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JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL
AND EXTERNAL TERRITORIES

Reference: Role of the National Capital Authority

FRIDAY, 19 SEPTEMBER 2003

CANBERRA

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JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Friday, 19 September 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 Snowden and Mr Cameron Thompson

Senators and members in attendance: Senators Lightfoot and Lundy and Mr Causley, Ms Ellis and Mr Cameron Thompson

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 9.02 a.m.

ADDISON, Mr Ross, Director of Finance, National Capital Authority

BAIRD, Mr Andrew, Director, National Capital Estate, National Capital Authority

BYRON, Mr Peter, Manager, Venue Management, National Capital Authority

EVANS, Mr Lindsay, Managing Director, Business, National Capital Authority

LAING, Ms Roz, Manager, Events and Marketing, National Capital Authority

MACKENZIE, Mr Stuart, Principal Urban Designer, National Capital Authority

PEGNUM, Ms Annabelle, Chief Executive, National Capital Authority

SCHULTHEIS, Mr Ted, Principal Town Planner, National Capital Authority

SCOTT-BOHANNA, Mr Graham, Managing Director, Design, National Capital Authority

WRIGHT, Mr David, Director, National Capital Plan, National Capital Authority

CHAIRMAN—Welcome. I declare open this second public hearing of the Joint Standing Committee on the National Capital and External Territories inquiry into the role of the National Capital Authority. These proceedings 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 a contempt of parliament. The committee has received a submission, No. 27, from the NCA. Are there any corrections or amendments to your submission?

Ms Pegnum—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 request. Before we ask you some questions, do you wish to make an opening statement?

Ms Pegnum—Yes, I would like to give basically a 30-minute overview of the role of the authority.

CHAIRMAN—Please commence.

A PowerPoint presentation was then given—

Ms Pegnum—The National Capital Exhibition at Regatta Point begins with this statement:

Creation of a nation is an act of imagination and will.

In this act we create a place to which we belong

A part of the earth for which we have collective responsibility

A place of memory and tradition.

The Commonwealth of Australia was created in 1901 when

six colonies united in a federation—a nation was forged

Part of becoming a nation is to create a symbol of unity—

a National Capital—Canberra.

This is the primary purpose of Canberra. As the seat of government, Canberra is inextricably bound to the Australian parliament through the Constitution and belongs to all Australians. The Constitution states:

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

For that reason all of the land in the ACT is owned by the Commonwealth on behalf of the people of Australia.

The role of the national capital, as it is described in the National Capital Plan, is now well established as the seat of Australian government, the location for our national institutions and a reflection of Australian national life, and it has definitely now become a city which is one of the most livable in the world. The role of the national capital is, with pride, to manage the continuing interests of the Commonwealth in the planning and development of Australia's national capital. We consider that this is a vital and important role for the Commonwealth on behalf of all Australians. It is a responsibility which builds on a legacy with its foundation in the Australian Constitution.

When the Australian parliament established the ACT as body politic with self-government under the ACT's self-government act in 1988, the legislation explicitly recognised Commonwealth national capital interests and local interests. Minister Graham Richardson in the second reading of that act said 'that the territory is home to the nation's capital,' which was a fact that could not be ignored. The act was intended to safeguard the Commonwealth's interest in the capital and was to provide for an efficient and effective administration. That act was considered to be a 'milestone in the democratic processes of this country'.

Self-government created a situation where the Commonwealth and the ACT would share the planning and development of the capital. Through the ACT (Planning and Land Management) Act 1988, the Commonwealth retained its interest in the planning and development of the capital and it defined quite specifically a shared and complementary planning structure. The act creates an independent National Capital Authority—which is us—which is accountable to the Australian people directly through the Commonwealth government and requires the preparation of a National Capital Plan, which is subject to scrutiny by the Commonwealth parliament.

The act also requires the establishment by the ACT Legislative Assembly of a Territory planning authority, which is required to prepare a Territory plan. The act makes it clear that the National Capital Plan prevails over the Territory Plan and it also makes it clear that the two plans are complementary. It describes in some detail the planning relationship between the Commonwealth and the ACT government. In effect, this legislation makes the National Capital Authority the guardian of the national interest in the capital. It must be recognised that the capital will never be complete. It is going to continue to grow and change to reflect Australian culture and identity. It is important to remember, as stated in the recent OECD review of Canberra, that 'No city, no matter how well planned, can take its future for granted.'

The legislative functions of the authority, as described in the act, are to prepare the National Capital Plan, to keep that plan under constant review and to propose amendments to it when necessary. We are also required to commission works on behalf of the Commonwealth in designated areas or to recommend works that we consider desirable to maintain or enhance the character of the capital. We are also required to foster an awareness of Canberra as the national capital and, with the minister's approval, to manage national land designated in writing as being required for the special purposes of Canberra as the capital.

We also have a legislative function to allow us to undertake consultancy services, with the approval of the minister, within Australia or overseas. We do not employ this particular function routinely but from time to time it has been useful to the Commonwealth. For example, in recent times with terrorist and security interests so much at the forefront of Australia's interests we have prepared urban design guidelines for perimeter security which look at ways to protect areas within the capital and elsewhere without having a negative impact on people's access to their capital or their concepts and perceptions of democracy. We are currently able to provide services to other Commonwealth agencies with respect to these guidelines.

The functions of the authority comprehensively establish the extent of the Commonwealth's interest in the capital. They do provide a very robust framework to secure the future of Canberra as the capital. The achievements of the authority demonstrate that collectively they do create benefits for the nation and for the Canberra community. We see them as being completely appropriate and essential to the effective management of the Commonwealth interest and to the future of the capital. The functions align directly with the outputs for which the authority is funded in each budgetary year.

I will now address each of the functions in more detail, with a specific emphasis on planning. Good planning, of course, does require vision, focus, expertise and well informed judgment. This is clearly true of the national capital. The National Capital Plan and the Territory Plan were designed, as I have described, to complement each other, and they do provide well for both the national and local interest. It must be said, however, that there is no simple administrative structure for what is a duality of planning interests. Such matters are complex and require close attention. What is required is a commitment by all parties to work collaboratively to recognise the validity and the importance of the different interests and the responsibilities that are involved. Current planning that is at the forefront in Canberra at the moment for areas such as Civic West and the non-urban areas demonstrates the necessity for both the Territory and the Commonwealth to look at the respective interests of both in terms of what the future of these areas might become. The planning structure and relationship with the Territory as established by the act is appropriate and effective and it definitely works.

The object of the National Capital Plan as prescribed in the act is ‘to ensure that Canberra and the Territory are planned in accordance with their national significance’. The National Capital Plan binds both the Commonwealth and the Territory and all of their respective agencies. This is complemented by the Territory Plan, whose object as prescribed in the act is ‘to provide the people of the Territory with a healthy, attractive, safe and efficient environment in which to live, work and have their recreation.’

Matters of national significance underpin the National Capital Plan because they relate directly to the object of the plan. These matters are the keys to the Canberra of today and tomorrow. They recognise the value of the unique purpose, the setting, the character and the symbolism of Australia’s national capital, and importantly the key objectives of the National Capital Plan relate directly to matters of national significance. The plan requires that we recognise as matters of national significance the pre-eminence of the role of Canberra and the Territory as the national capital, that we preserve and enhance the landscape features which give the national capital its character and setting, that we respect the Walter Burley Griffin plan for Canberra, that we create, preserve and enhance sites, approaches and backdrops for national institutions for ceremonies and other national capital uses, and that development of the city should respect environmental values.

The National Capital Plan is the overarching outline plan for Canberra. It establishes the urban and non-urban areas, the infrastructure to support both national and local needs and the landscape setting of the capital. Importantly, it is a logical and strategic plan that is progressive in that it embraces the future, and it has worked for some 40 years. It safeguards future use, amenity, infrastructure, quality and the setting of the seat of government. It is absurd to suggest, as has been done, I believe, in the ACT government’s submission, that what is important to Canberra from a national perspective is only what can be seen from the centre of the capital. The metropolitan general policy plan clearly sets out an opportunity and a framework to allow for future development of the capital that safeguards all those issues of national significance that I have described earlier.

It is true that people confuse land status with planning. All of the land in the ACT is owned by the Commonwealth. National land is land required by the Commonwealth for its use or intended use. Territory land, under the act, is managed by the ACT executive on behalf of the Commonwealth. It is very important to understand and to appreciate that land status, be it national or territory, does not determine planning responsibility. That is done by the act and through the National Capital Plan and the Territory Plan.

Designated areas are fundamental to the National Capital Plan. They have been established through the Griffin plan, through a reconsideration of what areas were considered to be of special national capital importance by the federal cabinet in 1964 when the territory was growing at a dramatic rate and thought was being put into how it should expand and how the central areas should be respective. The designated areas were reinforced and reaffirmed by the parliament of Australia when the National Capital Plan was gazetted in 1990. Designated areas cover some national land and some territory land but all this land, through the history of the capital, has been considered to have the special characteristics of the national capital. That is, it goes to national capital uses, it goes to Griffin’s symbolic design for the city and it goes to the landscape setting and the metropolitan plan of the city.

In designated areas, planning and development control, including development approval, is the sole responsibility of the National Capital Authority. In all other areas of Territory land, the Territory planning authority is solely responsible for planning. This is an important issue to understand. Much has been said about duplication and overlapping but, in effect, this probably goes to confusion with planning and land ownership. To repeat: in designated areas, planning approval is the sole responsibility of the Commonwealth; in all other areas of Territory land, the Territory planning authority is solely responsible for development approval.

In designated areas the authority has development approval, which is called 'works' approval in the act, be that on national land or be that on Territory land. The Commonwealth, the Territory government, the private sector and the international community are required to respect the provisions of the plan and seek approval from the National Capital Authority. There is some confusion, I suspect, in this concept of overlap in the use of the term 'works' approval under the act. 'Works' approval is not building compliance; works approval is the equivalent to the territory's planning approval. So, in effect, all development in the ACT requires either a planning approval from the Territory or, in designated areas, a planning approval from the Commonwealth. Wherever you are, you will then require a separate building compliance.

The plan includes some areas which are not designated but which are yet of special national capital interest. Special requirements apply to all national land outside of the designated areas and to some Territory land where they are considered desirable in the interests of the capital. In these areas of Territory land we consider that there is some confusion here because the authority generally prepares a development control plan and approves that, but then the Territory exercises complete planning administration control. Ideally special requirements would be developed as policy under the plan, as has occurred with Northbourne Avenue, which would then free the Territory to administer those areas of the capital without any reference back to the Commonwealth. However, on national land—and bear in mind that special requirements apply to all national land outside of the designated areas—the special requirements actually protect the Territory's interest to a level that is higher than in any other state or territory in Australia. This has been of particular value to the Territory in the divestment program. I must say we have been surprised by some of the comments from the Territory that they see this as an imposition, particularly in light of the Commonwealth's divestment strategy. My colleagues will be happy to give you some examples later on during this morning's hearing.

