresses or publications and have received design awards.

The Authority has established and implemented a comprehensive methodology for the selection of design consultants and the evaluation of tenders. The methodology draws on the experience of world's best practice in the procurement of design and construction services, recognises the moral rights of designers and ensures quality and value for money in all works it commissions.

The procedures are transparent and accountable, meet Government procurement guidelines and are widely supported by the design professions and the construction industry.

Underpinning the capital works programme is the Authority Capital Management Policy and Capital Management Plan. (Copies are at Attachment E).

The Authority's capacity to be both steward of national assets and advocate of works in national areas provides a critical link to the strategic provisions of the National Capital Plan. The capital works functions maintain the investment value of significant national assets and ensure that the Commonwealth continues to enhance the capital for all Australians.

Awareness of the National Capital

Section 6 of the Act provides for the Authority

- e) *to foster an awareness of Canberra as the National Capital;*

Output 2 – Portfolio Budget Statement

A National Capital is about more than buildings and places – it is also about what it means in our hearts, our minds and our national psyche. The Commonwealth is committed to a National Capital which embodies our heritage, aspirations, unity and values, and is worthy of pride for all Australians. The capital as the Seat of Government, centre of national administration, location for national institutions and reflection of national life should be such that it can be appreciated by all Australians.

The National Capital Authority is the only Commonwealth agency charged with developing an understanding and appreciation of the role of Canberra as the National Capital. This responsibility complements and informs the Authority's other roles of planning, capital works and land management and provides an excellent balance to the cultural programmes of the city's national cultural institutions.

Fostering awareness of Canberra as the National Capital also complements and reinforces Australian Capital Territory Government initiatives to deliver economic benefits to the Canberra community through tourism.

The Authority has taken a strategic approach to fostering awareness of the capital through research and national perception and expectation surveys, by encouraging participation, appreciation and celebration in the National Capital, by information and education about the capital, and by promoting the attributes of Canberra that are of national significance.

Key target audiences continue to be those Australians who have not visited the capital, young Australians, members of Australian Parliaments, international visitors and the diplomatic community. (The Authority's Communication Strategy 2003 is at Attachment F).

The Communication Strategy is aimed at ensuring that Australians understand the role and significance of their National Capital, that they have opportunities to participate in cultural, recreational and ceremonial activities in the capital, and have pride in, and a sense of ownership of, their capital.

Such outcomes contribute to the Authority's mission *to build the National Capital in the hearts of all Australians*. Their achievement relies on a strategic and integrated approach, which utilises all of the Authority's functions – planning, design and capital works, and land and asset management – in fostering awareness of the capital.

The success of this integrated strategic approach is evident on Anzac Parade and in the Parliamentary Zone.

Capital works on Anzac Parade to create a visitor friendly environment (paths, lights and pedestrian road-crossings to the Australian War Memorial) have been augmented by the Authority with education tools (interpretative plaques and self-guided and volunteer conducted tours) in order to enrich the visitor experience and understanding of the value of Anzac Parade.

The statement of principles for the Parliamentary Zone (as described in the National Capital Plan) is that it will be given meaning as:

The Place of the People accessible to all Australians so that they can more fully understand and appreciate the collective experience and rich diversity of this country.

Major works in the Parliamentary Zone, such as Commonwealth Place and Reconciliation Place, have provided new venues for community participation, works such as the Magna Carta Monument enrich understanding of our democracy, and paths and signage improve the visitor experience. All have created real opportunities for visitors to the capital and the local community to experience the public domain and cultural landscapes in what is the setting for Parliament and major national institutions.

The Authority has undertaken comprehensive national surveys, specific focus surveys, and has established expert advisory panels on specific projects and issues – the 1991; 1995 and 2001 perception surveys, 1999 Parliamentary Zone focus surveys and stakeholder workshops, the 1998–2000 Parliamentary Zone Advisory Panel, and 2001–02 Events and Marketing Advisory Panel.

A Capitals Alliance founded in 2001 with ‘sister’ agencies to the Authority in Ottawa, Washington DC and Brasilia encourages the sharing of experiences, information, expertise and ideas on National Capitals for the 21st century.

A great deal has been learnt from these exercises about how Australians, and visitors to our nation, perceive Canberra and what their expectations are of Australia’s National Capital. Such information has provided valuable input to business planning across all of the Authority’s activities.

Among the issues identified in the surveys are the ongoing perceptions (held by some) that Canberra can be sterile and the national public areas inhospitable. Ensuring that the great landscape setting and national places of the capital are made more accessible to Australians (in the broadest sense), that they have a real opportunity to understand their meaning and feel welcome in what is truly ‘their National Capital’ is an important new challenge for the development of the city.

Canberra may be considered a stage for the theatre of national life. It has a wealth of sets and scene changes . . . the low level of proprietorship by many Australians to Canberra . . . is not so much a result of poor set design, but rather the absence of effective stage management.

(Perceptions Survey).

Canberra’s national buildings and landscapes, dramatic vistas, formally planted central spaces and backdrops of wooded hills, provide the setting for the institutions, symbols and ceremonies of our Australian Parliamentary democracy. The Authority has recognised that they should also provide the setting and venues for a vast range of activities and events which bring vitality to Australia’s capital city.

Venue management and marketing of national places (such as Commonwealth Park, Aspen Island and the National Carillon and Commonwealth Place), community activities (films, jazz, poetry readings) and major events (Celebrate Christmas in the Capital) have become a focus in fostering awareness about the National Capital. Such activities and events encourage recognition of the capital as host to a broad range of cultural, recreational and ceremonial occasions. They

enliven public areas, create positive patterns of use and stimulate appreciation. (Events in the National Capital marketing package is at Attachment G).

The Authority works approval and land management functions facilitate and support major events such as *Peoplescape* on Federation Mall for the Centenary of Federation, *Australia Day* in the National Capital, and *Floriade* in Commonwealth Park. The capital works capacity of the Authority makes it possible to build the necessary infrastructure (lighting, power, signage and public amenity) for such activities. Such opportunities also substantially contribute to the local tourism economy.

Major public events and ceremonies, positioned to showcase the national aspects of the capital, create positive perceptions and can enrich understanding. By encouraging the national broadcasting of such events, the Authority has been able to reach a broadly new Australian audience.

Education and information opportunities have been enhanced through the Authority's National Capital Exhibition at Regatta Point. The Exhibition tells the story of Canberra as the National Capital, the aspirations of the founders and the development of its history. The Exhibition also orientates visitors to the capital and to the other national institutions.

A targeted educational tourism programme (in partnership with the National Capital Attractions and the ACT Government) has resulted in many thousands of children visiting the capital as part of their discovery of Australian democracy and identity. Broad information on the capital (*National Capital Fact Sheets*), self-guided and volunteer conducted walking tours of national parklands and public places (such as the Lake and the Parliamentary Zone), provide visitors with new opportunities to explore and understand their capital, commemorative works and national culture. (Examples of these education and information products are at Attachment H).

Outreach to promote the capital and to provide general information on planning, new initiatives, strategies, policies etc. is also achieved through the Authority website, publications, public seminars and professional addresses. *Virtual Canberra* is a new outreach tool which harnesses the digital mapping capacity of the Authority in a new mode *to reach the armchair of the global audience*.

Fostering an awareness of Canberra as the National Capital carries with it a capacity and responsibility to develop a proactive approach to creating national commemorative works to enhance the symbolic role of the capital. The Authority has established *Guidelines for Commemorative Works in the National Capital* which have been endorsed by the Canberra National Memorials Committee. (The *Guidelines* are at Attachment I). Together with the capital works functions, the Authority is able to encourage and deliver commemorative works subject to funding. Examples include the Centenary of Federation gifts from Canada and Britain, *Speakers Square*, and the *Magna Carta Monument*. Commemorative works of this kind continue to enrich the vital symbolic role of the capital.

National Land and Asset Management

Section 6 of the Act provides for the Authority

- 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.*

Output 3 – Portfolio Budget Statement

The Commonwealth has a direct interest in the development and maintenance of Canberra as an asset in which all Australians have a major investment because it is their National Capital.

Leases on National Land are issued by the Commonwealth. Under Section 6 (g) of the Act, National Land declared by the responsible Commonwealth Minister to be land required for the *special purposes of Canberra as the National Capital* is managed by the National Capital Authority.

The Authority has managed this National Land since 1992 when the responsibility was transferred from the then Department of the Arts, Sport, the Environment and Territories. The Authority administers any leases granted in respect of such land.

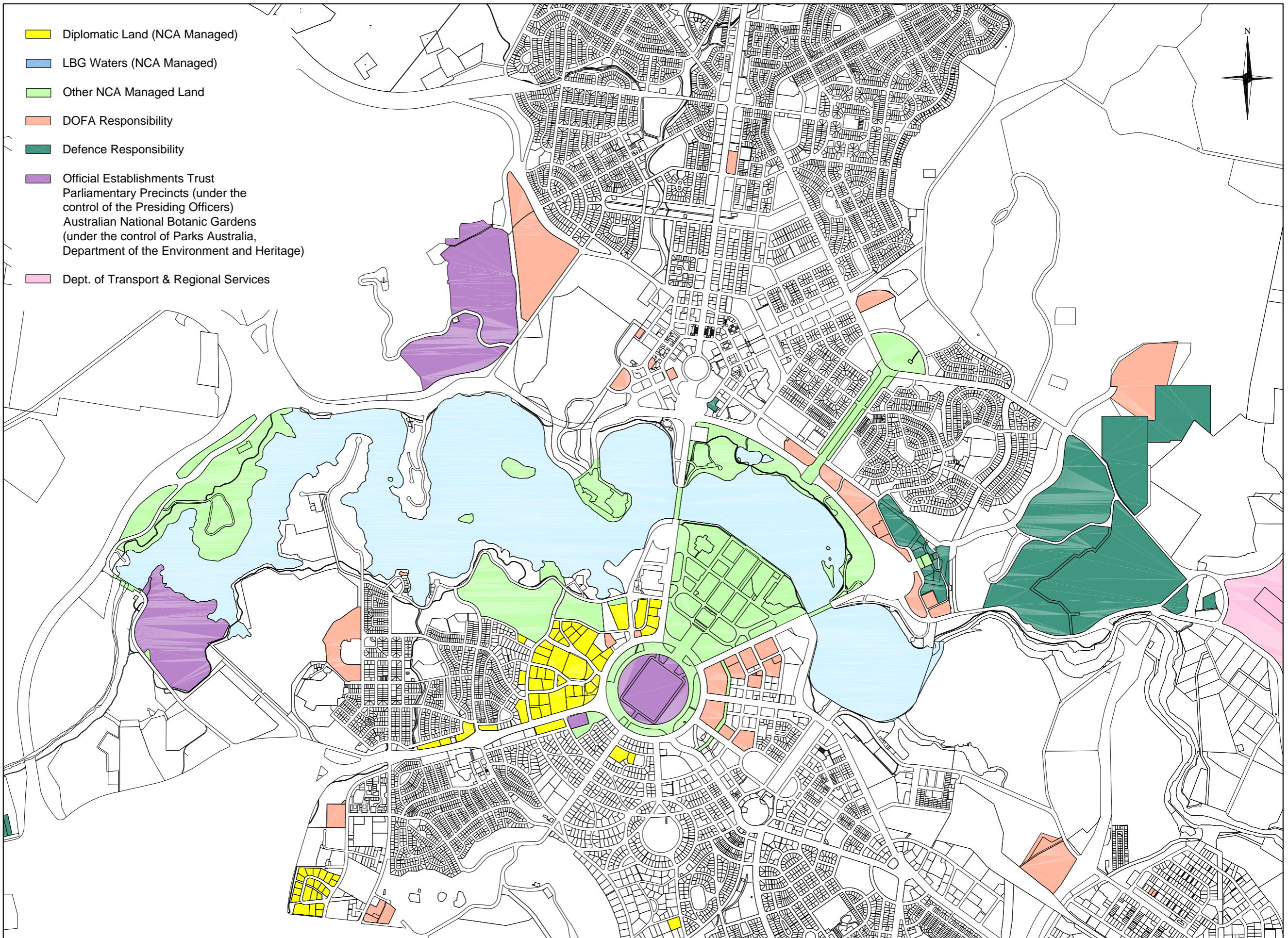
Most of the National Land managed by the Authority is in the public domain of the central areas of Canberra. The Authority's management role includes the national assets in that domain. The land use policies in the Plan for these areas are primarily 'National Capital Use', 'Open Space' or 'Diplomatic Missions'.

