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JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
AND EXTERNAL TERRITORIES

Reference: Role of the National Capital Authority

FRIDAY, 15 AUGUST 2003

CANBERRA

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JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Friday, 15 August 2003

Members: Senator Lightfoot (*Chair*), Senator Crossin (*Deputy Chair*), Senators Hogg, Lundy, Scullion and Stott Despoja and Mr Causley, Ms Ellis, Mr Johnson, Mr Neville, Mr Snowdon and Mr Cameron Thompson

Senators and members in attendance: Senators Hogg, Lightfoot and Lundy and Ms Ellis

Terms of reference for the inquiry:

To inquire into 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.

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Committee met at 9.08 a.m.

ADRIAN, Dr Colin, Acting Chief Planning Executive, ACT Planning and Land Authority

GORDON, Mr Peter, Executive Director, Office of Business and Tourism, ACT Chief Minister's Department

HAWKINS, Mr Lincoln, Deputy Chief Executive, ACT Chief Minister's Department

PHAM, Ms Tu, Deputy Chief Executive, ACT Department of Treasury

THOMPSON, Mr Alan, Chief Executive, ACT Department of Urban Services

TOMLINS, Mr George, Executive Director, Strategic Group, ACT Bushfire Recovery Task Force

TONKIN, Mr Robert Henry, Chief Executive, ACT Chief Minister's Department

CHAIRMAN—I welcome representatives of the ACT government to give evidence. These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee has received a submission, No. 31, from the ACT government. Are there any corrections or amendments you would like to make to your submission?

Mr Tonkin—No.

CHAIRMAN—The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. Before we ask some questions, do you wish to make an opening statement?

Mr Tonkin—Thank you, Mr Chairman. I will take the opportunity to make a few brief points, if I may.

CHAIRMAN—Please proceed.

Mr Tonkin—The ACT government welcomes the opportunity to provide evidence to the committee in the conduct of the inquiry. As set out in the government submission, the ACT government fully accepts and supports the need to maintain a Commonwealth authority with responsibility for the national capital aspects of the ACT. We believe this is fundamental. I suppose the issues raised in the submission go to the issue of the scope of that authority and the impact that authority should have on the territory as a whole. The National Capital Authority and the legislation which underpins it were, in our view, right for the time when the territory moved into self-government. The issue for us now is whether the scope of the authority of the National Capital Authority is appropriate for the circumstances 14 years on from then. If you look at the territory, at how it has changed and at how the ACT government and its administration have

developed, we would argue that it is appropriate to reconsider the necessary scope of the impact of the National Capital Authority.

If you walk outside this building and look around, what you see is the Griffin plan in operation. You see a garden city, you see the great national institutions, you see a landscape setting. All of those things are important and central responsibilities of the National Capital Authority to safeguard. What you do not see when you are outside this building are the town centres of Belconnen, Woden, Gungahlin, Weston and Tuggeranong, the rural leaseholder areas of the territory or Namadgi National Park. All of those things are very important elements of the ACT, but we would contend that they are not as necessary in the points of detail for the preservation of the national capital interests. One of our contentions is that the territory—and its government and its people—needs to have the opportunity to influence the further development of those areas without prejudicing in any way the national capital characteristics.

The government and the people of the ACT are very proud of the national capital role of Canberra and are, I would argue, as strong supporters of that role as anyone else in Australia. They would never, in my view and in the view of our government, prejudice that important role Canberra has. But there are questions about what we are seeking to preserve under the current roles of the National Capital Authority. Are we seeking to preserve the national characteristics of Canberra? The answer is yes; that is highly appropriate. Are we seeking to preserve the planning structure which has evolved over 50, 60 or 70 years and, more particularly, over the last 30 years? Is that what we are seeking to preserve? That is perhaps more questionable in terms of the Y-plan or expanding bits of the Y-plan and so on. They are legitimate issues to be debated.

Representation has been made to the committee about the need for simplification of the approval process. We fully support that. There should be one approval process for each parcel of land. In many cases at the moment, there are two. That adds complexity, uncertainty and cost—all of which are undesirable. We would like to see a simplification of the processes so that people who are doing developments, who are looking to improve and grow the city, can do so with greater certainty.

A number of the submissions to this inquiry have talked about a two-tiered planning system and have talked approvingly about that, the argument being that in the states there are state level planning arrangements and local government level planning arrangements, the broad picture and the detail. It has been suggested that that is appropriate for the territory. We do not agree with that proposition. We believe there should be an integrated process rather than a two-tier process. The states are responsible for economic, transport and social planning issues across their states, and that impacts on the planning regimes undertaken by local government. In the ACT, the ACT administration does both state and local functions, so the ACT government is accountable for economic, transport and social issues as well as for detailed urban planning issues.

We think it is a different arrangement in the territory because Canberra is special and different. It is the national capital. It needs a planning regime which protects those national capital characteristics and provides for the landscape setting of the national capital activities. But, beyond that, the responsibility for economic and social development lies under the self-government act with the territory and not with the National Capital Authority. We would argue that there are some confusions that can result if that is not clarified.

The last point I would make in these opening remarks is that Canberra, having gone through the experiences of January this year, needs the opportunity to seize the moment and go forward. The non-urban study discussion paper published on Tuesday sets out a series of interesting options and opportunities in the non-urban parts of the territory. It talks about the opportunities for rural villages, enhanced tourism and urban development in the Stromlo area. All of those things are terrific 'why nots', in the words of the chief minister. 'Why not explore those opportunities?' In every case, in every one of those current ideas, it would not be possible for the ACT government to implement them without the express approval of the National Capital Authority, and through the National Capital Authority to the minister and the federal parliament. One of the questions we ask the inquiry to consider is: does that remain the appropriate way to do it? Would it be more appropriate for a set of general principles to apply to the non-national central part of Canberra in terms of the landscape setting and general quality of the environment and allow the territory administration and territory planning to undertake the detail opportunities in the interests of the people of Canberra and, we believe, therefore the people of Australia.

Senator LUNDY—I would like to go into this general issue of overlap where two planning authorities operate. To assist the committee, could you canvass the land upon which that occurs and describe the practical effect of two planning authorities having jurisdiction over the same piece of land. It would be helpful if you could use examples.

Mr Hawkins—Our submission presents a range of examples in the appendices of what we regard as necessary rationalisation or realignment of designated land and national land. Irrespective of whatever personal cooperation may exist between officers in two planning authorities, it is a fundamentally flawed system for proponents to have to seek approval for leasing matters with one authority and their developmental works approval from another authority. In simple terms, the natural evolution of this administration and governance would be considerably enhanced—I believe you have had complementary submissions from many other people to this hearing—by aligning the national land-territory land division and essentially pulling back designation to coincide and simplify that administration.

There has been much publicity around simple issues such as rowing sheds. There is one case that has received much publicity that we have outlined. In the Belconnen town centre, a major development control plan was approved through the Commonwealth authority, which resulted in the public impression that the territory had not served the local interests at all well when pedestrian access had been denied. There were local issues of concern to residents when the local authority, the ACT government, had no part whatsoever in that process. So simply rationalising, realigning and bringing about a coinciding of land responsibility with planning approvals is, as we see it, a necessary and natural evolution of our system.

Mr Tonkin—I refer you to page 29 of the submission, where there are some examples given. Take one which is topical: we are under pressure in the territory for water supply. The National Capital Authority requires us to irrigate the median strip of Northbourne Avenue all the way up to Dickson, I believe. If we want to chop down an unsafe tree on that median strip, we require works approval from the National Capital Authority. That is an example of overlapping. When we sought to improve the linkage between the Playhouse and the Canberra Theatre, we had to go through a very detailed process with the National Capital Authority as it sits on one of the axes.

Senator LUNDY—I am particularly interested in that issue of the vista. I understand the problem the NCA had with that proposed development was the line of sight from the top of City Hill through the Ainslie Avenue corridor. But I also understand that in a previous period there had been the construction of the Canberra Centre anyway, which effectively destroyed that vista and yet that had been approved. Is that your understanding?

Mr Tonkin—We find it a little bit inconsistent.

Senator LUNDY—That is my point.

Mr Tonkin—The planning, as I understand it, is that you should be able to walk from City Hill, through the Ainslie Avenue corridor to Mount Ainslie. There is a building across that access; it is glass at either end. In theory, you should be able to walk up at 3 o'clock in the morning, bang on the door and be allowed free right of passage—I am not quite sure the security guards would respond with great warmth to such an opportunity. What we were seeking to do was to improve the utility of the Playhouse and the Canberra Theatre as important cultural facilities for Canberra, and the question was: how can that be matched with the right of free movement? We believe it was feasible, but we have gone to a lot more additional expense to try and design something which essentially was a facility to enable corporations who sponsor events at the theatres to do their entertaining during the intervals. Again, it is a very important part. A community this size needs support and subsidies to enable some of the arts organisations to come here.

Senator LUNDY—Yes.

Mr Tonkin—We wanted a simple facility to do so, and we also would like to have a library in that area to enliven the centre. In improving City Square, we required works approval. If you want to put a seat outside the Melbourne Building, you have to have works approval. These, from our point of view, would seem to be inefficiencies. To take another example—

Senator LUNDY—Just before we go to the next example, can I ask you what the status of the land is in that Civic Square precinct around the Canberra Theatre?

Mr Tonkin—I understand it is territory land.

Dr Adrian—Yes.

Senator LUNDY—So it is not even designated land?

Mr Tonkin—It is designated land—this is where we have the overlap: you have national land, which is also designated land; you have other designated land which is territory land; and you have territory land which is not designated land. Then there are the other categories: Defence land and CSIRO et cetera.

Senator LUNDY—I just wanted to clarify which of those the Civic Square area was. So it is territory land but it is designated under the National Capital Plan, and it is that designation status that gives the National Capital Authority the ability to say things like, 'You have to be able to

walk through,' and 'You have to be able to see certain things,' and 'You have to put seats in certain places.'

Mr Tonkin—There are certain fundamental aspects which the ACT government would not disagree with. The Ainslie Avenue access is an important part of the original Griffin design, so preserving the operation of that access is an important thing to do. The question is: what is the level of detail required to preserve that broad image? That is the issue. You go to areas like the Benjamin Offices at Belconnen, which—even, I think, standing on the top of the flagpole here—you cannot see, but the redevelopment of the Benjamin Offices has been undertaken under the national capital works approval and there have been, in our view, undesirable impacts upon other areas at Belconnen—cutting off walkways and various things like that, on which you have to ask yourself the question: 'Why is that? Is that simply a relic of a previous arrangement?'

Senator LUNDY—Can you tell me about that land in Belconnen? What is the status of the land that the Benjamin Offices are built on?

Mr Tonkin—Territory land, that would be.

Senator LUNDY—It is territory land?

Mr Tomlins—My understanding is that it is national land that was being sold and then was going to be changed to territory land. The issue there, essentially, is how the planning is done. One of the concerns of the territory was that the planning was done by the Commonwealth, not necessarily in the total interests of the nation and the Canberra community but with some little interest in perhaps maximising the sale value, but without going through all the local processes of consultation. So an upper-level walkway that served a cafe was removed and the main traffic associated with thousands of workers was redirected away from that local cafe. Understandably, the cafe proprietor appealed to the ACT politicians because that person would have thought that issues associated with pedestrian traffic in Belconnen were a local matter.

The other issue related to that, of course, is the lack of appeal processes, whereas in the ACT there are considerable appeal processes. Attempting to explain to people, 'Yes, you can appeal against most planning decisions in the ACT, but unfortunately you are not able to exercise appeal processes against decisions relating to a cafe in Belconnen,' causes problems and difficulties that do not help the reputation of either authority.

Ms ELLIS—I ask a quick question following on from that: to what degree was it possible for the ACT authorities to liaise with the NCA and put forward a point of view? Were you able to, and did you, do that? Is the structure encouraging in an instance like that of the local authorities saying, 'Excuse me, NCA, but we don't think this is a good way of doing it'?

Mr Hawkins—I will briefly comment, without knowing all the details of liaison in that case—

Ms ELLIS—You could answer it generally in relation to any similar case.

Mr Hawkins—Typically, in a case like that where it is a development control plan—and I do not even think there was an actual works approval process required, but I could be corrected on

the detail of that—there is liaison, but often very briefly and on the understanding that those comments may or may not be taken on board but that they are at the broad. I think the major point to understand is that the Benjamin Offices land is, and always was, intended to come back to territory land. It is in the hands of a private developer. It is now a private development project, no longer for the direct purposes of a national objective, but no longer within the purview of the community which it is part of—the administrative law system, the public approval process and the rightful authority of the ACT government. The current system allows this sort of staged transition, so it remains national land until the time that development is complete and then it is transferred back to territory responsibility later.

Ms ELLIS—With all its warts.

Senator LUNDY—Can you give me, with respect to that Benjamin Offices situation, an indicative time line of the sale process and the development approval by the NCA, if you are aware of it?

Mr Hawkins—If we gave it here, it would be indicative only. We would be happy to take that on notice and get you some more details. That may be the most appropriate way to get the committee accurate detail to respond to.

Senator LUNDY—The issue you raise is an extremely serious one in the context of these issues because the NCA approval process is far different and has far less consultation and liaison with the community. If that is deliberately exploited by the NCA working with the developer with the clear intention that that site, and therefore planning jurisdiction, would then be handed back to the territory, then I think that raises very serious issues of probity and accountability that we will pursue with the NCA.

Mr Hawkins—I will make a brief comment. There has been a disposal program going on for some time on a range of different sites. That is certainly not the first or only one that has gone through that process where the sale and redevelopment issues have occurred under national provisions with no approval, no appeal opportunities and so on, and then there has been a subsequent transfer. If the committee is interested in the detail of that, we would be happy to supply some details of the process timing and the range of examples.

Senator LUNDY—If you have any other examples of that circumstance or a similar circumstance, the committee would be most interested.

Mr Tonkin—A number of those examples, Senator, fall outside the direct responsibility of the National Capital Authority. They are decisions of the federal government, through the Department of Finance and Administration, to sell land to meet federal government budgetary objectives. There was a very large piece of land sold in Tuggeranong, adjacent to the large federal government departments which were there, which had always been earmarked by, or in the aspirations of, the people running those departments as the necessary place for the expansion of their functions. It was then sold on the private market. There is now a process going through to actually, I think, acquire it back so that the necessary rationalisation of Centrelink and others can take place.

So it is a matter of coordination. Here are very large pieces of land being put into the market, and the same has occurred in Barton, where you have land which is being sold at a pace and in places which are not in any way coordinated with the structured development of the territory. I stress that this is not necessarily a national capital issue but it does go to the issues of the coordinated management of the territory between the Commonwealth and the ACT. We would like to see a situation evolve where there is a greater degree of cooperation in information. The territory does get offered the opportunity to buy this land by the Commonwealth and that is an appropriate process, although the longstanding position of the ACT government is that land held by the Commonwealth in the territory surplus to Commonwealth requirements should be returned to the territory.

Ms ELLIS—Absolutely.

Mr Tonkin—We are supporting the ICT Centre of Excellence, which is going to be constructed adjacent to the Australian National University. Both we and the Commonwealth owned parts of the block and, in order to provide the site for that, we had to acquire from the Commonwealth land which was just an unpaved car park so that we could consolidate the block to provide it to NICTA. The Commonwealth benefited fiscally from that process. The territory was therefore out of pocket to the same figure.

Ms ELLIS—You had to buy the block of land?

Mr Tonkin—We had to buy that part of that section in Civic so that we could consolidate it to make use of—

Senator LUNDY—But NICTA is a federal policy initiative.

Mr Tonkin—NICTA is a national objective. So we would argue that this is certainly a suboptimal process.

Ms ELLIS—Can you clarify what you referred to with the block in Tuggeranong that was sold off which you inferred just a moment ago has now been reclaimed?

Mr Tonkin—My understanding is that the Commonwealth has a need for that land, so it is gone. I could be slightly wrong.

Ms ELLIS—That is okay.

Mr Tonkin—It has gone around in a circle.

Senator LUNDY—Are you saying that the Commonwealth is either planning to buy it back or has bought it back?

Mr Hawkins—Whether it is that land or land like it, in that vicinity there is a need for that resource.

Ms ELLIS—We may care to follow that up. Does anybody else have any views on that?

Mr Tomlins—I can provide some information on that because I have been asked who to contact by developers who are interested in proposals. As I understand it, Centrelink is interested in a major development and they are essentially asking who to talk to. In fact, they have talked to our property people, and the developers wanting to provide the buildings for Centrelink have also spoken to our property people. The situation is that the land that Centrelink wants the development on has essentially been sold, so they now have to deal with the owner of that land in what is akin to a monopoly situation—

Ms ELLIS—Absolutely.

Mr Tomlins—or come to the territory and ask, ‘Can you release some alternative land?’ That is what developers are asking so that there can be a competitive situation so that Centrelink gets some sort of competitive bid for the provision of the additional space.

Ms ELLIS—The observation I make, knowing that area extremely well, is that the options adjacent to the current Centrelink block are fairly limited and for sensible development, as an addition to the Centrelink site, it would be logical for it to flow on from that Centrelink site. I would suggest that maybe the only option that Centrelink or the federal government has, if they wish to do that, would be to go on to that very site because there is not much else around there immediately adjacent to that site that I suggest would be available. Do you know who the current owner of that block is? Surely it would be public knowledge.

Mr Tomlins—I believe it is Canberra developers. I do not know whether they are representatives of the owner or actually the owner.

Ms ELLIS—We will follow that up.

Mr Tonkin—We cite that not, as I stress—

Ms ELLIS—I take the point.

Mr Tonkin—This is not particularly an NCA issue but it goes to the issue that we are trying to develop a city which is growing and developing and we have a very large land owner sitting over chunks of that land. An orderly process of transition and release of that land would help the sensible development of the territory.

Senator LUNDY—Correct me if I am wrong: if it is national land, then the NCA has the sole planning jurisdiction on it. Is that right?

Mr Tomlins—I am not sure what the situation is but often with the sale of national land it is then degazetted and turned into territory land.

Senator LUNDY—I am looking at this map, which has got the blue bits that are department of finance land. Is the only planning authority involved in decisions on that department of finance land the NCA or does the territory have a role?

Mr Tomlins—First of all, it is still national land—so that is clarified. The situation where there is national land that is not designated, as I understand it, is that the National Capital

Authority operates the policies under a development control plan which takes into account relative provisions from the territory plan. But, as the situation that is outlined on page 32 of the government submission—for example, for Macquarie Hostel—shows, the NCA has prepared a development control plan for that site that greatly increases the gross area allowable under territory planning provisions. Mr Tonkin was talking about the fact that these do not only relate to the National Capital Authority but they go to the issue of overlap and confusion, which brings both authorities into some disrepute. If the territory has a strategy and if the government has a strategy that relates to land release and to employment dispersal, and then there is a major sale of land, as there has been in Barton, and those releases are much larger than were initially planned, of course the planning can go awry. That is really the point.

Mr Tonkin—So if you are a developer trying to make an investment decision and trying to work out how you maximise value of the land, you have got to read across two or three different sets of arrangements. That does not optimise the return on the investment, nor does it lead to quality planning outcomes.

Mr Hawkins—For the range of examples we have touched on today, yes, there is much cooperation, and many good things happen in this town. But it is a fundamentally flawed system when the participants, whether in government or on the other side, have these overlaps and confusions. It creates significant inefficiency. One of the fundamental point we make in the submission is that we are naturally maturing to a point where the theory of one plan, one strategy for the city, which frankly operated in past days very clearly very well—and employment locations is one of the examples—is at times frustrated by these competing issues and flaws in the system which do not allow policy objectives, which might rightfully sit within the planning authorities, to be implemented.

Senator HOGG—Can you put a financial cost on all of this? At the end of the day that is what it is about. The inefficiency must be able to be qualified in terms of the cost. If you cannot, take it on notice and go away and come back to us.

Mr Tonkin—We have put a figure of about \$30 million a year simply on issues of land development, which is a cost to the territory. In our submissions to the Grants Commission we have argued that the cost in round numbers is \$28 million worth of impediments landing on the ACT as a result of these planning constraints. One of the critical issues is residential land development. We have a metropolitan plan, which is reflected in the National Capital Plan, which puts all the residential land development to the north of the city in Gungahlin.

Senator HOGG—Can you give us a total cost? Again, if you cannot do it today, Mr Tonkin, take it on notice. I would be interested in the total cost.

Ms Pham—We do have a number submitted to the Grants Commission estimating the cost related to the NCA. The total cost annually is estimated at \$34 million. Out of that, \$27 million is regarding the cost of revenue forgone due to development opportunity that the ACT could not undertake due to the NCA.

Mr Thompson—The other comment I would make is that some of the reason we are here is not so much because of financial costs to the ACT government; it is rather more to do with the economic consequences of these overlaying planning schemes and the confusion that creates.

Senator LUNDY—Do you have any idea of a figure of the economic consequences of not being able to have the planning autonomy you are seeking?

Mr Tonkin—We have just had a very large land sale in the territory. It was put to me a couple of days ago that the opportunity for these large scale residential land releases is rapidly diminishing. The income to the territory from the sales the other day was, I think, \$115 million. The stock of available land in the territory is diminishing, but there is still going to be demand for increased residential land. The obvious outlet for that is across the border in New South Wales. As those developments proceed, the territory forgoes the opportunity for revenue from the sale of the land and the stamp duty that relates to those transactions and subsequent transactions. That is all revenue that is lost. One of the areas that is being addressed in the Canberra spatial planning process is to look at, inside the territory, what other areas of land are urban capable, where the urban capable land lies and where the further opportunities that can sensibly be developed are, taking into account all the appropriate environmental, sustainability and planning principles.

At the moment, as the National Capital Plan stands, we would be subject to decisions outside the control of the ACT government as to whether or not those developments could proceed. So we are then talking—over a period of, say, ten years—of many hundreds of millions of dollars of revenue which could sensibly be achieved inside the borders of the territory in land which our planners consider is urban capable and urban suitable. Potentially, depending upon outcomes outside our control, these may be need to be forgone, and those opportunities would then fall into New South Wales. Some of those areas in New South Wales have more considerable infrastructure costs attached: water reticulation, sewerage management and so on. All of those are additional costs which would be lesser costs if they were undertaken inside the territory. So in a national sense we are still spending more resources inefficiently.

Senator HOGG—Could you put all that into a single figure for me? I know your capabilities, Mr Tonkin.

Ms ELLIS—He is fascinated by numbers.

Senator HOGG—You know how I am fascinated by numbers.

Mr Tonkin—Yes, I know. It is a challenge.

Senator HOGG—I am sure you will be able to reduce all that to a simple set of numbers for me.

Mr Tonkin—We can provide you with that out of session if you wish.

Senator HOGG—Thank you.

Senator LUNDY—I want to go back to the core issue in your submission about the overlap. Are we talking about an overlap that exists where there is national land outside of designated areas?

Mr Hawkins—And vice versa—more particularly the reverse.