Any good planning instrument responds to changing opportunities and pressures. The National Capital Plan is forward looking, as described through the Metropolitan Policy Plan. It is most definitely a robust plan, but it is also flexible and is subject under the act to constant monitoring and review. It definitely accommodates the legitimate interests of the Territory residents. Of the 46 draft amendments proposed to the plan, about half of them have been responding to Territory needs. Importantly, any changes to the plan are subject to the parliament's scrutiny.

The National Capital Plan amendment process is transparent and effective. Draft amendments are proposed by the authority; they are subject to extensive public exhibition and comment, and can be commented on by any Australian as well as by Territory residents. They are subject to consultation and agreement with the Territory planning authority. They are approved by the responsible minister. They are invariably referred to the joint standing committee as to whether it chooses to inquire or otherwise into the amendments, and then they are subject to further scrutiny by parliament, which can choose to disallow the amendment in whole or in part. As a

matter of interest, there is a provision in the ACT (Planning and Land Management) Act for the Commonwealth minister to consult with the ACT executive if the two planning authorities cannot agree. This provision has never needed to be used, even in relation to some of the more controversial amendments that have been proposed to the plan.

I move to the national capital works function. Subject to Commonwealth funding, this gives the authority the capacity to maintain the investment value of significant national assets, to enhance the capital for all Australians and to contribute to the capital's urban design legacy. I want to show you some of the recent works that have been achieved through this function of the authority, supported by funding from the Commonwealth government. First, there is Commonwealth Place on the foreshores of Lake Burley Griffin. There is Reconciliation Place, linking the National Gallery of Australia to the National Library and recognising our shared path towards reconciliation. There is the Magna Carta monument; the Old Parliament House Gardens, which are currently under reconstruction; the international flag display; the Commonwealth Place forecourt, which is currently under construction; and a number of the memorials along Anzac Parade.

Importantly, such works are part of what is a long-term vision for the capital. Their true importance is in the way in which they layer and enrich over time important nationally significant public places, as you can see from these images of the development of Anzac Parade—our most important commemorative way—as a monument to sacrifice and valour. These places become living places and part of our traditions and national life. For these reasons the works that the authority has recently undertaken include not only the construction of the memorials but also putting in place things as simple as pathways, seats and interpretive plaques that allow people to more readily engage in understanding places of this type of significance.

The national capital is about more than buildings and places; it is about what it means in our hearts and minds. It is about our national psyche. Our function of raising and fostering an awareness of the capital is crucial to this. We are the only agency of the Commonwealth that is charged with developing an understanding and appreciation of Canberra's role as the national capital, and this function complements the role of the national cultural institutions and ACT government measures to deliver economic benefits to Canberra through tourism. It is also essential that we use an integrated approach with our other functions of planning, design, building and asset management to promote these areas of the capital. For example, the capital works on Anzac Parade are augmented by educational tools to enrich visitor experience and understanding. We now have volunteer-guided tours of places such as Anzac Parade, and self-guided tours and explanatory plaques. We also undertake a broad range of education and exhibition programs about the story of Canberra and its meaning for all Australians.

As an important part of our national consultation we routinely undertake national perception and expectation surveys. It is important for us to find out what the people say. In our most recent one, which is described in the annual report currently under review, it has been interesting to find that people place enormous value on the symbol of the capital as one of unity—on the character of the capital, its beauty and what it speaks of the Australian landscape. They recognise that it is a place for the future; that it is long term and will outlast all of us.

We also consult and have focus groups on various major projects that are pertinent to the plan or to promotion of the capital, such as the Central National Area study and that of the

parliamentary zone. Building an understanding of the role and meaning of the capital has also led us to undertake quite extensive publications in more recent times and primary research into areas such as the symbolic role of the capital, what the aspirations of the founders and the fathers of the capital meant and how these should be translated into 21st century thinking about the capital. Under this function of fostering awareness we also establish a number of policy guidelines and frameworks such as events in the national capital, how to use and enjoy public places and guidelines for the siting and advocacy of commemorative works in the capital. We have been keen to make sure that the places we build are also enlivened so that people are encouraged to participate in them and to appreciate the beauty of their capital and what they have established.

We support ACT government major events, such as Floriade in the heart of the capital, and we support Commonwealth events that go to the defining moments in the history of our country, such as Peoplescape. We have been keen to identify those very few events that the authority itself should facilitate and support that go to celebrating our national spirit and which will reach a new audience through national broadcast. That was the purpose of 'Celebrating Christmas in the Capital', and the funds for this have now been moved to 'Celebrating Australia Day in the National Capital', which will start with the National Australia Day Council in 2004.

Through our function of managing land and assets, the authority can and does effectively enhance and enliven the capital's central symbolic areas and protects Australia's investment for current and future generations. The value of the assets managed by the authority in 2002-03 was \$341 million, including \$51 million for national land that had been set aside for the special purposes of Canberra as the national capital. It is important to recognise that virtually all of this land is in the public domain. It consists of national capital uses, the great parks and open spaces that people enjoy and also the diplomatic estates. Of those assets, about \$26 million is comprised of heritage assets and \$10 million is comprised of buildings, with the balance being infrastructure, plant, equipment and other assets. This is a diverse and important asset portfolio. The assets have been designed to endure. They are of a high quality. They include some of the great cultural landscapes of our nation, and their care requires more than a utilitarian approach; it most certainly requires a high level of special expertise.

Lake Burley Griffin is a very special national asset. It is at the centrepiece of the setting and the character of the capital. It is essential to the visitor's experience of their capital and it is part of the quality lifestyle of the Canberra community. Australians expect their capital to have a quality and character commensurate with their investment. Australians and the local community have been shown through countless surveys, and in their response to amendments and variations to the Territory Plan, to value the character of the capital and the national assets immensely.

In summation, Canberra is the national capital; this is its primary purpose. It belongs to all Australians. Its ties to the Australian parliament are enshrined in the Constitution. For more than 100 years the Commonwealth has been responsible for and accountable to all Australians for planning and development decisions about their national capital. Self-government for the Territory has not significantly changed that relationship. The ACT (Planning and Land Management) Act for the shared planning and development of the capital has proven to be robust and effective. The National Capital Plan is a good and progressive plan: it allows for change, it secures the planning and development of the capital and it accommodates the legitimate interests of Territory residents. The National Capital Plan and the Territory Plan complement each other.

They serve both the national and the local interest. There is a demonstrable culture and spirit of cooperation between the National Capital Authority and the territory planning authority.

Any administrative structure to address what is a complex planning responsibility requires ongoing commitment by the Commonwealth and the territory to work collaboratively to recognise the different interests that are involved. This is vital to appreciate, because we cannot take the future of the capital for granted. The national capital will never be complete; it will continue to grow and change to reflect Australian culture and identity.

Ms ELLIS—Thank you, Ms Pegrum, for that presentation. Is that available in hard copy form?

Ms Pegrum—Yes, it is, and we have provided the CD-ROM for the committee.

Ms ELLIS—I would like to have that. On the designated land map that you put up on the wall, it very clearly showed the airport in that area. Can you explain to me how the NCA sees its role in relation to the development of the airport?

Mr Wright—The airport is a special case of divestment. It is part of a national airport policy and program of divestment. The enabling legislation to start that program was the Airports Act 1996. The lease is national land managed not by the authority, as was mentioned in a recent submission, but by the Department of Transport and Regional Services. Under the legislation, the Capital Airport Group, as the new owners, are obliged to prepare master plans and, for developments over \$10 million, they are also required to prepare major development plans, which require the approval of the Minister for Transport and Regional Services. Both of those plans require public consultation.

Canberra Airport is unique in that it is also subject to the National Capital Plan, and master plans and major development plans cannot be inconsistent with the National Capital Plan. The airport is within the broadacre areas of the National Capital Plan and is specifically identified as the airport for Canberra. It is included in the designated areas as well. So, in effect, any developments not only have to conform to a master plan and a major development plan, they also require the works approval of the authority. The effect of the National Capital Plan is to set the broad land use policies. The effect of designation, more directly, is that all the works are subject to the approval of the authority. That is unique in Australia.

Ms ELLIS—Yes, it is.

Mr Wright—It is not a condition that applies to any other airport owners in the states or territories. It has been mentioned that, if the designation were uplifted and the land were to revert to territory land, the territory would assume responsibility. That is not the case. If the designation were uplifted, we would have to rely on a development control plan which, in effect, would be a duplication of the master plan. We would lose control of the detail of development. Our approvals are, in effect, in addition to those approvals required from the minister of transport under the Airports Act and, as I said, that is unique in Australia.

Ms Pegrum—The Airports Act, as Mr Wright has pointed out, applies to all of the airports that have been divested by government.

Ms ELLIS—I understand that. I need to simplify that, if I may, down to the daily grassroots operation. If the airport decides to do something, do they go to you, to the department of transport or to the ACT government?

Mr Wright—For most works, if they do not trigger a major development plan, they come to us for works approval. Works approval has to ensure that those works are in accordance with the plan. There are also other approvals that apply under the Airports Act through the two statutory office bearers appointed under that act: the airport environmental officer and, more particularly, the airport building controller.

Ms ELLIS—So who approved the change of road names out there? It may seem a small issue but it is a vital indication of how something can happen in one part of Canberra only and cannot happen, I believe, anywhere else in the whole of the ACT. I am just wondering how and why it can happen.

Mr Wright—It was something that we wrestled with for some weeks, I can assure you.

Ms ELLIS—Yes, but the point is: to whom was that application made, who made the approval and who was consulted in the process?

Mr Wright—The application would have been made to us for the structures that embodied the signs. The actual naming of the roads was problematic in that the roads were not public roads in the gazetted sense. They were within the airport lease and, therefore, were in effect like driveways. I am not sure whether the same provisions apply in the ANU, but it is that sort of campus style environment where the proprietor of the lease would name particular portions of a large campus for their own purposes.

Ms Pegrum—If we compare that, say, to what would happen in other states and territories with an airport, the same sort of principle would apply. That airport could put up signage and name things according to its own lease, without reference to the state or local planning agencies. In the territory, at least we are able, in addition, to give approval to the works but we do not give approvals to the names, and nobody could under the lease provisions of the airport's divestment.

Ms ELLIS—If the land were not designated and they wanted to change the names of the roads, what would happen?

Mr Wright—The only difference would be that the structures would not have to have the approval of the authority. You raised a question about consultation. During that period we were wrestling with the idea we approached the Chief Minister's Department and the people who are responsible for Canberra place names, and basically that was the advice we got back. We did point out that they had to be very careful that they did not duplicate names, because obviously there are problems with emergency services and so on if you have two—

Ms ELLIS—I do not think under the circumstances that there would be any risk of duplication of names. But that is an observation one would make cursorily. Did the NCA end up giving any advice at all on how they then progressed with their name change?

Mr Wright—There was an assembly of advice that came through and, in the end, we were sort of obliged to approve the structures because we had no basis for knocking them back.