Land managed by the Authority includes the Parliamentary Zone (excluding the Parliamentary Precincts), Anzac Parade, Commonwealth Park and Kings Park, Aspen Island, Acton Peninsula, Yarramundi Reach and the Diplomatic Estates (Yarralumla, Deakin and O'Malley). Associated assets include the Captain Cook Memorial Jet, the National Carillon, fountains, national monuments (including those on Anzac Parade), public artworks and large areas of landscape structure (paths, lighting, signage) and soft plantings.

Lake Burley Griffin is deemed to be National Land for the special purposes of Canberra as the National Capital. As the centrepiece of the Griffin plan for Canberra, it is a significant and highly valued national asset. The Authority manages Scrivener Dam and the lake, the quality of the lake water and the aquatic environment, events and activities (including commercial operations) on the lake, and water abstraction for irrigation purposes.

A number of sites managed by the Authority contain nationally threatened botanical species and ecological communities (temperate grasslands at Yarramundi Reach, Button Wrinklewort on Stirling Ridge) which require protective maintenance measures. Others require particular heritage consideration (the Parliamentary Zone and some sites within it such as the Old Parliament House Gardens).

Diplomatic leases are administered by the Authority under the *Leases (Special Purposes) Ordinance 1925*. Management of these estates includes the sale and issue of Crown leases, rent appraisal and collection, lease variations and compliance. Management by the Authority requires facilitation and coordination with foreign missions and the Department of Foreign Affairs and Trade. The Authority's land management, planning and works approval roles combine to achieve excellent building outcomes for foreign missions which contribute to the unique architecture of the capital.



National Land - including Land declared for the special purposes of Canberra as the National Capital and which is managed by the National Capital Authority

The land use and diversity of the national assets reflects the governance and symbolic roles of the capital and provides the setting for the activities and events that one expects in a National Capital.

Australians expect the National Capital to be worthy of pride. The quality of the setting, the cultural landscapes, the commemorative assets, and the image of an accessible and safe capital are characteristics valued highly. This is evident in all of the national perception studies conducted by the Authority, and in recent surveys of the Canberra community conducted by the ACT Government.

The assets are managed as a national investment, for their cultural, heritage and environment value, and for public amenity. They are also managed and promoted by the Authority for ceremonies and commemorative occasions, and for the enjoyment they provide to a large number of visitors to the city and to the Canberra community.

Short-term demands for use can compete with the broader political and symbolic roles of the capital. Events, ceremonies and protests for example, require consideration of complex issues and a balanced management response. Encouraging greater public use requires flexible management.

The management of the relationship between assets within a precinct is also complex. A simplistic, utilitarian or solely functional approach to asset management is not possible. Precinct management is critical to the value of the experience of the capital. Anzac Parade, for example, is a significant commemorative precinct. The memorials are highly valued as assets in their own right, especially by the defence forces and veterans groups. The Parade is also valued in its entirety by the Australian community as a special place commemorating service and sacrifice in war. The same concept applies to other national precincts such as the Parliamentary Zone.

The Authority's asset management strategy and risk management plans provide an effective framework for land management decisions and asset maintenance planning on a precinct basis. Open space, civil infrastructure, building and other maintenance contracts establish appropriate standards of care and performance.

For some assets such as the lake, memorials and artworks, highly specialised (and sometimes rare) expertise and management is required. The Authority has become a source of such management expertise.

Maintenance services are contracted out by the Authority on a competitive basis. This has delivered value for money to the Commonwealth and has maintained (and in some cases improved) the quality of the assets.

Of importance, the planning, design and asset management vested in the Authority enable maintenance and quality issues to be taken into account in the design and approval of national works. Design elements, choice of materials and construction techniques all have a marked effect on the maintenance and life of an asset. Public safety and Commonwealth liability are also important considerations in the development and use of assets and the promotion of the public domain.

The value of assets managed by the Authority on behalf of the Commonwealth (administered assets) in 2001–02 was \$334 million, of which \$128 million was National Land (for the special purposes of Canberra as the National Capital), including \$77 million for the diplomatic estates.

Management by the Authority of this National Land and the assets enhances and enlivens the central and symbolic areas of the capital, and protects Australia's investment for current and future generations.

Consultancy Services

Section 6 of the Act

- f) *with the approval of the Minister, to perform planning services for any person or body, whether within Australia or overseas;*

The Authority requires a multi-disciplinary team of experts and professionals to fulfil its functions and deliver agreed Government outputs. This combination of skills is rare in the private sector and unique in the Commonwealth Government public sector.

The staff of the Authority are Commonwealth public servants who appreciate and understand governance structures, and administrative processes and procedures, and who are likely to be free of potential conflicts of interest.

Canberra is recognised nationally and internationally as a product of first-rate planning and design. Those professionals who have a role in the development of the capital are generally very well respected within their professions.

‘Planning services’ are interpreted as being broader than ‘town planning’. The type of services that the Authority can offer include master planning and design, the delivery of commemorative works, consultant and contractor selection, design competition management and asset management. Services are offered on a cost recovery basis.

The Authority has provided such services in the past – including contributions to the Better Cities Program for the (then) Department of Transport and Regional Development (1991), planning studies for Christmas Island and Cocos (Keeling) Islands, conceptual planning for a residential and industrial estate in Malaysia (advocated by the Deputy Prime Minister in 1996), and site selection for the National Museum of Australia (1997).

The expertise of the Authority is a valuable Commonwealth resource.

Position Statement

- The task of creating and maintaining the National Capital will never be complete. As a physical symbol of nationhood Canberra will continue to grow and to change to reflect Australian culture and identity.
- The role of the Authority as an independent statutory agency of the Commonwealth, with a strategic focus on the national interest, free from the whims of day to day local political pressure, and accountable to the Commonwealth Government and Parliament, is the best way to achieve a National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and of which Australians are proud. (Commonwealth Government Portfolio Budget Statement Intermediate Outcome for the National Capital Authority).
- The statutory status of the National Capital Authority guarantees the appropriate degree of independence necessary to achieve the long-term goals of the capital.
- The role of the National Capital Authority is to manage the continuing interests of the Commonwealth in the National Capital. The Authority does this through the statutory functions established in the *Australian Capital Territory (Planning and Land Management) Act 1988*. The statutory functions comprehensively establish the extent of the Commonwealth's continuing interest in the planning and development of the National Capital. The functions are appropriate and essential to effective management of the Commonwealth interest.
- The legislated functions of the Authority are comprehensive. Collectively, they provide a robust framework to secure the planning and development of Canberra and the Territory as the National Capital. The positive benefits for the capital are self-evident. The functions should not be disaggregated or diluted.
- Planning, capital works, land management and responsibility for national assets, promotion and education to 'foster awareness' of Canberra as Australia's National Capital continue to be essential to the future of the capital.
- The National Capital Authority's capability to draw upon a staff with the expertise and commitment to the future of the National Capital, dedicated to the role of the Authority and with the appropriate degree of independence to achieve long-term goals is essential for the successful carriage of the functions and delivery of the Commonwealth's agreed outputs for the National Capital.

The National Capital Plan and National Significance

The National Capital Plan

In concluding my remarks I would like to emphasise the importance of the National Capital Plan. If Canberra is going to continue to provide the nation with such a fine capital city there will have to be a planning and development control process which protects and enhances all the elements of the city which contribute to its character. The Committee has found that the National Capital Plan will do this. Anything less than what is proposed in the Plan will not be good enough.

(John Langmore, Member of Parliament Tabling Speech 1990 – Joint Parliamentary Committee on the Australian Capital Territory on its Review of the National Capital Plan)

As prescribed by section 9 of the Act, the object of the National Capital Plan is:

To ensure that Canberra and the Territory are planned and developed in accordance with their national significance.

The National Capital Plan was gazetted in 1990 after a national program of public consultation and with the support of the ACT Government and the Australian Parliament.

The Plan applies to the whole of the ACT and reflects the nationally significant aspects of the Territory as the site for the Seat of Government. The Plan is legally binding on both the Commonwealth and the ACT Governments and their agencies.

The National Capital Plan provides a framework for the Territory Plan while advancing those aspects of Canberra and the Territory which are special to the National Capital role.

(National Capital Plan – Introduction)

Section 10 of the Act stipulates that:

The Plan may specify areas of land that have the special characteristics of the National Capital to be Designated Areas.

The Plan:

- *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;*
- *shall set out the general policies to be implemented throughout the Territory, being policies of:*
 - (i) *land use (including the range and nature of permitted land use); and*
 - (ii) *the planning of national and arterial road systems;*
- *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*
- *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.*

National Significance

The history of the development of the National Capital has provided valuable insights into the meaning of national significance in the planning of Canberra.