Senator LUNDY—Vice versa is where there are designated areas overlapping with territory land.

Mr Hawkins—That is perhaps the most particular concern to us.

Senator LUNDY—Are there any other scenarios?

Dr Adrian—I just might touch on the issue of designated territory land, which is the fundamental issue. If you have a look at page 4 of the executive summary, you will see nine quite specific recommendations, the last one of which refers to how NCA works approval should be limited to designated national land and not to designated territory land. Commonwealth interests could be protected in designated territory land by a series of principles which the ACT Planning and Land Authority would be bound by.

Mr Tonkin—Map 1 of our submission, which follows page 33, gives you a layout of the designated areas and the national land. Take, for example, the area around Stromlo, which is the large area to the west of the city. That is designated land. Some of that is land which falls into the concept of hills, ridges and buffers, because it is visible from the centre of Canberra. To preserve the landscape setting it is essential that that be maintained as non-developed land. Also it was there for the light protection for Stromlo.

Part of that designated area is not hills, ridges and buffers. It is not visible from the centre of Canberra. It represents urban capable land—or parts of it do. At the moment, we would require a process of approval by the National Capital Authority if the purpose for any of that land were to be changed. There is a line of land just north of that, in the area that is south-west of Belconnen. That land sits below an arterial road which goes around the back of Belconnen and above the Molonglo Valley. Again, some of that is hills, ridges and buffers, which it is very important to preserve—no-one is questioning that—but other areas adjacent to it are rural leasehold land, and, if you look in more detail at the National Capital Plan, again we would have to change the purpose of that rural leasehold land if we were to contemplate any part of it forming part of urban development. There is a spear of open land running right to the centre of Canberra, and, given the fire threat that is posed to the territory, how that is managed in the future is a critical issue for the fire protection of the territory, because it points straight at Black Mountain, which sits slap-bang in the middle of the city. So we have a particular interest in how the future management of that land is addressed.

Senator LUNDY—Do you have a map which graphically represents the areas of existing designated land that you believe should no longer be designated because of the sorts of reasons you have outlined?

Mr Tonkin—We can provide that for you. I do not think we have a particular problem with hills, ridges and buffers being designated—

Senator LUNDY—You have said that, but you have described some areas with rural leases or whatever.

Mr Tonkin—We will provide you with a map which indicates those areas. It is not just designed land; it is some of those other areas in the National Capital Plan where we believe

greater flexibility ought to apply in terms of future potential land use. I refer you again to the non-urban study documentation, which addresses some of those areas in some detail, to see what is possible at the moment.

Senator LUNDY—Think of it as a wish list. What would it look like, in your view, to solve those problems? You have indicated that the ACT government has no problem with hills, ridges and buffers.

Mr Tonkin—If we may, we will come back in our advice to you to also indicate those areas where we would propose which planning regime ought to apply to which parcels of land so that we can get greater clarity that there are certain areas where it is beyond dispute—with national land, national capital works approval should apply.

Senator LUNDY—I have certainly read the issues and principles as they have been outlined, where the ACT government sees a conflict, and your recommendations for a potential solution. Having that graphically represented, we are all getting used to the various maps and various overlays, but it would be helpful to have a very clear picture.

Mr Thompson—I would envisage that, when we come back to you, we will have a spectrum where we would readily acknowledge that the NCA needs to have a strong and ongoing role, being the direct planning authority for significant parts of Canberra, particularly the parliamentary triangle. At the other end of the spectrum, a good example that I am very involved with is the main avenues, where we would see it being a set of principles, and that would be about the limit of it.

Senator LUNDY—I note your submission. I do not really want to make you work through the detail of your submission, because I think it is all very clear. I just want to have a brief discussion about it. You are advocating that, for the main avenues designated areas, the ACT government adopt a series of principles that corresponds with the requirements that are currently in the National Capital Plan but it is completely up to the territory government to apply those principles and to manage that land.

Mr Thompson—Yes.

Mr Tonkin—And do so in a process where there is scrutiny of how those principles are applied.

Senator LUNDY—And that would introduce consultation that is not already in place. Can we perhaps go to that issue now of the difference between consultation regimes?

Mr Tonkin—One of the issues that has been raised is the question of overlapping membership of the National Capital Authority and the board of the ACT Planning and Land Council. The proposition that has been put is that there should be some degree of overlapping membership. Our understanding is that the National Capital Authority was quite interested in being on the ACT Planning and Land Council but it was not interested in the ACT being on the National Capital Authority. We would contend that communication is usually more productive if it is two-way and hence cross-membership would improve the operations and understandings of both bodies.

Senator LUNDY—Have you made that approach formally to the NCA, or has it just been discussed?

Mr Tonkin—I think it was discussed; I do not think there has been a formal proposition.

Senator LUNDY—You think it could be part of the solution.

Mr Tonkin—It could be part of the solution. As we have said in the government submission, we want an integrated planning process for the territory—not two separate processes, not two layered processes but something that is integrated and complementary.

Mr Hawkins—We would say that culturally as well as administratively we can move to partnered planning authorities implementing a strategy together. We have various cooperative staff issues and we are involved in a range of things but the administration breaks down on occasion. In the OECD review and the spatial plan there is demonstration that the ACT in a partnered way with the rightful Commonwealth interests in its appropriate national areas can manage and set a strategy and vision for this city and implement it in a much more confident and certain way for the people who have to participate in it.

Senator LUNDY—The consultation issues emerged as a very strong area of complaint from residents who came within the area of draft amendment 39 in State Circle. The committee is well aware that that is a remnant residential area under the complete jurisdiction—

Mr Tonkin—It is a very nice residential area.

Senator HOGG—I assume Mr Tonkin is quite close to it.

Senator LUNDY—What is the ACT government's view on how that situation remains with that pocket of residential land under the control of the NCA?

Mr Tonkin—The basic position is that proposed developments in that area of residential land should be considered and should conform precisely to the arrangements that apply in every other piece of residential land in the ACT. People should have a right to know what development proposals there are, they have the right to appeal and there should be appropriate scrutiny arrangements in place. That does not mean that there cannot be a design control over the look and feel of that part of the residential area. It abuts the ministerial wing of this building, so you want to have a quality designed outcome which is acceptable. At the moment you can have dual occupancies and things constructed in that area with none of the processes which would apply everywhere else in Canberra. Why should those four blocks of land—four streets—be any different?

Senator LUNDY—Under your recommendations, the area covered by draft amendment 39 would no longer be designated land.

Mr Tonkin—That is right.

Senator LUNDY—Currently it is designated land. Given our discussion previously about main roads, the State Circle frontage would be governed by a set of principles built into the ACT plan that reflected the national capital values?

Mr Tonkin—Precisely.

Senator LUNDY—That is what I thought. Going back to the consultation issues, this committee received numerous complaints about not only the lack of consultation but also about breaches of the NCA's limited consultation, which places some obligation on the developer to have a chat with the neighbours. Are you able to give a brief description of the consultation processes in developments that would be on main roads that might involve higher density residences or redevelopment? I am just trying to think of a scenario that will give a comprehensive example.

Mr Tonkin—There are many planners present who can respond to that.

Mr Hawkins—We would start by talking about the fact that there is a statutory responsibility in our provisions to invite public submissions and comment, which we statutorily have to consider, and we have to demonstrate reasons and responses to those public submissions. In any community the scale and level of consultation appropriate to the scale of development is much debated. So there are in our system some which are subject to further appeal rights and some which are not, and that is appropriately graded according to the complexity, scale and type of development. We have made some commentary, which was much publicised—and you are well aware of section 39 and the very vigorous presentations that were made here, so we will not necessarily go through that in detail.

What we find interesting in response to that—and even to the issues in this committee—is that the NCA's position is that they have administratively chosen, as it were voluntarily, to change their practice in response to that case, but that has not gone through any public legislative provision, as it would if it happened with us. In front of our community and under the scrutiny of the public process, our elected representatives determine amendments to the legislation to dictate the levels and the appropriate consultation and appeal provisions for each type of development. The ACT would deal with well over 6,000 applications of various scales and types during the year.

Senator LUNDY—Thank you for that. Are you aware of any circumstances where the NCA has done the opposite? Rather than manage the consultation process in a minimalist way, are you aware of the NCA using its effective discretion to initiate or encourage extensive consultation in any designated land areas? I mean a development area that is either proposed by them or someone else.

Mr Tonkin—I think the collective answer is no.

Mr Hawkins—I would be aware of some recent residential redevelopment—and some in Canberra Avenue—that had a range of public issues where people were seeking to apply pressure to the authorities. Once they worked out the system, they were going to several authorities. Without understanding all the detail of what happened, there was some consultation, through NCA officers, with adjoining residents over development control plan issues. There is

the evidence that we are bringing to you: the residents and the developers had to work their way through the system of which door to knock on to influence, to pressure, to seek to have some engagement. And still they had to deal with two governments, two authorities, over one site for redevelopment.

Mr Tonkin—As we spell out on page 30, draft variation 200 to the territory plan does provide a whole series of criteria and requirements for developments such as that which occurred in section 39. They are designed explicitly to protect the interests of residents, and they are set out so that hopefully it is clear for developers what is permitted and what is not. So a process is quite clearly established for people to have their say and have it considered, with appropriate appeal processes and accountability right up through the process. Our contention would be that similar arrangements should apply to those areas which are under the responsibility of the National Capital Authority.

Senator LUNDY—The National Capital Authority used DVP 200 as the reason to change draft amendment 39. What is the ACT government's response to the arguments they used to change their mind about the transfer of section 39 back to the territory government?

Mr Hawkins—Sorry, Senator, what was the question? We were conferring and I was distracted for a moment.

Senator LUNDY—DVP200 was the reason the NCA put on the table for changing their mind about transferring the land within amendment 39 back to the territory government. What is the ACT government's response to that?

Mr Hawkins—That is an interesting reason to give. It is perplexing that that is the factor—

Senator LUNDY—What is your interpretation of the motivation of the NCA for doing that?

Mr Hawkins—Senator, I think you were at the hearings and you may understand that better than I.

Senator LUNDY—They could not explain it either, so I am hoping to get an insight from you. In my view, the NCA found it very difficult to justify, because what they were effectively saying was that they did not agree with DVP200 and on that basis they would not hand back the one bit of residential land that they had.

Mr Hawkins—We understand that. DVP200 in its initial guise—and we went through a public process—was more constraining on development and particularly on dual occupancies.

Senator LUNDY—It begs the question: what interest does the NCA have in that pocket of land besides the national interest of the State Circle frontage?

Mr Hawkins—You may well have answered that question yourself in saying that, but there were differing policy perspectives.

Senator LUNDY—Do you know of any reasons, what interest they have?

Mr Tonkin—Other than the one you set out, the only logical reason is to protect the setting of the parliament, which could be protected by a series of design parameters as you have described. You asked previously, Senator, whether we had formally approached the Commonwealth with the question of the joint reciprocal representation. I am advised that a letter was sent from the ACT Minister for Planning to Minister Tuckey. The reply was no, because it would contravene the legislation, which is a touch chicken and egg, so there is an opportunity should the Commonwealth so wish to amend its legislation to permit the reciprocal representation.

Senator LUNDY—Thank you for that. Can you provide the correspondence to the committee?

Mr Tonkin—We can.

Mr Tomlins—On that point, the National Capital Authority submission talks about international comparisons and the National Capital Planning Commission in Washington has three members appointed by the President of the United States and two members appointed by the Mayor of the District of Columbia and then there are seven ex officio members.

Senator LUNDY—Thank you. Mr Gordon, I want to ask you more generally about the economic impact of having these dual planning processes. What are your observations about how that feature of Canberra's planning regime affects investor and developer interest in the ACT generally? How is it reflected upon in that community?

Mr Gordon—One of the things that we use to promote the business attractiveness of Canberra is that there is a single level of government, that if an organisation were looking to establish a capability in the territory they really only have to go through essentially one layer of dealing with government, whether it is in terms of the business relationship with the government or in terms of access to land and development arrangements. We know that we do not always necessarily tell the truth with respect to that promise that we make to prospective business people, because it is essentially not true. If the business wanted to locate in a particular part of the territory, they would have to go through a whole range of different planning and approval regimes which we know are not as effective and as responsive as we would prefer.

Senator LUNDY—When that sort of wall is hit, if you like, what scope does the ACT government have to help people investing in the ACT get through the NCA processes? What is that working relationship like at that very practical level?

Mr Gordon—It is generally very good. The relationship between the territory and the Commonwealth authorities is quite good. We tend to share the same aspirations. However, the connection between a major investment decision and a location is very sensitive and, if a potential investor believes he or she can get a quicker, more productive response in a different jurisdiction, we put ourselves at a disadvantage because of that. Even though at a personal level it is generally okay, the people who are making major investments are very sensitive and they will move, and the territory cannot afford that.

Mr Thompson—I will also emphasise that when investors or whoever—and this includes senior academics and so on—come to Canberra, they are coming to a jurisdiction where land use management and planning are very different. It is a leasehold system rather than freehold. You

can start to explain that to them, which I have attempted to do a number of times, but when you start to get to the overlay of the two planning schemes, their eyes start to glaze over. Then when you say that there is a thing called 'national land' and as well as 'designated land', it starts to add degrees of complexity which are pretty high. I think that Canberra's economy will do better if we can simplify planning regimes a lot.

Senator LUNDY—I would like now to work through a couple of examples that I have observed have been particularly contentious. One is the Gungahlin Drive extension. In the wash-up it became apparent that the ACT government was powerless to proceed with their stated policy of the western alignment of the Gungahlin Drive extension. Can you go through for the committee the stages of that proposal—what occurred and the major steps leading up to the ACT government being forced to concede that they were not able to proceed with their policy because of the role that the NCA played?

Mr Thompson—Perhaps I will start and then ask Mr Hawkins to finish off. The notion of the Gungahlin Drive extension, or the John Dedman Parkway, has been around for a long time. In fact, I think it predated the advent of Institute of Sport out there in Belconnen. Even before the ACT government was in existence various route studies were undertaken, and we have certainly done quite a lot of work over the last five or six years.

Just before the last election there was an extensive debate in the ACT Assembly and the Labor Party made its position very clear that it would prefer a route for Gungahlin Drive to the west of the AIS. It went into the election very explicitly with that as part of its electoral platform. It came to power and it believed that it had a mandate from the electorate to build the road to the west. From our viewpoint, we set to and began to develop a more detailed concept, and we went into the public arena with that concept in June last year. Predictably, there were various reactions to that, including from Aranda residents. In terms of the Aranda issues, it is fair to say that we have been able to work those through fairly well. I do not think that everybody would be totally happy but in the end I think we have come up with a design about getting the road through along the edge of Aranda which most people would say is a reasonable outcome. In the case of the AIS, the process essentially got into extreme difficulties because the approvals that we needed from the NCA were not forthcoming.

Senator LUNDY—Can you explain to me precisely the AIS complaint and the role the NCA had in responding to or acknowledging that complaint, and issues like the status of the land that we are actually talking about and the basis of the NCA involvement?

Mr Thompson—Given that the ACT government is a Labor government, in the early part of 2002 we developed a design to get the road past the AIS in a way which would minimise concerns for the AIS. It is fair to say that that the AIS predominant concerns were about athletes sleeping. Peak athletes train at certain times of the day and they might sleep at other times of the day, so they indicated to us that they needed a sound level at those sleeping quarters which was essentially at hospital levels. We came up with a design which ran the road past that area as far away as we could to the west in a trench and with sound mounding on top. So we were able to come up with a design which all of our evidence—and we used various sound experts, including ones from ADFA—indicated would achieve what they wanted.

Senator LUNDY—Did you think that you had resolved the AIS-specific complaint at that point?

Mr Thompson—We believed that we had solved it at an objective level. The AIS continued to tell us that it almost did not matter about objective levels; it mattered about perceptions in the community and perceptions amongst young athletes. Their negotiating position with us was that any road to the west might be perceived to generate noise and would therefore not be welcome. Notwithstanding that, we had done a great deal of design work and noise modelling which we believe demonstrated quite objectively that noise would not be a problem—neither during the construction nor during the operation of the road later. For all of that, the reality is that that area of land is subject to planning approvals from the NCA.

Senator LUNDY—Because it is designated land?

Mr Thompson—Yes.

Mr Hawkins—Part of the route.

Senator LUNDY—Which part?

Mr Tonkin—On page 36 of the National Capital Plan it says:

4.5.1 National Land Not Included Within a Designated Area of this Plan

It is in the interests of the National Capital that all National Land achieve a quality of development which reflects Canberra's significance as the National Capital, and that proposals be assessed in relation to the provisions of both the Territory Plan and the National Capital Plan.

It then lists a series of special requirements and indicates that the Australian Institute of Sport is subject to those requirements. Proposals have to meet requirements, including:

(i) Adverse environmental impacts from on-site developments, on adjacent land and development, shall be identified and redressed to the extent practicable.

So there is a series of heads of power that the National Capital Authority has.

Senator LUNDY—Invoked specifically around the AIS?

Mr Tonkin—The AIS and some other areas in the inner part of northern Canberra—around Civic, essentially.

Senator LUNDY—Just to clarify, the institute is not on national land? That is my understanding.

Mr Tonkin—Under the National Capital Plan, certain provisions apply to the interests of the AIS.

Senator LUNDY—They do, and that is what you just read out.

Mr Tonkin—Yes, that is what I just read out—the 1991 national plan.

Senator LUNDY—What are the other places that are also invoked under that clause in the National Capital Plan?

Mr Tonkin—There is a national interest in Civic, which are the areas to the east and west of City Hill, and Telopea Park.

Senator LUNDY—How extensive is that? Does it say? Is there a map?

Mr Tonkin—If you take City Hill as a hexagon, it is three blocks back and two blocks up Northbourne Avenue as far as Haig Park.

Senator LUNDY—Okay—that is a fair way. And where else?

Mr Tonkin—Telopea Park.

Senator LUNDY—Can you read out that clause again?

Mr Tonkin—Under ‘Special Requirements’ it says:

Development, including subdivision and leasing proposals, of all National Land not included in a Designated Area of this Plan, is to conform to Development Control Plans agreed by the Authority. Development Control Plans are to reflect the relevant provisions of the Territory Plan, and meet the following requirements:

- (i) Adverse environmental impacts from on-site developments, on adjacent land and development, shall be identified and redressed to the extent practicable.
- (ii) Adequate provision should be made where appropriate for visitors to sites.
- (iii) Functional relationships between uses within and external to the site shall be provided for.
- (iv) Consistency in the external design and site layout of buildings and landscaping shall be sought.

Finally:

- (v) Satisfactory arrangements shall be made for parking accommodation and vehicular access and egress. Traffic impacts of development shall be taken into account.

The next subclause, 4.5.2, says under ‘Australian Institute of Sport’:

The Special Requirements at 4.5.1—

which I have just read out—

shall apply also to the Australian Institute of Sport.

So, while it is not national land, it does benefit from those requirements.

Senator LUNDY—I am trying to pin down what the jurisdiction of the NCA was with respect to the AIS. Was the first point you read out, which is about adverse environmental impact, the grounds upon which they involved themselves?

Mr Tonkin—I would be presuming. I think it was the whole of that.

Mr Hawkins—In the end, the two issues we understand motivated the NCA to commence their own inquiry, which resulted some time ago now in their indicating that they would not support the ACT government's preferred route, were, firstly, the fact that the National Capital Plan allows them to determine arterial routes—and marked on the map is a proposed arterial route—and, secondly, the fact that part of the proposed route was in designated land which would require works approval. The indication by the National Capital Authority that they would not support the proposed western route effectively stymied the ACT government's intentions.

Senator LUNDY—I will come back to that. I want to pursue this point about the clause that was just read out. Are you telling me that designated area status applies to the whole precinct in Civic that you described, which goes well outside designated areas right up to Haig Park—three blocks out?

Mr Thompson—Yes.

Senator LUNDY—I did not know that. I bet a few developers do not know that either.

Mr Tomlins—They are special requirements areas rather than designated areas.

Mr Tonkin—There are special requirements too.

Senator LUNDY—I know there is another layer for designated areas, but this is almost separate.

Mr Tonkin—Car sale yards in Torrens Street are subject to special requirements. Most visitors to Canberra struggle to find the petrol stations in those streets.

Senator LUNDY—Indeed. But that implies that there is, at least in part, a selective application of the National Capital Plan, does it not?

Mr Tonkin—As presented in the plan, they were special and additional requirements for areas that were considered at the time to require such attention.

Dr Adrian—They are shown in our submission on map 2. It is a bit hard to read, because of the fine grain of it, but it is all the yellow area in the colour version.

Senator LUNDY—I see—'special requirements apply'. Thank you very much. That did not come up at all on my copy. That is really interesting. What is the ACT government's view about the areas that we have just described? Do you think that should be territory land without those special requirements? Do you think that principles should perhaps be built into the territory plan to reflect national capital values?

Mr Tonkin—Again, it goes back to the point you made about the major arterial entries: that there ought to be appropriate principles. No-one would contest that the Australian Institute of Sport is a major national facility that needs to be supported, maintained and safeguarded appropriately. That is what the proposal from the ACT government on the western alignment was seeking to do.

Senator LUNDY—You stated that you believed you had satisfied those objectives.

Mr Tonkin—We planned to expend an additional \$7 million or so to trench the road and adjust the sound abatement to meet the requirements of the AIS; but what we were confronted with in the end was that, irrespective of what we proposed to do, the AIS was not going to support the road there. I think their preference was no road, either east or west.

Senator LUNDY—Are you aware of any proposals to move the dormitories, the residences at the AIS?

Mr Thompson—We have had various discussions with them where they have shown us various master plans which date back quite a few years. The current dormitories are not flash, and they acknowledge that.

Senator LUNDY—I know. I had a discussion with the AIS myself. The dormitories are out of date and are becoming unsuitable.

Mr Thompson—Yes. During those master plan discussions they talked about things being moved around perhaps in due course, including the dormitories, as much as anything to upgrade the standard of accommodation, which is pretty basic.

Mr Tonkin—The ACT government remains extremely keen to provide the best possible environment for the AIS and for its future development. It is just a matter of how that can be accommodated within the requirement to provide arterial road access for the residents of Gungahlin.

Senator LUNDY—Thank you. Mr Hawkins, back to your point: you said that the main basis for the NCA's rejection was that they used their power over the arterial roads and that an element of that road was on designated land—

Mr Hawkins—Which would subsequently require works approval.

Senator LUNDY—Can you describe to me the physical area where the proposed route of the ACT government dissected designated land, went across it?

Mr Tomlins—It is on the next page, where it shows the general policy plan for metropolitan Canberra. That is a copy out of the National Capital Plan and it shows the arterial roads that Mr Hawkins was just talking about.

Mr Hawkins—We have a map of the territory plan on a larger scale—

Senator LUNDY—I have got a coloured one now, thank you. I can see where the broken line is outlined—

Mr Tomlins—That is the eastern alignment.