Ms ELLIS—Canberra has a very proud and long history of place names. I think it is a bit bizarre that its airport, as a gateway for an enormous number of people coming into this place, has been abused in that fashion and that the system can allow that to happen and nobody can say anything about it. Did the NCA advise the airport to reconsider it?

Mr Wright—Yes. There is correspondence, and we are quite happy to provide that for you.

Ms ELLIS—Did you say, ‘Don’t do it’?

Mr Wright—No, not specifically. We would rather they did not. We cannot invent policies in the plan to prevent something in a capricious way.

Ms ELLIS—Maybe that is a fault.

Ms Pegrum—Ms Ellis, you might remember the amendment to the plan that related to signage, with specific references to Canberra Airport. That at least protected Canberra Airport in the way in which it could use the equivalent of billboards, for example, compared with other airports throughout Australia. But I wonder whether it would be possible to propose an amendment that actually dealt with procedures that would need to be gone through for the naming of places and roads within the airport campus. Certainly with the signage on billboards, we had considerable discussion about not becoming censors of the images that were put up, above and beyond what would normally be required under law in Australia. But perhaps with the naming of places that would be a possibility.

Ms ELLIS—Billboards are a little different to place names. In relation to the other question I want to ask about the airport, I need to clearly understand where the designated responsibility sits. We have had evidence from other people to this inquiry about secondary retail development at the airport. We have also had—as you would be aware—much comment in the local community about the Y-plan distortion that is now occurring, given the development at the airport. I am asking this neither for nor against the development. I just simply need to understand to what degree we are going to see the development of secondary retail at the airport and what process is being gone into, and what roles are there, for the Canberra community, the Canberra business community and the ACT government to have a say in how that works? Can you give us that information?

Mr Wright—The airport master plan, which is now five years old, is required to be reviewed every five years, and that process is currently under way. The existing policies within the National Capital Plan that govern retailing at the airport limit anything outside the terminal building to a maximum of 500 square metres. The concerns that Mr Donoghue expressed on Wednesday, for example, that a major home base facility could be built at the airport is incorrect. It would have to come through as a proposal of the master plan. The master plan itself is subject to public consultation—I think the consultation period is 90 days—and that is a process that is managed by the department of transport.

If a proposal came through the draft master plan for a home base type of facility, for example, for that to be incorporated in the master plan the National Capital Plan would have to be amended. That in turn would require the statutory consultation processes to be gone through, which include public consultation. Both the Canberra community at large and specific business interests in Canberra would have an opportunity at both of those stages. Further on down the pipeline, before that facility could be developed, once the policy was in place then the major development plan itself would be subject to public consultation and, again, managed by the Department of Transport and Regional Services.

Ms ELLIS—So let us just hypothesise that a proposal is put up out there to do something along those lines: you are telling me that there is a public consultation process at each point—

Mr Wright—At those three points: the draft master plan, the amendment to the National Capital Plan and then the major development plan.

Ms ELLIS—With the need to hypothecate here, there are objections received—what happens?

Mr Wright—They are considered and a judgment is made.

Ms ELLIS—Can you make available to the committee a detailed outline of the public consultation process either by yourselves or by the Department of Transport and Regional Services, including the period of time, where the notification is done, how it is done and to whom it is sent, so that we have a clear picture of the absolute level of consultation? Can you make it available to us at some point?

Ms Pegrum—Yes, of course we can, Ms Ellis. But to repeat this, because I think it is important to understand, this does not occur on a case-by-case basis. What happens in the airport is that you have an approved master plan which cannot be inconsistent with the National Capital Plan. Currently, if we got, let us say, X company with an enormous retail development being proposed for the airport, it could not be approved. You would need the master plan to be amended and approved, and that could not be inconsistent with the National Capital Plan.

Ms ELLIS—Does that mean then that the National Capital Plan had an allowance for large office development out there?

Ms Pegrum—The master plan provides for a business park and there was an amendment to the National Capital Plan specifically related to that element.

Ms ELLIS—When did that occur?

Mr Schultheis—Amendment 30 was in September 2000.

Ms Pegrum—And that of course was referred to the joint standing committee, as I recall it. So the checks here are far more stringent than on a case-by-case development application basis because you have to have a master plan and then, if the master plan is inconsistent with the National Capital Plan, the authority would have to agree to propose a draft amendment—and currently there has been consideration of one with respect to employment policies. That would

then go through the statutory processes and public consultation processes—and I am trying to remember where I can actually show you that process again—Australia wide and with the Territory. It then has to achieve agreement with the Territory planning authority. Otherwise there is that check and balance of the Commonwealth minister having to liaise with the executive, which has never been needed. It would then be referred to the joint standing committee, which could choose to inquire. If it is approved by the minister it is then still subject to disallowance in whole or in part. There are very strong controls placed on that.

To be as frank as possible, this issue of employment location and the impact of the airport has been the subject of discussion with the Territory as part of the spatial plan discussions. From our point of view, we do need to clarify, for the office park component, the relationship with quantum of development there. It is proposed that that will be the subject of a draft amendment and the territory is fully aware of that.

Ms ELLIS—Am I being loose with my conclusion if I say that, if such proposals were put forward for the airport and sufficient objection through all of those points that you have outlined occurred, they would not go ahead?

Ms Pegrum—I am fairly certain that the committee would consider carefully whether you were going to propose an inquiry—

Ms ELLIS—Yes, but, as you know, we can only inquire.

Ms Pegrum—if we were unable or if the minister chooses not to put forward the comments and the arguments for and against that, which the committee has access to. But, in my experience, the Commonwealth minister has always done that. It is certainly not a foregone conclusion that such a proposal would be approved, if that is your question.

Ms ELLIS—Absolutely.

CHAIR—Before Mr Thompson begins, I acknowledge and welcome Sir Lennox Hewitt, whose interest in the ACT and, indeed, the national capital has spanned several generations. Welcome, Sir Lennox.

Mr CAMERON THOMPSON—In considering the adequacy or whatever of the National Capital Plan, can you tell me whether there has been any review or any looking again at that following the fires? There has been criticism of how close the forest was to homes and those sorts of things, but are there any wider implications for the plan and for the way in which it operates?

Ms Pegrum—I think there are two parts to that answer. Prior to the fires, the Territory embarked on what it called a spatial plan. That is still ongoing. The spatial plan is part of what the territory is calling the Canberra plan. It is one part of three considerations—an economic white paper, a social plan and the spatial plan. As part of that, it was looking at some of the issues associated with urban capability and concepts for growth in the Territory that would go to the Metropolitan Policy Plan of the National Capital Plan, which is the one you have before you.

As an outcome of that, one area—the Molonglo-Stromlo area, which is currently in the National Capital Open Space System—was being considered as 'urban capable'. We the authority were working with the Territory planners to look at whether it was 'urban suitable'. A significant part of that area subsequently was burnt out as part of the January bushfires. Post the January bushfires, the Chief Minister of the Territory announced that he would undertake a review of the non-urban areas. If you look at the plan, virtually all of the area I am indicating—and I will not go into the details of breakdown of land use—is considered to be a non-urban area. In effect, the orange bits that you can see on that plan are the urban areas.

As part of that, the Territory recognised that any substantial change to land use would require an amendment to the National Capital Plan. So we have been part of the steering committee on the non-urban area study. There are some proposals coming out of that, and they are only proposals, and they would require amendment to the National Capital Plan. The authority at this point has not taken a position on whether or not it supports those. The most contentious proposal is the establishment of villages within the National Capital Open Space System. I believe you may have heard some evidence from some of the people who would be affected by that. That would most certainly be quite a substantial change to the plan because it would introduce residential use into part of the National Capital Open Space System.

Mr CAMERON THOMPSON—So that is after the fires?

Ms Pegrum—Yes, that is after the fires. Before the fires, the spatial plan was looking at the urban capability of one area and that would most definitely need an amendment to the plan. Post the fires, the non-urban area study was being conducted quite separately through the Chief Minister's Department, not through the Territory planning department. We are part of that steering committee and I am very pleased that we are part of it. The paper currently out on that is basically a list of ideas rather than commitments of the Territory government. The Territory government is very aware that implementation of the urban issues would require amendment to the National Capital Plan because it is so important to the setting of the capital.

Mr CAMERON THOMPSON—I suppose the guts of what I am trying to get at is whether the advent of the fires and what happened there has caused any need to recast the whole nature of the capital plan or whether it needs to be looked at to draw into account just what happened and what kind of threat people face here from fires.

Ms Pegrum—The National Capital Plan focuses on the concept of this National Capital Open Space System: the character, the landscape setting and the way in which the landscape is used. There are various layers of that. The management of significant areas of the National Capital Open Space System rests with the Territory, and that is quite specific in the plan. The Territory is looking at things like fire abatement zones and most recently—you may have seen it in the news—removal of significant areas of blue gums that are in parts of the designated areas, which are primarily the inner hills that form the inner setting of Canberra. That is why they are designated; in other words, they are considered to be very important to the character and the setting of the central areas of the capital.

Our advice to the Territory on this is that they need to provide obviously a clear statement on why they see this as a major hazard with respect to future fires, and the Commissioner for the Environment is providing that advice to us. We have had a number of meetings with the

Commissioner for the Environment, but from our perspective, from a national capital perspective, we are saying, 'If they remove those trees, what will they be replacing the trees with so that there is still a landscape character but one which they do not consider to be hazardous?'

Mr CAMERON THOMPSON—Being a sort of transiting resident of Canberra I am not that familiar with all of the issues, but I have heard various media reports that the Stromlo Forest will have to go and all this sort of stuff. That obviously affects very significantly the whole character of the way the city looks. Are you saying that does not get picked up within your plan, that it would be the ACT government—

Ms Pegrum—No, it most definitely does, which is why I was saying that if they choose from a management perspective to say that the risk of fire hazard is so high that great swags of trees need to go then we are saying, 'The plan requires that there be an Australian landscape character—what are you replacing these trees with?' We would certainly not countenance mass residential development of those areas or that they be converted to dirt patches. I do not think the territory would suggest that either.

Mr CAMERON THOMPSON—You referred to those villages. That seems to me to be a bit out there in relation to fires. Is this a problem in view of the plan?

Mr Scott-Bohanna—I will start by outlining our role. As Annabelle said, we have been part of the steering committee guiding the consultant's investigations. The villages I think grew out of a very complex problem with the existence of residential areas at Uriarra and Pierce's Creek and a desire, I suppose is the right word, on the part of particularly the chairman of the committee, Sandy Hollway, for everybody's interests to be met. One of the interests he was trying to meet was to encourage some form of residential development to allow those people to return to their homes.