Canberra is recognised as one of Australia's great achievements. A beautiful city of identifiably Australian character, in which the National Capital's roles and functions operate efficiently and with proper regard to their place and importance in a modern federal democracy . . . it is a city which symbolises Australian life and achievement, and is the actual as well as the symbolic home of the key elements of our Federal democracy and other aspects of national life. The character and setting of Canberra are unique. Many elements of the planning . . . are of great practical import . . . of no less import are the visual elements of the Plan, those which have created fitting spaces, approaches and backdrops for the institutions, symbols and ceremonies of our Federal democracy, and those which create the setting for the National Capital . . . almost from the time of Federation the setting of the National Capital and its structure, its beauty and its efficiency, was seen by the representatives of the people as of national significance. Realisation of the aspirations of the "founding fathers" has served only to heighten the sense of significance attached to preservation of the character of the National Capital and the Australian Capital Territory established to accommodate it, and of the effectiveness with which national capital functions can be fulfilled in the city.

(National Capital Plan – Introduction)

The aspirations of our first Members of Parliament, translated so eloquently in Walter Burley Griffin's plans, are the keys to the character of today's Canberra. These principles and the city they produced were judged to be of national significance when first espoused, and remain so today.

Matters of national significance in the planning and development of Canberra and the Territory include:

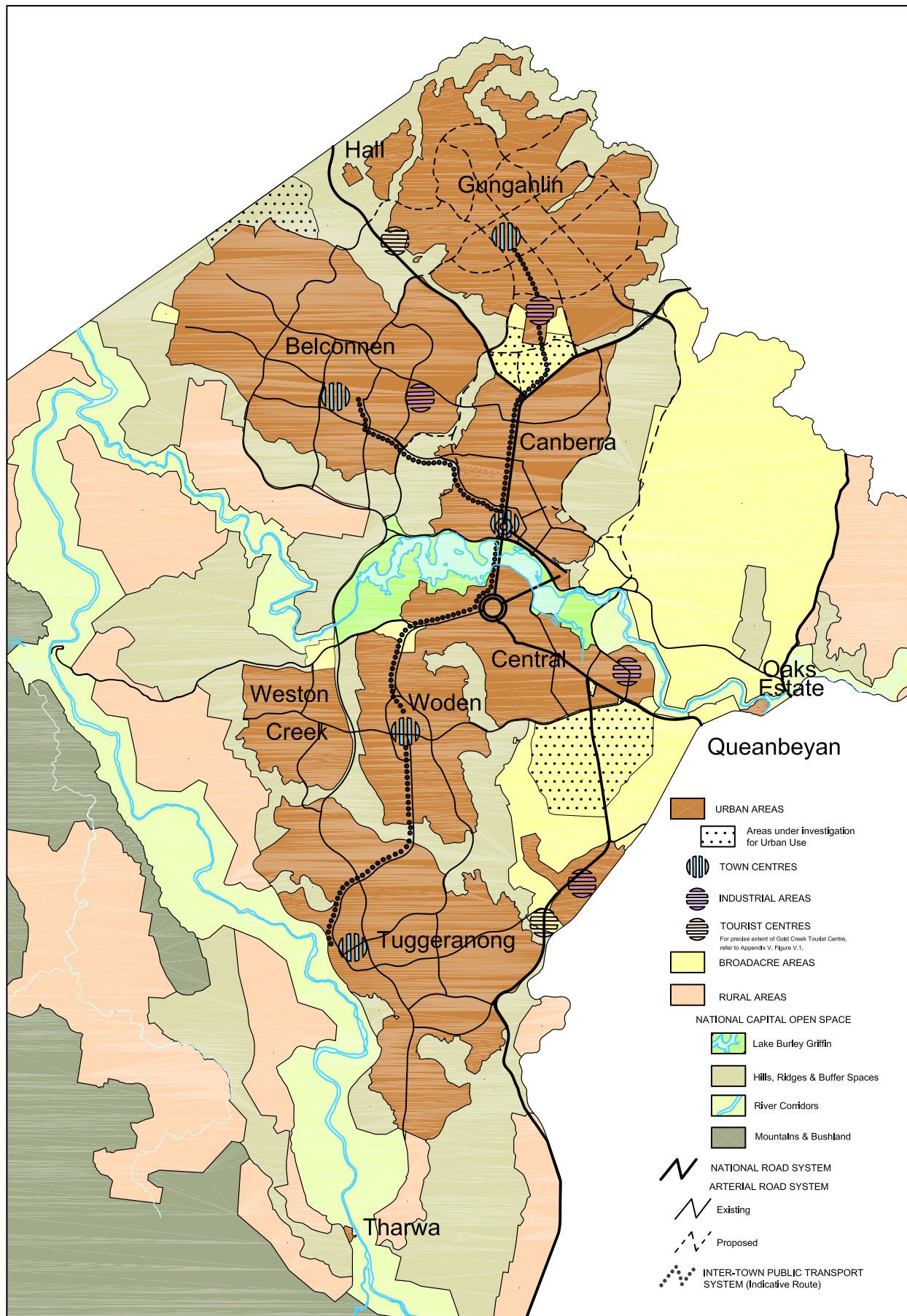
- *The pre-eminence of the role of Canberra and the Territory as the National Capital.*
- *Preservation and enhancement of the landscape features which give the National Capital its character and setting.*
- *Respect for the key elements of Walter Burley Griffin's formally adopted plan for Canberra.*
- *Creation, preservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses.*
- *The development of a city which both respects the environmental values and reflects national concerns with the sustainability of Australia's urban areas.*

(The National Capital Plan – Introduction)

The key objectives of the Plan as supported by the Parliament relate directly to these matters and are to:

- *Recognise the pre-eminence of the role of Canberra and the Territory as Australia's National Capital.*
- *Further develop and enhance a Central National Area which includes the Parliamentary Zone and its setting and the main diplomatic sites and national institutions, as the heart of the National Capital.*
- *Emphasise the national significance of the main approach routes and avenues.*
- *Respect the geometry of Walter Burley Griffin's formally adopted plan for Canberra.*

GENERAL POLICY PLAN - Metropolitan Canberra



- *Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital.*
- *Protect the undeveloped hill tops and the open spaces, which divide and give form to Canberra's urban areas.*
- *Provide a plan offering flexibility and choice to enable the Territory Government properly to fulfil its functions.*
- *Support and promote environmentally responsible urban development practices.*

(National Capital Plan – Introduction)

Planning and Development for Canberra and the Territory

The National Capital Plan is the overarching outline plan for the ACT – a strategic plan that reflects the national significance of Canberra and the Territory.

At a general level, the use of land in the ACT is established through the Plan, which sets out those areas planned for urban development. The detailed land use policies for these areas are prescribed by the Territory Government in the Territory Plan.

The Plan sets out general planning policies and principles for the overall development of the Territory, and designates areas (Designated Areas) requiring detailed planning policies and guidelines because of their particular importance to the special character of the National Capital.

Outside the urban areas (i.e. in the National Capital Open Space System and for the Broadacre and Rural areas), the National Capital Plan sets land use categories and specifies the range and nature of permitted uses.

The objectives of the Plan are achieved through the general principles and policies including the General Policy Plan for Metropolitan Canberra (Figure 1 of the Plan), and the General Policy Plan for the Australian Capital Territory (Figure 2 of the Plan).

The general policies in the Plan apply to the whole of the Territory and demonstrate a logical and strategic approach to planning. The Plan acknowledges the distribution of national functions throughout the city and the inter-dependence of the urban and non-urban parts of the Territory. It provides for critical services for national and local purposes, and safeguards the landscape character and quality of the setting. Because it relates to the whole of the Territory, the Plan also secures the future of the capital by safeguarding the status, future use, amenity, infrastructure, quality and setting of the Seat of Government for all Australians.

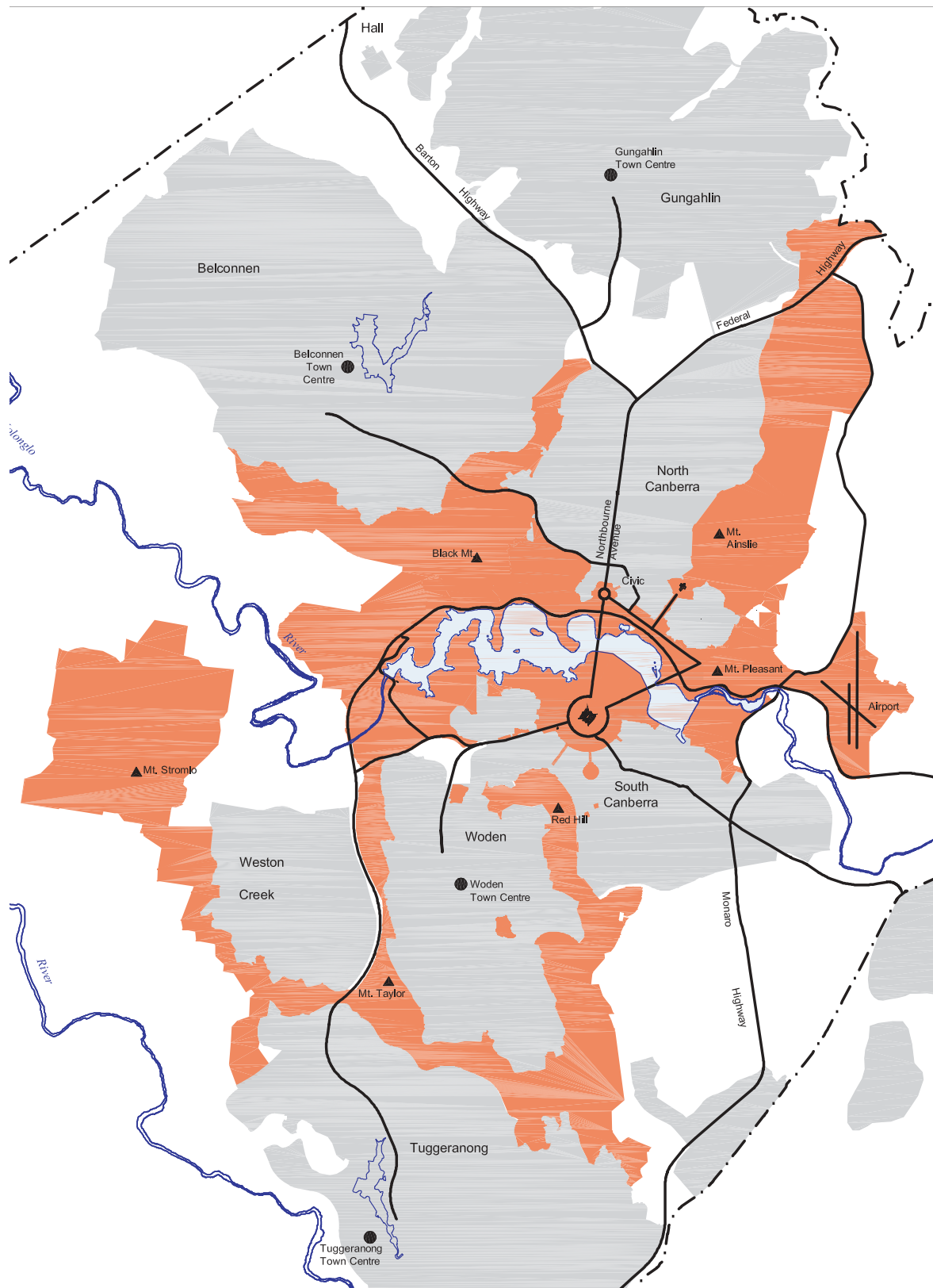
This approach is aligned directly to the intent of the *Commonwealth of Australia Constitution Act 1900*, and the *Seat of Government Acceptance Act 1909*, which vested all of the land in the ACT in the Commonwealth specifically for the Seat of Government.