Mr Hawkins—That is indicating a proposed arterial road system and, as a policy issue, that is why the National Capital Authority was involved. We have got a much larger scale territory plan map showing the issues, if you are interested in the particular area of the open space which was designated and which actually triggered the involvement of the works approval—

Senator LUNDY—Yes, I am interested.

Mr Hawkins—The hatched areas—and they are areas you can see on the plan—invoke the National Capital Authority involvement.

Mr Tonkin—The other aspect is that part of the proposed arterial road crossed the hills, ridges and buffers area, which is a planning requirement, and, again, this engages the National Capital Authority.

Senator HOGG—You are in real trouble if you are colourblind in the ACT and looking at the overlay of colours and maps.

Senator LUNDY—For the record, the original western route proposal traversed designated land quite far to the south of the AIS and to a far lesser extent than the eastern route that is now proposed.

Mr Tonkin—That is correct.

Senator LUNDY—That is what I was trying to ascertain. Is it a fair comment to say that the NCA used the fact that there was that little area—and I do not know whether you can describe it in terms of kilometres but I would have thought it would be significantly less than one kilometre—

CHAIRMAN—You might like to identify the map that you are looking at.

Senator LUNDY—I am looking at a territory plan map of the ACT urban areas and it has denoted on it ‘Land use policies’. It is very colourful. Can you tell me, in distance terms, where the western route traversed designated areas? Are we looking at about 800 metres?

Mr Hawkins—Yes.

Senator LUNDY—So it was the NCA's ability to refuse works approval for approximately 800 metres of the western route that was part of their ability to veto—

Mr Tonkin—Plus their arterial road abilities plus the special requirements for the AIS.

Senator LUNDY—So it was the combination of those three powers. Can you describe in a little more detail how the arterial roads power was used to veto the western route?

Mr Hawkins—I will make an observation and if we need to come back in more detail we will reserve the opportunity. This general policy plan that we have presented here indicates, because of that dotted line, a proposed route. The resolution of 'proposed' narrowing the corridor that would determine where the route would go is a policy issue which was in the purview of that National Capital Plan, and therefore the policy responsibility of the National Capital Authority. It had been on that plan, as people well know, for—

Senator LUNDY—A long, long time.

Mr Hawkins—Generations, in fact. But it had not ultimately resolved the defined route itself, and that is the work the ACT government was doing and believed was its appropriate responsibility—to resolve and define that route. But because it was still presented as a proposed road system in the National Capital Plan, it was a policy issue within which NCA had a responsibility.

Senator LUNDY—I know the consultation processes surrounding this road also go back an extremely long way and are extremely complex. Perhaps you could give me a summary of the ACT government's recent consultation exercise. I am thinking of the last five years, so that we at least cover prior to the current government and through that period when extensive consultation occurred in the form of an election campaign, and then following through. The point I am trying to draw out here is the ACT government's willingness and ability to actively consult with the community as compared with the NCA. If you have any observations about their consultation process, please feel free to make them. That is something we will be following up with the NCA.

Mr Thompson—I will go back to a set of reports that were developed in about 1997 by Maunsells. My recollection is that they were the basis for a preliminary assessment, and the process of preparing those reports and the consultation that was around them was very extensive. It generated a great deal of debate in the ACT media and there was a lot of input from the community. That document identified a range of options and it is fair to say that the then Liberal government in the ACT came through that process with its view that the Gungahlin Drive extension should be a road to the east of the AIS. But views were quite widely spread; there were very strong views opposing the eastern route. That then moved into various assembly committees and into a major assembly debate in mid-2001 before the election. Out of that came a view from the Labor Party that its preference was that it did want the road built but to the west. It then went into the election and got an electoral mandate. Thereafter, we started a process of developing the detail of a road to the west. That involved a two-pronged approach to consultation. On the one hand we had quite lengthy discussions with the AIS about what their needs would be—

Senator LUNDY—When was that?

Mr Thompson—We started that in January 2002. We had a new government and new policy and we went out to the AIS to have a talk with Mark Peters and some of his staff about what their requirements would be. That allowed us to develop concept proposals which we put into the public arena in June last year. Then we ran a series of workshops and exhibitions. From memory, there were four of them along the route. We actually used some of the AIS buildings to get feedback from people connected to the AIS and we had separate sets of meetings around Aranda and Kaleen, and so on. That provided us with further feedback, and out of that in August we came up with a refined proposal which we went back into the community with. Most of the refinement at that stage was around Aranda, because that is where there was a great deal of controversy with our first proposal.

Senator LUNDY—Yes.

Mr Thompson—We went back into the community and I think it is fair to say that what we proposed the second time around got quite a reasonable degree of approval. We have since refined that a bit more and I think we have met most of the needs in Aranda. So we were actively in consultation with the AIS early on. We recognised that they had a certain position but we still went to great lengths to try and meet as much of their needs as we could. And we used those other forums, in schools and shopping centres, to get feedback from residents in the area. But then, in late 2002, the NCA conducted its own studies and my memory is that on Christmas Eve they announced the outcome of their deliberations, which was that they would not agree to a western route; they would only agree to an eastern route. Soon thereafter—I cannot remember the precise date—the ACT government very reluctantly accepted the NCA position.

Senator LUNDY—Christmas Eve was the last working day of the year.

Mr Thompson—Yes. I am trying to give you a summary of it from our perspective. I cannot elaborate on what consultations the NCA conducted in doing their studies.

Senator LUNDY—You said you had discussions with the AIS in December 2002—

Mr Thompson—No, it was in about January 2002. It was pretty well straight after the election in the ACT.

Senator LUNDY—I am interested in what response you were getting from the AIS at the time that the NCA announced that they could not support the proposed route. So we are talking about what happened in December 2002. What was the AIS's view at that point, given the efforts that you had gone to to try and resolve their concerns?

Mr Thompson—My memory is that I had a phone discussion with Mark Peters and, to be blunt, he was pleased with the NCA's findings. With a view to having a continuing constructive relationship with him, we said that we would work with them to try to identify an acceptable set of routes to the east, recognising there were still very strong stakeholder views. My view about the AIS role is that it is a significant institution in Canberra and they are entitled to have a viewpoint about these things.

Senator LUNDY—I do not think anyone is arguing with that.

Mr Thompson—Some of my kids and my kids' friends have worked in and around there. I respect their right. But we work for a government that has a mandate to do something. We were more than happy to work with the AIS to minimise any adverse affects and we were disappointed that another source of power came in over the top of us to tell us that we could not do what our elected government thought it had a mandate for.

Senator LUNDY—Are you able to put a cost to the government that can be attributed to what is effectively the time wasted after the fact as a result of that veto?

Mr Thompson—Yes, there was quite a lot of professional time invested and some very good work was done by our consultants in developing designs for a western route. But I think the bigger issue for the ACT community and for Gungahlin residents is the loss of time, because it has pushed the project back by something like six months.

Senator LUNDY—If you could get a figure, that would be helpful.

Mr Thompson—We can do that.

Mr Tonkin—We will give you a figure of the cost of the design studies and the work that was done on the western alignment, which is now binned.

Senator LUNDY—Yes. Are you able to ascertain whether opposition to the western route from the NCA would have either still been there or been as strong to the extent that they would veto it without the involvement of the AIS or without the opposition of the AIS to the western route?

Mr Tonkin—That really would be speculating.

Senator LUNDY—That is fine. I have a couple more questions. I notice on this map I have of national land that there is a little pocket of national land adjacent to the AIS. According to my map, it is managed by the Department of Finance and Administration.

Mr Thompson—It is the old computer centre in Battye Street.

Senator LUNDY—Was it the tax office computer centre?

Mr Thompson—It is a no-label—

Mr Gordon—It was Tax and Customs.

Senator LUNDY—Is that still national land?

Mr Tomlins—We think so.

Mr Gordon—Even though the buildings have been sold to private developers.

Senator LUNDY—The buildings have been sold, but it is still national land.

Mr Tomlins—There is actually quite a degree of construction work, I think, happening on that bit of land right now.

Senator LUNDY—But you would have nothing to do with that because it is national land.

Mr Thompson—No.

Senator LUNDY—There is construction taking place on national land directly adjacent to the AIS.

Mr Thompson—Yes, although if you measured it from the sleeping quarters you would have to consider it is quite a few hundred metres south-west.

Senator LUNDY—Sure, but so is the road.

Mr Thompson—Yes. The road was well west.

Senator LUNDY—Are you aware of any complaint by the AIS about the construction work currently going on on national land directly adjacent to the AIS?

Mr Thompson—No. One point to clarify from your earlier questioning about the AIS moving their residences is that our land people have been in dialogue with the AIS in the last week. That is a discussion I was not aware of, and it would appear that the current proposal is to move the athletes' residence to the west of the current facilities. So that would move the athletes' residence towards where we had proposed the road.

Senator LUNDY—I asked that earlier question because I, too, had heard about possible moves to upgrade the residences. Just to make this point extremely clear, the major complaint stated by the AIS initially against the western route was the impact on the sleeping residences. The AIS has now engaged in discussions with you about their moving those same residences to the other side of the AIS.

Mr Thompson—No, their current proposal, on this advice, is to move them towards where the western route would have been. That was never raised with us at the time. This is a new move in the last few months. At the time we were told that these residences were going to stay where they were, and they were contemplating doing upgrades—it is a pretty spartan concrete building.

Senator LUNDY—That would mean they are suggesting putting it on territory land, are they not, if they are moving it closer? Is that why they are talking to you?

Mr Thompson—My memory is that that land immediately to the west is leased to them for another seven years.

Mr Tonkin—They have a 20-year lease.

Senator LUNDY—So it is on the car park area?

Mr Thompson—Yes.

Senator LUNDY—Which will involve construction?

Mr Thompson—Yes.

Senator LUNDY—One of the other major complaints certainly conveyed to me by the AIS was all of the dust, dirt and noise of the construction work and how that was absolutely untenable in the lead-up to the Athens Olympics. I am making these observations for the deliberate purpose of highlighting the hypocrisy that I am observing on behalf of the AIS.

Mr Thompson—At the time we did have a frank discussion with them about the fact that there were various master plans around which did involve building on that car park—all sorts of buildings. We observed that in constructing those buildings as well as a road there would be noise from the proposed developments in that area, which would have to be minimised.

Senator LUNDY—Absolutely. It was a major component of their issue and their complaint that the NCA investigated. There were a number of reports created which characterised air quality as well as construction noise, and that formed part of the very expensive report which was done on behalf of the AIS.

Mr Tonkin—The government's plan for the western alignment was scheduled and timed so that the construction works adjacent to the residences would not take place at a time in which we would disrupt the preparations for the Athens Olympics.

Senator LUNDY—I am also aware of that. Thank you very much for pointing it out. Going back to the construction that is occurring on national land, that could only be approved by the National Capital Authority, couldn't it?

Mr Thompson—Yes.

Senator LUNDY—So that has obviously occurred. And now the AIS has proposed construction of its own. Is that within the time frame of the lead-up to the Athens Olympics, to your knowledge?

Mr Tonkin—I do not think we know that. That would be a matter for the AIS.

Senator LUNDY—I would make the reasonable assumption that of course it would not be, based on previous representations on their behalf by the NCA. Are there any other matters relating to the Gungahlin Drive extension that the ACT government wants to take the opportunity to place on the record in the context of this inquiry?

Mr Thompson—Just using Gungahlin Drive as a worked example, I would like to hark right back to some very early comments that Mr Tonkin made. It may well have been that back in the late eighties, when the ACT government was just an idea, there needed to be some reasonably strong federal government body to exercise controls over some aspects of the planning and development of Canberra. We now have a mature ACT government which is operating successfully—it is a democracy and it provides services at both the state and local government

levels. It seems to me that it is time for the National Capital Authority, in its role, to recognise the maturity of the ACT government to deal with what are quite difficult issues like Gungahlin Drive—and deal with them in a consultative way with the ACT community, whilst still recognising the very important values of an institution like the AIS. I think we could have got a very good result there. Once we had built that road, it would simply have been part of the landscape and the AIS would have got on with its life and prospered.

Mr Tonkin—It goes back to the question of scope. You cannot see the Gungahlin Drive from the central area of Canberra. What impact does the placement of the Gungahlin Drive east or west of the AIS have on the national capital significance of Canberra and the ACT? It is not as if the road is going over the top of the hills, ridges and buffers in a form which is visible except that, no matter which way you want to put the road, it is going to cross hills, ridges and buffers. As it was planned and as it is now going to be built, it has no impact on the central area of Canberra, so it goes to that question of: what is the appropriate longer term planning role of the National Capital Plan in respect of general arterial roads in the ACT? As Mr Thompson was saying, it was appropriate to determine that in 1988, but in 2003 it is an outdated approach.

The position of the ACT government submission is that the National Capital Plan needs to be amended and rescoped to appropriately focus on the things that need to be safeguarded in the national interest over the longer term, as against those things which are properly the responsibility of an elected government of the territory accountable to the people of the ACT for roads upon which the people of the ACT will travel.

Senator LUNDY—Thank you. I have one other question relating to the sale of the water police station in Yarralumla Bay. Is that land national land or designated land?

Mr Tonkin—It is all designated.

Senator LUNDY—I know it is all designated, but is it national land?

Mr Tonkin—It is national land.

Senator LUNDY—Or was.

Mr Tonkin—Apologies; it may not be. It is certainly designated land. It was a piece of land owned by the Commonwealth. There is that distinction: land can be owned by the Commonwealth and not necessarily designated.

Senator LUNDY—According to this map—

Mr Tomlins—As a Commonwealth asset it would be—

Senator LUNDY—There is a blue dot on the end of that bit of land on my map. I presume that encompasses the water police station and the old police cottage.

Mr Tomlins—Yes.

Senator LUNDY—I do not know whether it is the buildings that have been sold or the land or both. Are you able to tell me?

Mr Tomlins—No.

Mr Tonkin—I do not think we can tell you conclusively. Our understanding is that someone has purchased the land and the buildings. It is a sale and lease-back and the property continues in its current role for some period.

Senator LUNDY—Three plus three plus three, I think are the terms of the lease.

Mr Tonkin—At some point beyond that the purchaser of that property would be able to redevelop that site for some other purpose, subject to whatever planning arrangements apply.

Senator LUNDY—Does the territory government have any say in the nature or scope of any proposed redevelopment?

Mr Tonkin—The answer is no.

Senator LUNDY—None at all?

Mr Hawkins—We may be consulted informally.

Senator LUNDY—But there is no legal requirement for the ACT government to be involved in any way with that proposal?

Mr Tonkin—It is another very good example of an anachronism. Historically, the police base is there. If the Commonwealth chooses to move to somewhere else, that land could be developed without our direct planning control, even though such a development could well impact on other users, territory interests and local residents or whatever.

Mr Hawkins—I think we made the point earlier in today's hearing about disposal and putting national land into private developers' hands.

Senator LUNDY—What has happened here is that an extraordinary piece of Lake Burley Griffin foreshore—lake frontage—has been sold into private hands.

Ms ELLIS—It has been flogged off.

Mr Tonkin—The countervailing thing is that if the ACT government was to choose to develop land around the futsal slab, for example, which is territory land but designated land, the intentions or aspirations of the ACT government would need to comply with and be subject to controls from the National Capital Authority. To some extent that is reasonable, because again it is very important that the look and feel of the inner basin be complementary, but there is an issue: why couldn't the ACT government seek to develop that land sympathetically? It is not necessarily going to be a debate, but it is an example where here is a piece of territory foreshore land on Lake Burley Griffin, a scarce commodity, which offers a range of possibilities for

development. The Chief Minister has suggested it is a possible site should the government choose to have a new convention centre constructed rather than redeveloping the existing one.

Senator LUNDY—Yes.

Mr Tonkin—That is a significant economic opportunity for the territory. We would be hopeful that, if that were to proceed as a government objective, it could be done cooperatively and harmoniously. Clearly it is in the interests of the territory to maximise the economic value and the social value of that site, so it runs both ways.

Ms ELLIS—I need to go back to the Tuggeranong block, not because I live in Tuggeranong but because it is fascinating. It was 53,500 square metres, an enormous block of land. I have been thinking about this since the earlier reference. I understand, from your submission, that originally it was intended that the site be used by the National Archives or maybe even by the Department of Family and Community Services, which is next door. But your briefing says:

The Lake Tuggeranong Master Plan February 2001 envisaged this site for a major government department, commercial development or National institution.

It also says that the development control plan was allowing for residential development. Can I just get the current status of that block of land? Is it now privately owned?

Mr Thompson—Yes.

Ms ELLIS—Who has control of future development right now? Seeing that the federal government flogged it off, I am confused as to who now holds control over what goes on it. What is its current designation?

Mr Tonkin—We understand it is Commonwealth controlled through the National Capital Authority under the development control plan for the site.

Ms ELLIS—So the territory has nothing to say about what happens on that land.

Mr Hawkins—We have had a fair bit to say.

Ms ELLIS—In legal, formal terms, what is allowed? I have had a lot to say; many people have had a lot to say about this.

Mr Tomlins—As I have been informed, it is still national land, and there is a lease for it which allows residential development. There is no works approval process for national land that is not designated, as I understand it. When the developers put up their proposal, it is essentially a tick process.

Ms ELLIS—Put up their proposal to whom—to the NCA?

Mr Tomlins—Yes.

Ms ELLIS—So 53,500 square metres of prime, badly needed land for a range of reasons in the middle of the Tuggeranong Town Centre is at the behest of the NCA in terms of what happens to it.

Mr Tonkin—Yes. It is totally out of—

Ms ELLIS—It is totally out of your control.

Mr Hawkins—At the time of the auction process, the ACT sought vigorously to explore legal and other avenues to strongly put the position about employment objectives. Frankly, we exhausted all of our available opportunities to present those views very strongly, and it is now in the hands of a private developer.

Ms ELLIS—Given its physical location, if it continues to hold its residential flag, and acknowledging its proximity to the Murrumbidgee corridor, is there any question in anybody's head about how important or relevant that might be in environmental terms, given that there have been other proposals over the years along that end of Tuggeranong?

Mr Hawkins—Some of those factors are ones which we raised and would require detailed environmental assessment. We actually raised the question of the environment protection biodiversity legislation with the Commonwealth in that sale process. I do not know the degree to which the objectives are fully residential. I would hope that, if anyone has that in their mind and there were some provision in the DCP even today, wisdom would see that the need to retain office employment and those objectives would be the primary objective, even in the DCP should it allow some other associated uses. I think that it is still an important strategic policy question and one which we have made here today. Can we get these partner planning authorities working together in the best interests of Canberra as we used to have in times gone past?

Ms ELLIS—Exactly.

Mr Hawkins—We have some very good officers that work together but sometimes the system actually defeats us all in a case like this.

Ms ELLIS—I have a couple of other important questions. Can any of you tell the committee whether or not you are aware of the NCA having ever approved any development on any hills, ridges or buffers areas in the ACT? If you do not know that now, can you take it on notice to advise us?

Mr Tonkin—We will take it on notice. It is a timing issue because there are certainly things built on some of the hills.

Ms ELLIS—Sorry?

Mr Tonkin—There are things built on hills in Canberra. Some of them predate the NCA.

Mr Tomlins—There will be some contention in relation to facilities that relate to environmental issues.

Ms ELLIS—In your submission, you refer to the national capital open space system and make particular reference in brief terms to the western fringe. Given the release of the non-urban land use study this week, could you please elaborate for the committee the considerations that you, Mr Tonkin, made earlier on in reference to the post-fire considerations for Canberra? If nothing changes in relation to the planning regime in the ACT, what effect will that have, literally, if you can, on the sorts of considerations the ACT is finding itself needing to make post fire?

Mr Tonkin—Many of the initiatives outlined in the discussion paper on the non-urban plan would require amendments to the National Capital Plan for those initiatives to be progressed.

Ms ELLIS—For example?

Mr Tonkin—If we wish to develop areas of the Stromlo area for residential development, that would require an explicit amendment to the National Capital Plan because some of that is open space and some it may even be designated land because of the factors about the Stromlo Observatory that I discussed previously. An explicit amendment to the National Capital Plan would be required before those initiatives could proceed. Similarly, we may wish to change the arrangements which apply in the rural areas so that you could have possibilities of urban villages or tourism development adjacent to Tidbinbilla as an example, or change the nature of rural land use so that people can undertake farm door sales. The point has been made quite clearly in the non-urban study that there are 150 vineyards in the area immediately adjacent to the ACT and four in the ACT. Climatically, topographically and everything else, it would suggest that there may be other opportunities in the territory for such things. In order to change some of those things, because it becomes commercial activity rather than rural leasehold, again there are serious concerns about how conclusive the actions of the ACT government could be without complementary action being taken by the National Capital Authority.

Ms ELLIS—Is it true to say that the basis of your thesis is what on earth any of that has to do with the role of the NCA in relation to the parliamentary triangle and its immediate responsibilities?

Mr Tonkin—There are certain principles. We are of one mind that there is no way that we would want to see a change in the present situation where you would go from an urban environment directly into a non-urban environment, so that there is no scragginess around the edges; it is quite a clean break between urban and rural. That is part of the design philosophy of Canberra and that is a concept which will be kept. But, exactly as you have said, once you go beyond the physical boundaries of the Bullen Ranges and Mount Stromlo, it is not part of the landscape setting of the capital, other than the fact that we wish the hills in the distance to be treed, and the debate is open as to what sort of trees and how close the trees should be. They are very serious issues.

A bushfire abatement zone from the edge of the residential environment going west and how that would be designed and managed is an issue. How it is to be accommodated with the needs of our rural leaseholders, who also have fire protection issues that need to be addressed, and how that is all managed is also an issue. What is the future of the forestry industry? All of those things are critical issues for the people of the ACT but they are not necessarily issues which pertain to the national significance.

Ms ELLIS—One of your recommendations is to ensure that the National Capital Authority is responsible to the Canberra community in its management of the National Capital Plan, and you have mentioned before the reflective membership of planning authorities. Is that the method or is there any other comment you want to make about that recommendation in terms of methodology?

Mr Tonkin—It is a matter of effective reporting; it is a matter of accountability through this committee—the representatives of the ACT who sit in this place. There are other mechanisms. It is a matter of how adequate and appropriate is the scrutiny and the processes of appeal. If you go right back to amendment 39, which relates to that area nearby, what process of appeal should there be? Should there be a process where, if there are reasonable planning concerns of the National Capital Authority, citizens in Canberra can exercise the rights that they can exercise elsewhere in Canberra and elsewhere in Australia in respect of local planning decisions? They are denied that opportunity for some areas of the ACT. Why should that be so?

Mr Thompson—That view about residents or neighbours having rights of appeal is extremely relevant if the NCA's designated land area continues as is. If on the other hand it is in some way pulled back so its active management is back to the parliamentary triangle and a smaller area, then obviously there is less need for that capacity for AAT appeals and the like. But while it has this broader scale, as is picked up in some of these maps at the back of our submission, it does seem inequitable that we have active appeal systems and there is much less of that available for NCA decisions.