I think the other thing that the consultants were looking for was a way of making those villages, for want of a better description, more viable than they had been in the past. The idea was to develop, if you like, a tourist recreational node around the Cotter where there would be some housing, and that would deal with the problem of reaccommodating the people who have lived at Uriarra and Pierce's Creek. At Tidbinbilla it was a completely different issue. It was about trying to generate a higher level of activity of a particular type and it was to do with educational natural resources and nature reserves and combining those into something that had a little more viability than it had in the past. Both of those are subject to significant community debate at the moment, and my suspicion from reading that debate is that they will become smaller developments than the report currently proposes.

Mr CAMERON THOMPSON—Ms Pegrum, in the wake of the fires has the NCA stopped and said, 'Let's have a review of all this to make sure that there is not something within this plan that is incompatible?' Has there been a comprehensive review of these elements of it to ensure that what we have got is a viable plan and that we are not going to see the same thing again?

Ms Pegrum—That is what we have been working with with the Territory, both in the spatial plan for the Molonglo residential urban development and with the non-urban study. We have been working collectively with the Territory and quite comprehensively looking at that. Coming back to your question about villages, I have certainly said to Mr Tonkin from the ACT Chief

Minister's Department recently that there is a potential clash between the development of villages which encourage residential use and the potential for bushfire hazard by having communities that are in areas of bush, therefore you are stretching your resources and reserves across that. We have been very clear that any suggestion to amend the plan for villages would have to be based in some sort of logic as to their necessity with respect to urban development. The major issues in terms of review of the plan that are likely to come out of both the non-urban area and the spatial are, firstly, whether the Molonglo area is urban-suitable for residential—and we are co-funding a detailed study of that with the Territory—and, secondly, whether the character of some of the inner hill areas will change because of this notion of abatement zones.

Mr CAMERON THOMPSON—To follow the line through, you spoke about consultation in the ACT and those sorts of things. What about outside the ACT with the New South Wales authorities? Because it obviously extends the whole concept of where we are much wider into the region, have we taken feedback from them about that as well?

Ms Pegrum—Of course our area of responsibility is within the boundaries of the Australian Capital Territory, but I am aware that the department of transport is looking at that. Mr Schultheis might have some information on that.

Mr Schultheis—Only to the extent that the spatial plan that was looking at possible different land uses within the ACT was the subject of consultation with the subregion planning committee, a group that involves the adjoining New South Wales local government areas. So there has been an input to that particular consideration by the subregional planning committee to look at issues that might be of interest to them about changes in land use for the ACT, including rural residential.

Ms ELLIS—I want to make a quick comment in relation to the discussion about villages. For the benefit of my colleagues on the committee, I want to very quickly outline that discussion and, Ms Pegrum, the comments that you made about your discussions with Mr Tonkin. It also has to be kept in mind that when the Uriarra, Pierces Creek and Stromlo—but particularly the first two villages—were at their peak in terms of their usage, they had forestry workers in them. They were there larger than they are now, although smaller, obviously, than has been proposed by the Hollway type suggestion—and I do not disagree with what Mr Scott-Bohanna said at all about where it may end up landing in terms of size and dimension.

The point is, when we talk about those villages sitting out there and we talk about fire risk, they were never in fire risk during their history because while they were properly housed and used they had firefighting capacity, which has been eroded dramatically in recent decades. When we look at the existence of those villages and we talk about it precisely in terms of danger from fire, we have to look at it realistically and say that, whilst there has been fire through those areas in those times, those villages were never burnt, because they actually had firefighting capacity within them.

I think it needs to be said on the record that, should the redevelopment of those villages occur, part of the planning would have that particular capacity back where it was. That is part of the reason that they believe they ought to be there. Not only can they resume the lifestyle like everybody else who was fire-affected, they can hopefully resume their firefighting capacity as

villages at outposts to the western edge of Canberra, which have not been there to do their job as they could have in recent times. I want to put that on the record.

Ms Pegrum—I think that is important.

Ms ELLIS—Very much so.

Ms Pegrum—It goes to the notion that I was talking about: the threshold of the village, where it can have that kind of infrastructure.

Ms ELLIS—Absolutely.

Ms Pegrum—But, for the record, I also think that it is important to separate and make distinct considerations of the Uriarra community which was there and was lost—and we had a draft amendment proposed for the plan with respect to that community before the fires—from using villages as a mechanism for finding additional urban residential development capacity.

Ms ELLIS—There is a balance to be struck, and I am not debating that for a second. But I wanted to make it clear that the villages themselves are not a fire risk; you don't not put them there—

Ms Pegrum—Absolutely.

Ms ELLIS—I wanted to make that point.

Ms Pegrum—We totally agree with you on that.

Mr CAUSLEY—I want to clarify something. I know a fair bit about the New South Wales planning act and it seems to me that it is similar to this. You mentioned the fact that the National Capital Plan would have priority over the Territory Plan.

Ms Pegrum—Yes.

Mr CAUSLEY—Is that only on national land or is it right across the territory?

Ms Pegrum—No.

Mr Schultheis—The act, under which the plan is made, sets out the provisions whereby a territory plan is required to be prepared, but it is not to be inconsistent with the provisions of the National Capital Plan, so there is that hierarchy of arrangements in the act as a requirement. When the National Capital Plan was prepared, it set the broad guidelines and policy statements that then enabled the Territory Plan to be prepared in a way that was not inconsistent with that plan and they remain the provisions in the plan.

Mr CAUSLEY—But at the end of the day the NCA would have priority over the Territory Plan?

Mr Schultheis—The policies of the plan.

Ms Pegrum—It is not the NCA over the Territory; it would be the plan itself. I have just put this image up for you, Mr Causley. The one that I showed previously was the Metropolitan Policy Plan. This is where the National Capital Plan has broad principles and policies associated with the plan. It is only in these designated areas, which as I said cover both areas of national and territory land, where the authority has detailed planning control. Outside of those areas, the detailed planning control is the responsibility of the Territory.

Mr CAUSLEY—Right; so you cannot override that.

Ms Pegrum—So it is very much like a state and local planning responsibility.

Mr CAUSLEY—The state minister has overall power! With this system here, if you are drawing up a plan or changing the usage of land, you have to go through the public display process where people have a right to have an input.

Ms Pegrum—Yes.

Mr CAUSLEY—I dare say that local Canberrans can have that input.

Ms Pegrum—Absolutely.

Mr CAUSLEY—There would be very few people outside of Canberra unless they had a keen interest in the design or history of Canberra or had some other reason to make comment, so it would probably be left to members of the Australian parliament if they know anything about it to have an input.

Ms Pegrum—That is usually the case.

Mr CAUSLEY—Then technically, the matter can come to this committee and go to the minister and the parliament.

Ms Pegrum—Or public inquiry.

Mr CAUSLEY—At face value, that appears to be very democratic, but in reality you do wield enormous power, don't you? Is it fair to say or could you accept that people do see you at times as being very inflexible and autocratic?

Ms Pegrum—Those comments have certainly been made and we have not been deaf to them, but I think what is very important for this committee to understand, as much as it is for the Canberra community to understand, is that it is the plan that sets down what is valued by the Commonwealth for all Australians.

Mr CAUSLEY—I understand that, yes, but it is how is how the plan is reached.

Ms Pegrum—Yes. The point at which the authority has power to say yes or no to the type of development is only in these designated areas. If you look at this image, they are the designated

areas. If you go back to this image, it is these areas here. I am being broad here but the detailed power of the authority is vested only in those areas which I said have their history rooted back in the 1918 and 1925 plans, the 1964 cabinet decision and the 1990 plan; otherwise, in effect, it is the Commonwealth of Australia that has the power through the National Capital Plan.

Mr CAUSLEY—I guess that is the argument anyway.

Ms Pegrum—That is the statement of how it works; the perception is another thing.

CHAIRMAN—The committee had reported to it some disquiet with respect to the internal operations of the Carillon. Could you explain why some of the supposedly best, most notable carillonists in the world claim that the Carillon is not functioning as it was meant to function? For its type, it is pre-eminent in Australia. One example of someone who appeared before us claiming this is Ms Halsted from Canada. While she was dismissed, there seems to be support from eminent people within that particular discipline that she excels at. There is not just the one case; I just used that as an example.

Ms Pegrum—I would say that it is finally functioning as it was intended to function. We moved towards a Carillon director some time ago. I could give you the dates in detail at a later time. The intent was to move into a far more structured approach to, firstly, the way in which the Carillon itself was managed; secondly, the way the musical instrument was being appraised and maintained; and, thirdly, the way in which the musical program would be provided. The Carillon director was appointed in order to give advice and support the authority's intention for the Carillon in that way. Part of that was putting contracts into place, I believe for the first time, for those who provide the musical program, for which they have always been paid. Part of that process was the continued training and assessment of people who were under the contract. If I am correct, you are referring to one carillonneur who did not have another contract offered and has made a number of comments and sought support from a number of areas.

CHAIRMAN—I just used that person as an example; there are a multiple of them that we have some correspondence from. I just used that as an example.

Ms Pegrum—I am not aware of that. I am aware of one and I am aware of a lot of correspondence in support of that person. I will pass over to Mr Evans. There may be privacy issues associated with our response here but I think he could appraise that.

CHAIRMAN—Before we do, would you be kind enough to make a copy of the contract available to the committee?

Ms Pegrum—Absolutely. We have one that we could table.

CHAIRMAN—That would be great, thank you.

Mr Evans—I would like to go back over the subject that Ms Pegrum raised—that is, the process that we have gone through to actually put in place a structure at the Carillon which combines both the aspirations of those carillonneurs who were already playing the instrument and also develop a new arm to establish a new school of training. The program, which was

established through the contract with our Carillon director, was to go through that in three steps over three years.

The process aimed at effectively accrediting the standard of each of the carillonneurs who would play there—to meet particular performance criteria. He was engaged to provide that level of expertise. He was also engaged to establish a training and development program, which is now well under way. Allied to that was the aim to improve the instrument in its operation and also its musical performance. That reconstruction program is also under way. It was quite a lengthy process. We are now into our third year of it. It has changed dramatically the perceptions of the carillon in the international community. We still attract quite a number of very high-profile and credentialed carillonneurs from around the world who play when they come through travelling or on an invitational basis.

CHAIRMAN—What sort of expertise is available on the National Capital Authority with respect to carillons?

Mr Evans—Within the authority, very little. It is an unusual instrument. On that basis, we sought to engage as carillon director the most credentialed person that we could. We went through a public process of advertising and selecting that person based on the level of credentials they had and their experience with carillons. A carillon is not a common instrument. They are more numerous in North America and, particularly, parts of Europe. They vary in their size and scale—the number of bells and so forth. They also vary in how the instrument is played. Our carillon is unique. Most carillons are unique. It is somewhat difficult to consider them as the same type of instrument as, say, a piano or any other musical instrument which is well known. It was approached on the basis that we would engage the person who was the most credentialed we could find, who would then put in place and manage a program to improve the performance of the carillonneurs who were under contract and the performance of the instrument itself.

Ms Pegrum—That person was also then able to advise us on the musical instrument itself, which is separate from the building. It is quite a complex asset. There is the island it sits on, the building itself, which is considered to be—

CHAIRMAN—It is a very significant asset of the capital.