Designated Areas

Metropolitan (that is commercial, industrial and residential) areas can be designed and developed in such a way as to provide a satisfying accompaniment to those... areas of special concern... great importance should be attached to proposals surrounding these areas of special concern... Canberra's dual function as a seat of government, reflected in these national areas and as an important metropolitan centre can join in a harmony which reflects credit on a whole, but the need for coordinated planning and development becomes the greater.

NAA; A5827, VOLUME 4/ AGENDUM 129

National Capital Development Commission Report to Cabinet on the Planning of the National Capital



The Designated Areas

Key elements of the designated areas are the Central National Area, Lake Burley Griffin, Parliamentary Zone, Diplomatic Estates, Inner Hills, Main Avenues and Approach Routes.

Designated areas include areas of National Land and Territory Land.

Designated Areas in the Plan are those areas of land that have the special characteristics of the National Capital.

The concept of areas exhibiting the special characteristics of the capital was first endorsed by the Commonwealth Government in a 1964 decision of Cabinet. Areas of Special National Concern were in the context of Cabinet's consideration of a plan for the future growth and development of Canberra.

The Designated Areas in the National Capital Plan are almost identical to these Areas of Special National Concern.

The Plan identifies three primary factors as relevant to identifying and deciding the extent of the Designated Areas in the National Capital Plan:

Canberra hosts a wide range of National Capital functions – activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia.

Griffin's strong symbolic design for Canberra Central has given the National Capital a unique and memorable character.

Canberra's landscape setting and layout within the Territory have given the capital a garden city image of national and international significance.

(National Capital Plan – Introduction)

The *functions* include buildings for Parliament, Commonwealth agencies, official residences and embassies, and for national institutions and major national associations. Non-building uses include land for ceremonial purposes such as Anzac Parade.

Griffin's *symbolic design* includes the topographic features and settings of the inner hills and the lake, the symbolic hierarchy of land uses, the geometric plan with its central triangle, the radiating avenues and the urban centres.

The *landscape setting and layout* includes the scenic backdrop and natural setting for the urban areas, and the open spaces that separate and link the towns.

The National Capital Plan at its most general policy level provides a framework determined by the Commonwealth Parliament, for land use and development throughout the Territory. At its most detailed level, it becomes the means for guiding the planning, design and development of the Designated Areas – those areas having the special characteristics of the National Capital.

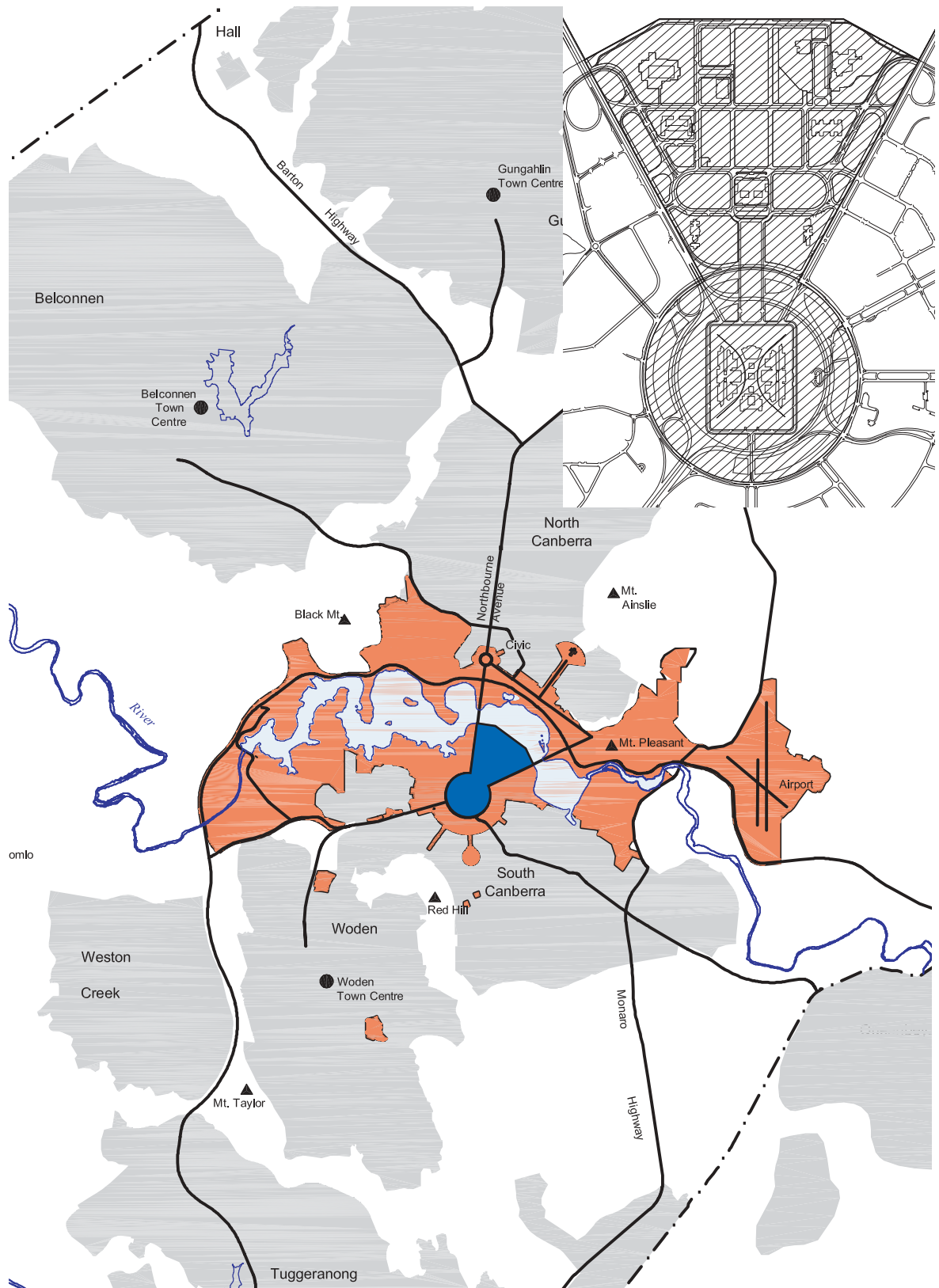
(National Capital Plan – Introduction)

The areas currently identified as Designated Areas have been recognised as fundamental to the National Capital since the Griffin plan was chosen for the capital in 1912. Similar areas were endorsed by Cabinet in 1964 as Areas of Special National Concern. Designated Areas were defined by the Authority in the National Capital Plan which was supported by the ACT planning authority and passed through the Australian Parliament in 1990.

Any consideration of the extent or value of the Designated Areas must return to first principles – are these areas relevant and vital because they continue to have the special characteristics of the National Capital?

Works Approval in Designated Areas

Within Designated Areas, by statute the Authority is solely responsible for detailed conditions of planning, design and development, for approving any subdivisions of land, and for works approval (Section 12 of the Act).



Central National Area showing the Parliamentary Zone (includes the Parliamentary Precincts)

‘Works’ as defined in section 4 of the Act include the construction, alteration, extension or demolition of buildings or structures, landscaping, tree-felling or excavations. Importantly ‘Works’ excludes anything done inside buildings or structures. Works approval by the Authority is effectively a planning approval. It is not a building approval, even though the term might suggest otherwise.

The scope of the works subject to approval by the Authority provides for the expertise of the Authority to influence qualities of planning, design and development that respect and enhance Canberra’s status and character as the National Capital.

Works considered by the Authority in the Designated Areas are not (generally) subject to statutory public consultation. In practice, there is a high level of scrutiny for most works in Designated Areas. The Authority consults widely and routinely with stakeholders regarding some Designated Areas (such as the Australian National University and the National Gallery of Australia) and with steering committees (or similar) on particular projects (such as Reconciliation Place and most commemorative projects) to negotiate quality outcomes.

The Commonwealth Government, ACT Government, the diplomatic community and national institutions, are the proponents of the majority of the applications for works approval in Designated Areas. Most of these proponents consult with their Ministers, boards (or similar) and their own constituents with respect to proposed works. Many of the works are informed by steering committees and/or are subject to design competitions and professional jury considerations. The Parliamentary Standing Committee on Public Works scrutinises major Commonwealth projects (above a specified value) outside of the Parliamentary Zone. The Canberra National Memorials Committee approves the location and character of national memorials prior to Authority works approval.

Further scrutiny applies to the Parliamentary Zone, the symbolic heart of the National Capital. The Parliamentary Zone is a Designated Area in the Plan with special status. *The Parliament Act 1974* requires that both Houses of Parliament must give approval to works in the Zone. These approvals are separate from, and in addition to, works approval given by the Authority. This is an appropriate status and level of scrutiny for such a valued part of Australia’s Capital.

The Parliamentary Zone is defined in the *Parliament Act 1974* and includes the Parliamentary Precincts, which were separately defined in the *Parliamentary Precinct Act 1988* on completion of the permanent Parliament House.

In the view of the Authority there would be no additional benefit derived from statutory consultation regarding proposed works in Designated Areas unless it were undertaken on a national, not just a local, level (as for Amendments to the National Capital Plan). Given the current scrutiny of, and stakeholder involvement in, works in Designated Areas, and the role and expertise of the Authority, statutory consultation would only delay the development and enhancement of the National Capital and add to costs.

While there is no provision for planning appeal relating to the merits or otherwise of works approved (or refused) by the Authority, there is recourse under the *Administrative Decisions (Judicial Review) Act 1977 (ADJR)* to determine whether a decision of the Authority has been made correctly. In the twelve years that the Plan has been in effect, there has been no challenge under *ADJR* of the considerations or decisions of the Authority.

Under current arrangements there can be confusion over the planning concept of Designated Areas (where the Authority has works approval) and land status or tenure. This occurs because Territory Land and National Land can fall within Designated Areas. The fact that the Authority is responsible for works approval on Territory Land (particularly when the ACT Government is the proponent of the works) is seen by some as inappropriate.