Senator HOGG—I have a question. Quite a while ago now—we have been here for the last two hours on this—Mr Thompson, you referred to the issue of the degree of complexity, which has clearly come across this morning, at least to me. Are you or any other members of the team before us aware of such complexities existing anywhere else in the world, or is this situation unique to the ACT?

Mr Thompson—There are a number of planners in the room—I am not, I am an engineer, by the way—

Senator HOGG—We are all forgiven for our sins.

Mr Thompson—but I am aware that in the centre of some of our capital cities at times there have been overlays of state government policy overlaying municipal policy. They have tended to be transitional when the state government wanted to intervene for a short period and then they have progressively withdrawn again. My understanding is that there are some levels of complexity about the Washington DC situation. In contrast, from visiting Ottawa it is my understanding that the situation is a bit simpler from a planning viewpoint. They have a comparable body to the National Capital Authority but it is much more a landholder and land manager operating within the rules set by the city of Ottawa. If you take the combination of being leasehold and these degrees of complexity, we must be close to unique.

Senator HOGG—Are there external sources that we could use as a model for resolving some of the complexities that exist currently?

CHAIRMAN—Your question was obviously in two parts.

Senator HOGG—It was two parts. You are very observant at this hour of the morning.

Mr Thompson—I think the simplest model to simplify matters is a model where the geographic delineations are much clearer. At the moment—and you will see it if you go to some of those maps—you have situations where the NCA is involved in an active way with areas up each of our main avenues and with various hills, ridges and buffers, which is well outside of the delineation that might apply in, say, Washington DC.

Mr Tonkin—Senator, to answer your question probably the best comparison to look at would be the Washington situation. There are certainly some complementarities, but in the case of Washington the fact is that you have the District of Columbia and then Maryland and Virginia, which add other layers of complexity.

Senator HOGG—I was just wanting to see if there was a ready model available that you wanted to recommend that we look at—that is all.

Mr Tomlins—Our submission, Senator.

Senator HOGG—That is fine. I understand your submission.

Senator LUNDY—Could I quickly put a question on notice, please?

CHAIRMAN—We are well over time, so it needs to be quick.

Senator LUNDY—One thing I would have liked to explore in more detail is the issue of protecting Canberra against bushfires. We touched on it earlier with that area to the south-west of Belconnen. Can you provide the committee with further information about the ACT government's views on national capital planning implications that hinder or impact upon the ACT government's ability to take whatever action is necessary to ensure that residents of the ACT have the risk reduced to the maximum degree possible if there are to be bushfires again?

Mr Tonkin—Okay.

CHAIRMAN—That will require a written answer. Before I close this section of today's meeting, could I ask that you be kind enough to consider the offer of the comprehensive coloured map to the committee as an exhibit?

Mr Thompson—Certainly.

CHAIRMAN—I will ask whether that should be accepted as an exhibit. There being no objection, it is so ordered. May I thank you, Mr Tonkin, Ms Pham and your colleagues, for your attendance here today. If there are any matters on which we might need additional information, the secretary will write to you. On behalf of the committee, I thank you again for your attendance here this morning.

Mr Tonkin—Thank you, Senators.

Proceedings suspended from 11.07 a.m. to 11.21 a.m.

HETTINGER, Mr Michael Paul, Executive, Save the Ridge Inc.

MURPHY, Ms Julie, Chair, Save the Ridge Inc.

TANNER, Dr Greg, Convenor, Save the Ridge Inc.

CHAIRMAN—I welcome the representatives of Save the Ridge Inc. These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The committee has received a submission, numbered 17, from you. Are there any corrections or amendments you would like to make to your submission?

Dr Tanner—We will make a brief introductory statement which will lead us into discussion. There are no amendments.

CHAIRMAN—The committee prefers that evidence be taken in public but, if you wish to give confidential evidence to the committee, you may request that the hearings be held in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Dr Tanner—We would love to.

CHAIRMAN—Please proceed.

Dr Tanner—I will make a brief summary and then my colleague Julie Murphy will continue with some more details. For me the issue which most clearly demonstrates the inadequacy of the NCA's approach to planning in the ACT is their lack of accountability and, we believe, politically motivated actions. For me the issue is simple. The NCA stated to us privately in a meeting and publicly, when the Liberal government was in power and were intending to build the eastern option for the Gungahlin Drive extension, that they had no preference as to either route. They said that both would satisfy their requirements. Then when the local Labor Party decided it would build the western option, the NCA suddenly decided they had to have a \$100,000 inquiry to decide which route was to be chosen. Either they were incompetent in the first instance or they were politically motivated in the second instance. There is only one other interpretation—that is, they were on the take from developers who would be affected by the western alignment.

CHAIRMAN—When you say 'they', who do you mean precisely?

Dr Tanner—I mean the NCA.

CHAIRMAN—Were on the take from developers?

Dr Tanner—That is one interpretation. There are three interpretations: they are either incompetent; they were politically motivated; or they were on the take—an unlikely thing—but they are the only three possible explanations for that activity. The NCA does not consult the

community. For instance, what happened to the NCA inquiry into the draft amendment 41? My colleague will speak to some detail there. The NCA does not even bother with their core obligations: to protect the inner hills and ridges in this case, and that is specifically mentioned in their charter. Instead, they have concentrated all their efforts in satisfying the dubious claims of the AIS regarding the impact of the western alignment on the athletes' residences. This issue is no longer relevant. It was central to the decision that was made, but it is now no longer relevant because the AIS was planning to move the residences as early as June 2002.

We believe that they are incompetent. We believe we have supplied sufficient examples in our submission. We believe they are accountable to no-one except the federal minister Wilson Tuckey, who does not represent the people of Canberra. I recommend that the charter of the NCA be modified specifically to include the concept of consultation with the people of Canberra. Now I will hand over to my colleague who has some more statements to make.

Ms Murphy—My statement will be quite brief. It is essentially summing up our submission and highlighting what we think are the key aspects of it. As outlined in our submission, the NCA have failed to take into account matters within their legislated charter and yet, on the other hand, they have included matters that are outside their legislated responsibility. Further, the NCA have shown themselves to be inconsistent in their actions and statements about Gungahlin Drive, east and west. They have been inconsistent and misleading in their advice given to us as a community association and to residents of Canberra on what were considered to be legitimate items of national significance in relation to draft amendment 41, and they are lacking in transparency and accountability in their actions.

The NCA are essentially a law unto themselves with no appeal mechanism. They exercise absolute power with little or no democratic control. As a consequence, they are arrogant and contemptuous towards ACT residents and demonstrate poor communication skills. Public consultations are a farce, with no obligation on the NCA to disclose any information relating to submissions received, issues raised or their deliberations on these issues.

NCA intervention on the Gungahlin Drive extension produced a poor outcome for the AIS, a poor outcome for transport planning, a poor outcome for Canberra Nature Park, a poor outcome for ACT residents and a very expensive outcome for ACT taxpayers. That is my opening statement.

CHAIRMAN—Mr Hettinger?

Mr Hettinger—I have nothing to add, thanks.

CHAIRMAN—Are you prepared for questions?

Dr Tanner—We are.

CHAIRMAN—I will lead off by asking about your organisation. Could you briefly describe what Save the Ridge Inc. is and give the committee some idea of the number of people who are members, how you become a member and an indication of how Save the Ridge Inc. is structured, whether it has an elected president, chairman—I guess you call yourselves chair

rather than chairman—and a general idea of finances and something of that nature, so we can get a comprehensive understanding of your incorporated company.

Dr Tanner—Save the Ridge is a community organisation. It formed some four years ago with the object of opposing the eastern option for the Gungahlin Drive extension. Initially, it formed from the community in Lyneham and O'Connor, but since then it has established a membership broadly based over Canberra with some 600 members. Membership is by a joining fee of \$2. We are an incorporated association, so our financial records are inspected every year according to the provisions of that incorporation of association. We have a formally elected body consisting of four people: a chairman, a secretary, a public officer and one elected member. Other members are coopted to that executive, which meets regularly between every two and three weeks. We communicate our activities to our members through our web site www.savetheridge.org.au, which we have used to document our submissions to various findings. We also communicate regularly to members through an email list. Finances are not extensive. We have something like a \$2,000 or \$3,000 or \$4,000 turnover per annum.

CHAIRMAN—What is your structure? Do you have a president, a chairman or a chairperson?

Dr Tanner—Currently, Julie Murphy is the chairman. Those details are given on the web site.

CHAIRMAN—Dr Tanner, Ms Murphy and you said, inter alia, that the NCA lacks accountability, they wasted \$100,000 on an inquiry, they are on the take or they are incompetent, they give misleading advice, they have absolute power and their public consultations are a farce. I think, if I can quote you correctly, Ms Murphy, you said all the NCA inquiries have poor outcomes. It does not paint a very good picture of the NCA, does it?

Ms Murphy—Not 'all'—we are specifically referring to the Gungahlin Drive extension.

CHAIRMAN—What did you mean, then, when you said 'all' poor outcomes?

Ms Murphy—I said, and I will reread what I have written here, 'NCA intervention on the Gungahlin Drive extension gave a poor outcome for AIS, a poor outcome for transport planning, a poor outcome for Canberra Nature Park, a poor outcome for ACT residents and a very expensive outcome for ACT taxpayers.'

CHAIRMAN—That is right: they were all poor outcomes.

Ms Murphy—In relation to the Gungahlin Drive extension.

CHAIRMAN—Yes; what about all the residents of Canberra?

Ms Murphy—In relation to the Gungahlin Drive extension?

CHAIRMAN—How does that extrapolate to being a poor outcome for all the residents of Canberra?

Ms Murphy—It comes down to the issues like cost for the residents of Canberra, in terms of this whole saga, if you like, on Gungahlin Drive. It also comes down to considerations like greenhouse gas emissions for the option that the NCA has chosen, which is longer and therefore more expensive day to day for commuters. Over a life cycle approach, which the NCA is supposed to look at for greenhouse gas emissions, it produces far more greenhouse gas pollutants. They are just a number of the outcomes.

CHAIRMAN—I live in Braddon and I was not aware that it was a poor outcome for me, Ms Murphy, but I will take that on board.

Ms Murphy—You do not pay taxes?

CHAIRMAN—Yes, I pay taxes, but I was not aware that it was a poor outcome. I am certainly aware of the NCA and, whilst it is not my job as chairman and I try to be as bipartisan as I can, I think the NCA does an outstanding job.

Ms Murphy—As I say, we are relating specifically to Gungahlin Drive. Just on that matter of cost, our estimates are that several million dollars have been spent to date by various local governments on this debate—including, in the most recent 12 to 18 months, considerable expenditure by the ACT government, which was essentially dismissed. So I think there is a real issue here in terms of the cost to the community in Canberra.

CHAIRMAN—Let me continue for a short period, then. Perhaps, Dr Tanner, when you make the rather profound statement that NCA is ‘on the take’—

Senator LUNDY—Excuse me, Mr Chairman, my interpretation of Dr Tanner’s statement was that he said the NCA’s actions were one of three: incompetence, political or on the take—implying corruptness. He did not say the NCA were corrupt or on the take.

CHAIRMAN—I think probably Dr Tanner looks like the type of person who can adequately defend himself.

Senator LUNDY—I know, but I am very conscious that you have been reinterpreting the witnesses’ evidence already.

CHAIRMAN—I appreciate your contribution there and, keeping in mind your political position, Senator Lundy, I would like—

Senator LUNDY—I beg your pardon, Mr Chairman? Can you explain that statement, please?

CHAIRMAN—Keeping in mind your political position, I would like—

Senator LUNDY—What is my political position that you are talking about?

CHAIRMAN—I would like Dr Tanner to answer the questions rather than you.

Senator LUNDY—What are you implying, Mr Chairman?

CHAIRMAN—Senator Lundy, I would like Dr Tanner to answer the questions and not you. I think it is improper—

Senator LUNDY—I do not know what you are implying when you say, ‘keeping in mind your political position’.

CHAIRMAN—I am not going to get into a public brawl with you, Senator Lundy—

Senator LUNDY—Well, I would like to know what you mean.

CHAIRMAN—and if you would be kind enough—and not rude while I am trying to finish—to let Dr Tanner answer the questions. Your political position is well known and you are a senator for the ACT. I would rather have someone else, not—

Senator LUNDY—Are you implying that—

CHAIRMAN—I am not implying anything, and if you could keep quiet I would very much appreciate that while I talk to Dr Tanner.

Senator LUNDY—I am glad you are not implying anything.

CHAIRMAN—Thank you very much. Now, Dr Tanner, with respect to your profound statements—and let us take the interpretation that Senator Lundy put on them—could you please explain why you made those statements and give this committee some evidence, because they are very serious complaints that you have made in front of this committee?

Dr Tanner—Well, it is simple. The NCA stated that either route would be acceptable and yet, a little over a year later, they decided that, no, they had to have an inquiry. It is as simple as this: if either or both routes were acceptable, what evidence was that decision made on? Was that a back-of-the-envelope calculation? Either they were or they were not acceptable. If they were not acceptable, nothing has changed in the period since the Labor government came in and took power, in planning terms.

CHAIRMAN—How does that extrapolate to ‘and/or on the take’?

Dr Tanner—They are my interpretations. They are three possibilities.

CHAIRMAN—I understand that your interpretations—

Dr Tanner—Why would a government body change its mind?

CHAIRMAN—It is entitled to change its mind.

Dr Tanner—It has either decided there are actually more facts there, or it was incompetent and did not realise it, or it is on the take—that is my interpretation.

CHAIRMAN—But you have no further evidence, other than what you have just said?

Dr Tanner—No. That is my interpretation of their motivation based on this enormous backflip in a short period of time.

CHAIRMAN—Are you aware that the NCA is not an absolute power—I think that is what you said—but is subject to a minister?

Dr Tanner—I said it was subject to the minister's—

CHAIRMAN—It is subject to scrutiny. It is subject to FOI. It is subject to scrutiny by this committee. How can it be, then, if you are aware of that, that you say that NCA has absolute power?

Dr Tanner—There is no appeal mechanism for the people of Canberra.

CHAIRMAN—But that does not necessarily extrapolate to absolute power.

Ms Murphy—Chairman, with respect, I think that was my statement.

CHAIRMAN—It was your statement—well, perhaps you could defend that statement.

Ms Murphy—Sure; and, again, I will reread it so that we are clear what the statement was: 'The NCA exercises absolute power with little, or no, democratic control.' For the people of Canberra, sure, they have public consultations. We put in a submission. We met with the NCA. We spoke at some length to try and get a sense of what they would be looking for in that submission, and we tailored our submission and our advice to our membership along the lines of the advice given by the NCA. We received, I think, an acknowledgment of that submission, and I know some hundreds of other submissions went in at the same time. However, we heard nothing after that. We were never invited to discuss our points in any more detail. There was never any public disclosure of how many submissions were received. There was never any report produced that considered any of the deliberations of those submissions or the public consultation. They just made their decision, and we believe they did not consult with the ACT government as they were supposed to under their legislative controls. I am sure the ACT government would have raised that in their brief to you this morning. They did not follow due process.

CHAIRMAN—Perhaps you would be kind enough to let the committee have copies of that correspondence you had with the NCA. You say you received no replies from the NCA.

Ms Murphy—I believe we got a standard acknowledgment that our submission had been received.

CHAIRMAN—Would you be kind enough to make copies of that correspondence available to the committee?

Ms Murphy—Sure. The other was a meeting, and I suppose we could do a freedom of information request for minutes from that meeting with the NCA, which I presume they would have kept. Can the committee ask the NCA to provide that meeting note?

CHAIRMAN—You have asked the NCA to provide the minutes of that meeting?

Ms Murphy—No, you have asked me to provide the meeting notes.

CHAIRMAN—Yes.

Ms Murphy—I am saying the NCA presumably would have kept records of our meeting with them. The only way we can get access to that minute is through a freedom of information request, which will take some time and effort on our part. Can the committee request that information from the NCA directly?

CHAIRMAN—Yes, the committee will obtain that from the NCA—that will be no problem.

Ms Murphy—Chairman, with respect, could we get a copy of that minute from the committee?

CHAIRMAN—I will put it to the committee when it is acquired.

Ms Murphy—We have tried putting freedom of information requests to the NCA, and we have had little success. They are very pedantic in their interpretation of what we ask for, and they have refused us documentation in the past.

CHAIRMAN—If it is appropriate, we will let you have a copy of that information.

Senator LUNDY—I am interested in the observations you make in your submission about the inconsistencies with the various reports into the Gungahlin Drive extension. In particular, in point 3 you describe a lack of rigour by consultants and subsequent erroneous claims by the NCA regarding the conclusion on environmental impacts. I am particularly interested in the inconsistency with the NCA commissioned report by David Hogg in June 2002. Can you describe that in more detail for the committee?

Ms Murphy—Sure. I did bring along two copies of a coloured map, which might help, and I can table that as evidence.

Senator LUNDY—Thank you.

Ms Murphy—It is not large-scale. We do not have the resources of some agencies. This diagram is taken from the so-called independent consultants report—the Young consultants.

Senator LUNDY—Right. So we are comparing the Hogg report and the Young report?

Ms Murphy—Yes. My reason for saying we would like to talk to this to the committee is that it was difficult to include in our submission.

Senator LUNDY—Just for the record, before you go into that, the Young report was commissioned by the NCA on what date?

Ms Murphy—I believe it was October 2002.

Senator LUNDY—And the Hogg report?

Ms Murphy—Again, I can table this for the committee. It is a list of all of the publicly available reports—and by that I mean they are on the web site so that anybody, any agency, any consultant can access them. These are all of the studies that have been done by various Liberal and Labor ACT governments relating to Gungahlin Drive. There are approximately 25 of them, and they are only the reports in the last two to three years. Prior to that there is an enormous volume of other material. The Hogg report is referred to in this list.

Senator LUNDY—That was commissioned by the ACT government?

Ms Murphy—Yes, the ACT government.

Senator LUNDY—Right, so we are comparing an ACT government report by David Hogg dated June 2002 and a report by Young commissioned by the NCA dated October 2002?

Ms Murphy—Yes, the Hogg report predated the NCA consultants' report. In addition to the Hogg report, there are a couple of other Hogg reports. Information from that consultancy was also included in the ACT government's preliminary assessment for the western alignment, which was in progress when the NCA came down with its decision. So due process in ACT local planning was in progress when the NCA came in and overturned that, essentially making a farce of that public consultation with the ACT government—but that is an aside. There are a couple of very relevant studies that had been done on environmental terms prior to the NCA consultants report, and I have noted those in this list.

Senator LUNDY—Are you submitting that as evidence?

Ms Murphy—Yes, I will submit that as well. The NCA consultants—that is, Young—looked at two reports for the western alignment. Remember I said there were 25 in total for east and west. For the eastern alignment they looked at two reports. So they picked a handful of reports to look at when they made their assessment.

Senator LUNDY—Are you implying that they hand-picked specific reports?

Ms Murphy—It is not clear to me from reading their report, or any information relating to their report, how they chose which studies to look at. In addition, they did not commission any additional studies on fauna or flora. They relied purely on published information but they only selected a very small portion of the published information.

Senator LUNDY—Did they take into account the orchid survey by Jones and Fitzgerald or the study by Dr David Freudenberger in 2000?

Ms Murphy—I do not believe they did. They certainly did not take into account David Freudenberger's study.

Senator LUNDY—When was the orchid survey by Jones and Fitzgerald done—did that predate the Young report?

Ms Murphy—Yes, all these predated the NCA consultants' report. It is possible that information relating to those studies was included in the western alignment PA, which the NCA consultants did say they looked at. But, according to my reading of those reports and my reading of the conclusions that the NCA consultants came up with, their assessment is inexplicable.

Senator LUNDY—So what you are saying is that there is little correlation between the source reports and the Young conclusions?

Ms Murphy—Yes. The thing that really was the most galling feature was that, on this map here—and I apologise for its small size—there is an area between Bruce CIT and the AIS which the NCA consultants have coloured in and given a special significance to. They actually say on the bottom here that it is open forest yellow box-red gum remnant and it is impacted south of Battye Street.

CHAIRMAN—Do you have other copies of that or is that the only one?

Ms Murphy—I thought I did have two, but I am happy to give you this one here. These are all publicly available as well.

Ms ELLIS—Ms Murphy said that she was going to offer the map and a couple of other pieces of information as well as exhibits to the committee.

CHAIRMAN—We will accept that offer. Perhaps Senator Lundy might like to look at that while she is questioning. Is it the wish of the committee that it be accepted as an exhibit?

Ms ELLIS—So moved.

CHAIRMAN—There being no objection, it is so ordered.

Senator LUNDY—Please tell me about this particular area of yellow box-red gum woodland remnant.

Ms Murphy—I can see no evidence in any of the expert studies how that is classified as yellow box-red gum remnant.

Senator LUNDY—Do you know if there are actually yellow box and red gums there?

Ms Murphy—I will read out, if I may, the example of the experts whose information was supposedly used to inform that map. It is from a report by D. Hogg in November 2002 in the PA, which the consultants said that they referred to. It says:

The woodland is located between the CIT and the AIS, immediately south of Battye Street, and has been modified by the planting of Australian trees and shrubs some of which are not indigenous to the area. The absence of mature seedbearing trees for some of the species present in the area suggests that such trees, which are relatively young, have also resulted from planting and may not be indigenous to the site.

Senator LUNDY—Are you saying that that directly contradicts the concept of it being a remnant?

Ms Murphy—It says here: except near Battye Street and near Belconnen Way. Essentially they are saying that the ecological quality of the forest on Bruce Ridge is high except for that bit that has been shaded in, where there are areas which contain introduced shrubs and groundcover species.

Senator LUNDY—So it is not even of the status of the other area that is being traversed?

Ms Murphy—No. And the other areas that the eastern option will traverse, as you can see from that map, are through all of that green space where the ecological quality of the forest is deemed to be high—not the area between Bruce CIT and AIS, which is in fact disturbed with introduced species and so on and of low quality.

Senator LUNDY—Can you tell me how the Young report described that precinct? We know they described it as a woodland remnant. What is the implication in environmental terms of describing an area like that as a woodland remnant?

Ms Murphy—They say its classification could be stated as a yellow box-red gum grassy woodland endangered ecological community. They are giving it a status of some ecological significance which would—on their assessment—result in the western alignment having more impact than the east.

Senator LUNDY—That is very clear. Are you aware of any study that attributes that status to that particular precinct?

Ms Murphy—Not from my reading of the source material that I have had access to, which is the same source material that the NCA consultants had access to. In fact, if I read beyond their limited list, it seems to indicate otherwise to what they have found.

Senator LUNDY—So on that basis you believe that to reference that precinct as a woodland remnant of ecological—what was the phrase?

Ms Murphy—'Endangered ecological community'.

Senator LUNDY—endangered ecological community has no basis in fact?

Ms Murphy—Not from my comprehension of facts and my understanding of how one interprets these things.

Senator LUNDY—The implication being that a false argument was created about the ecological and environmental status of that remnant?