Ms Pegrum—It is a very significant asset. And there is the instrument, and then the musical program. The director has been able to give us advice on the musical instrument—there are new bells currently being installed and a quite substantial upgrade of the musical instrument—on the nature of the musical program and, as Mr Evans said, on building new opportunities through the musical program and through the development of new carillonneurs. To answer your question—

CHAIRMAN—My question is really related to what expertise there is. I have no great knowledge of carillons at all, but I just want the committee to understand what sort of expertise is on the NCA and what sort of expertise is available to it. We can then try to judge some complaints made with respect to the experts—those that play the carillon; I suppose that is the term you use—and balance that against the expertise that the NCA has available to it. That is really what I am asking.

Ms Pegrum—And our answer is that we have taken considerable steps to find a musical director with the expertise—internationally and nationally—in carillons as instruments and in relation to musical programs.

CHAIRMAN—And you have achieved that?

Ms Pegrum—And we have achieved that. There are some issues that I believe you are referring to associated with the carillon and I think those would be matters of privacy. We would be very happy to provide them in camera unless you give us leave to make those statements.

CHAIRMAN—Because of the inconvenience of having it in camera today, since there is a large body of people here, could you supply a private and confidential letter to the committee? We can assess it on that basis, if that receives the agreement of my colleagues.

Ms Pegrum—Thank you.

CHAIRMAN—That is fine. There is just one other question before I go to Senator Lundy. There was talk—particularly by those who have had a longstanding relationship with the territory—that in the days of the commissioner, things seemed to happen a bit better. I do not say everyone has that view, but it is certainly a view that is prevalent. Would you be able to advise the committee as to whether things did happen a little better when there was a National Capital Planning Authority and perhaps less conflict—what appears to be conflict—between the National Capital Authority and the capital government?

Ms Pegrum—These things are always easy to say in hindsight. Some rather clever people suggest that things always look rosier with more time. The National Capital Development Commission was an extraordinarily powerful agency. From recollection, a 1954 Senate review established the commission and it lasted for some 30 years. It had almost total power—of the nature of the power you were suggesting, Mr Causley—and it had an extraordinary budget.

But importantly the emphasis of its role was on development. It was called the National Capital Development Commission. It had no land administration or maintenance responsibilities whatsoever. In effect, it could undertake considerable planning and development work—entire suburbs; entire areas; major roads—with virtually no need to consult with the residents of the territory prior to self-government. It did have a public relations arm. I recall having worked for it for a short period. We would put out brochures on developments that were proposed and people could comment but there was no requirement to do anything about that.

Certainly, from my perception, its demise was partly due to, one, that the Territory was growing up and, two, that the department of territories—as I think it was then called—was being given assets to manage which they had no role in developing. It was a very different sort of agency, a very different climate, a very different time. Most importantly, there was no self-government.

With self-government, what happened—as I was describing earlier—is the Commonwealth wanted to retain its interest in all of the Territory as the seat of government and as the capital but it also was looking at a mechanism to allow shared responsibility for planning and development.

It hence introduced through the Planning and Land Management Act what it saw as—and I believe is—a very good process to allow that.

There is from time to time what I consider to be a healthy tension between the Commonwealth or the national and the local interest. We do have debates; we do have quite strenuous discussion with the Territory planning authority. But the mechanisms are in place to resolve those debates. Just the demonstration I gave you of the number of draft amendments proposed to the plan and the fact that the Commonwealth minister has never needed to invoke what is equivalent to a dispute resolution process with the ACT executive demonstrates that it does work, even though from time to time there is significant controversial debate. There is some virtue in that tension.

CHAIRMAN—One of the stark examples that has been presented to me on several occasions and over several years—and people have said this in various forms so I will precis it—is that the centre of the national capital, Civic, is tatty. It is a bit worn out—some of the streets are cracked and pavements are old and sunken in places and there is a lot of graffiti around the city. People have said that that would not have happened if the commissioner was in charge of it. I suppose the commissioner had more money but he may have had more authority too.

Ms Pegrum—I would be absolutely delighted to have the commissioner's budget. It might be useful to show a detailed diagram of Civic that I believe we have brought with us. It looks at the designated areas versus those that are not designated in Civic. There has been a lot of discussion about Civic as recently as today with the city west program. I think we are working very well with the Territory on this. We have a major review of the central national area of Canberra.

A diagram was then shown—

With the area I am indicating, we look at the relevance of the Griffin Plan, what is there, what has been left out, what should be developed and what should not. We work then with the territory towards an implementation for areas such as Constitution Avenue and Civic itself.

If I ask Mr Mackenzie to describe the drawings on this map, you can see that the territory—

CHAIRMAN—Sorry, Ms Pegrum, perhaps you might be cognizant of Hansard having to interpret what 'this map' is.

Ms Pegrum—I am sorry. Would you like to tell us the heading of that, Mr Mackenzie?

Mr Mackenzie—In the two maps here we do not have a plan of Civic, but Civic does fall within this plan which shows that the area I am pointing to is City Hill.

CHAIRMAN—What plan are you referring to, Mr Mackenzie?

Mr Mackenzie—This is a plan showing designated areas and special requirements applying to Civic and Northbourne Avenue. This plan is more focused on the Northbourne Avenue corridor here. Civic is to the south. Perhaps it is clearer to show you on this plan, which is the 1913 Walter Burley Griffin plan, which still shows a remarkable resemblance to the geometry.

Ms Pegrum—You might put that on the other easel.

Mr Mackenzie—You can see here the relationship of Civic to the national triangle. This is Commonwealth Avenue, leading to Parliament House here and Constitution Avenue here. So Civic is very much an integral part of the formal planning of Canberra.

Mr David Wright—I would like to add something harking back to the good old days of the NCDC. The problem of graffiti would not have been something that would have been part of the commissioner's responsibility. He may well have expressed a view to the secretary of the Department of Capital Territory, who had the land management responsibilities. So things have not changed much in that sense but the significant difference is the absolute power of the commission, both through its budget and through the single statement in the act that gave it the power to plan, develop and construct Canberra as the national capital. That was a very powerful act, indeed. I think it was much more powerful in many respects than the ACT Planning and Land Management Act which gives due respect to the territory's interests and builds in mechanisms to ensure that that interest, which, while it is in a planning sense subsidiary to the Territory Plan, at that general policy level is institutionalised in the act.

CHAIRMAN—It seems to a casual observer who flies in that perhaps the epicentre of Civic is shifting out to the airport, which seems to be burgeoning. A silver city seems to be mushrooming there. Thank you for that explanation. I am not sure that I am all that advanced on the difference between the commissioner, when he had power, and the present National Capital Authority.

Mr David Wright—About \$500 million.

Ms Pegrum—Yes. For a start, all of that land would have been available to the commissioner to develop. Clearly this is Territory land that is not under our management for the special purposes of Canberra as the capital and therefore we do not undertake works in those areas.

CHAIRMAN—I understand that.

Ms Pegrum—The other issue with a commission is that I cannot envisage, now that we have self government, that you could have a single agency that was responsible to the Australian parliament and responsible to the ACT Legislative Assembly.

CHAIRMAN—So this would eliminate some of that confusion related to having the authority from the Legislative Assembly of the Australian Capital Territory and the National Capital Authority, both planning and both thinking at times that the jurisdiction is theirs when in fact there is an overlap or they may be wrong.

Ms Pegrum—Hence the beauty of the National Capital Plan.

CHAIRMAN—Thank you for that comment. I appreciate that.

Mr Evans—There is one other point I would like to add. You have to look back 20 years, when the infrastructure in Civic was 20 years younger. If you look at the airport now, it is new. So to some degree the normal ageing process goes on and the infrastructure would normally be maintained and upgraded on a periodic basis. So you have to look, to some degree, at the differences in age as well.

CHAIRMAN—I just have one final thing to say: I must declare an interest. My wife and I have an apartment in James Court.

Ms Pegrum—I believe that is subject to Territory planning approvals.

CHAIRMAN—I understand that that is the truth of the matter.

Ms ELLIS—There is a very hot shot restaurant underneath.

CHAIRMAN—There is what is called ‘the Scottish restaurant’ underneath it—another name for McDonalds.

Senator LUNDY—I would just like to go back for a moment to the issue of the airport and the street names there. How does the naming of streets at the airport and the process you describe there compare to how the ANU names streets?

Mr Wright—I think the distinction that needs to be drawn is between what are public roads and what are roads in appearance but not actually gazetted as public roads. I would be happy to take that on notice, because it is a legal question.

Senator LUNDY—So are the ANU roads public roads?

Mr Wright—Some are and some are not. That is the reason I am being a bit equivocal. I would like to take that on notice and try and provide you with an accurate answer.

Senator LUNDY—I am really looking at what the analogy is between the situation you described at the airport in having no say and the ANU land.

Mr Wright—We are dealing in each case with a very large site which has roads within it. Obviously to help people orient themselves through the campus or the airport it is necessary to name the roads but they do not go through the public process unless the roads are gazetted.

Senator LUNDY—Please provide information to the committee on how the ANU name their roads as well. I have a series of general questions that relate to previous evidence and general issues and then I have got a series of questions that relate to specific initiatives or draft amendments that have been considered recently. I will try to move through them as quickly as possible. First of all, I do not want names of employees at the National Capital Authority but can you provide to the committee a list of all positions and the associated qualifications and roles of all of the staff of the NCA?

Ms Pegrum—We have that today and we can table it for you.

Senator LUNDY—Thank you very much. In relation to the promotional role, I note in your presentation and am familiar with the charter that provides for the promotion of the national capital by the NCA. We have heard one submission from the Business Council of the ACT that thinks that is a very important role for the NCA, but we have also had evidence that suggests that that represents some duplication, particularly with the efforts on behalf of a number of either private or representative organisations, as well as the ACT government, to promote the national

capital. They have at various points of time sought greater Commonwealth support for that. Can you tell me, with that developing role—and I know it is pretty recently that you have started focusing on that—how you consult with the ACT tourist promotion authorities, particularly in relation to national institutions and the parliamentary zone?

Ms Pegrum—I will do my best to cover all of that. As you know, within the ACT a Canberra Tourism and Events Corporation was formed, from memory, in 1996 or 1997. It was a statutory corporation of the Territory government and it had both an events focus and a general tourism focus. That has just recently been changed to the Australian Capital Tourism Corporation, and I believe that has a different approach to events from the previous one. In that period of time where Canberra tourism was in itself coming to grips with what that role was, which is also quite recent history, which is why I described the way in which CTEC was established, the issues there were whether their primary function was either to obtain events from other states or to have events.