Similarly, there can be a perception that two planning approvals are required for development on Territory Land in Designated Areas – one by the Authority, and another by the ACT planning authority. This is not accurate. All works in Designated Areas are subject to approval by the Authority – not by the ACT planning authority. In all other areas of Territory Land, the ACT planning authority issues works approvals (or their equivalent) and the Authority has no works approval role.

Part of the perception of duplication also arises from the use of different terminology by the two authorities for their approvals. Planning approval is called ‘Development Approval’ by the ACT planning authority. Because it is so defined in the Act, the Authority uses the term ‘Works Approval’ for what is (in fact) a planning approval. ‘Building Approval’ (compliance with technical codes and standards of construction and amenity) is separate to planning approval (by whatever name) as is the norm throughout Australia.

Areas Subject to Special Requirements

The Plan includes some areas which are not designated but which are yet of special National Capital interest. Those areas may involve both ‘National Land’ and ‘Territory Land’. These areas include land fronting the main avenues and approach routes such as Northbourne Avenue, the Australian Institute of Sport, the river corridors, some major institutions such as the Tidbinbilla Deep Space Tracking Station, the Namadgi National Park, and certain areas of urban open space such as Haig Park and Telopea Park.

Section 10 (2)(d) of the Act provides that where it is *desirable in the interest of the National Capital* special requirements may apply to such areas. These interests are identified in a Development Control Plan (DCP) approved by the Authority which sets out the special requirements for the site or area.

Where special requirements apply to National Land outside of the Designated Areas, the DCP is required to reflect relevant provisions for the Territory Plan.

Where the special requirements apply to Territory Land, the Territory planning authority is bound to observe these requirements but, subject to that, remains responsible for development approval decision.

Ideally, special requirements would have been included in the first Plan (gazetted in 1990) as policy. Statutory time constraints prevented this happening at that time. Experience has shown that it is difficult to prepare DCPs for entire areas (such as a river corridor or avenue) in a timely manner. Priorities for development prevail and, frequently, DCPs are prepared on a site-specific basis in response to immediate development requirements.

In practice the application of special requirements, particularly on Territory Land, can sometimes be confusing and inefficient. This is largely because, unlike Designated Areas, both the Commonwealth (the Authority) and the Territory planning administrations are involved in a development, albeit at different stages. Recently, the extent to which a DCP is included in the Territory’s public consultation process for a development has been the subject of discussion with the ACT planning authority.

Development Considerations by the Authority

The Act (and the Plan) places the responsibility for design and siting considerations and detailed planning and works approval decisions in Designated Areas with the Authority. This provides for independent decisions to be made, and for quality built outcomes commensurate with the National Capital as a national asset.

The exercise of flexibility and of discretion under the Plan has worked to the advantage of the development of the nationally significant areas of the National Capital. Almost 5,000 planning and development matters have been considered under the Plan provisions including approval of 3692 works applications, preparation of and agreement to 62 Development Control Plans, and consideration and advice on consistency of proposals (931), including Draft Territory Plan Variations (210 to March 2003) and lease variations in Designated Areas.

The process for considering development applications for approval has been summarised and published in the brochure entitled: *Approving Development in Areas of National Capital Significance* (Attachment J). The Authority has also published its *Service Charter for Planning and Development Approvals* for administering the National Capital Plan (Attachment K).

Amendments to the Plan

Section 6 of the Act requires the Authority to keep the Plan under constant review and to propose amendments to it when necessary.

The National Capital will continue to grow, and to change to reflect culture and identity. The Plan is sufficiently flexible to allow such changes. A good planning instrument must be able to be amended (subject to due consideration and process) to respond to changing opportunities and pressures.

Section 23 of the Act provides for Amendments to the Plan to be prepared in the same way that the Plan itself was prepared. Only the Authority can propose Draft Amendments to the Plan.

The Act requires that such Draft Amendments must be subject to public exhibition and comment, and consultation with the ACT planning authority (not the ACT Government). This process ensures that consultation is with a national constituency regarding the national significance of the capital. Ministerial involvement with the ACT Government (the Executive) is only required if the Territory planning authority has objected to a Draft Amendment and the two authorities (Commonwealth and ACT) cannot resolve the matter between themselves. To date such Ministerial action has not been required.

Approval of amendments is by the responsible Commonwealth Minister. Amendments are then subject to parliamentary scrutiny (with the option to disallow in whole or in part).

This part of the process ensures that the Commonwealth continues to be directly involved in the making of the Plan for Canberra and the Territory in the national interest, while the Territory has ample opportunity for comment.

The Bill requires of both governments parliamentary scrutiny, public consultation and review processes to ensure openness. There will be no scope for corruption.

(Graham Richardson, Minister for Arts, Sport, the Environment, Tourism and Territories, Second Reading ACT (Planning and Land Management) Bill 1988)

Since 1999 all Amendments to the Plan have undergone consideration for regulation impact assessment by the Productivity Commission's Office of Regulation Review.

The Plan has proved to be fairly robust in scope and content, and flexible in its application. To maintain the currency of the Plan and to keep abreast of city growth and changing circumstances, 46 Draft Amendments have been proposed by the Authority, and 32 Amendments have been approved in the last thirteen years. A further 5 are in train, and 9 have been withdrawn, deferred or replaced with updated proposals. A more prescriptive National Capital Plan is likely to have necessitated many more amendments.

Experience indicates that there has been no general need for constant revision of the Plan's broad principles. Some of the amendments that have been approved include the implementation of the master planning work identified in the Plan as necessary for the Central National Area. Master Plans have been prepared for areas including Russell, Duntroon, the National Botanic Gardens, York Park and the Parliamentary Zone.

Other amendments have responded to new legislation such as the *Telecommunications Act 1997* (Amendment 21 – Telecommunications Facilities Policies) and the *Airports Act 1996* (Amendment 30 – Canberra Airport). Some have given effect to specific policies such as the Signs Policy and to the Kingston Foreshore Redevelopment. A few amendments have emerged to deal with site-specific needs such as the ACT Hospice, Hotel Kurrajong and the Canberra Centre, while others deal with boundary re-definitions such as at Harcourt Hill and the Australian National University.

(A full list and description of the amendments that have been approved and those currently being considered as Draft Amendments are at Attachment L).

In 2002 the Authority developed a framework for keeping the Plan under constant review and to monitor the effectiveness of the Plan, *The National Capital Plan - Framework for Constant Review and Amendment*. (The brochure at Attachment M). This framework is designed to enable the Authority to understand the context in which the Plan operates, anticipate demand for change and review the performance of the Plan relative to its object.

The framework involves:

- Liaison with stakeholders – Commonwealth and ACT departments and agencies, community groups, institutions, industry and professional groups and regional interests
- Monitoring – the effectiveness of the Plan and public attitudes
- Education – through information to stakeholders and public outreach programs and
- Reporting – on a regular basis to Authority members and identifying where Amendments to the Plan may be required.

Constant review of the Plan is an excellent mechanism to keep the Plan relevant and to provide a transparent and accountable record for the Australian Parliament and for all interested Australians.

Comprehensive Review of the Plan

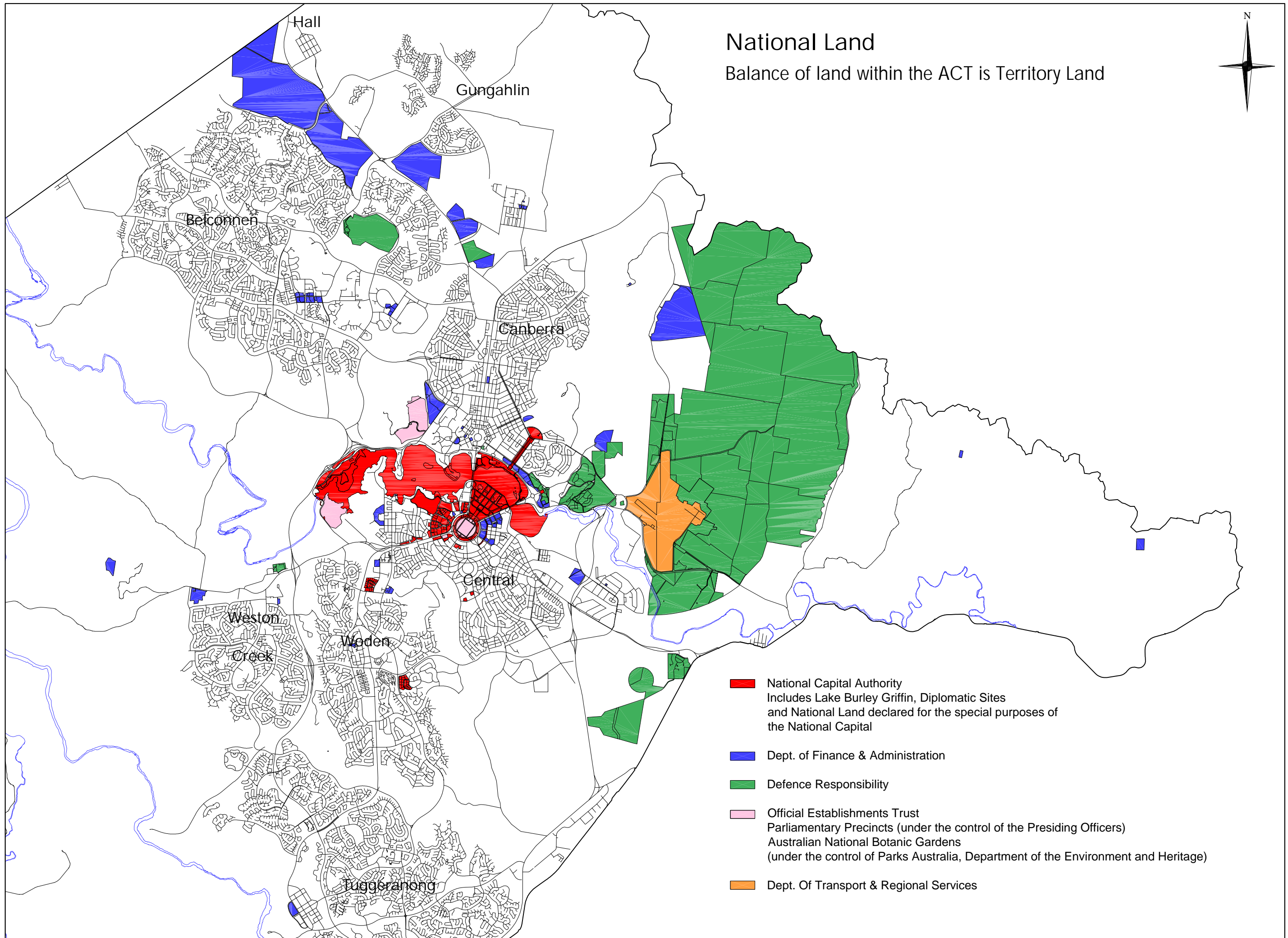
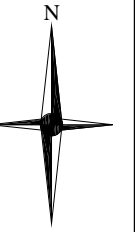
The Act required that the first National Capital Plan be completed within a short transitional period after Self-Government (not more than two years). Effectively, the Plan was prepared within one year. As a consequence the Plan was largely a compilation of the relevant principles and policies developed by the former National Capital Development Commission.