Ms Murphy—We believe so, yes. In fact, it was backed up by a statement by the current government which again re-emphasised that the ACT's assessment is that the eastern alignment has a greater impact on better quality grass. There are two areas of dispute, I suppose. One is the one we have talked about and the other is in the grasslands area.

Senator LUNDY—So now we are looking at the top of this map.

Ms Murphy—That is right, where there are a few other shaded-in bits.

Senator LUNDY—Just so that we can correlate the evidence with *Hansard*, on the map provided, to the north-east, on the north side of Ginninderra Drive there is an area shaded light green, mauve, two orange areas and then a darker shade of green. I presume that they denote different types and different qualities of grassland.

Ms Murphy—I found my other map, so I can pass it to you.

Senator LUNDY—Excellent. What I am observing is that on the western alignment far more grassland that is shaded light green is being traversed, whereas on the eastern alignment the area most traversed is shaded orange. Can you explain the significance of that, please?

Ms Murphy—Again, I am not an ecologist; I am basing my information on my understanding of these reports. But it is backed up by, as I say, the ACT's own assessment. They believe that the eastern alignment has a greater impact on the better quality grassland and that the alignment—

Senator LUNDY—The Hogg report said that.

Ms Murphy—Yes. Essentially it is summarising the findings of those reports. The alignment proposed by the NCA destroys one of the few remaining examples of woody grassland interface. That interface is the area on your map that is shaded orange and then dark green. It is that interface area. However, the western alignment, as you can see, does not go near that interface. That is the ACT government's expert's assessment of the impact in that area.

Senator LUNDY—Thank you for that. Again, I am interpreting your evidence as implying that on environmental grounds the western alignment had less impact in that zone.

Ms Murphy—That is right. We were very surprised by a lot of what the NCA consultants report stated and the terms of references, but we were most surprised about the conclusions on the environmental aspects because it is almost self-evident, if you look at the map in front of you, that the majority of the western alignment goes through car parks. If you look at the map on the eastern alignment, it goes through all those green areas, which are in fact the high-quality forest that is referred to in various studies.

Senator LUNDY—I would like to go to that issue. I remember that very early on in the debate the two versions of the initially proposed eastern route did encroach upon designated land in hills, ridges and buffers. For the committee, could you describe whether or not the proposed eastern alignment impact on the hills, ridges and buffers and also reference your comments about the NCA's obligations to maintain the integrity in the hills, ridges and buffers?

Ms Murphy—As you would be aware, there is quite a bit of information governing the NCA's actions in the National Capital Plan relating to hills, ridges and buffers. It includes socioeconomic, educational and recreational activities as well as protection of environmental areas. Certainly the road to the east does traverse areas that are designated areas; that is, they are hills, ridges and buffer areas.

Senator LUNDY—So they do actually encroach on hills, ridges and buffers under the current National Capital Plan.

Ms Murphy—I believe they do. When they come round the corner of the car park there and go through Bruce Ridge they go well and truly right through hills, ridges and buffer areas. There has been a bit of tinkering at the edges of what exactly is the demarcation line closer to the AIS on the eastern alignment. I would not like to say categorically if it is—

Senator LUNDY—That is fine. I am just trying to establish the extent to which hills, ridges and buffers are impacted on.

CHAIRMAN—Senator Lundy, we are well over time. Could you bring your questioning to a conclusion in the next couple of minutes?

Senator LUNDY—I would like to take the opportunity to go back to some of the environmental and environmentally related studies that were not taken into account. Can you provide the committee with information about whether or not the orchid survey and the work by Dr David Freudenberger on threatened and endangered birds have ever been taken into account by the NCA in any of their considerations? Were they or could they have been taken into account with the consultation process the ACT government had initiated but, as we know, was not able to complete?

Ms Murphy—My understanding is, no, that study by Dr David Freudenberger was never taken into account and, yes, potentially it could have come to light. We certainly raised it in our submission to DA41 to the NCA in September 2001 but, as we have indicated, we had no further communication with the NCA about our submission. There has been no published report on any of their considerations. We certainly did our utmost to make sure that the NCA was aware of that report, but it seems to have been ignored.

Dr Tanner—It is obvious that they have not taken it into account, because the proposed eastern alignment goes through the very area identified by Freudenberger as very important for rare and endangered bird species in Canberra.

Senator LUNDY—Which is where?

Dr Tanner—There is a car park in the lower right-hand corner which is currently used for parking for events at Bruce Stadium. That corner is very close to the area identified by Freudenberger specifically.

Senator LUNDY—And that would not have been affected by the western alignment.

Dr Tanner—No.

Senator LUNDY—It is clearly nowhere near it. My final question goes to the nature of the consultation between Save the Ridge and the NCA. I think your submission makes quite plain your lack of satisfaction about that consultation, but can you describe in some detail your observations about the attitude of the NCA to the role that Save the Ridge was trying to play in advocating what you set yourselves up to advocate, which is to save O'Connor Ridge? I am

looking for that qualitative experience, because it is important for the committee to understand the attitudes that are being conveyed by the NCA in their contact with you, as well as all of these extensive matters of process.

Ms Murphy—I will start off and, if the others want to add anything, they can. Essentially our main contact with the NCA started round about the time they put out draft amendment 41. I had had a couple phone calls with officers of the NCA prior to that. To be honest, it seemed to me that the whole discussion around Gungahlin Drive extension, even though it was very much in the public arena, was not on their radar at all.

Senator LUNDY—When was this?

Ms Murphy—That would have been round about 2000—late 2000, perhaps. I would have to check. Essentially, there was an ACT Liberal government in power. The ACT Liberal government was trying to put a variation to the Territory Plan. The NCA's attitude, from my recollection, was: 'We're waiting on the ACT government to do whatever they have to do. They haven't been in touch with us yet and, when they are, that's when will start worrying about what we have to do from our end.'

The then ACT Liberal government proceeded to the stage where they issued their draft variation, and in fact prior to that the NCA suddenly got active and part way through a consultative process that was in train under the ACT government planning regulations the NCA made an announcement. I have a copy of the *Canberra Times* article, which I will get to in a minute. However, further down the track, the NCA issued their draft amendment 41 and invited the public to make submissions. A number of members of the Save the Ridge executive met with a number of NCA officers, and that is the letter that the committee will hopefully be getting from the NCA—the minutes of that meeting.

We were particularly interested in trying to understand from a national capital perspective what the sorts of issues were that were relevant and pertinent for us to comment on. It was made very clear at that meeting that the NCA was not interested in local planning issues and they were not interested in political debates; they were interested in items of national significance. We spent quite a bit of time trying to elicit from those officers what exactly that meant. In the end it came down to our making suggestions and getting confirmation as to whether those things would fall in or out of what they thought would be significant. We questioned them on things like a metropolitan scale transport plan and whether that would be of national significance in relation to this amendment—and, yes, it was agreed that it would be. We said that the fact that this amendment is very piecemeal and only applies to a very small section between the Barton Highway and Belconnen is an example of a somewhat ad hoc approach that is not in keeping with a national metropolitan scale planning approach for transport. Again, we were led to believe that that was the sort of thing that they would be looking at.

We queried them about their obligations to adhere to or take note of other federal government policies, guidelines, best practice standards or whatever—or legislation such as the Environment Protection and Biodiversity Conservation Act 1999 and the impacts a road through these corridors would have with regard to that. Similarly, we queried them on their obligations in the areas that are concerned with greenhouse gas emissions—those being things of national significance. Again, as I say, it was really us trying to flesh out what areas would be considered

important by the NCA. We did get confirmation. Certainly, the roles of the hills, ridges and buffer areas and the relationship of the NCA's legislative responsibilities under the National Capital Plan were the things that they agreed also.

Senator LUNDY—Did they ever explicitly identify a series of environmental and ecological issues as being within their field of interest at that early time?

Ms Murphy—No, not specifically.

CHAIRMAN—Could I ask you to reply briefly, because I intend to bring this section to an end as soon as I can. Please answer the question, but if you could be brief I would appreciate it.

Ms Murphy—It was really a matter of us trying to tease out of these people what we might expect. If you can imagine a situation where you are trying to get information but it is not readily forthcoming: you then try to suggest things and get some guidance in terms of what might be considered appropriate.

Senator LUNDY—Sorry, were environmental and ecological issues part of what you were told at that time?

Ms Murphy—We raised those in the context of whether they would be considered areas of national significance by the NCA and whether they would be considered relevant to their deliberations, and the answer was yes. We were then relating it to things like national greenhouse gas policies, the Environment Protection and Biodiversity Conservation Act, as I said, and the requirement under that act that federal agencies like the NCA require federally recognised environmental impact statements—and none has ever been made. There have been a lot of studies of environmental impacts, none of which fulfil the requirement under the federal legislation for a recognised environmental impact assessment of this road. We thought these things were well and truly of national significance and therefore for the NCA to consider.

CHAIRMAN—Thank you for your attendance here today. For any matters on which we might need additional information the secretary will write to you. You will be sent a copy of your transcript.

[12.07 p.m.]

HORN, Mr Graham Victor, Member, North Canberra Community Council

SATRAPA, Mr James Frederick, Treasurer, North Canberra Community Council

CHAIRMAN—Welcome. These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of the parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The committee has received a submission, No. 14, from you. Are there any corrections or amendments you would like to make to your submission?

Mr Horn—No.

CHAIRMAN—The committee prefers that evidence be taken in public but if you wish to give confidential evidence to the committee you may request that hearings be held in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Mr Satrapa—Thank you. The North Canberra Community Council is a voluntary community organisation that is incorporated under ACT law. All our work is done on a voluntary basis. The aim of the council, by way of background, is to protect, promote and enhance the economic, cultural, social and environmental wellbeing of the North Canberra resident community, by pursuing a number of objectives.

In preparing for this hearing, I have read most of the submissions and in general, without going over what has already been said, we agree with the general thrust, which says that the respective powers of the National Capital Authority and the ACT government need clarification at least. I will not comment on any of the submissions; everybody who puts in submissions can clearly speak for themselves. But from our point of view what is most clearly needed in respect of the National Capital Authority is more accountability to the ACT community. At the moment it is very tenuous at best, and most of it is represented by a couple of members of this committee. The NCA and its predecessors have done some splendid work in the past, but since the advent of self-government the powers of the National Capital Authority and the ACT government have overlapped and there has been considerable conflict and confusion in the exercise of local planning powers; hence the need for clarification.

Our focus, as North Canberra residents, is on the Gungahlin Drive extension, as our submission indicates. We would like to present this as a kind of case study, similar to the evidence given by David Bagnall during the last hearings about the Narrabundah Rowing Club, which demonstrates the inappropriateness of a lot of the NCA processes. My colleague Graham Horn has been working on the issue of this particular freeway for the best part of two decades and is very knowledgeable on the subject, and at this stage I would like to hand over to him to add his comments.

Mr Horn—I will mention at the beginning that North Canberra Community Council formed out of North Canberra Protection Group. As James has just mentioned, that happened almost 20 years ago. That group was formed almost 20 years ago when the issue of developing Gungahlin was first raised in the community. The decision and approach taken by the community group over that time has been one of seeking optimal outcomes to get the best responses for the community, meeting transport and other objectives of residents and so on. So we are trying to get the best solutions for Canberra. Our development of what became known as the ‘community alignment’—but which is, in fact, substantially the previous alignment that was on UBD street maps of Canberra in the mid-1970s—is based on our assessment that that achieves the best solution for Gungahlin Drive, or Gungahlin Freeway as it was originally called or, as it was called in the meantime, John Dedman Parkway.

I would like to turn to the report that was commissioned by the National Capital Authority last year and published in December. As our submission shows, we find a lot of problems with that report—

CHAIRMAN—Mr Horn, before you proceed any further, I need to ask my colleagues whether they would be prepared to accept the following as submissions: *North Canberra Community Council: objects*; a series of emails from Graham Horn; a document titled *Engineering methodology*; and the *National Capital Authority: Gungahlin Drive extension alignment assessment: executive summary report*—to which I assume you have just referred, Mr Horn. There being no objection, it is so ordered. Thank you, Mr Horn, now you can proceed.

Senator LUNDY—I will just clarify this: the *National Capital Authority executive summary report* is the Young report that we were referring to with respect to the last witnesses?

Mr Horn—Yes, that is right.

Senator LUNDY—Thank you.

Mr Horn—Actually it is several reports: it includes the Young report, a peer review and an executive summary, and I am not quite sure who the authors of the individual parts were.

CHAIRMAN—It is consulted as one report, because it is stapled.

Mr Horn—From my perspective as a professional engineer, I was utterly amazed that this report came out the way it did. I did not expect, at this late stage of the game, to find so much of concern when I read the report. Given that this has been going on for so long, I have to express amazement that it has occurred. When going through it, we found that it showed lack of balance—it places undue weight on minor matters—and I will quote some examples. The heritage significance of a portion of an old road, Weetangera Drive, that went through the region near the Institute of Sport, is seen as something that apparently is more important than the concerns of the residents about being able to use bushland for recreational purposes. Another issue raised was the vista of the Institute of Sport.

Senator LUNDY—The vista?

Mr Horn—As far as I can gather from reading the report, if the western alignment is built it will spoil the view of the front of the Institute of Sport.

Senator LUNDY—From where?

Mr Horn—Presumably from Fern Hill. These are issues that this report raises that were surprising, to say the least. This is one of the reasons why I have tabled that executive summary. There is a list of comparisons in that table. Also, towards the back there are some maps showing the two alignments that are proposed for the road—the western alignment and the eastern alignment. Apparently you are already familiar with this to some extent; I heard you talking about it previously. We did not find anything in the report regarding community concern about this issue over 20 years. No weight was given to that side of things. We believe that that sort of thing is quite a weighty issue. Issues that we view as minor are given heavy emphasis and issues that we view as weighty are given little or no emphasis.

Another aspect of concern—again, from a professional engineering perspective—is that in the report they modified the eastern alignment to enhance it from their perspective. They had many criticisms of the western alignment. The western alignment that is considered in that report is only one western alignment. There have been many versions of the western alignment over the years. This western alignment in particular involves a lot of earthworks and so on that were criticised in the report. That is fine. Given all of the preceding western alignments and given the opportunity to modify the alignment, why did they not propose an alternative that overcame their own objections, rather than raising them as objections?

Senator LUNDY—I just want to get my head around that. One of the criticisms in the Young report was that a lot of earthworks were associated with the western alignment?

Mr Horn—Yes, because that particular western alignment proposed to lower the road past the Institute of Sport.

Senator LUNDY—Yes, but was that not in response to some of the AIS complaints anyway? Was that not a sort of mitigating exercise?

Mr Horn—It was, but it is not the only option that could be taken.

Senator LUNDY—Okay.

Mr Horn—For example, you could put sound barriers on either side of a road built at grade. Other parts of the proposed road are proposing to have transparent sound barriers. If that can be done there, it can be done past the Institute of Sport. There are various options that can mitigate the cost.

Senator LUNDY—Is it a fair observation to say that the Young report considered perhaps the worst-case scenario for a western alignment for the purposes of their comparative study?

Mr Horn—It gets rather difficult to think of worse ways they could have done it.

Senator LUNDY—Right.

Mr Horn—So, yes, pretty well.

CHAIRMAN—Is your answer your studied, professional opinion, Mr Horn?

Mr Horn—I am employed full-time in other environments, so it is a spare-time assessment. We are all voluntary; we are all working people. If we had the resources that the NCA and Young had, obviously we could examine this sort of thing in considerably more detail.

CHAIRMAN—Is that a yes or a no? I am not quite sure.

Mr Horn—I guess what I would say is that we have given the report the kind of attention that might be expected from members of the community as opposed to people who are employed full-time on these sorts of issues.

CHAIRMAN—You are an engineer. These appear to be significant engineering problems, as well as aesthetic problems. What I am asking is: as an engineer, is your answer to Senator Lundy—about it being pretty well the worst alternative—based on your professional experience?

Mr Horn—I could think of some alignments that are worse than that one.

CHAIRMAN—You did not say it was the worst, but you said it was pretty well the worst, or something to that effect.

Mr Horn—It is certainly an alignment that has a lot of expense added to it. The information that we have been apprised of, regarding pollution and aspects like that, indicates that a road at surface probably would not impact significantly differently on the Institute of Sport. Furthermore, and I will refer to it later, there are issues about where the residences currently are, where they could be, where they will be and so on. There are a number of options. There are a lot of options that could be gone into for producing a western alignment that could be far superior and meet many objectives for many parties, without the need to cause so much concern for the areas of bushland which are currently used by the athletes as areas to train in and by members of the community for recreational purposes—quite apart from the natural aspects that you have heard about from the previous submission.

CHAIRMAN—Could I say then that it is perhaps one of the least attractive alternatives? Would that be a correct way of putting it?

Mr Horn—Yes, very definitely.

Senator LUNDY—With respect to the range of western routes that could have been offered or considered.

Mr Horn—Yes. In that regard, one of the things that has come up—and I think it came up after the submission—is the Fitch report. The Fitch report, I understand—but you would have access to it, I am sure—has demonstrated that the atmospheric pollution aspects are actually worse with the eastern alignment than with the western alignment.

Senator LUNDY—This was the report produced by the AIS into the air quality issues. Is that the Fitch report?

Mr Horn—Yes, that is the report. As I understand it, that actually came out after the NCA report. In fact, there is a mention in the NCA report of the ‘ongoing studies’ which I think refers to this report. This makes it even more puzzling, particularly as, in the past, there have been calls for the road to be built so that it minimises impact on the Institute of Sport. We have now got a situation where the current road is going to have greater impact on the Institute of Sport, particularly in terms of the health of the athletes, and yet there is no turnaround in policy, given that that has come to light.

Senator LUNDY—And given that that was one of the core arguments to support the NCA’s decision not to proceed with the western route.

Mr Horn—I would have to comment that—I am sorry; I have lost my train of thought.

Senator LUNDY—I am very conscious of time, so perhaps, while you are collecting your thoughts, I could ask Mr Satrapa a question.

CHAIRMAN—If Mr Horn could finish his contribution, we will go to questions then.

Mr Horn—I just wanted to bring in something that was referred to in the last submission and emphasise that the impact on the hills, ridges and buffers is naturally not just a matter of the road being built on the hills, ridges and buffers. I have already referred to pollution aspects. I just want to make that point: building the road alongside the hills, ridges and buffers has far more impact than building the road some considerable distance from them. The impact is there even if the land is not explicitly encroached on. I think that is an important point.

It is also very hard to understand how this road gets to be of national concern, and that is one of the issues about the National Capital Authority’s role. The submission mentions the range of issues whereby this road is seen as being deficient, including the fact that it is slower and takes longer to travel. I will just mention in particular that the length of bushland it runs adjacent to is about three times the length of the eastern alignment, because it goes along the side of the ridge instead of—

Senator LUNDY—Sorry. Do you mean three times longer than the western alignment?

Mr Horn—Yes, roughly. Naturally, the danger of people running into kangaroos and that sort of thing is greater as a result of that, so there are issues there. You only have to look at the maps of the two roads—and those are in the back of the executive summary—to see that one is far straighter than the other. It is very hard to understand why one has to have a road with such a dogleg in it to go over essentially flat land. These issues make it hard to understand how in the long term people will look at this road and say, ‘This is definitely the best road they could have built.’ Roads in Australia tend to last for very long periods of time. The road could easily outlast the Institute of Sport. The point I am making is that the Institute of Sport could move somewhere, whereas the road is unlikely to, because Canberra is unlikely to move. The transport needs between its portions are far more geographically based than are the needs of an institution which can relocate at any time as a matter of policy decision.

One of the papers tabled was chapter 2 of *Planning and design of engineering systems* by Dandy and Warner. That chapter is about engineering methodology and that is a book on systems engineering, which is the term used in the engineering field. I felt it was appropriate to bring this to the attention of the committee. This book is 14 years old; its publication date is 1989. This book was obtained from the ACT Public Library. Systems engineering is a development that has increased its emphasis in the engineering field in recent decades, but it is hardly brand-new stuff. That is why I believe the approaches of systems engineering are quite conspicuous in their absence from the NCA report.

The group of emails, as you describe them—that is, the papers there—are the NCCC's submission of early this year to the ACT government, but it commented heavily on the NCA report. I suggest there is a lot of information in detail there raising concern—and there are issues raised in this book—as to how they have not been applied. The other thing that is relevant is that the tabled chapter sets out problem generalisation—that is, issues about coming across a problem and seeking ways to overcome it and come up with improved solutions and so on. That comes back to the fact that the report did not seek to make any amendments to the western alignment, yet it did make amendments to the eastern alignment. That is the place where the systems engineering approach fits into the submission.

I have already mentioned my surprise that, after 20 years of development—after almost 20 years of controversy over this issue—a decision should be made and presented to parliament that is so easy to criticise. It is so easy to find evidence of bias and so easy to find evidence of engineering deficiency. Let us remember that 20 years ago it was the National Capital Development Commission, which is the forebear of the National Capital Authority, who was doing this work. It is a real cause of concern that this should be happening. This issue, apparently, warrants the Australian government voting on it. An amendment to the National Capital Plan has been tabled this year. There is a disallowance motion in the Senate on this issue. Yet, at the present moment, apparently—despite the report on which this is all based being so easy to criticise—the parliament of this country is going to vote for it.

In that regard a very significant issue takes the pressure off the need for this to be resolved quickly. Horse Park Drive—this was on ABC news only a few days ago—is due for completion this year. Horse Park Drive will connect Gungahlin, which is the main beneficiary of the Gungahlin Drive extension, across to the road that goes down past the airport—currently called Majura Road; originally called Majura Lane. That road will, in time, become the main eastern bypass past Canberra because it connects to the Monaro Highway further south. Connecting Horse Park Drive across to the top end of Majura Road means that, in the short term, before Gungahlin grows bigger and bigger—which it will inevitably do—Horse Park Drive and Majura Road will provide almost the same level of functionality as the Gungahlin Drive extension. The need for the Gungahlin Drive extension to be built immediately is bypassed for that reason.

NCCC's stance has always been to support sensible transport links, roads and so on. Sure, we are supportive of public transport and all of the rest of it, but we are also aware that public transport only attracts small proportions of the population, no matter what you do to it—except in certain very conspicuous cases where there are usually unusual underlying circumstances, and a lot of those circumstances do not appear to apply in Canberra. However, in view of this—and bearing in mind that it has had community opposition pretty well consistently for over two

decades and that it is based on a report that is so easy to criticise—we call on the government either to withdraw the bill or to disallow it. We really have to call for that.

The fact is that there are so many perspectives from which this does not look like a good road. It causes so much community hostility and opposition, and the basis that it is being decided on is so open to criticism. These facts make it highly unrecommended, in our opinion, that the government should vote for this particular alignment. There can be other alignments. Let us have reports that do not get criticised so easily, and let us have roads that do not get opposed and get lots of community people offside. Around 1,000 people have been members of North Canberra Community Council or Save the Ridge, which you have heard from previously. That is, naturally, the visible tip of the iceberg. A lot of people will be affected by the alignment that is being opposed. Had it not been for the overturning of the eastern alignment, an awful lot of community things that have happened this year would not have happened.