Our primary point of relationship there was when they proposed such events on land for which we had management carriage and/or in designated areas. You would be aware of the most obvious recent one, which was the V8 car race and its impact on the parliamentary zone. But the longer standing one has been Floriade, and we are very pleased that now the Territory and capital tourism have agreed with us that Commonwealth Park is a good permanent home for Floriade and that we should be moving forward with the master planning and implementation necessary to grow the event. That has taken some time, but I think it is a very good position to have come to. With the new tourism group we have established an extremely good relationship to the extent that we ran our first tourism events forum recently after the authority had a marketing and events advisory panel that we established ourselves looking at the relationships not only of Canberra tourism but also all the tourism industries in Canberra and what their expectations might be. That was a half-day public forum. It was extremely successful in showing the new relationship.

Senator LUNDY—So it was jointly managed between the Australian Capital Tourism Corporation and yourselves?

Ms Pegrum—Yes, we organised it but it was promoted as a joint forum—

Senator LUNDY—Sorry to cut you off, but I have a lot to get through. If you are proposing an event in the parliamentary zone, or indeed on designated land, what is your obligation to consult with the Australian Capital Tourism Corporation?

Ms Pegrum—If you are talking about a significant event such as ‘Celebrate! Christmas in the Capital’, which has been our primary focus, that is on national land and in designated areas and we have always liaised with the corporations to say—

Senator LUNDY—But do you have to, technically?

Ms Pegrum—No, technically we would not have to but it is a benefit to the Canberra community because we are talking about significant public concerts—‘Celebrate!’ was a free concert for 25,000 people. The opportunity for Canberra tourism to market that was substantial.

Senator LUNDY—Sure, but is the NCA's policy to always consult, at least, if not seek agreement from the Australian Capital Tourism Corporation or the ACT government?

Ms Pegrum—We have always tried to. Whether there has been a slip from time to time, I could not say, but that is certainly our intention. To my knowledge, we have never had a scenario where we have not been able to oblige each other's needs. The exception, which we definitely consulted on and were very public about, was the V8 car race, where there was a suggestion that if the Territory could have moved it, they would have continued to support it. The private advice I received from the chief executive of the then CTEC was that that was not so, and from our point of view that would have pushed—

Senator LUNDY—Did you say move the date?

Ms Pegrum—Yes, from the winter period into a more spring-summer period. As it happened, that would have pushed off a number of other Territory events such as the Canberra Festival, Heritage Week and the like, so we did not support that.

Senator LUNDY—Can you explain why it was played out in the media as though the NCA had refused permission to move the date of the V8 cars?

Ms Pegrum—We did refuse permission to move the date; that is what I am saying.

Senator LUNDY—That is how it was reported at the time.

Ms Pegrum—That is what I am saying: we did refuse to move the date, after consultation with CTEC, because it would have bumped a number of Territory events such as the Canberra Festival and the like.

Senator LUNDY—Do you have any correspondence that can establish that?

Ms Pegrum—We certainly have the matter being discussed in the authority. We may have correspondence. I am not sure if Ross MacDiarmid wrote to me or not. I will check that for you; he may have. Certainly, there is a substantial number of media reports on it. My reference to Mr MacDiarmid's comments to me was that the Territory, regardless of whether the date were moved or not, was disinclined to support the event because of the substantial funding impact for the Territory of running it again. I do not think our decision was the seminal one, because we also indicated that, if they wished to run it again in June, we would consider that and put it up to parliament for approval.

Senator LUNDY—Yes, I understand that. If you could try to find correspondence that establishes that it was effectively a request, or it was the opinion of the ACT government or the appropriate authority not to move it, that would be useful.

Ms Pegrum—I should also sum up that we are very pleased with the current relationship with Capital Tourism. We liaise on dates for different events so that we can avoid conflict.

Senator LUNDY—I appreciate that. I am trying to find out what your statutory obligations are to consult. Can you tell me what they are in relation to designated land as opposed to national capital and designated land?

Ms Pegrum—I must make one comment. I do not believe Capital Tourism has any statutory obligation to consult on its events either, but I will stand to be corrected.

Senator LUNDY—With you?

Ms Pegrum—With ourselves or with the community—statutory obligation as distinct from policy.

Senator LUNDY—What about if it is on designated land?

Ms Pegrum—I was dealing with the tourism and events issue that you asked me about. The approach the authority has taken with designated areas, given the constituency of all Australians, has been that, where there are major developments for land that is in the designated areas—for example, the airport, Russell or York Park—a master plan or equivalent is prepared for the National Capital Plan. That plan is then subject to all that detailed statutory consultation and—

Senator LUNDY—I am asking in the context of events such as non-permanent works approvals.

Ms Pegrum—The only major one I can think of is the V8 car race, which came before parliament as a works approval.

Senator LUNDY—What about the circus on the futsal slab? Does it need works approval?

Ms Pegrum—I think there is a memorandum of understanding with the Territory for that. Mr Wright can speak about that.

Mr Wright—Where events such as the circus are within designated areas and involve works—temporary or otherwise—they require works approval. We liaise very closely with them. Our works approval function for events has been transferred to our events area, rather than being dealt with in the planning area, so that coordination is achieved.

Ms Pegrum—In the guidelines for events, the kinds of things we require from an event proponent include consultation, depending on the event, with a number of groups such as ACT Environment and various other organisations, where the event is to be held on the lake, and risk management plans. The proponent is required to give evidence of consultation in a number of areas. I can provide you with those check sheets if you would like them.

Senator LUNDY—Thank you, that would be terrific. What level of consultation occurred between the NCA and the ACT government on the Australia Day celebrations at the national capital designated areas on the Lake Burley Griffin foreshore and at Commonwealth Place?

Ms Pegrum—We have established an events alliance with Canberra Tourism. It is chaired by Brian Kennedy.

Senator LUNDY—When was that established?

Ms Pegrum—It was an outcome of the tourism forum. We publicly announced it on that day.

Senator LUNDY—When was that?

Ms Pegrum—It was in March 2003; it was this year.

Senator LUNDY—So that was after Australia Day this year?

Ms Pegrum—Are you talking about Celebrate Australia Day or the local Australia Day?

Senator LUNDY—I am talking about the local Australia Day celebrations at Commonwealth Place. Obviously that was before March 2003, Australia Day being in January and all!

Ms Pegrum—I am confused. I thought you were asking about events that we propose, as distinct from events we give works approval to.

Senator LUNDY—I am doing two things. I am now asking specifically about Australia Day. I understand that you would have had to give works approvals for that.

Ms Pegrum—Yes; there were some approvals associated with the marquee and the like.

Senator LUNDY—What consultation did you have with the ACT government?

Ms Pegrum—We relied on the Australia Day local council groups—

Senator LUNDY—Oops! They did not consult.

Ms Pegrum—They were sponsored by the ACT government, so I assume they must have consulted. They received sponsorship for the event from the ACT government and from us. I think that was from the Canberra Festival group.

Senator LUNDY—I guess I am trying to establish that the NCA did not assume the role of consulting with the ACT government on the granting of that works approval.

Ms Pegrum—No; we did not.

Senator LUNDY—But you have now established a code—

CHAIRMAN—Senator Lundy, I know you have a lot of questions but could you let Ms Pegrum finish.

Ms Pegrum—I am having trouble answering the question, so perhaps I could turn it around. In the same way, Canberra Tourism or Canberra Festivals do not consult with us for their works on Territory land where the Territory planning authority or similar gives approval. For example, they do not ask us whether food stalls can go into Garema Place. However, when a proponent for

work comes to us that is a recipient of sponsorship from the Territory, I would assume that the Territory would be well aware of it. In fact, I was given to understand that the Territory supported it to the hilt last year.

Senator LUNDY—I accept that. Given the statement that you worked out in March this year, can you tell me whether, in the same circumstances, it would be up to the NCA to consult with the ACT government and that you would not leave that to the proponent of the event?

Ms Pegrum—What we would be trying to do now, and I am still talking about local events as distinct from Celebrate Australia Day in the Capital, is making sure that our events calendars align so that events that the Territory is supporting or promoting do not clash with events of the authority or that we are aware of from other proponents, so we are looking at both the public places in the Territory's realm and the national public places to make sure that people have the best opportunity to use those. That is happening routinely now in terms of my events people having liaison meetings with the Territory and the Australian Capital Tourism Corporation.

Senator LUNDY—I have a general question about works approval and consultation. What statutory obligation is there for the NCA to consult with community stakeholder organisations for works approvals, no matter how minor, in designated areas?

Mr Wright—We do have public consultation processes in relation to planning and development, and these are actually set out in a statutory sense in sections 14 to 22 of the act. They are deliberately aimed at the policy end of the spectrum.

Senator LUNDY—Yes, I know, but I am asking about works approval not the planning.

Mr Wright—There is no statutory obligation for works approval other than the provisions in the policies that relate to dual occupancies, which you are aware of. We have been cognisant of the inequity, if you like, between the rights afforded residents and lessees outside the designated areas and the rights of those inside. Consequently, and partly as a result of the process of going through draft amendment 39 and taking on board the comments of the committee, the authority has adopted as policy a range of consultation processes that relate both to dual occupancies and to standard residential development. We have a one-page summary of what that is.

Senator LUNDY—If you could provide that committee, that would be good.

Mr Wright—It was covered, in fact, in the government's response to the four recommendations of the committee under recommendation 4.

Ms Pegrum—That is for draft amendment 39 and the inquiry on that.

Mr Wright—I think we are in the fortunate position that, given we have only got 90 standard residential properties in the area, we are able to give a fairly personal service in terms of consultation, and this is what we propose to do. In the couple of instances where we have had a dual occupancy application since the inquiry we have actually exceeded what we had undertaken to do. We have actually acted as mediators between the proponent and the local residents.

Senator LUNDY—Has the NCA accepted responsibility for that consultation?

Mr Wright—No, we have taken on that responsibility.

Senator LUNDY—Previously the NCA's guidelines required the developer to do that consultation.

Mr Wright—The requirement in the plan required the developer to do that.

Senator LUNDY—Yes.

Mr Wright—That obligation has not been withdrawn, but we have taken on board the responsibility that the decision is ours and that we will consult with local residents.

Senator LUNDY—Is there an appeals process under your new guidelines?

Mr Wright—There is not. If an error is made in law then a complainant would have recourse under ADJR, but that is a very fairly drastic step to have to take. We are looking at opportunities for a review process so that the decision maker, be it me or one of my colleagues, is subject to a review. It may well be an internal review by the authority, for example, but that has not been resolved at the authority level.

Senator LUNDY—That has certainly been a consistent issue: the parity between the ACT and the NCA's consultation and appeals requirements.

Ms Pegrum—Yes, it has been raised a number of times—and DA39 was perhaps the test issue there. I want to make it clear that what we are trying to do is look at mechanisms that might allow for some sort of mediation or response where people do have a concern. Under the current act, we cannot introduce an appeals mechanism that is equivalent to the Territory's. I think it is also fair to say that if government considers an appeal mechanism, it needs to do so with a critique of how well or otherwise the one in the Territory performs because it has become quite litigious and difficult, particularly with respect to third-party appeal.