In 1998 the Authority commenced work on an internal comprehensive review of the National Capital Plan which was then nearly a decade old. This was the first major review of the Plan undertaken by the Authority since it had been gazetted in 1990 when Self-Government was new to the ACT. The Government accepted the comprehensive review of the Plan in Portfolio Budget Statements from 1999–2000 to 2002–03 (under Output 1).

The Authority has reassessed the Plan provisions for their continuing vitality and relevance in maintaining a dynamic relationship with the Territory Plan. The review was undertaken within the parameters of the object of the Plan – *to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.*

National Land

Balance of land within the ACT is Territory Land



-  National Capital Authority
Includes Lake Burley Griffin, Diplomatic Sites
and National Land declared for the special purposes of
the National Capital
-  Dept. of Finance & Administration
-  Defence Responsibility
-  Official Establishments Trust
Parliamentary Precincts (under the control of the Presiding Officers)
Australian National Botanic Gardens
(under the control of Parks Australia, Department of the Environment and Heritage)
-  Dept. Of Transport & Regional Services

The Authority has reviewed technical and policy aspects of land status, including the extent of the Central National Area and the relationship between National Land and the definition of the Designated Areas. Other issues considered included areas of overlap or duplication of processes (actual or perceived) that could affect efficiency.

The internal review of a number of key aspects of the Plan by the Authority was effectively completed in 2001. The Authority is of the view that alignment of Designated Areas and National Land may provide greater clarity and certainty in the role and responsibilities of the Commonwealth in the planning and development of Canberra and the Territory as the National Capital. Such change would require appropriate Amendment to the Plan in some Designated Areas and some changes to land status.

The Authority is also of the view that special requirements on Territory Land should be considered for inclusion in the Plan as 'policy' so that a DCP would not be necessary. The Territory would then be free to administer such areas without reference to the Authority. This would remove any confusion and duality of process in their administration. The outcomes of the review are subject to further consideration by the Commonwealth Government.

In 2000 the Authority completed a strategic review of the Parliamentary Zone which proposed initiatives to be implemented over a fifty-year timeframe. In 2001 the Plan was amended accordingly to incorporate a Parliamentary Zone Master Plan to guide decisions related to development, cultural and physical planning and management.

A matter of national significance as set out in the Plan is to respect the geometry and intent of Walter Burley Griffin's formally adopted plan for Canberra. However, it is some thirty years since there has been a major review of the philosophy, principles and policies guiding development of the rest of the Central National Area. To address this matter the Authority has commenced the 'Griffin Legacy' project.

The Griffin Legacy project, informed by an Advisory Panel, seeks to appraise the relevance and vitality of the Griffin plan to Canberra and the National Capital of the 21st century. This project involves determining what has survived, what has been modified or discarded in the Griffin plan and what has continuing value and relevance. Where necessary the outcomes will be considered by the Authority for Amendment to the Plan. This project will also serve to inform and complement the current review of the Canberra Spatial Plan by the ACT Government.

Position Statement

- The object of the National Capital Plan that *Canberra and the Territory... (be)... planned and developed in accordance with their national significance* (section 9 of the Act) continues to be relevant, and safeguards the status of the Australian Capital Territory as the Seat of Government for all Australians.
- Matters of national significance as described in the National Capital Plan are strategic, comprehensive and practical, and recognise the value of the unique purpose, setting, character and symbolism of Australia's National Capital.
- The Plan is robust in scope and content, and flexible in its application. The statutory process to amend the Plan provides for independent and expert planning consideration by the Authority, appropriate opportunity for Australians (including the local community) to comment on proposals, appropriate consultation with the Territory planning authority, approval by the responsible Commonwealth Government Minister, and scrutiny by the Australian Parliament. The Plan Amendment process is transparent and effective.

- The areas designated in the National Capital Plan as having the special characteristics of the National Capital (Designated Areas), have been recognised and respected by the Commonwealth Government since the Walter Burley Griffin plan for the capital was chosen in 1912. The Designated Areas continue to be relevant and are as vital to the future of the National Capital as they are significant to the legacy of the past. The Commonwealth, through the National Capital Authority, should continue to take responsibility for the detailed planning, design and development of the Designated Areas.
- Ideally, the land within the established Designated Areas should be National Land declared as required for the special purposes of Canberra as the National Capital. This would contribute to a greater clarity and certainty in the role and responsibilities of the Commonwealth in the detailed planning, design and development of the National Capital.
- Some Territory Land is subject to special planning requirements because this is desirable in the interest of the National Capital (section 10 of the Act). To protect those interests, special requirements are set down in a Development Control Plan (DCP) approved by the Authority. Development on Territory Land subject to a DCP then requires development approval by the Territory planning authority. This process can be confusing. Ideally, special requirements on Territory Land should be identified in the National Capital Plan as policy. There would then be no need for a Development Control Plan. This would enable the Territory planning authority to administer such areas without reference to the Authority and would obviate any perception of duplication of process.

Australian Capital Territory (Planning and Land Management) Act 1988

Part II

- Establishes National Capital Authority
- National Capital Authority to prepare National Capital Plan

Part III

■ National Capital Plan

Object ~ “To ensure Canberra and the Territory are planned and developed in accordance with their national significance”

Planning principles & general policies conveying

- aesthetic principles
- land use
- national & arterial roads

Detailed planning & development control for areas that have the ‘special characteristics’ of the National Capital ~ these are Designated Areas

Special requirements for areas outside Designated Areas where such requirements are in the interests of the National Capital (includes National Land outside Designated Areas)

Part IV

- Provides for ACT Legislative Assembly to establish Territory planning authority
- Territory planning authority to prepare Territory Plan

Part IV (cont.)

■ Territory Plan

Object ~ “To ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the Territory provides for the people of the Territory with an attractive, safe and efficient environment in which to live and work and have their recreation”.

Detailed planning & development control for all Territory Land outside Designated Areas

NOT INCONSISTENT WITH THE NCP

The Planning Relationship between the National Capital Authority and the Territory planning authority

Achieving a Balance – National and Local Interests

In common with other national capitals, Canberra must achieve an effective balance between the national interest and the local interest of the residents.

The relationship between these interests is symbiotic and vital to both. The relationship is also complex to administer. The development of Self-Government for the residents of Canberra has highlighted some of the benefits and challenges of achieving the balance between national and local interests.

Canberra was established, planned and developed from its inception to serve its national purposes as the Seat of Government. (Refer part 2). Self-Government did not, and was not intended to, change this status.

Self-Government did establish a body politic, one with a unique jurisdiction that explicitly recognised the status of the ACT as the National Capital, and an ongoing relationship between the Commonwealth and ACT Government based upon collaboration and mutual respect for the national and local interests. (Refer Part 1).

The Territory is unique, virtually all of the residents live in the one city - Canberra. It needs a form of government that acknowledges its unique nature and this is what is being proposed – one level of government appropriate to the City/State of the ACT. It needs a form of government that also recognises its situation as the nation's capital. This proposal has been designed to ensure that the Commonwealth will look after the national aspects and the ACT the territorial and local aspects – in a manner that protects the interests of both. . . . the Territory is home to the nation's capital – this fact cannot be ignored.

(Graham Richardson, Minister for Arts, Sport, the Environment, Tourism and Territories, Second Reading ACT (Self-Government) Bill 1988).

The relationship between the Commonwealth and the Territory on planning and land administration is defined in the Act. The provisions of the Act were consequent upon the establishment of Self-Government for the Territory. The Act was intended to be read in conjunction with the *Australian Capital Territory (Self-Government) Act 1988*.

It is evident from the two statutes that, in the case of Canberra, detailed and due consideration was given to establishing effective structures and processes to achieve a balance between national and local interests. In the opinion of the Authority those structures have demonstrably worked very well. What is required is a clear recognition by all parties of the need to continue to work collaboratively, recognising the validity and importance of the different interests and responsibilities that are involved. Given this recognition the Authority believes that the current planning structure and relationship is appropriate and effective.

The Statutory Planning Relationship

The Act sets out the formal arrangements and responsibilities for planning in the Australian Capital Territory. The legislation provides for the establishment of the National Capital Authority and a Territory planning authority. Each is charged with the responsibility of preparing a Plan – the National Capital Plan and the Territory Plan respectively.

Subject to the roles of the Parliament and the Minister, the National Capital Authority is responsible for protecting the planning and development interest of the Commonwealth as identified in the National Capital Plan. The Territory planning authority is responsible to the ACT Government for the Territory interests.

The Act defines the object of each Plan, the relationship between the two Plans, the process of amending the Plans, and the mechanism for resolving at ministerial level any disagreement between the two authorities about proposed changes to the National Capital Plan.

The Act also provides for the ACT Government to enact separate legislation to establish a Territory planning authority to prepare a Territory Plan and to set out the planning processes that are used in the administration of that Plan. The current administrative arrangement for the Territory planning authority is ACT Planning and Land Management Group (ACT PALM) in the ACT Department of Urban Services (DUS).

In effect, as a consequence of the legislative structure, the ACT planning authority is responsible for what is typically local government planning functions in the states. The object of the Territory Plan reflects its proper focus on the social and economic needs of the local community and constituency.

The object of the National Capital Plan gives due recognition to the status of the Territory in terms of its national significance. The Plan defines those areas of the Territory that exhibit the special characteristics of the National Capital. (For details on Designated Areas –Refer Part 3).

Subject to the Territory Plan not being inconsistent with the National Capital Plan the object of one plan was wisely intended to complement the other – and in practice they do.

Some people have from time to time, confused the legislative planning arrangement with land administration (National Land and Territory Land). This has led to some perceptions that the Commonwealth has no rights in Territory Land and that therefore the Authority has no legitimate planning responsibility for such land. In fact as previously outlined, all land in the ACT is Commonwealth land and land status and tenure is specific to land administration and does not determine responsibility for planning.

The National Capital Plan is binding on both the Commonwealth and the Territory Governments and their respective agencies. The National Capital Plan has been of considerable value to the Territory Government in a number of instances.