CHAIRMAN—Thank you very much. Before I go to questions, can I remind the committee that we will have questions until a quarter to one and that will still put us 25 minutes behind.

Senator LUNDY—Mr Horn, you raise an issue in your submission that we have not discussed with other witnesses, so I would like to go to that first, and it is the issue of commercial development on the land between the AIS and Fern Hill. I am aware that—and you say it in your submission:

This fits in with long held suspicions that the reason for the support for an Eastern Alignment has been to facilitate such development.

I am certainly aware of those suspicions as well. We heard this morning, from the ACT government witnesses, that a pocket of national land adjacent to the AIS, in the Fern Hill precinct, is currently being developed and construction work is taking place. My question is: are you aware of that? Even though it is not a new development outside the Fern Hill Park precinct, is that what you are talking about as well in your ‘suspicions’? Do you have any further suspicions that that could somehow have been linked to this whole issue?

Mr Horn—I do not believe that is the development. I am aware of that—I pass it, going to work, on many days. The long-held suspicions have been there, there have been presentations by developers of proposals for rezoning parts of Fern Hill and so on.

Senator LUNDY—Can you go into a bit of detail? I think it would be useful to put it on the record.

Mr Horn—Okay. There was a press release put out by the ACT Democrats regarding a proposed hotel—I believe it is—that, as I understand it, will actually be on the area proposed for the western alignment. There is no reason why the western alignment cannot be built under such a hotel anyway.

Senator LUNDY—I do recall a hotel proposal that was linked with the AIS—some sort of partnership arrangement with the AIS. Does that ring a bell? It was some time ago.

Mr Horn—That certainly sounds like the sort of thing, yes. The press release was being highly critical and expressing concern that this could be the hidden agenda which has been pushing the opposition to the western alignment.

Senator LUNDY—Is that the scenario that you base this comment on?

Mr Horn—It is indeed. I do not have it to hand, but I can certainly get a copy of that press release and provide it.

Senator LUNDY—Yes, please.

Mr Horn—I will undertake to do that.

Senator LUNDY—Thank you. I, too, have seen some very early proposals—I think dated in the early nineties; I cannot recollect—again from the AIS, seeking to expand the AIS into what is currently the car park precinct adjacent to the AIS that is currently under a lease from the territory government by the AIS. I am not actually sure if they contain a hotel or not, but are you aware of those expansion plans of the AIS?

Mr Horn—There were Maunsell consultation studies in 1997 and we were shown, during those studies, a planned development of that entire block between the two streets that go roughly north-south there. That whole area is apparently aimed for development. Two things: as I have just said, there is no reason why the developments cannot occur over the road, particularly if the road is built on the level, instead of with the very gentle embankments that are in the most recent western alignment. The other thing is that some of these developments, particularly residences—and there has been talk about relocating the Institute of Sport residences—

Senator LUNDY—Yes, we heard that from the ACT government this morning as well: that there have been discussions between the AIS and the ACT government about moving the residences into that zone.

Mr Horn—And also hotels. If those things are located nearer to where the current eastern alignment is proposed, you have superior residential accommodation facilities—everyone wants to be near bushland and so on for that sort of thing—and then you put the road through the commercial area, where it can achieve its effect of facilitating commerce. From a commercial point of view, swapping over the two makes a lot of sense, and from a sporting point of view it makes a lot of sense. There are just so many reasons why the western alignment provides superior options even for the Institute of Sport.

Senator LUNDY—Your submission is quite clear that you think it was effectively political expediency on behalf of the NCA. Given that it is obviously your strong view that there are a whole manner of reasons that the western alignment would be far more suitable, what do you think motivates the NCA to conduct itself politically in these circumstances? What is your theory?

Mr Horn—We are aware that the NCA's approach before the ACT election was that either route was about as acceptable as the other, that there was no preference from their perspective. I

forget whether I actually heard it on the news myself. Certainly from time to time Jeremy Lasek is quoted in the news and so on—

Senator LUNDY—He is the NCA spokesperson.

Mr Horn—Yes. Whether I actually heard it myself or whether I was told of it, at some stage the statement was made, or reportedly made, that, in view of a statement by Minister Tuckey, the NCA would have to follow the guidance of their minister.

Senator LUNDY—So in your criticism of the Young report and the NCA's conduct what you are saying is that you think they were acting under political direction.

Mr Horn—If that is what they said, yes, obviously. What grounds could there be for changing perspectives following an election where a government changed other than a political one? The environment did not change. There is nothing that one can think of that changed other than the political environment.

Senator LUNDY—Other than changing from a local Liberal government to a local Labor government.

Mr Horn—Yes, that is the only thing that changed. Then the decision was made. In other words, it looked like it did not matter which route as long as it was that route, and then when it looked like it was not going to be that route anymore all of a sudden it did matter which route. That is the impression one got. I am sure substantially a lot of Canberrans who heard this would have the same impression. I am very willing to hear of reasons that suddenly became relevant other than that, and I am sure everyone is.

Senator LUNDY—Just to take this to its obvious conclusion, what you are really talking about is that the federal Liberal government took the opportunity to cause a problem for the local Labor government by vetoing the preferred route on which they campaigned in the election.

Mr Horn—Certainly that change turned around the decision and the election promise that was made in no uncertain terms by the then Leader of the Opposition in the ACT. The fact that that sequence of events was highly predictable is one of the reasons why we believe the motion should be disallowed in the Senate, quite apart from issues that I have raised about the lack of urgency in view of other developments and so on. That election promise should be stuck to. Gungahlin has had so many traffic improvements in the past couple of years that the things that caused them to be complaining about traffic issues that were in the background have substantially gone away. Horse Park Drive, the thing that provides a functional replacement of Gungahlin Drive extension for the short term, means that the urgency is not there. There is plenty of time to come up with a sensible road which probably will not be buried as deeply or whatever as the western alignment that was most recently proposed but one that can have a lot more community support and one that can be better for the athletes. There is room there to come up with something sensible.

CHAIRMAN—We are going to take a short break. Before we do, I want to thank the two members from the North Canberra Community Council, Mr Horn and Mr Satrapa, for your

attendance here today. If there are any matters on which we might need additional information the secretary will write to you. On behalf of the committee, thank you again for your attendance.

Proceedings suspended from 12.46 p.m. to 1.04 p.m.

Evidence was then taken in camera, but later resumed in public—

[1.18 p.m.]

CONNELL, Mr Anthony James, Member, Canberra Division, Engineers Australia

EVANS, Mr Michael Elliott, President, Canberra Division, Engineers Australia

PALMER, Mr Malcolm, Fellow, Canberra Division, Engineers Australia

PINTER, Mr Stephen John, Member, Canberra Division, Engineers Australia

CHAIRMAN—I welcome the representatives of Engineers Australia. Do you have any additional comments to make on the capacity in which you appear?

Mr Palmer—I work as a research officer for the public policy unit at the national office of Engineers Australia.

CHAIRMAN—These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee has received submission No. 29 from Engineers Australia. Are there any corrections or amendments you would like to make to that submission?

Mr Evans—There are no corrections.

CHAIRMAN—The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Mr Evans—Yes. Engineers Australia, formerly known as the Institution of Engineers Australia, with over 70,000 members, is one of Australia's largest professional associations. Its members are involved in a broad range of engineering and related activities such as planning. Examples of the types of engineering involved include civil, mining, electrical, mechanical, computer, aeronautical, marine and biomedical engineering. Engineers Australia is a learning society—that is, it is not a body representing commercial interests. This submission, though made by the Canberra division, is done in liaison with the organisation's national office. Whilst Engineers Australia's membership would contain a diverse range of views on issues, we would expect that the submission would reflect a general and majority view.

Canberra, as the national capital, provides a window on Australia. As such, it needs to display the qualities to which we aspire. There is thus an essential national role in the planning and development of Canberra. In this sense, the continuation of the role of the National Capital Authority is supported. The planning and development arrangements, though, must take into account and strike an appropriate balance between the national capital role of Canberra and the interests and aspirations of its residents. In this, planning and development arrangements, processes and practices should seek to creatively manage tensions arising from differing national

and territorial perspectives. The role of Canberra as a national capital requires appropriate funding and the appropriate resourcing of the relevant organisations. Commonwealth funding and the mechanisms for determining it should, where practical, be transparent and made known.

CHAIRMAN—Thank you, Mr Evans. We will go to questions.

Senator LUNDY—On that last point on transparency and accountability, the committee has heard from several witnesses, particularly community groups, that they do not believe the consultation processes conducted by the NCA are generally adequate. We also know through a previous inquiry into amendment 39 in the State Circle precinct that those consultation requirements differ greatly from the ACT government requirements and obviously are far less onerous. What are your views about the current consultation processes and practices of the NCA, and do you think there is room for improvement?

Mr Evans—I am not sure it is an area that we would profess to be experts on in order to provide that. I think our personal views would probably be along the lines that, as we are aware, the consultation processes of the ACT government are probably more extensive than those of a Commonwealth body, and, in light of the various criticisms I understand may have been made, there is perhaps an opportunity for, shall we say, making the NCA processes more known and perhaps expanding them. I do not know whether others would like to comment.

Mr Connell—I think our submission made a point about that with respect to the territory being far more in the media than the NCA.

Senator LUNDY—One of the themes that emerge in your submission is that there should be far better coordination. I was not sure whether you meant that to extend to the consultation issues as well. You talk about processes and arrangements. I guess it could have been interpreted as that, but I wanted to check.

Mr Evans—Our statement about coordination was firstly to establish the principle that there is a need for good coordination. Again, based on the sort of comments that we have heard, there would appear to be the opportunity for improvement and perhaps a more proactive approach to coordination—planning of resolution processes, a better identification of some specific areas of detail and all the other mechanisms that tend to improve coordination.

Senator LUNDY—I take it from your submission that you support the National Capital Plan and the role of the NCA, as it stands—you support the status quo. Am I correct?

Mr Evans—Our main principle would be that there is a Commonwealth or national role in the planning of Canberra. The current mechanism of that is the National Capital Plan, and then we have a territorial plan. We would not necessarily have a specific view on the issues of whether they were consolidated into one plan or whether there are certain aspects to be improved. There is probably scope in some areas for finetuning the coordination of those.

Senator LUNDY—The ACT government presented a comprehensive submission this morning which outlined a model that they would obviously prefer. Have you had an opportunity to have a look at their submission?

Mr Evans—I read the summary. It was a fairly long submission.

Senator LUNDY—It was. I am interested in Engineers Australia's view on the proposals by the ACT government.

Mr Evans—Could you perhaps summarise for us the key position that you were seeking comment on?

Senator LUNDY—The key position that they were articulating is that there should not be dual planning rules or regimes applying to land in the ACT. It could be all under the control of the National Capital Authority in defined and appropriate areas—and they are going to come back to us with their specific view about what those areas should be, but the parliamentary triangle stands out as being the obvious one—but that designated areas under the National Capital Plan and main roads were to become controlled by the territory planning authorities, albeit with national capital values included in the territory plan. Only the territory government would have jurisdiction over planning, approvals, design, siting and all the rest of it in those areas. It just removes that overlap. But they argue that the national capital values could be incorporated into the National Capital Plan. As the mechanism for a link, they want NCA representation on the territory planning council and, vice versa, ACT representation on the NCA council. I am certainly not doing their submission justice, but that is it in a nutshell. I know it is off the top of your head, but I would be interested in your general response to that as professionals in the planning area—whether you think that would be a step in the right direction, a step in the wrong direction or what.

Mr Evans—There is a fundamental principle involved which we would support—that is, the national capital in a way is not just that central little bit of Canberra; it also includes the ACT as the backdrop to that area. Therefore, the theme of the national capital needs to permeate throughout the ACT. That does not necessarily mean to say that the National Capital Authority or some equivalent has to have specific authority over every detail of the ACT but, in some way, that national presence needs to be reflected. If you then translate that into various mechanisms, a possible mechanism would be that the ACT administer some of the approval processes for planning and land development under guidelines and so on set by the NCA, as in fact happens to some extent at the moment. What is being discussed there is the level of relaxation of the NCA or Commonwealth control over that. One thing that probably could evolve with time is confidence that the territory would administer that within the objectives of the Commonwealth. I do not know whether others would want to add to that.

Mr Pinter—I would agree with what Michael Evans was saying. Basically, from the institution's point of view, we see the presence of the NCA, representing the national values of the Commonwealth and maintaining Canberra as it was planned and developed throughout, as being an essential and desirable aim. If the territory were to take over all the roles of the NCA currently outside the parliamentary triangle, for instance, it would possibly be in a position where it would have difficulty both financially and in terms of political pressures on it which the NCA was not at present. This relates to what you are saying about the lack of consultation, which may be true—but it has benefits. The NCA can give a professional best view, if you like, of what the correct solution is, whereas any territory government would be pressured by this or that group and maybe the professional best view would not be given full credence.

Senator LUNDY—That is an interesting perspective—one that we had not had so far—so I would like to explore it a little more. The concept of professional independence that is not subject to political pressures as being a reasonable way to manage the custodianship of the national capital values is perhaps a way to describe it. As a professional organisation, do you feel that the NCA has performed with the quality that such custodianship requires and deserves?

Mr Pinter—I am giving a personal view as a practitioner. Through my experience and in talking to other professionals, I believe it tries extremely hard. It has got a high level of responsibility and its professionals are well-trained and very highly motivated. It is hard to judge as to whether it is the best that could possibly ever be done, but it does try pretty hard.

Senator LUNDY—On issues of professional standards and so forth, do any examples come to mind—perhaps not in your personal view but an example that you can recall—where it has been publicly called into question?

Mr Pinter—There must be. Any organisation always comes under criticism, but I do not recall any major problems.

Mr Evans—In terms of feedback from members who have actually been involved in carrying out work for the NCA—who are the ones who would obviously be closest to it—as president of the division for this year and as a member of the executive for two or three years before that, I am not aware of any of the members approaching the executive with complaints about the way the NCA conducts business. The kind of informal discussion is that they are a professional organisation. You would not normally expect people to comment on that unless it was by exception, and certainly we are not aware from the members who carry out work for the NCA. That is not to say that there are not people in the community, some of whom may well be members, who do not necessarily agree with a particular decision the NCA has taken on something and therefore feel that was not done properly. But, in terms of those who carry out work for the NCA, we are not aware of issues in that regard.

Senator LUNDY—What is the sort of work that engineers would do for the NCA?

Mr Pinter—They basically design all the infrastructure that the NCA provides; they give planning advice in engineering terms, by and large; and they act as superintendents on work which is carried out by the NCA. That would be about it.

Mr Evans—Occasionally they have a lesser role involving management consultancy, but that is fairly minor.

Senator LUNDY—Using the flagpoles on the foreshore of the lake as an example, an engineer would be working with the NCA to prepare those proposals—is it that sort of role?

Mr Evans—On something like flagpoles or foreshore works, and so on, the engineers would probably be engaged as consulting engineers to translate the NCA's user requirements into some form of design documentation for construction and have an oversight of the construction. The contracting firms that may carry out the work may also have engineers within their organisation.

Mr Connell—The NCA's role would be to brief the consultant and the consultant's role would be to implement their project.

Senator LUNDY—I will defer to my colleagues for a moment while I have a quick look at the submission.

CHAIRMAN—If you have questions, you will have to be quick, Senator Lundy.

Senator LUNDY—I will. Mr Evans, in recommendation (c) in your submission, you state:

The plan should be reviewed so that it is a more effective instrument, and provides greater clarity and specific requirements (eg. providing descriptive standards and benchmarks to define expressions such as 'of national significance').

If you can help us do this, you will be doing the committee a great service. What are your thoughts about how that could be achieved?

Mr Evans—It is a difficult one, and it is not one that I have personally been heavily involved in.

Senator LUNDY—It is a very important point.

Mr Evans—We have made some inquiries of our members around the territory and that was the general feedback we got. I really could not talk to details and specifics about it.

Senator LUNDY—We are looking for a codified expression of what constitutes national significance. Perhaps we need to get a consulting engineer to come up with it.

Mr Evans—There are probably many members that would like to offer their services on a paid basis.

Senator LUNDY—Yes. So you cannot tell us how that could be done.

Mr Evans—We do not have an easy answer to that one.

Senator LUNDY—Seriously, it is an extremely important point and one that we have not thoroughly fleshed out as yet but, because so much of the National Capital Plan relies on that expression, it remains out there as a spectre of ambiguity that baffles a lot of people.

Mr Evans—In fact, it is the key to relaxing the level of control that is then exercised through approval processes which invariably, whether they are well run or badly run, tend to lead to criticism.

Senator LUNDY—You are quite right. If there is to be any movement of the roles and responsibilities, a prerequisite to that is arguably codifying national significance. Thank you very much.

CHAIRMAN—Have you finished?

Senator LUNDY—I have finished.

CHAIRMAN—Thank you. You caught me off guard—one of the few occasions.

Senator HOGG—I want that noted in the *Hansard*!

CHAIRMAN—I am sure that if it is not there, Senator Hogg, you will have the opportunity to correct it. Could I thank you on behalf of the committee for your attendance here today. I do apologise for our late start. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the transcript of your evidence, to which you may make editorial corrections. On behalf of the committee, I thank you again for your attendance.

[1.38 p.m.]

BUCKLEY, Ms Kristal, President, Australia International Committee on Monuments and Sites

MARTIN, Mr Eric John, Member, Australia International Committee on Monuments and Sites

CHAIRMAN—Welcome. These hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The committee has received submission No. 12 from you. Are there any corrections or amendments you would like to make to your submission?

Ms Buckley—No.

CHAIRMAN—The committee prefers that evidence be taken in public but if you wish to give confidential evidence to the committee, you may request that the committee hear your evidence in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Ms Buckley—Yes, thank you. I will stress a few key points on our behalf. Australia ICOMOS is a national peak body of cultural heritage practitioners across a range of disciplines, including our engineer friends who you have just spoken with. We have an interest in heritage conservation matters and specifically in relation to processes and best practice in relation to heritage conservation. We believe the National Capital Authority has major and important cultural heritage management responsibilities and that the cultural heritage of the national capital requires the very highest standards of cultural heritage practice.

Australia ICOMOS are keen to see these responsibilities appropriately met and believe that the national capital needs a sound planning framework for consistently managing the heritage values of the national capital. We urge the NCA to formally adopt the Burra Charter in its work—I am happy to provide copies to the committee—which is a national standard for heritage conservation practice in Australia. We also strongly advocate the consistent use of conservation management plans as a standard tool and that these be developed and applied to a very high standard. We point particularly to the area known as the Parliament House vista or the parliamentary triangle as particularly warranting a conservation management plan to guide decision making in relation to heritage values, but also to many other heritage places within the national capital.

Finally, I know that the committee has an interest in the community consultation activities of the National Capital Authority. Community consultation about heritage is a part of good heritage practice as outlined in the document that we will provide for you. That would include the heritage community. We suggest that there is a need for a clearer and more consistent process for doing this rather than an inconsistent and somewhat individualised approach to those matters.

A final comment we offer prior to listening to your questions is that we have become aware in the last week or so of a large commemorative structure to be located behind Old Parliament House. We support the intent of that commemorative structure, but it would seem to Australia ICOMOS that, in the placement, scale and design of this structure, heritage concerns do not seem to have been adequately considered, including community consultation about the heritage aspects of this project. Were a conservation management plan in place for this area to guide decisions of this kind, perhaps the heritage considerations could be included in the process of decision making in a better integrated way. That is all I want to say at the introduction of our material.

Senator LUNDY—I might go to the last issue first. We are talking about the fan-shaped structure that is supposed to celebrate the centenary of women's suffrage in Australia.

Ms Buckley—Yes.

Senator LUNDY—As I am sure you are aware, the National Capital Authority brought forward those proposals through the committee process some time ago. Given your concern about it, can you detail the process of consultation engaged in by the NCA? I think they had a competition for that particular structure. What consultation occurred with your organisation, or any other organisations that you are aware of, in the decision making around the winning design for that commemorative structure?

Mr Martin—My understanding is that certainly no consultation occurred at all. It is by other means that we have heard about it in the last week.

Senator LUNDY—So you have only just heard about it?

Mr Martin—Yes. On that basis I would assume that it was an invited competition. I can only assume that because there was no public awareness of it before now. I am not even aware that there was any public announcement of the result. There has certainly been no public exposure of the successful design. Therefore, I do not believe there has been any reasonable public consultation at all. There has certainly been no approach to Australia ICOMOS or, as far as we are aware, any other heritage body about the issues in respect of the impact on the parliamentary vista of this particular design proposal.

Senator LUNDY—You mentioned before the Burra Charter. In your interpretation, had the NCA adopted that charter, what would the consultation process have been?

Ms Buckley—I think it is important from our perspective that we do not decouple community consultation and what we are saying is best heritage practice, because in our view they are parts of the same best process. If a conservation management plan was in place that clearly identified, described and assessed the full range of heritage values of that area and drew from those values a clear and concise heritage policy, then the process of deciding whether this particular design placement, scale et cetera is appropriate in that location would be far easier for the community and the NCA to evaluate. Understanding the social significance in heritage terms of that area would require a community engagement process in relation to processes of change. I stress that we are talking about community consultation about heritage values and that that is part and not separable from the evaluation of heritage values, heritage policy, heritage impacts and the

appropriateness of any range of proposed new developments—the removal of things, changing things—which is part of the ongoing life of the national capital.

Senator LUNDY—You are saying that in this case none of that happened, to your knowledge?

Ms Buckley—Not to our knowledge. As I said in prefacing my comments about that, we have only recently become aware of this proposal. It seems to us that we have become aware of it at a very late stage in the approval and initiation of that project. We would see that as being an unfortunate point for this interest to be considered. We do not necessarily choose this as a particular target of our criticism; rather, it is an example of where the process is not as close to the ideal as we would hope it would be in such an important part of the national capital.

Senator LUNDY—I am very glad you raised it because, as a member of this committee, I know that we rely heavily on the National Capital Authority to abide by due and appropriate process before they come to this committee—at which point this committee has the opportunity to provide advice to the minister and then the minister gets to act. It concerns me greatly that this committee is put in a position of being asked to make recommendations to the minister about structures that have not seen the light of day to the very community and professional organisations that in any other jurisdiction perhaps would have been involved in a consultation process. So thank you for bringing that to our attention. It adds to the weighty raft of issues that this committee needs to consider. Are there any other points you would like to make about that before I go to the broader issues of your organisation and your relationship with the NCA?

Mr Martin—The only other comment is that the parliamentary vista between the Australian War Memorial and Parliament House itself is a very important vista with respect to the heritage of Australia. A 22.5-metre high structure, which is about equivalent to a seven-storey building, is a fairly high intrusion in that vista. We do not believe that the heritage issues have been adequately addressed in dealing with it.