Senator LUNDY—Does the NCA support an appeals mechanism for your works approval processes?

Ms Pegrum—We could not comment on that; that is a matter of policy. It goes directly to the act.

Senator LUNDY—The works approvals in relation to the residential area are obviously a big issue in themselves, and somewhat unique. What statutory obligation does the NCA have on it to consult with community stakeholder organisations for works approval in the non-residential national capital land—not designated areas, at this stage, just national capital land?

Ms Pegrum—Looking at areas like Russell or Barton, the approach we have taken—because, as Mr Wright has told you, there is no requirement on designated areas under the act to consult—is to put in place the development master planning for those areas, which is subject to consultation with both the community and the Territory planning agencies because it results in an amendment to the plan. What happens then is that when a proposal comes in if it is consistent with the plan we can give it works approval. So de facto there has been consultation because we

are not reinventing the wheel each time. That process is something that is looked at by other planning groups as being perhaps a model way to go about giving works approvals or development approvals because you are not test casing each time but you are establishing a scenario where people have an understanding of and certainty about what is permissible in an area.

Senator LUNDY—Through submissions to this inquiry the concept of needing greater clarity for planning, design and siting decisions in designated areas has been raised a number of times. What is the NCA's response briefly to the prospect of lifting or removing designated areas and perhaps including in the Territory Plan the national capital principles that the NCA currently applies in its consideration of proposals in designated areas? Does the NCA have any response to that suggestion?

Ms Pegrum—Our response is in our submission. We believe, quite firmly, that the designated areas are still very relevant to and vital to the national interest of the capital and that they deserve the detailed level of planning and control that they currently have. We have given the history as to why they are considered to be that important—

Senator LUNDY—So you do not support that?

Ms Pegrum—Our position is that the designated areas are vital and that their planning and control should be retained by the Commonwealth through the National Capital Authority.

Senator LUNDY—In relation to the concerns expressed by the NCA about the proposed Gungahlin Drive extension to the west of the AIS, can the NCA tell me what works approval has been provided for national capital land in the proximity of west of the AIS recently?

Mr Wright—There are no designated areas outside the hills, ridges and buffer spaces in Belconnen. Are you referring to the sites in Bruce?

Senator LUNDY—Yes, I am; the sites west of the AIS.

Mr Wright—From memory there are three sites that were administered by DOFA. One was a tax office computer centre, the other a Customs computer centre and then there were one or more vacant land sites in that area. We can give you the details of those. The authority would not have a works approval role there. A development control plan is used and that is something that is agreed between the territory and the authority. That is the mechanism that is used to set up a lease, sale documents and so on for the divestment. Once that divestment occurs the intent is that those sites should revert to territory land. The moment that happens through the degazettal after national land status—

Senator LUNDY—Hang on, it is still national land.

Mr Wright—Wait a minute: the crucial point is when the national land status is revoked by degazettal. Once that occurs, the development control plan ceases to have any effect and the—

Senator LUNDY—I'm sorry.

Mr Wright—Can I just finish this one sentence?

Senator LUNDY—Are you telling me that it is not national capital land now?

Mr Wright—It is not national capital land at all; it is national land. Once it is degazetted as national land, it becomes territory land. It is outside the designated areas and therefore the planning responsibility transfers immediately to the territory. Any design and siting approvals are totally the responsibility of the territory and not the authority.

Senator LUNDY—Is that the situation as it currently stands?

Mr Wright—I can give you the details of the three or four sites in Bruce and their national land and territory land status. I have that information and I am happy to table that information.

Senator LUNDY—Are there any works going on in that precinct that the NCA has been involved in providing works approval for?

Mr Wright—We do not provide works approval for any works outside designated areas. The sites we are talking about are national land, administered by DOFA, outside the designated areas. The authority, recognising the amount of national land that was in the territory, included a provision in the plan that required the preparation of a development control plan. Among the requirements of the development control plan is that it has to reflect the relevant provisions of the Territory Plan. In effect, the authority is acting as a broker between the Commonwealth and the territory with the explicit objective of ensuring that the territory's interests are safeguarded.

Ms Pegrum—Senator Lundy, I am sorry but you missed the presentation and it is a really important point. We have answered it so often and it just does not seem to be clearly understood. The only areas where the authority gives works approval are designated areas. They are primarily the central national areas: the lake, the parliamentary zone, diplomatic estate and the inner hills. The areas that you are referring to are areas of special requirement. We have no works approval on those—be they territory or national land.

Senator LUNDY—Thank you. With respect to the sale of the water police station on the foreshores of Lake Burley Griffin, that is designated land?

Ms Pegrum—Yes.

Senator LUNDY—You will be called upon to provide works approval.

Ms Pegrum—If there is a proposal.

Senator LUNDY—If there is a proposal. Now that it has been sold and is privately owned, what role does the NCA have in approving or otherwise any developments that may or may not occur on that site?

Ms Pegrum—If there were a development proposed and it was consistent with the plan—which is currently for a water police site—then we would be giving works approval. What it

would not allow is an approval of a work that was not consistent with the plan—for example, bed-sits or bed and breakfasts. To do that, you would have to amend the National Capital Plan.

Senator LUNDY—With respect to the question before: if you amend the National Capital Plan, does that invoke a process of consultation?

Ms Pegrum—Yes, and agreement with the Territory.

Senator LUNDY—I will move to the fan controversy we have been dealing with over the last few weeks. Can you tell the committee what changed and what subsequent proposals have come before the NCA in relation to the fan since the presentation by the NCA in February?

Mr Scott-Bohanna—Since we brought the design proposals for the fan to this committee in February, the design has undergone what is called design development. I can recall at the time of that presentation advising that there were certain aspects of the design—particularly the counterweighting system—with which the jury were not entirely happy and which they had asked the designers to review. The other major elements of design work were wind tunnel testing and, finally, computer modelling. That development process changed the details of the design of the blades; it did not change any other aspects of them. The change in design overcame the concerns the jury had with the counterweighting system, and that became much more refined. The size of the blades in terms of their length did not change greatly but the sectional dimension of the blades did. The blades actually became a lot finer than the ones that were shown to this committee in February and subsequently approved by parliament.

That design process had not been completed at the time the contract was terminated, although I can give you an indication of where the design was heading. The design that was shown to this committee in February was 21 metres high and about 24 metres wide at its widest point. That was consistent with the design that had been endorsed by the Australian Heritage Commission. Early in September the design was about 15 or 16 metres high, so it was several metres lower, and its spread in those terms would have been something in the order of 18 metres, and there were eight blades and not 10 as was originally proposed.

Ms Pegrum—At the time the commission was terminated, we had not given a works approval because we did not have the final development. It was our view that if the fan went down to below the 18 metres to 14 metres we would have to reconsider bringing it back to parliament.

Senator LUNDY—There was a lot of confusion about the image that was on the front page of the *Canberra Times*. For my part I had never seen that before. Was that in fact the image that was before the NCA as a characterisation of the new design of the fan, or not?

Ms Pegrum—No, it was a disgraceful image, As you are aware, because we have provided the letters to the committee, it was unsolicited. We do not know for sure who provided it. We have been told by the *Sydney Morning Herald* that it was provided by the National Trust. I hope that is not true because I think it is entirely unprofessional to provide images that have not been requested from the artists in question or from the authority or the proponent agency. It was an extremely distorted image of the fan in scale, colour and form.

The image that would have represented the fan at that time would have been extremely close to what the committee had seen with the exception of the blade. As Mr Scott-Bohanna has outlined clearly, he said to the committee at the time that the issue of the blades, wind tunnel testing and scale were being addressed, and particularly the counterweights. I feel it is quite important to have this on the record in protection of the artists' integrity, because they have stated that their moral right has been impugned and I support them in that statement. I thought it was scurrilous that that image was provided by whoever provided it and used in the manner that it was used.

Senator LUNDY—In respect of the issue of the fan, that image has now returned to the committee's consideration of what has been going on. Even though that fairly crude red image appeared in that newspaper, it seems to be the only characterisation now that is available that goes anywhere near reflecting the fan. I am not talking about the original one that was in the paper that you are discussing, Ms Pegrum but the subsequent image with the curved blades that appears not to have the hanging counterweights that the original proposal had. Is that the image that is now being considered? Is that the graphic representation?

Ms Pegrum—No, the commission has been terminated, as you know.

Senator LUNDY—I know that. I am trying to get a picture of the most recently considered design of the fan.

Mr Scott-Bohanna—That is correct—the one with the curved blades is the correct one, with no counterweights. It is also the image that we gave to this committee on Wednesday along with a lot of information about the blade, including a direct comparison with the actual design at the time in August and the misrepresenting image that had been published in the paper.

Ms Pegrum—I would be very happy to table those again for the public record.

CHAIRMAN—It would be good if you could do that. Other questions that Senator Lundy may have could be put on notice.

Senator LUNDY—I will do that immediately. I think we have already got that, but it would be excellent to have a date based chronology from the NCA about the different designs you were required to consider and also any knowledge the NCA has of costs associated with design changes. I do not know if you were provided with that detail.

Ms Pegrum—I can answer that now, Mr Chairman, if you would like me to.

CHAIRMAN—All right, you answer that and then we will go to Mr Thompson.

Ms Pegrum—The artists had been looking at various types of blades in their factory for a number of months. I believe there were images of some of those in the *Women's Newsletter*, which is a national newsletter, as you would know, and information about the artists testing the different blade types as wind foils. The design—and I will ask Mr Scott-Bohanna to correct me if I have this wrong—was finally determined by the artists on 29 August to the extent that detailed cost estimates could be provided. There had been a preliminary estimate independently made of the work after the winning design was announced by the authority, as we do with most

artworks, and that was provided to the artists. That estimate was \$1 million. So the artists knew what task was ahead of them to bring it in. It was not until 29 August that the artists were sufficiently happy with the design—which, at that time, was still 10 blades, 18 metres high—to have detailed estimates provided. Those estimates came in I believe on 4 September in written form. We were aware of them on 3 September. There was then an additional attempt to see whether further reductions could be made in the budget, which had blown out by over \$1 million at that time. At the last, prior to the termination of the commission, the blade form was the same, there were eight blades and the work was probably 14 metres high.

Senator LUNDY—Was it your requirement to make it shorter?

Mr Scott-Bohanna—No.

Ms Pegrum—No, we were actually trying to work with the artists in a number of areas. One was to look at the scale in relation to the vista—and the parliamentary drawings quite specifically said a maximum of 21 metres high—but not to the extent where the integrity of the work would be lost. So the artists were closely working with us, and Mr Scott-Bohanna was in detailed workshops with them over a number of days.

Mr CAMERON THOMPSON—I have been thinking about various projects that I have seen around the place and was wondering what the view of the NCA was about them in terms of how they fitted with the plan and those sorts of things. I would like to get a bit of a feel about whether you feel the plan is being effective in relation to these. The latest one has been this proposed Civic West development. I have heard some criticism on the radio that it means houses moving closer to the edge of the lake and that that is inappropriate. I would like some comments about that. I have also noticed in my travels around Canberra a whole lot of cars getting around with ‘I want a drag strip’ written on them. So obviously there is a move to have a drag strip. Could you tell us a bit about that?