Examples include special requirements for National Land outside Designated Areas where the Authority's ability to regulate development on National Land has enabled the Territory's interest to be more carefully considered where the Commonwealth is developing or divesting National Land. Similarly, the binding effect of the Plan on the Commonwealth has been useful to the ACT Government when dealing with developments sanctioned by Commonwealth legislation, such as *The Telecommunications Act 1997*. Because the Plan is binding on the Commonwealth, the Plan enables a level of scrutiny not generally available to other local or state planning jurisdictions.

Consultation between the respective authorities on proposals to amend and/or vary the National Capital Plan and Territory Plan is required in the Act. This allows for sound negotiated planning outcomes where the proposals can be informed by the independent planning (and other relevant) expertise of both of the authorities at arms length from Government.

Such collaboration is most clearly evidenced when dealing with issues that involve both an Amendment to the National Capital Plan and a subsequent Variation to the Territory Plan. In some cases these have involved simultaneous publication and concurrent public consultation phases although formal approvals, of necessity, proceed separately to the Australian Parliament and the ACT Legislative Assembly as required by their respective legislation.

Where political views are a major influence in changing the direction of such (draft) proposals, the ability to cooperate successfully is affected. Such was the case on the recent Draft Amendment to the National Capital Plan for the Gungahlin Drive Extension. An agreed planning position between both authorities for a particular section of the road alignment (to the extent that the Territory Plan was varied accordingly) was changed by the incoming ACT Government in accord with an election 'commitment'.

This political influence initially constrained consultation, and created a (wrong) perception that there was a professional disagreement between the two authorities over what was already a complex planning issue. Despite such difficulties, both authorities were able to cooperate and reach agreement to progress the necessary changes without resorting to the dispute resolution mechanism.

It is important to note that in the case of a dispute between the two planning authorities over an Amendment to the National Capital Plan, the Act provides for the responsible Commonwealth Minister to consult with the ACT Executive prior to making a decision. That this provision of the Act has not been used to date demonstrates the co-operative and collaborative relationship that has been maintained by the two planning authorities throughout the period since the introduction of Self-Government.

The extent to which the Commonwealth and Territory Governments deal with Amendments to the National Capital Plan and Variations to the Territory Plan underlines the relative independence of the Authority. The Authority has proposed 46 Draft Amendments to the National Capital Plan. Only five have been the subject of an inquiry by the relevant Parliamentary Joint Standing Committee on the National Capital. Only one has been subject to a Disallowance Motion (yet to be heard). In contrast, all Draft Variations to the Territory Plan, of which there have been in excess of 200, formally pass through the Legislative Assembly planning committee before being subject to a decision by the Legislative Assembly.

The co-operation of the two planning authorities (and indeed between the Authority and the ACT Government) is evidenced by the fact that of the 46 Draft Amendments proposed by the Authority, approximately half have been in response to a request from the ACT Government, or one of its agencies, to deal with a problem being experienced by the ACT Government either at a policy level or on a site specific basis.

The statutory public consultation responsibilities and processes of the Authority and the Territory planning authority are different, and are a logical consequence of the different objects of the National Capital Plan and the Territory Plan.

The Act requires the Authority and the ACT planning authority to consult with the public (and each other) at the policy formulation stage – in the preparation of any proposed amendments or

variations to the two Plans respectively. The Territory planning processes also focus consultation on the development approval stage of the planning process. The differences between the two is intentional and is explained in terms of the different constituencies, their individual interests and the need to keep the National Capital interest at arms length from short term political considerations and local community interests.

Usually the distinction is accepted. There are, however, circumstances where National Capital and local interests coincide and the distinction becomes less clear - for example, residential development on Territory Land which is in a Designated Area. The Authority acknowledges that, as far as is possible, consultation on applications for residential works in such areas should be subject to the same requirements as for Territory planning approval processes. The National Capital Plan already requires proposals for dual occupancy development to be notified to neighbours for comments. These requirements have been extended by a policy determination of the Authority (regarding works approval processes) to any residential development within Designated Areas.

In the vast majority of cases the division of development control responsibilities is absolutely clear. In Designated Areas (as set out in the National Capital Plan) the Authority has responsibility for works approval. On all Territory Land outside of the Designated Areas, ACT PALM has planning approval. On National Land outside the Designated Areas (where the Territory Government constitutionally cannot have jurisdiction over the Commonwealth), the National Capital Plan includes special provisions for securing the Territory's planning interest through Development Control Plans, approved by the Authority.

Issues associated with perceptions of duplication in planning processes and/or confusion relating to land status, planning approvals and the Designated Areas, and the application of special requirements are outlined at Part 3.

The differences in the object of the two Plans inevitably produce occasional tension between the National Capital Authority and the ACT planning authority. However, differences of any major consequence have been reconciled through constructive negotiation, even on some difficult issues such as the Commonwealth Government Divestment Programme or the development of ACT Government capital works in Designated Areas.

In the experience of the Authority the statutory planning relationship is sound. It affords effective consultation between the National Capital Authority and Territory planning authority and ensures continuing dialogue regarding Amendment to the National Capital Plan and variations to the Territory Plan.

The Non-Statutory Planning Relationship

The relationship between the two planning authorities has been positive. The staff of both authorities was drawn initially from the National Capital Development Commission – the organisation they replaced. Strong professional relationships and a common perspective on the role and values underpinning the capital formed the basis of the emerging relationship between the two new authorities.

Over the ensuing fourteen years, the two authorities have developed their own cultures and planning processes. The number of professionals with shared experience has declined, but the relationship has continued to grow and remains strong. Apart from the established statutory framework there are also formal and informal liaison arrangements. Work is undertaken jointly

from time to time on subjects of mutual interest. Recent examples include aspects of the Spatial Plan and Pay Parking Policies.

Regular Meetings are held between the Authority and ACT PALM at Chief Executive/Executive Director level. Regular liaison meetings are also held at senior officer level on significant matters such as the management of the National Capital Plan and Territory Plan, the Commonwealth Property Divestment Programme and the Spatial Plan. Day-to-day liaison occurs at project officer level on individual planning and development matters.

The Authority and ACT PALM have exchanged or seconded a number of staff over the years and have engaged in a number of significant joint planning studies and undertaken collaborative investigations with positive outcomes that have informed planning considerations and capital works. (Details are at Attachment N).

Stability in the Planning Relationship

The planning provisions of the *ACT (Planning and Land Management) Act 1988* have remained unchanged since the advent of Self-Government. The statutory provisions for plan-making, plan administration and development control have proved to be relevant, practical and enduring.

As outlined the experience of jointly managing the planning process for almost fourteen years has led the Authority to the view that the relationship between the two planning authorities, and the operation of the two planning systems, continues to work well.

The Act deliberately created the National Capital Authority as a statutory authority. As such it is free to take the long view in protecting the interests of the National Capital. The structure and functions have proved to be robust, comprehensive and effective.

Territory planning provisions (through ACT legislation) have changed each time there has been a change of Government at election. From time to time, there have also been substantial administrative changes to structures and processes in the term of particular Governments.

The first Territory planning system provided for an ACT Planning Authority (ACTPA) with statutory authority vested in the position of ACT Chief Planner. ACTPA was relatively powerful and independent. In the ensuing decade new Territory planning legislation abolished the position of Chief Planner and vested the 'authority' in a part time Commissioner for Planning. The responsibility to monitor and administer the Territory Plan and to determine development applications has since then been exercised by a 'group' in an administrative 'super' department – ACT PALM in DUS.

As is its right, the current ACT Government has continued to make legislative changes to the Territory planning system. It has recently introduced new planning legislation which seeks to re-establish the independence of the planning authority, while retaining the ACT planning Minister's 'call-in' powers. The new ACT Planning and Land Authority (to replace ACT PALM) will commence on 1 July 2003.

These frequent changes have created some instability in the non-statutory planning relationship between the two authorities. It is sometimes difficult for the Authority to be certain which areas (or officers) of the ACT Government have carriage of planning considerations, particularly those relating to policy. For example, in 1996 carriage for the ACT Strategic Plan was within the ACT Chief Minister's Department. Currently, administrative responsibility for the three components of the development of the ACT Canberra Plan – the Spatial Plan, Economic White Paper, and the

Social Plan – is vested in ACT PALM, ACT Treasury and the Chief Ministers Department respectively. All three components have the potential to influence planning and may require consideration by the Authority regarding Draft Amendments to the National Capital Plan. The Authority anticipates that the new ACT Planning and Land Authority will improve definition and lines of communication.

Historically, the level of political commitment to planning by successive ACT Governments has varied considerably and the level of direct political interest and intervention in local planning matters has been relatively high. Perhaps this is inevitable given that ACT planning responsibility is specifically geared to local planning matters and public consultation is therefore such a pronounced feature of the Territory planning process.

In recent years it has become relatively common for the ACT Minister for Planning to use ‘call-in’ powers, which effectively terminate the consultation process, in order to approve a development application. Examples in the life of the current ACT Government include *The Metropolitan* high rise development in Civic, *The Space* development on Northbourne Avenue and Stage IA of the *Kingston Foreshore Redevelopment*. Previous Ministers called -in a number of applications including the expansion of the *Canberra Centre* and the *Manuka Plaza* development.

In contrast, no Commonwealth Minister has ever used the power to give general directions to the Authority as set out at Section 7(1) of the Act.

The Planning Relationship and other ACT Agencies

The Authority consults with a wide range of ACT Government agencies in the course of administering the National Capital Plan. In particular there is frequent liaison with many agencies within the Department of Urban Services (in addition to ACT PALM) including ACT Roads, Parking Operations, Environment ACT and the Lands Branch. In assessing works approval applications the Authority may consult with each or all of these agencies on matters such as traffic, parking, environmental assessments, leasing and development.

The ACT Government as Proponent of Works

Where the ACT Government proposes works on Territory Land within the Designated Areas, it is bound by the provisions of the National Capital Plan, and the ‘works’ (as defined in the Act) require the approval of the Authority. The ACT Government has never appeared to be comfortable with this statutory requirement. (The definition and value of the Designated Areas, and the separation of planning and land administration, have been outlined elsewhere in this submission).

On occasion there has been considerable debate and some disagreement about the design and siting requirements and quality that the Authority expects of the works. The ACT Government has, for example, alleged that such requirements have had financial implications that they should not be required to bear. Such was the case with the development of the ACT Magistrates Court, in the redevelopment of Civic Square and most recently in the location of the new Civic Library within the proposed Theatre Link Building.

In each case Authority involvement has ensured that the National Capital interest, including National Estate heritage considerations in such developments is not ignored or forgotten, and that quality design outcomes are achieved. The ACT Magistrates Court and the ACT Legislative

Assembly building, for example, received The Canberra Medallion design awards from the Royal Australian Institute of Architects. Requirements of the Authority for such works in Designated Areas would apply equally were the private sector or the Commonwealth the proponent for the development of the sites.