Senator LUNDY—For my part, as a member of this committee, I would have made the assumption that those issues had been taken into account. We rely on the professional ability of the NCA to have covered all those bases before bringing anything before the committee. You describe the Burra Charter as providing a methodology of engagement with the community on heritage values. Is that a good way of characterising it? Can you tell me a little more about it and about why it would be a good idea in your view for the NCA to adopt it?

Ms Buckley—The Burra Charter is, as I said, used essentially as a national standard in Australia for heritage conservation practice. It essentially contains a set of principles which should guide all heritage identification and management processes, national and other. Very importantly, it also suggests a process—and you can look at that when you have your own copy—which is a very logical process which requires that the heritage values of the place are thoroughly understood before moving to make policy and management decisions. I think this is one of the most powerful elements of the Burra Charter, and it has seen practical implementation in many forms in Australia. We would see that as particularly important in the NCA's work. Also, it is important to recognise the full array of heritage values of a place. Often, when decisions are made and in hindsight seem to have been inadequate in any way in heritage terms, it is because the heritage values of the place have not been sufficiently well understood before

moving to making decisions about change and management. Those would be the most important messages. Basically, all the management outcomes, policies and decisions about change are made using the touchstone of the very thorough understanding of what is important about the place and why. Those are the kinds of key messages of the Burra Charter that we think would be very useful for the NCA.

I should say that I am not suggesting that the NCA are unaware of the Burra Charter. I know it is used in the work of the NCA in many instances, and I think conservation management plans are being and have been prepared by the NCA for numerous individual properties under the responsibility of the NCA. We would like to acknowledge those initial efforts in relation to this methodology and set of principles, and we would like to encourage those to go further and be met at the very highest level of practice because of the importance of the national capital to the heritage of Australians.

Mr Martin—What is on the Register of the National Estate is the vista and what is missing is a conservation plan that controls the total setting. You really need that framework in place so that you then have a management tool to deal with any issue that crops up within that total area.

Senator LUNDY—But we have heard from other witnesses, and we know from the NCA itself, that the NCA does control that vista. We have heard about the City Hill to Ainslie Avenue vista, and the NCA obviously places a great deal of stake in the preservation of those vistas. What we have observed in the case of ‘the fan’ is that the NCA has made a subjective judgment that the fan is okay with the concept of the vista. Because everyone understands that is a subjective view, and not one that you agree with in this circumstance, what happens next? Is there any mechanism for you to appeal, make a complaint, ask for your view to be taken into account or for that particular initiative to be reconsidered? Do you have any avenue open to you as an organisation to challenge that decision on heritage grounds?

Mr Martin—There are a couple of points in that. Firstly, while the NCA may have a view with respect to what is important in those vistas, it has not been articulated through a conservation management tool or process. Therefore, what is significant, and how you protect that significance, is not articulated so that heritage conservation practitioners, the planning authority and the public at large have a guideline—

Senator LUNDY—You just have to trust them, basically?

Mr Martin—That is right. I think it needs to go through a rigorous process of actually defining that significance and what needs to be put in place to protect it. Whether it be the parliamentary vista, Ainslie Avenue or anything else, there needs to be a proactive approach taken and those steps such as conservation plans need to be put in place before you have to deal with the issue of a particular item within it. All we can do now is raise public awareness with respect to the heritage issues that have not been adequately considered in this case, and put our case to the NCA and to anybody who is prepared to listen—and that will be politicians, the public and the press. That is certainly a process that Australia ICOMOS will now move towards, because we see that unfortunately there are not much other opportunities available to us.

Ms Buckley—I think your question points to the very important difference between the NCA being able to be in a very proactive place in relation to heritage planning decisions versus where

it seems to be in relation to this area, which is a very reactive position. As Mr Martin has said, any individual proposal, project or process of change has to be looked at without the contextual support of an already identified set of understandings about what is important about it—in this case, the parliamentary vista—and how that influences policy and change management. We are saying that, in the absence of an existing heritage planning tool being in place, it is very difficult for the NCA to look at these new things one at a time and make a judgment about them and be confident that it is adequately—

Senator LUNDY—And to then be accountable to that process as well—which, in theory, had it been in place would have created an opportunity for your organisation to express your view. If nothing else, that would have been at least considered by the NCA before it made its decision.

Ms Buckley—Yes.

Senator LUNDY—Obviously the reach of your organisation in all things to do with the national capital heritage is extensive, but what is your general view about the current scope and role of the NCA more broadly in Canberra? I ask that question on the back of particularly the ACT government submission, which suggests the removal of crossover—for instance, all NCA planning matters or all territory government but incorporating national capital values. Does your organisation have a view on that suggestion?

Mr Martin—The critical thing in that is to make sure that the heritage values in the ACT are appropriately identified and managed so that the significance of them is protected. From ICOMOS's point of view, we do not mind if there are one or two authorities. However, there are items of local significance and there are items of national, if not international, significance, and it is important that, whatever regime is in place, all levels of what is important to the people of Canberra are identified and therefore protected through a heritage process—whether that be through one or two levels of planning authority. In some ways it does not really matter, provided that we identify and protect that significance and that the processes are there to manage it.

Senator LUNDY—What is the nature of the relationship between the NCA and Australian Capital Territory heritage organisations generally?

Mr Martin—That is difficult for us to say, because we are not part of either authority. It is beyond our scope of detailed understanding.

Senator LUNDY—I may have asked this before, but I will finish on this point: what is the nature of your relationship with the NCA generally?

Mr Martin—ICOMOS is a peak body in Australia. A number of people like me live in Canberra and are part of ICOMOS. We believe that, through the Burra Charter and other similar documents, we should try to set a standard for heritage or conservation practice. Through the promotion of ICOMOS principles and processes, as part of an international organisation, we try to get conservation practice at that level. We have made submissions to the NCA in the past, but they were all to do with making sure that, given their role in and responsibility for managing national parts of Canberra, they actually achieve those highest levels. That is the sort of advice, consultation or contact that we have had, either through individual members within the Canberra region or through the organisation nationally.

Senator LUNDY—Thank you for that. So the NCA are certainly aware of your presence, the role that you play and the interests that you have as a group that would definitely be worthy of consulting on matters relating to national monuments.

Ms Buckley—That is right. Australia ICOMOS would welcome an engagement on those matters.

Senator LUNDY—Would you like a closer relationship with the NCA?

Ms Buckley—We are a voluntary professional body and we do not seek to duplicate or look over the shoulder of bodies that are set up to manage heritage assets. We stand ready to advise on best practice and to provide a sense of national standard that all heritage managers may access. We are happy to provide additional advice on those matters. Many of our members work as consultants to the National Capital Authority. They all work inside the organisation and in the ACT and Commonwealth government agencies that engage more formally with the NCA. But Australia ICOMOS, as a body in itself, is really about setting those standards and helping everyone to adopt and implement them.

Mr Martin—But if the NCA approached us and asked what would be the appropriate step to make sure that those heritage assets were appropriately managed, we would be more than happy to suggest some processes they could put in place to achieve that.

Senator LUNDY—That is great. Thank you very much.

CHAIRMAN—Thank you for your attendance here today. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the transcript, to which you may make corrections. On behalf of the committee, thank you again for your attendance.

Ms Buckley—Our pleasure. Thank you.

[2.05 p.m.]

MANDERSON, Mr Ivor Roland, Policy Adviser, Office of Kerrie Tucker, Australian Capital Territory Greens Member of the Legislative Assembly for Molonglo

CHAIRMAN—Welcome. These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee has received your submission, No. 28, from your office. Are there any corrections or amendments which you would like to make?

Mr Manderson—No.

CHAIRMAN—The committee prefers that evidence be taken in public, but if you wish to give confidential evidence to the committee you may request that the hearings be held in camera and the committee will consider your particular request. Do you wish to make an opening statement?

Mr Manderson—Yes, I will just set the framework of why I thought it would be nice to come and talk to you as well as making a submission.

CHAIRMAN—Please proceed.

Mr Manderson—The problem we have with the National Capital Authority is that it is all about having a plan and that plan becoming sacrosanct. It is the same at a territory level in terms of the territory plan. It takes a big effort to make changes to the plan, but sometimes we fail to really consider what the point of the plan is in the first place. The Greens position—and ours, too, in our office—is not that we do not want the NCA to exist; it is just that we feel that it is a bit hidebound in its understanding of its role. That is partly because it thinks, ‘We have a plan and whatever the plan says we do, and there are no arguments about why we have got the plan.’

For example, people were just talking about Ainslie Avenue and saying that one of the responsibilities of the NCA is vistas—but they allowed the building of a giant shopping centre right across Ainslie Avenue. They might have argued that you can still see the tops of the hills, but the reality of living in that situation is that you have lost that continual visual contact with the hills that surround Canberra. Arguably, that visual contact is part of the original plan or the idea of the plan—and I would say it is a really good thing to live in a city where we are always aware of the landscape. I guess that is the point of the submission: let us get serious about what it means to live in a landscape. But because the plan does not specify that exactly, you can get things such as the Canberra Centre being built across Ainslie Avenue, which was appalling. You do have to wonder who actually profited from that. I have still got no idea how it could ever have happened, seeing as it runs counter to all those basic things in the Griffin plan. But it is not just about the Griffin plan; it is what we do with it. I guess that is the essence of what drove us to put the submission in in the first place.

Another reason is our experience at a constituent level of things that happen in Canberra, such as trees falling over in Northbourne Avenue. I wrote about that in the submission. They were there basically because they were quite nice trees to have at the entrance to Canberra. They were irrigated because it was agreed that this was the vision of Canberra that we wanted to have. People said that you should have it irrigated, green and neat. People complained in the eighties that it looked a bit unkempt or some such thing. So we ended up with trees that in big winds fall over and hit people in their cars.

If we had a more thought-out approach to what we were trying to do—say, a landscape statement—with Canberra, we might have already come to the view that it would be better to have, wherever possible, something which does not demand more water, more resources and more mucking around with the landscape that we live on. I would argue that Burley Griffin had already realised it back in 1913, but now no-one can escape the view that the impact of developed Western civilisation on the planet can be pretty awful and that in a fragile environment like Australia we ought to be doing the best we can to discover a way of leaving a soft footprint on the planet that we are inhabiting. As the capital is something that is planned and that we have control over—we have a little picture of the national capital that we present to the world—surely we should be exemplary in how we make our mark on the planet.

The trees falling over in Northbourne Avenue is a personal level illustration of the fact that we got it wrong. We should not have to have green tree drives. Native grasses, native endemic trees, well-maintained swamplands and other wetlands which catch the rainwater when it falls would be a really sensible context in which to aim to set the rest of Canberra. I am not saying things are easy in Canberra or in Australia but, relative to the rest of the world, we are a pretty well off country, and we have a lot of choices that we can make. It seems really offensive, when you look at the distribution of resources in the universe, that we are quite prepared to not even explore how well we can do it in Canberra and to not even explore how lightly we can settle.

I think the tent embassy is a great thing having it where it is with people living in it. There is a classic example of people with a light ecological footprint on the planet. That is a great thing to have them there. I know there might be some issues with how many are living there and how it has happened. Before the shed was torched and taken away, I thought it had been cleaned up quite a lot. There might be some issues about degrees, but we actually have some people living there who are a part of the original inhabitants of this part of the planet, and living in a fairly organised kind of way with a light ecological mark, and I could not think of a better thing for an Aboriginal embassy to do anywhere in the world than to do it here in Canberra. Instead, it is about having pieces of concrete and having lawns. The water does not penetrate the concrete and the lawns require too much water in any event and a whole lot of fertilisers and other stuff. Having green grass and concrete is the wrong thing really. If you are looking at what Canberra is saying to the world, it is really stupid if we are saying we want lawns and we want concrete. It is English colonialism all over again. Why are we still committed to English colonialism here?

What is the point of having a lake in the centre of Canberra? I am sorry, I am going into a whole extempore thing here. It is not just an introductory thing, so interrupt me if anybody wants to. Water is so important for this continent, and it is obviously so important around Canberra at the moment where everybody is aware of it. We have been completely and utterly aware of it over the last few years. There has been a real issue over the last several years about how we treat water, how we value water and what we do about water in this country. We have a lake in the

middle of Canberra, which is fantastic, because it is a reminder about what we are trying to do in the project of the national capital—that water should be at the heart of that thing. Yet we do not have rainwater collection wherever it occurs. We do not have endemic species which make less demands. We do not actually have environmental management plans for water for every house in every little valley and on every hilltop that the NCA is responsible for that are actually thought through and a part of it all.

I am not suggesting anything really radical; I was just surprised that nobody else was saying it, so I thought we had better get on with it in our office and put the point forward. It is not just about whether the NCA is getting on well with the ACT, whether the NCA did the wrong thing in this respect or whether the ACT government did the wrong thing in that respect. It is about why we are here and what we are trying to do. I do not think the NCA, in the brief that it has at the moment, really has a clear sense of what it is there to do. It is there just to manage the plan, to look after things and to make things look nice. You do not need a whole NCA to do that. Let us get visionary and say, 'We want a city which is at the cutting edge.' It can happen over time; I am not saying we invest billions of dollars. Why don't we say, 'Let's have a city that can be at the cutting edge of development on the planet in a sensitive way which explores and uses all the technologies and the ideas that are coming through in this country and around the world in terms of water, sewerage, power generation and all those things'? As we have a fairly affluent, small national capital with a lot of resources going into it, why not use them to make a statement to the world which is a constructive, healthy statement that we want to make to the rest of the world, rather than one which says, 'We're very comfortable here and we've got some nice houses'? Why tell the world we are very comfortable and we have some nice houses? It gives us nothing. That is the statement.

CHAIRMAN—I think you have been one of the more entertaining witnesses we have heard today, Mr Manderson, and we thank you for that. I am going to go straight to Senator Lundy for questions.

Senator LUNDY—Thank you. I want to talk about trees. I want to quote from the submission, in which you say, 'Northbourne Avenue does not need to be a verdant effusion of river peppermints.' You have made reference to that in your opening statement. This sits within the big vision.

Mr Manderson—That is right.

Senator LUNDY—We will come back to your big vision. The trees in Canberra are a critical part of the Canberra thing, and you are absolutely right that not all of them are natives or well-managed natives. There are these great avenues of exotic trees and there are whole maps and lists of where the trees are. People like the trees.

Mr Manderson—Which is not a bad thing—trees are beautiful.

Senator LUNDY—People like these trees. What we heard from landscape architects earlier in this inquiry was that there was no link between the NCA and the territory planning authorities about the vision for trees in Canberra—an overall vision driving the plantings, the maintenance and the suitability of trees, whether it is the verdant effusion of river peppermints or just the

replacement of the exotic trees in the suburbs where they die off and are replaced, or, where a big gum tree comes down, what sort of tree should replace it.

I want to pick your brains on this matter, because I interpret your opening statement as indicating that this would have to be part of the appropriate vision for Canberra. One of the particular challenges we have as a committee is to look at this demarcation between the National Capital Authority and the ACT government and, in particular, what the democratic participation of the citizens is in that decision making. How do you think that the democratic participation of citizens in the preparation of that vision for trees for the overall plan can be best expressed? What is the model that you think can make that happen?

Mr Manderson—Articulating the vision is the start. If you articulate any vision, there is a chance for people to put up things and you get a bit of argy-bargy happening. I do not know that we can have neighbourhood planning at the level of which trees should be on Northbourne Avenue, although I think that there should be neighbourhood planning processes at the ACT level.

Let us say we allow for that demarcation to still exist, that the NCA—or the whole of Australia, and the NCA on their behalf—has some sort of responsibility for the approaches to Canberra and all of that kind of stuff. I accept that. However, I think there is an odd thing going on with the NCA anyway, that it seems to be answerable directly to Commonwealth ministers, yet to get changes to the plan it goes to both houses of parliament. I do not see why it cannot report to parliament as a separate thing rather than reporting to a minister, who can direct it—it is at cross-purposes there. In a way, in terms of democracy, there is an issue there on how it reports.

As to the trees, if you have a vision saying that we want to model or explore how best we can use the resources that exist naturally, I think the city can add to the environment that it lives in rather than take away from it. If you do the right things with water and sewerage and those kinds of things, you can enrich it. If you articulate that well enough as the brief for the NCA, then I do not see why it and the ACT government—given the right personnel and the right procedures in place—cannot talk to each other well. Maybe a commitment for the two planning bodies to work together needs to be written into the brief—I do not see why it cannot work that way. I sense that your question is going for, ‘How do people feed into that process?’

Senator LUNDY—I will put it in the context of the issues that we have been traversing. We have had a lot of complaints about the lack of consultation within the NCA’s processes and we have heard from a number of witnesses that the ACT government’s processes are far better, the implication being that, if there is going to be participation, the NCA either has to significantly improve its consultation or, in fact, an argument exists that the ACT government are able to better manage it because they have a consultation process.

Mr Manderson—I still think you need a national view. There are levels of protection. I would think that the ACT government would always be interested at an ACT level in trying in any situation to make the best out of the smallest amount of money; to have the best short-term results or even medium-term results. The NCA really can have a longer view, but I do not see why the NCA cannot consult better or work with the ACT in the consultation processes. I think you would try to look for ways of having them work those processes together.

Senator LUNDY—So you see a continuing role for the NCA?

Mr Manderson—Yes.

Senator LUNDY—But you would agree that their consultation processes could be significantly improved?

Mr Manderson—They do not seem to have any that I am aware of; so, yes. But I am sure that they do have some.

Senator LUNDY—I would say that they do somewhere.

Mr Manderson—I have seen advertisements saying, ‘We’re doing blah blah,’ so that is unfair. But it feels a bit like that; yes. I certainly think that they could work together much better. Maybe we could make them work together.

Senator LUNDY—The submission goes to an issue that is very important as well, and that is the interpretation of ‘national significance’. This is the basis upon which the National Capital Plan extends its reach across the territory in various ways. The submission says that the NCA has failed on a whole series of testing of matters of national significance. Can you just extrapolate a little bit on that? The dot points referring to national significance—I am looking at page 3 of your submission—

Mr Manderson—Sorry; I did not bring it. I started rewriting it. Can you read me the dot points, and then I will extrapolate.

Senator LUNDY—I certainly can. It is under the subtitle ‘A new interpretation’:

The NCA already needs to consider Matters of National Significance in the planning and development of Canberra and the Territory. They 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 ...

Mr Manderson—Yes; all that stuff. I pulled that out of their plan. That is what they ought to be doing.

Senator LUNDY—That is a big statement, though: that you think that the NCA has failed on every occasion.

Mr Manderson—No, it has failed on occasion even here.

Senator LUNDY—Sorry; ‘failed on occasion’.

Mr Manderson—Yes. I think that, in every one of those instances, you can find examples of where they have not done it. Really all I am saying is that it says those things without filling in the gaps about the vision for what you want it to be. They say: ‘Preservation and enhancement of the landscape features which give the National Capital its character and setting.’ Well, yes; okay: we have stopped them building buildings on the top of the hill. What I am talking about is the quality of relationship to landscape or an understanding of what a landscape is. A landscape is not just the shape of the hills; it is the weather, it is the climate, it is the geography—it is the everything that is there. It is how we work with that landscape. So the idea of being within the landscape is not just about making sure that there are still trees on top of the hill—although that is certainly a part of it. It is about being able to still see the hills. It is about making sure that the links for the fauna between one big hill and another big hill exist so that we can still have the fauna and the endangered species that live there.

If you just break it down to those small things without looking at it in a broader context then in fact you are not saving what you think you are saving. You are not actually doing the job that you think you are doing. All you are doing is protecting the little bits that stick up at the top without understanding that they only exist because of all these other things. This is an ACT thing. I am looking forward to the NCA leaping in now on the O’Malley land sale that has just happened in the ACT involving a really important piece of fauna and flora corridors and links, and some endangered species and things like that, which link from some areas to others. If the ACT keep selling off that land—and they argue that they are not selling as much as they might—then we start to lose some of the sustainability of those ecological systems. Therefore, the landscape that the NCA is supposed to protect will not be protected, even though the top of the hill has not been touched. What I am looking at there is the ‘key elements of Walter Burley Griffin’s formally adopted plan for Canberra’. The Ainslie Avenue vista is just one example where, clearly, they did not even bother.

Senator LUNDY—What is your theory about that? Why didn’t they bother? You make special mention of that.

Mr Manderson—I heard a rumour that somebody got some money, somebody was a developer and somebody knew somebody in the NCDC, and they pushed it through just before or just after the handover to an ACT government. I have no idea; I can see no reason.

Senator LUNDY—You are speculating about corruption.

Mr Manderson—No; it is hearsay that someone once said that and somebody else said, ‘How else could it have happened?’ I am not saying that it did happen like that; what I am saying is that, if you cannot see any reason why it happened, your imagination takes flight, doesn’t it? The whole idea is that there are the axes and there is this special little City Hill in the middle which is linked with the roads that lead from there to Ainslie. You look at the map and you see all these lines. They sold off a bit of it to a shopping centre and they have made the heart of Canberra be the shops rather than the landscape—which is, perhaps, entirely appropriate; we are much more a retail focused society than a world focused society. But I do not think that that is the kind of statement that we want the NCA to be making.

Senator LUNDY—I have to say that sarcasm does not always come through in the *Hansard*.

Mr Manderson—That is a sarcastic comment, of course. Perhaps that is what we want to do. I would argue that we do not. I would argue that absolutely that is the wrong way to do things, and it would not have been hard to have shifted the shops 30 metres the other way. So I think that that is a classic example. Again, I do not know if it was exactly the NCA.

As I understand it, the planning stuff did happen when the NCA was set up, but with all those processes I have not been able to go back and find out exactly what the timing was and whether things were in place to such a degree that the people who were the NCA when they were first set up could or could not have done something about it. But it is a classic example of where Walter Burley Griffin's formally adopted plan was not respected. And I would say that was a more important part than anywhere else, because that is where most of the people who live in Canberra actually spend more time than they spend even around Parliament House. I do not think there is any point in having Canberra as this kind of ongoing landscape exhibition of what it is possible to do on this planet if the people who live here are not signed up to it. And if you do not have a feeling for it and you are not actually aware of it, then you will not be signed up to it.

Senator LUNDY—The submission comes to a conclusion that what is needed is that change to the plan: to rearticulate the plan to take into account these things. Do you think the NCA, in its current structure, is capable of reworking that vision, or do you have a different structure in mind?

Mr Manderson—In the dealings that I have had with the people there they all seem very competent. I had interesting and entertaining conversations with different ones of them about all the possibilities when I was running an arts festival and things like that. I never got any money out of them and I was really cross, but, hey, they understood what I was on about, which was really great! I think there are really good people who work there.

I do not know whether you would want to reframe the governing statement or the plan only internally. If it was my plan that I had to work to—if Roland turned to me and said, 'Make up a new plan'—I do not know that I should then turn around and make up my own new plan. It probably needs to be a slightly bigger brief than that. I think you would have to bring some ACT people in on that and I think you could look around the world and find a few other people who would be interested. I think you could do a kind of a Walter Burley Griffin mark 2 in a way—not in terms of a design for the city, but in terms of a conceptual framework which you would want the NCA to be working towards. That would be much easier for the NCA people, I would imagine, than having to make up their own new plan because Roland and Kate said so.