Complaints by the ACT Government about Commonwealth 'interference' in what it perceives to be Territory matters tends to be related to one-off works by sponsoring agencies which are not used to having to comply with the National Capital Plan (or indeed the Territory Plan). Sponsoring agencies of the ACT Government which regularly have works requiring approval by the Authority, such as Roads ACT, have very effective relationships with the Authority with demonstrably high quality design outcomes.

Commonwealth Government Divestment Programme

The Commonwealth Government has decided to divest many property holdings throughout Australia. The Authority has accepted as a given that some Commonwealth holdings in Canberra would form part of that national programme.

At the date of Self-Government the land holdings of the Commonwealth in the Territory were significant and the development of such National Land could have a significant impact on the interests of the ACT Government. The Commonwealth Government Property Divestment Programme is a clear manifestation of this issue.

The Authority as a Commonwealth instrumentality is sometimes perceived by the ACT Government to be singularly representing Commonwealth policy, arguably at the expense of Territory interests, when dealing with vacant land sites as part of the Commonwealth Property Divestment Programme.

The National Capital Plan includes a special requirement that requires the preparation of a Development Control Plan (DCP) for such sites. The DCP must, among other things, reflect the relevant provisions of the Territory Plan.

In practice, the Authority has exercised the special requirements of the Plan and proceeded to negotiate the optimum planning solution for the Commonwealth Government and the Territory, through mediation between the Commonwealth Department of Finance and Administration (DoFA) and the ACT Government.

This approach has served the ACT Government's interest and is more effective than the alternative in the states where the Commonwealth adopts a 'good neighbour' policy of consultation but retains power unequivocally over the ultimate planning decision. While the ACT Government may continue to oppose the Commonwealth Government Property Divestment Programme, ACT PALM has found the mechanism to be a very useful safeguard of its planning interests.

The Authority has been successful in brokering outcomes in the Divestment Programme that have satisfied both Commonwealth and Territory interests, in the overall interest of Canberra as the National Capital. For example, the retention of National Land status for a number of sites in the Programme including, Anzac Park East and West, the Campbell Park Offices and a number of sites in Barton, has been in the national capital interest. Equally, the inclusion of Territory urban design and other planning objectives in the DCPs for sites in Belconnen and Civic has been in the Territory's local interest.

Many of the sites divested have already become Territory Land. This has allowed for any subsequent lease variation and betterment on those properties to accrue to the Territory.

Position Statement

- The planning and development of Canberra, the National Capital, must achieve an effective balance between the national interest and the local interest of the residents. There is no simple administrative structure to address what is a complex duality of interest. What is required is a commitment by all parties to work collaboratively, recognising the validity and importance of the different interests and responsibilities that are involved. Given this recognition, the current planning structure and relationship are appropriate and effective.
- The National Capital Plan and the Territory Plan provide well for both the national and local interest respectively and complement each other.
- The statutory provision for consultation between the National Capital Authority and the Territory planning authority, and the associated dispute resolution mechanism, are appropriate and effective.
- From the perspective of the National Capital Authority there is a culture and spirit of cooperation on planning matters between the National Capital Authority and the Territory planning authority.
- The Authority is looking forward to the commencement of the new independent ACT Planning and Land Authority on 1 July 2003.

Glossary of Terms

ACT Government means the body politic established under the *Australian Capital Territory (Self-Government) ACT 1988* and includes the Executive of that body, and agencies established by it, whether by enactment or otherwise.

Amendment of the National Capital Plan A function of the Authority is to keep the National Capital Plan under constant review and to propose amendments to it as necessary. The statutory provisions for amending the Plan are set out in Sections 14 to 22 of the *Australian Capital Territory (Planning and Land Management Act 1988)*. The amendment process includes public consultation. After approval by the Minister, amendments are subject to disallowance by either House of the Australian Parliament.

Australian Capital Territory (Planning and Land Management) Act 1988 is Commonwealth legislation and provides the overarching legal framework for planning and land management in the Australian Capital Territory.

Authority, unless otherwise defined in this report, means the National Capital Authority.

Central National Area includes the Parliamentary Zone and its setting; Lake Burley Griffin and Foreshores; Government House, the Australian National University; the Australian Defence Force Academy; Duntroon; Campbell Park and Canberra Airport/RAAF Base Fairbairn. Also included are diplomatic areas of Yarralumla, O'Malley and West Deakin and individual diplomatic sites in the suburbs of Red Hill, Forrest and Deakin.

Designated Area means an area of land specified in the Plan as having the special characteristics of the National Capital as provided for by section 10(1) of the *Australian Capital Territory (Planning and Land Management) Act 1988*. All "works" (defined below) in Designated Areas are subject to approval by the Authority.

Development Control Plan means a plan prepared for the guidance and control of development including design, siting, scale, purpose, timing and phasing, construction, landscaping and other relevant matters. Development Control Plans are a requirement in areas where "special requirements" apply and may include maps, drawings, photographs, specifications and written statements. (s10(2)(d) of the *Australian Capital Territory (Planning and Land Management) Act 1988* refers). A Development Control Plan, may apply to National Land or Territory Land sites (or areas) provided they are not included in a Designated Areas.

Detailed Conditions of Planning Design and Development - section 10 (2)(c) of the Act states that the National Capital Plan may specify areas of land that have the special characteristics of the National Capital to be Designated Areas. The Act provides for the Plan to set out detailed conditions of planning, design and development in Designated Areas and to specify the priorities in carrying out planning, design, and development in Designated Areas.

General Policy Plan - Metropolitan Canberra (the GPP) - The National Capital Plan contains principles and policies, which set the broad framework for land use in Canberra. The GPP for Metropolitan Canberra is Figure 1 of the National Capital Plan.

General Policy Plan - Australian Capital Territory - Figure 2 of the National Capital Plan, sets out the broad land use policies for the balance of the Territory and, together with the planning principles and other policies of the Plan, establishes the general planning framework for the whole of the Australian Capital Territory.

Lease and Development Conditions are prepared for vacant land sites by the relevant planning authority before the sites are leased and developed. These conditions form the basis for considering development applications for approval.

Master Plans comprise area specific policies intended to guide the planning design and development of a large site area. Some Master Plans, once approved by the Authority, have been given statutory effect by their inclusion in the National Capital Plan through an Amendment to the Plan.

National Capital Open Space System - NCOSS means the system of open space in the ACT comprising the hills ridges and buffer spaces that surround and frame the urban areas, Lake Burley Griffin, the river corridors, and the distant mountains and bushlands to the west of the Murrumbidgee River.

National and Arterial Road Systems are defined in the National Capital Plan as two separate networks.

The National Road System defined in the Plan provides the principal means of access between the National Capital and the state capitals, and between Canberra and the major national highways; or are designed for symbolic, formal, or National Capital purposes; or provide access to National Capital facilities and vantage points within the Territory; or are located on National Land declared under the *Australian Capital Territory (Planning and Land Management) Act 1988*. National Roads include the Federal, Barton and Monaro Highways, Canberra, Commonwealth and Northbourne Avenues and State and Capital Circles.

The Arterial Road System defined in the Plan comprises the remaining arterial roads identified in the ACT. Arterial Roads form the principal access between town centres, industrial centres, major retail centres and residential areas; or provide access between the separate towns of the urban area.

National Capital Plan (the Plan) is the Plan prepared and administered by the Authority in accordance with Part III of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

National Land has the meaning given by section 27 of the *Australian Capital Territory (Planning and Land Management) Act 1988*. National Land, that is land which is, or is intended to be, used by or on behalf of the Commonwealth. National Land that is designated in writing by the Minister (under Section 6(g) of the Act) as land required for the "special purposes of Canberra as the National Capital", is National Land managed by the Authority.

National Significance - section 9 of the Act sets out the object of the Plan that is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The National Capital Plan sets out matters of national significance in the planning and development of Canberra and the Territory.

National Triangle means the area within the Central National Area generally defined by Commonwealth Avenue, Kings Avenue, Constitution Avenue and State Circle, and includes the Central Basin of Lake Burley Griffin.

Parliamentary Zone means the area of land specified as the Parliamentary Zone by the *Parliament Act 1974*. The Parliamentary Zone consists of the area bounded by the southern edge of Lake Burley Griffin, Kings Avenue, State Circle and Commonwealth Avenue.

Parliamentary Precincts means the area of land specified as the Parliamentary Precincts by the *Parliamentary Precincts Act 1988*. The Parliamentary Precincts are part of the Parliamentary Zone and consist of all of the land contained within (the inner side of) Capital Circle surrounding Parliament House.

Parliamentary Approvals are required for works proposed within the Parliamentary Zone under the provisions of the *Parliament Act 1974* or the *Parliamentary Precincts Act 1988*.

Planning and Land Management - ACT PALM refers to the Territory planning branch in the ACT Department of Urban Services that administers the Territory Plan and incorporates the Territory planning authority as prescribed in the Act.

Special Requirements refer to those planning requirements set out under the provisions of section 10(2)(d) of the *Australian Capital Territory (Planning and Land Management) Act 1988*. Development in areas where special requirements apply must usually conform to a Development Control Plan, approved by the Authority, unless otherwise specified in the Plan.

Territory Land has the meaning given by section 28 of the *Australian Capital Territory (Planning and Land Management) Act 1988*. It is land administered by the Territory Government on behalf of the Commonwealth. The classification of land as either Territory Land or National Land is provided for in the Act and relates entirely to land management (and administration). The classification does not determine planning responsibilities, which are established separately under the Act and are subsequently expressed through the National Capital Plan and the Territory Plan.

Territory Plan means the plan prepared and administered by the Territory planning authority under Part IV of the Act. The Territory Plan cannot be inconsistent with the National Capital Plan.

Territory planning authority is the planning body established under Part IV of the *Australian Capital Territory (Planning and Land Management) Act 1988* in accordance with planning laws proclaimed under that Part by the Legislative Assembly for the Australian Capital Territory.

The Plan unless otherwise indicated in this report, means the National Capital Plan made under Part III of the *Australian Capital Territory (Planning and Land Management) Act 1988*.

Variation to the Territory Plan are variations to the Territory Plan prepared in accordance with the relevant provisions of the *Land (Planning and Environment Act) 1991*.

Works as defined in the *Australian Capital Territory (Planning and Land Management) Act 1988*.

“Works includes:

- (a) the construction, alteration, extension or demolition of buildings or structures;
- (b) landscaping;
- (c) tree-felling; or
- (d) excavations

but excludes anything done inside buildings or structures”.

Works Approval means the approval given for works in a Designated Area in accordance with section 12 of the *Australian Capital Territory (Planning and Land Management) Act 1988*.