Senator LUNDY—Indeed. Finally, I do not know if you have had the time to peruse the submission made by the ACT government this morning.

Mr Manderson—I am sorry, I have not, but I can respond. Don't you worry—just tell me what I am responding to and I will give it my best shot.

Senator LUNDY—I am very conscious of the fact that Kerry Tucker is an MLA and I am sure she will have ample opportunity to express her views, but it seems sensible to invite a response to the ACT's proposals.

Mr Manderson—I do not really know enough about it but if there is an opportunity I would not mind having a look at it and getting something back in writing, if that was okay. Is that appropriate?

Senator LUNDY—That would be great.

Mr Manderson—But I guess the only point to make now is that we do see that there is a role for something such as the NCA, rather than saying they should all be mangled into one, but clearly there have to be better links.

Senator LUNDY—That is not what the ACT government is actually saying, but if you could have a look at their submission I would appreciate your view on it. And, please, again, in recognition of Ms Tucker's position, if she does not want to do that, the committee will certainly respect that as well.

Mr Manderson—Thanks for the opportunity and I will talk to her about it, and we will—

CHAIRMAN—Thank you, Senator Lundy, and thank you, Mr Manderson.

Mr Manderson—Could I just say one more thing—just something small?

CHAIRMAN—If it is relatively brief.

Mr Manderson—I will be brief. I see everything at such a personal level because of where I work and what I have done. I was one of the people who managed a workshop exploring what it was possible to do with Civic Square, which is the bit in front of the theatre in Canberra between what is now the museum and the Legislative Assembly. We ended up with something with quite a big water feature. It was quite square still, even though the idea was to kind of soften it. The workshop that we had with a whole lot of different people involved, rather than a big fountain, a little water trickling stream thing. It was a much softer design, but the NCA, which we did not even know at the time, went through a whole big process. Design consultants came in and did stuff, and the NCA came to the conclusion that it was because of the blah blah and the formality of the such and such that this was not possible, and we ended up with something which is much more imposing, hard and rigid.

I just think that that is a real problem. It should not have run counter to the basic principles of what the NCA was following but it is because they have, if you like, a set way of thinking and behaving and understanding the issues that they did not find in favour of what came out of that workshop—and they were not my ideas; I was just the facilitator; but the ideas were great. That was something softer and actually more appropriate to what I am talking about now, and something which would have made that Civic Square a much more pleasant place for people to be in. And, after all, there is no point in having a national capital if people do not enjoy being there.

CHAIRMAN—I live quite close to there, Mr Manderson, and so I will pay particular attention to it when I go past.

Mr Manderson—Please do.

CHAIRMAN—On behalf of the committee, I thank you very much for your attendance here today. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the transcript to which you may make editorial corrections. On behalf of the committee, thank you again.

Mr Manderson—Thank you, I appreciate it.

BINNING, Mr Brian Roger, (Private capacity)

CHAIRMAN—Good afternoon, and welcome. These hearings are legal proceedings of the parliament and warrant the same respect as proceedings of the parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as contempt of parliament. The committee has received submission No. 25 from you. Are there any corrections or amendments you would like to make to that submission?

Mr Binning—Yes, there are two small editorial changes. The first is line 5 on page 4. The word ‘saw’ should be inserted before the word ‘fit’. On page 6, in the third paragraph the word ‘heritage’ should be inserted after the word ‘cultural’.

CHAIRMAN—Thank you. The committee prefers that evidence be taken in public but if you wish to give confidential evidence to the committee, you may request that your hearings be held in camera and the committee will consider your particular request. Before we ask you some questions, do you wish to make an opening statement?

Mr Binning—I have a short statement which provides a summary of some of the essential points that I would like to make. Firstly, I would like to thank the committee for the opportunity to respond to the inquiry. The thrust of my submission focuses on the need to review Canberra’s planning strategy and for a new joint strategic plan to be developed and agreed to by both Commonwealth and Territory governments. This plan would become the basis for the redefinition of the NCDC, NCA’s future planning powers and a revised National Capital Plan.

My submission advises against a single planning authority on the grounds that the Commonwealth has a distinctive interest over which it should retain control. In proceeding with the changed strategy review called the Canberra spatial plan, the Territory Government, in my view, is contravening the current and pre-eminent Commonwealth powers. The Territory government claims its new spatial plan would only advise on amendments to the existing national capital and territory plans, yet current drafts of their proposals include new townships whose location would have major and adverse impacts on the Commonwealth central national area. These proposals should not be accepted by the Commonwealth and it should not agree to according any formal status to a territory advisory spatial plan.

The quality of territory government planning is coming under increasing scrutiny by other professionals and, although I am informed that moves are now being made to improve matters, this weakness has compounded the problems of combining both Commonwealth and territory interests within the umbrella of a single new joint Territory Plan. Territory government planning is also failing to come to terms with the future needs of Canberra’s central area which needs to form an integral part of any new joint strategy.

My submission also raises concerns about weaknesses in NCA’s planning capacity, which has been run down from a point where it was the Commonwealth’s leading adviser on urban affairs. For example, it ran the Building Better Cities program and it provided advice to a number of other key government departments. In my view, it has limited its capacity to deal with recent changes affecting Canberra’s planning.

Finally, I have raised the problem faced by NCA in engaging with the Territory government in which planning is the concern of several agencies and where policy discussions between NCA and the Territory government are on an unequal footing. The NCA is one of the Commonwealth's smallest agencies and will need strong political support if it is to engage positively in joint planning processes. In responding to these needs, I suggest that the NCA be able to refer to an independent expert advisory group, and for this committee to secure direct support from parliament for establishing a formal and workable negotiating basis with the Territory government. On that basis, I am happy to answer any detailed questions that the committee may have on my submission.

CHAIRMAN—Thank you very much, Mr Binning. Before I go to my colleagues, could you please elaborate, if you think it is appropriate, on the alleged contraventions of the present ACT government with respect to Commonwealth powers.

Mr Binning—I think the main contravention in the strategic planning area which I am referring to is that the act which established the NCA in fact gave the NCA explicit powers over the formal settlement and the main arterial road systems. These provisions are spelt out in the act. It would therefore be reasonable to assume in mounting a review of an existing plan—that is, the existing arrangement for Canberra—that the right to initiate such a review resided with NCA, who in fact carried through subsequent amendments to the National Capital Plan. In fact, the right to initiate the review is coming solely from the territory government and the Territory government documents published in respect of this strategic review do not, in my view, contain specific reference to the NCA's powers. In fact, the one reference in this document, which is *Your Canberra your future*, to the national capital plan gives the impression that the territory government would actually prefer that the role of the NCA:

... primarily relates to development within the Parliamentary Triangle and other areas considered to have national significance.

That may be the ACT government's view but it is not the view of the current act.

CHAIRMAN—You say that as a former director of strategic planning and urban design with the National Capital Authority.

Mr Binning—I do.

CHAIRMAN—And which was, itself, preceded by the National Capital Planning Authority; is that right?

Mr Binning—No, it was preceded by the National Capital Development Commission.

CHAIRMAN—The National Capital Development Commission, in which you also served.

Mr Binning—I also served in that organisation.

CHAIRMAN—So you have had a long career with that single authority, but going under two names.

Mr Binning—That is correct.

CHAIRMAN—That is very interesting.

Senator LUNDY—I would just like to turn to some points raised in your submission. First of all, on the NCA's role in encouraging development in areas outside the central area of Canberra, or Civic, you mentioned in one of your dot points Canberra Airport as an instance where there has been new office development, and your observation is that that has contributed to the debate about the area of Civic renewal, which is something that the territory government has expressed a desire to pursue.

Mr Binning—I must interrupt, I did not hear you clearly. I have some difficulties in that area.

Senator LUNDY—I will speak up. The Territory government is expressing a view that Civic needs some revitalisation and greater development but, at the same time, the NCA, because of the status of the land at the airport, has been able to approve the construction of several office buildings at the airport. I was just looking for further comment from you about the nature of that tension in the NCA's ability to approve office developments—usually on national land, obviously—that run counter to the stated objectives or strategies of the Territory government on issues specifically relating to increasing office densities in identified areas across Canberra.

Mr Binning—I would be happy to respond to that. I think that in the days of the original National Capital Development Commission, the National Capital Development Commission deliberately promoted the economic development of Civic by allowing the private sector to construct quite a significant number of office buildings in Civic which were occupied in the main by Commonwealth departments. Those office buildings have now, by and large, reached the end of their economic life and most of them are classified as C-grade accommodation and, therefore, in attempting to revitalise Civic, the Territory government is trying to get some of those offices redeveloped or refurbished, possibly with changes to their use..

For its part, the Commonwealth owns much vacant land, for example in Barton. Under pressure, I would guess, from some organisations who are seeking concessional leases and from individual government departments or for functional reasons—as, for example, with the Department of Foreign Affairs and Trade building—the NCA has agreed that development should take place close to parliament where they have a functional relationship. I see this as quite legitimate, even if it involves some prejudice to the more narrow agenda of revitalising Civic.

On the other hand, I think the developments at the airport are another matter because they really fall outside the ambit of most established centres. My understanding of events, and I could be making an incorrect interpretation here, is that NCA were led to believe, in writing the conditions of lease, that it was only in fact agreeing to the construction of small-scale office development. In fact, the developer, as I understand, has used a loophole in those lease conditions to amalgamate or combine several smaller scale leases to produce a larger scale development, and this is the matter that has been in contention. I think that probably the NCA has learnt its lesson and in future would be more careful on matters like that.

CHAIRMAN—Just on that point, have those buildings been, in your opinion, to the detriment of the refurbishment, the rejuvenation or the expansion of Civic?

Mr Binning—The ones in the airport?

CHAIRMAN—Yes.

Mr Binning—Quite possibly.

CHAIRMAN—That is not to say that you would build that style of building in Civic; well, I would hope not. I would probably even pray not.

Senator LUNDY—That is a very subjective view.

Mr Binning—The committee should be aware that, in addition to the buildings in question at the airport, there are a number of areas of vacant land in central Canberra and, in many cases, developers might choose the less expensive option of building development on that vacant land rather than acquiring, demolishing and redeveloping existing buildings in Civic. I think that is a generic question with the whole of the central area because there are structural changes occurring of obsolescence, ageing and the like. And these are taking place within a central area in which there is a lot of vacant space, and Canberra is quite atypical in that respect, say, of other urban centres. Whatever the future relationships of national capital land or the National Capital Authority, whatever form the Commonwealth representation takes and the interests of territory government, because of the nature of the incomplete land, that tension is likely to remain. Apart from general reasons of access and retention of heritage values and the future quality of the central national area, that is another reason that a factor meriting serious attention is the question of producing a coherent plan, a joint plan, for the central area as a whole, and not with a narrow focus on Civic as an individual project.

I refer here to this OECD report, which was about the renaissance. It is called *Urban Renaissance: Canberra: A Sustainable Future*. I talked extensively to a number of the people in the OECD who ran the program.

CHAIRMAN—Mr Binning, could we obtain a copy of that OECD report?

Mr Binning—This is just a summary of the findings. The OECD report has been printed and I believe is generally available. I do not have a copy here.

CHAIRMAN—That is okay. We would have it in our library.

Mr Binning—I believe it is generally available.

Senator HOGG—Is there a volume number on it?

CHAIRMAN—How do we identify that report?

Mr Binning—I would have to take it on notice.

Senator HOGG—No, just on the document that you have got. Is there a volume number?

Mr Binning—This is a document headed *OECD: Urban renaissance: Review of Canberra—summary of findings*, published by the OECD in April 2002.

Senator HOGG—That is what we need; thank you.

Mr Binning—I talked to a number of the people in the OECD program running the study. It was quite clear that the thrust of their study was towards establishing a more urbane and multiple use urban centre. I think their contention was that the decentralisation of Canberra had proceeded too quickly and that filling in and consolidating development at the centre was a priority. I do not think that members of the OECD team thought that the thrust of that recommended policy should apply narrowly to Civic. That was an interpretation given by the ACT government, who wished to promote that end. But it was not, I believe, the main intention of the OECD finding, which was towards consolidation of the central area as a whole, including the national areas.

Senator LUNDY—Turning to your recommendations, you have taken the time to make a series of recommendations about how you think the issues and challenges could be addressed. For the committee's benefit, would you sum up what the planning structure and system would look like if your recommendations were adopted?

Mr Binning—All this is given that the existing overall metropolitan plan for Canberra is now of considerable longevity; it is quite an old plan. That plan needs revision. I think there is almost complete unanimity of view between the Commonwealth agencies and the Territory government on that. In fact, that is the reason why the Territory government is proceeding with its spatial plan review. Having said that, I think that the main challenge—and the challenge facing this committee—is to find a way of engaging the Commonwealth in that process and to produce a new joint strategic plan and, before making recommendations about the future of the NCA, to look at the new joint strategic plan. That would include, as part of its terms of reference, a requirement to examine the division of powers between the Commonwealth and the territory—

Senator LUNDY—You are saying to let the plan determine that process and not to try to determine that in advance?

Mr Binning—In my view, the plan would determine the output. Having got a new joint strategic plan in place, it should then be incumbent on the Commonwealth to say, 'We now wish to reserve pre-eminent powers over these aspects of the plan and these should be enshrined in an amended National Capital Plan.' The Territory government would have a territory plan which enshrined its powers in its plan. I see that as beneficial. Just as federal parliament has a duality of function between the Senate and the House of Representatives, there should be a similar dualism of relationship between the Territory and Commonwealth governments in respect of planning.

Senator LUNDY—On that point, we have had strong submissions from the ACT government and others that there should be a very clear demarcation between land administered and managed by the territory and land administered and managed by the National Capital Authority, albeit national capital values could be recognised or built into the territory plan. Do you have strong views on whether those lines of demarcation for the purposes of bureaucracy and administration

need to be that distinct or that clear, or do you think it is appropriate that in some areas it involves both the territory planning authorities and the NCA?

Mr Binning—I think that there are areas where there is some overlap, but these are mainly likely to be boundary areas—that is, areas between an area which is clearly designated and an area which is territory land. There are some examples I can think of where territory government administers leases within national land and within designated areas. That situation may well have to continue in some boundary areas. I do not think that it is a black-and-white question, but on the other hand I think a new strategic plan could address it.

I can give two illustrations. For example, recently there has been a question about the John Dedman Drive; the road which is on the western side of the north Canberra, on the other side of O'Connor Ridge. That was contentious. The Territory government objected that the NCA was unreasonably interfering, even though the NCA's position was quite legitimate under its act. The intent behind the definition of the arterial roads was that the traffic performance of the system that relieved inner Canberra of extraneous through-traffic should be secured. It was a narrow way of interpreting that to say, 'That means building a road in this particular place.' The end of protecting the central area from extraneous traffic could be secured by other means. For example, a joint central area plan could put a cordon around the central area and say, 'There is a traffic capacity of that central area which both the Commonwealth and territory government agree should be held in respect of both their planning.' In that case, the actual physical position of the road could be completely discretionary on territory government. It is a matter of means and ends—how one objective is handled with respect to another.

The second example is in respect of development along Constitution Avenue. At the moment this is clearly designated. Historically, the commercial heart of Canberra was to extend along Constitution Avenue. I believe the best way forward at the moment in a joint central national area plan would be for the National Capital Authority and Territory government to agree on broad aims for the National Capital Authority to prepare an appropriate master plan and then at the point where it was available for general commercial development—or portions of it—these would be handed back to the territory government. There may be some spin-offs in the course of that transition. For example, the Commonwealth might say, because it was servicing its land, it wished to retain a proportion of the betterment to upgrade Commonwealth infrastructure that was material to the success of that project. These are matters that are illustrative of the way in which the next generation of Canberra's planning really needs some serious thinking and careful sorting out.

Senator LUNDY—Thank you very much for that. You make some quite harsh observations about systemic failure in the current system—planning review, culture, denial, adaptation. The one I want to focus on is professionalism, because we have been getting a range of evidence about the level of professionalism and capability within the NCA, and some witnesses have reflected on the territory planning authorities as well. Can you express—with your vast professional experience; and I noted how extensive your experience is in these areas—what standard that professionalism is at within the NCA at the moment?

Mr Binning—I think there are three problems affecting the professional performance. One is at the top end of the scale—the ability of the NCA to engage with territory government at a political level. The NCA is a very small Commonwealth agency and it is put in the position

having to negotiate changes with a territory government which is ‘activist’, shall we say, politically—possibly more so in the period of the Carnell government than it is under the current regime—with respect to the NCA. My submission makes the point, which I reiterate, that the NCA really needs some support. People have to realise—and I would commend to the committee that they realise—that a small Commonwealth agency is always going to be under threat within the ambits of the Canberra bureaucracy for a whole variety of reasons. If the political climate is very critical of the NCA then it will come under increasing attack. At a time like this I think it is important that it has support. That is the first point.

The second area which affects professional performance is actually the question about the relative powers that the professionals are being asked to exert and the way they are being asked to exert them with respect to review processes. In the current review—and I say this having been closely involved with both territory planning and with the NCA in recent times—in the Territory government the internal structure of the ACT administration is such that it is essentially a Westminster style government; that is, it has a Treasury, a department of roads and various ministers. In the current ACT spatial planning review, those agencies are separately producing social, environmental, economic and spatial plans. The point I make in my paper is that essentially that is not the process that, for example, a local city council would go through when it was considering spatial planning. It would have a planning committee and they would consider the social, economic, environmental, infrastructure, investment and other aspects of the plan and then they would commend to council some consensus about the direction in which they should go. Under the way territory government is administered, it is very difficult both for the professionals within the territory government and for professionals in the NCA, I would suggest, to engage in the process because the structure of the ACT government internally is not conducive to that sort of interaction. That is the second point.

The third point is a question of professional quality. There is no question that the professional quality of the NCA has been run down. Just numerically and in rough terms, I think at its peak under the Howe ministry it probably had 15 to 18 planners or economists advising on various aspects of urban affairs; not only in Canberra but also nationally and internationally. Those numbers are now probably down to five or six at the most, and some of those are junior. So there is a question about relevant competence being eroded. As far as the ACT government is concerned, they have started their strategic plan review without having any body of people internally who have gone through the process of producing a metropolitan strategic plan before. Certainly they have had some external reference to other people and they have a peer review group of which I am a member, but the competencies essentially have to be learned.

The other aspect affecting professional performance is that the ACT government has decided that the plan should be driven by community views. It is quite all right to have a populist view of the way a plan should develop, but if those populist opinions are not being fostered and informed by the right kind of professional advice about the implications of options that are being placed before the public then the public will act in an ignorant and ill-informed way. I think to some extent that is precisely what is happening now. That is a widely shared view. It is the view of the Planning Institute. It is certainly not just my own view. In the circumstances that are being faced in Canberra now, quite apart from the issue of the mechanics of the way the two authorities relate, there is a serious issue of competence in the way the planning aspects are being brought together. I listened with some interest to the previous submission. While I commend the desire to save water and have low-cost trees, there is an important heritage issue about central Canberra.

Irrigation of particular trees and particular landscapes may be appropriate and may fit in with the idea of public use.

Similarly, the current proposals that are running around between Queanbeyan and the New South Wales government see a new town in Googong. A new town in Googong would almost certainly raise the level of use of the private car. It would run counter to many of the stated objectives of internal ACT planning. Yet that development is largely conditional upon the Commonwealth agreeing to supply an expanded New South Wales city, Queanbeyan, with water. In my view the Commonwealth should look very closely at what it is aiming to achieve, because the Commonwealth retains power over how that water should be used. It is a power that has been retained by the Commonwealth under the original Seat of Government Act. That is another example where the interests of what is being developed within Canberra overlap closely with the questions about what is happening, about to happen or in danger of happening across the border. Of course if the ACT did not exist then in all probability the question of an amalgamation of Queanbeyan with a rural shire would be looked at very carefully because of the possibility of excessive dispersion of development in a way that was not environmentally or ecologically sustainable.

Senator LUNDY—That is right. Chairman, I am very conscious of the time, but I do have one more question, which might turn into a small series of questions. Mr Binning, in your submission on the top of page 8 you state:

In the main, the history shows that the NCA has largely gone along with events, modifying proposals here and there to make sure they “fit” into the existing parameters of the National Capital Plan.

My observation is that for many years that in fact was the case. But clearly, particularly as the John Dedman Parkway and the Gungahlin Drive extension have highlighted, that is not the NCA going along with events and just letting things happen. What trends have you observed within the decision making of the NCA through the last five years in terms of them going along with events? How does that reconcile against more recent events where there has been very little going along with events and quite a great deal of conflict between the NCA and the territory planning authorities?

Mr Binning—I think the example of its handling of the Gungahlin parkway extension is a good one. I think the NCA should have looked not at the narrow definition of how it should respond to road proposals but more critically at the question of what it was trying to achieve, and made it more incumbent upon the ACT government to demonstrate that they were performing in those terms. I fully appreciate, in saying that, that that is a difficult position.

Senator LUNDY—I guess what is informing my question is that we did go through a period of very controversial projects being suggested by the previous Carnell government in the ACT—like the futsal slab, the fence around Floriade and so on—and the NCA had a very open and comfortable approval rating, I suppose, for those project. I am interested in any observations you have about the nature of that decision making through that period and what has changed.

Mr Binning—I understand that the question about Floriade was about the restoration of particular kinds of landscape—their use during Floriade and the ability to restore the landscapes into post-event useful sites.

Senator LUNDY—The point was that they were controversial decisions and the NCA saw their way to endorse very quickly the ACT government of the time's view.

Mr Binning—I think questions like the ones that were raised over Floriade are bound to arise and, from the point of view of one set of protagonists, they may be escalated because there is an apparent conflict. But I think if you look behind that you will see that at the root of many of the issues has been a question of relative powers between the Territory government and the NCA, representing the Commonwealth. For that reason, in my paper I drew out some of the history of these events because I think it is incumbent upon the committee to understand the nature of that history. My personal hope would be that in the future the maturity of the Territory government, higher levels of professionalism in the Territory government and a better joint strategic plan would see the basis for those sorts of conflicts being more easily smoothed out. But I think that when you have a dualism of control there are always going to be points of conflict. That is inevitable; it is the nature of dual control.

CHAIRMAN—Thank you very much, Mr Binning. Thank you also for your tremendously detailed, comprehensive and interesting submission to the committee. We very much appreciate submissions of that standard. I thank you again on behalf of the committee for your attendance. If there are any matters on which we might need additional information, the secretary will write to you.

Before closing I would also like to thank all the other witnesses, if there are any still here today, for their contributions. Thank you, colleagues, for your attendance today. I also thank the secretariat for their usual hard work, and Hansard for their no less hard work.

Resolved (on motion by **Senator Hogg**, seconded by **Senator Lundy**):

That this committee authorises publication of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 3.08 a.m.