Ms Pegrum—I am extremely nervous to make any comment about car races or the like after the experiences in Canberra, as I think almost everyone in this room would be. The drag strip issue really is one for the Territory government. There is no site allocated in the National Capital Plan in the designated areas for such a site. To my knowledge, the Territory has been looking at some Defence land, potentially, around the airport site. There are discussions at the moment between the Department of Defence, the Department of Finance and Administration and ourselves looking at the Territory’s requirements in relation to that land, which includes prisons and, potentially, a drag strip. We do not have a key role to play in that. I think sporting facilities are a very good thing, but where that is likely to be is a matter for the Territory.

Mr CAMERON THOMPSON—That would be a fairly noisy location. Wouldn’t the plan put restrictions on where that could possibly be?

Mr Wright—The provisions of the broadacre policies include the accommodation of sports grounds and sporting facilities of that type. Other areas are protected from that. Being in the vicinity of the airport, it is an area which is already subject to fairly high noise levels. The particular difficulty with the original dragway—which was on a very short-term lease—was that, because it was built on an old road that just happened to be there and happened to be conveniently straight, its alignment could in certain circumstances be mistaken for the east-west

runway. The situation was serious enough for Airservices Australia to say that it was not a good idea. In their view, as air-traffic control became more automated and growth in traffic occurred, the dragway was going to become problematic, so they felt it imprudent to issue a further 10-year lease. A five-year lease was offered so that an alternative site could be sought, but that was five years ago. The dragway people chose to take a litigious route and they lost out on that.

Mr CAMERON THOMPSON—But I am interested in the NCA's involvement and whether your plan would basically rule areas out and confine it on grounds of noise.

Mr Wright—Yes, it would rule them out of certain areas. The one type of area where we can consider those sorts of activities is broadacre areas. The land that the airport stands on, and the Majura Field Firing Range and the land to the south of that are all covered by a broadacre land use policy. So, if the territory purchased the land, and it was degazetted—came under their control—the general policy plan would still apply; it would still have that overall broadacre policy. But the decision would not be inconsistent with the plan, and the territory would be free to accommodate the dragway there. They would go through their own environmental processes to ascertain the suitability of a particular site.

Ms Pegrum—Mr Wright might just point to the fact that, in the Metropolitan Policy Plan, you can see that largely those yellow areas are the broadacre areas.

Mr Wright—The airport is here, and the field firing range is not much of the way up the valley. There is also an area to the south of the field firing range which the Department of Defence are looking to divest, and we are working closely with them and the department of finance to identify the long-term boundaries of the airport with the view that the balance of that land will be divested—hopefully, directly to the territory government.

Mr CAMERON THOMPSON—The other thing was City West.

Ms Pegrum—Yes. In the introduction to the paper that has been put out by the Territory, Minister Corbel said quite specifically that it does not represent an ACT government position. So there is a series of ideas that they are looking for reactions to. The bit about residential areas in West Basin is an extension of what is already in the plan as a development node on Territory land on the lake foreshore. I think that you can see, from the spirited debate and response around that, that it is certainly not being suggested that there would be residential development all the way around the foreshore. It is quite a confined area that they are considering. We will be putting forward the key proposals from the City West discussion document to the authority at our next meeting on 3 October, and the Territory will be presenting to that. Clearly, in the National Capital Plan the lake is a prime asset, as I said, and so is the public foreshore surrounding it. So we have very strong views about that. The bit that they are referring to is West Basin, which currently is a development node. It allows tourist type development and the like, although they would be looking for an extension to that. Certainly, they have not even said at this stage that that is their position; it is an idea.

Ms ELLIS—I want to return to the fan. It is really a question of principle, I think. I would like your opinion on this. It turned out that this proposal was much changed between the time it came to the committee and the date of the cancellation of the contract. You did say that, should the changes to the structure itself be of a certain dimension, you would feel that you would need

to bring it back to the parliament. But there was also the incredible doubling of cost. What I am asking is: to what degree do you think this could be better done—have a more complete process come to the committee rather than the beginning of a process? It was an in principle rather than an agreement that we were, in retrospect, being asked to look at. I am just wondering whether there could be a lesson learnt out of this—whether there needs to be one—or whether there is another view in your mind. Also, I should imagine that quite a few dollars were spent on the part of your authority, in terms of Mr Scott-Bohanna's and everybody else's time, let alone the actual cost involved.

Ms Pegrum—I would start by saying that this is unusual. We have delivered significant numbers of memorials and artworks where the winning design has come in and the independent assessment that has been done has shown that potentially it could be excessively over the budget, and they have been brought in—

Ms ELLIS—But this shows that it can happen.

Ms Pegrum—Yes. In fact, we are probably rare in Australia in that it has happened only now as distinct from often.

Ms ELLIS—Even so, it shows that it can happen.

Ms Pegrum—I am not excusing it; I am simply saying that this is not that unusual. For us it is unusual, for an artwork, and I regret that the designers could not bring it in on budget. They certainly were aware that they needed to. In an ideal world you would wait until a design was completely developed and finished before you brought it forward to a committee, particularly where it requires parliamentary approval. That is very rarely possible, because we would be expending potentially enormous amounts of Commonwealth money for a project that the parliament may not wish to support. So the more general process—particularly with our projects in recent years, like Commonwealth Place or Reconciliation Place—has been to bring them before parliament as soon as we can and in our referrals we say that the authority is prepared to grant works approval, so that we can get an indication of whether parliament supports the work prior to the Commonwealth expending additional funds on design development. Do you mind me taking the time to go through this? It is important.

Ms ELLIS—Not at all.

Ms Pegrum—So, for example, for something like Commonwealth Place, we went with a very general proposal and then we brought back additional development for staged parliamentary approval. So too we brought back the materials on Reconciliation Place—

Ms ELLIS—Yes, I understand that.

Ms Pegrum—That is the way that we have tried to balance this difficulty of getting a clear steer from parliament as to whether it supports the work or not, and from this committee, prior to moving onto detailed development. There is a principle called *de minimus*, which you would be aware of—we have provided advice and, I believe, even legal advice on that to the committee previously. It suggests the point at which a work could be deemed to have departed, in spirit and in any material form, from the work that has been approved, to the extent that it would have to

come back to parliament. As you know, we provide your committee with documentation on works that we consider to be de minimus.

With respect to the fan, at 18 metres and still having 10 blades, the view of the delegate at the time, Mr Wright—and he will not mind me quoting this—was that there had been no material change from the work that went to parliament because maximum dimensions had been given, the parliamentary tabling statement and the advice to this committee indicated that there would be design development and there was a reduction of scale rather than an enlargement, so any impact of the work was actually reduced rather than expanded.

Ms ELLIS—That was despite the doubling of costs?

Ms Pegrum—The cost is not a matter for the committee, with respect. It is a matter for the Commonwealth proponent agency. That is why, on that basis, we went back to the proponent agency, the Office of the Status of Women, as soon as we were aware of the impact of the mechanical system—which surprised the artist too, I might add. If the fan had been reduced to 14 metres and eight blades, our feeling, as I said, was that we would bring it back, because we would then be getting something that was starting to be quite substantially different to look at. Setting aside some views about the vista and the like in recent debates, I would have hoped that it would still have been supported, because I think the site was appropriate. We could talk about that at length, perhaps, another time.

Ms ELLIS—We do not have the time!

Ms Pegrum—But, in terms of the requirements of the committee, I think what would help us is clarification on what consultation the committee would expect to see above the statutory consultation—

Senator LUNDY—We are only consulted if it is an amendment to the plan.

Ms Pegrum—No, we are talking about works approval now, it is not a plan—

CHAIRMAN—I do not think it is appropriate to ask the committee questions of that nature, Ms Pegrum.

Ms Pegrum—I am sorry; I did not mean it that way.

CHAIRMAN—I understand that.

Ms Pegrum—Comments were made about the heritage issues around this fan. For example, in statutory terms—and it is statutory, Senator Lundy—we are required to refer works in places that are on the register of the estate to the Heritage Commission, and we did that very early in the piece. So we felt we had addressed the primary heritage concerns. Perhaps what we could do is identify in the future for the committee and parliament other consultation with the other national institutions around areas that have been involved, going back to the policy issues associated with these things like, in this case, the guidelines for commemorations.

Ms ELLIS—I take your point, which is that you said with respect to the committee that the cost of it is not our problem. I suggest that, politically, the cost is our problem, but that is a perception that I have.

CHAIRMAN—We are well past the allotted time, so I ask that any further questions be placed on notice. I have two questions to go on notice. Firstly, would you be kind enough to give the committee a written outline of the details and the present position with respect to decision making with the Immigration Australia bridge? Secondly, would you inform the committee whether the NCA supports having someone from the ACT planning commission on its board from time to time and whether it is your desire to have that reciprocated by the ACT? In other words, could someone from the NCA attend the NCA from time to time? Do you have other questions, Senator Ellis?

Ms ELLIS—No.

CHAIRMAN—There being no further questions, and as we are well past out allotted time, it simply remains for me to thank you, Ms Pegrum, and you, gentlemen, for your attendance here today on behalf of the National Capital Authority. You are always very informative and there is invariably never enough time for us to ask the questions that we have prepared and wish to ask. If there are any matters on which we might need additional information, the secretariat 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 again thank you sincerely for your attendance.

Ms Pegrum—For the record, I also thank the committee. We actually welcome the debate and discussion of these sorts of issues; it is extremely helpful to the way in which we go about our work and we appreciate your time and your consideration of all the matters that we have provided to you in the submissions and in our evidence.

[11.23 a.m.]

SMITH, Mr Malcolm, Phillip (Private capacity)

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 a contempt of parliament. The committee has received submission No. 24 from you. Are there any corrections or amendments you would like to make to your submission?

Mr Smith—No, Mr Chairman.

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 Smith—Yes, I would like to make a brief opening statement. I welcome the opportunity to appear before the committee and share some thoughts with you. It is a timely inquiry in that, after 14 years, there should be some review of the performance of the authority, particularly in relation to the terms of reference you have identified: its role, its administration of the National Capital Plan and its relationship with the territory.

It is also a very important task you have set yourself, given that the Commonwealth has always had a strong working interest in Canberra as the national capital from the days of Burley Griffin onwards. In my view, it is a role that the Commonwealth should maintain. No doubt the results of your inquiry will be instrumental in determining the future role of the National Capital Authority and the form of that role.

My own view is that the National Capital Authority does have an important ongoing role which must be maintained but there is some need for change in a number of areas, which I have identified in my submission. I will briefly mention a couple of the most important ones to me. The relationship with the ACT Planning and Land Authority needs to be improved—that is at the working level, at the chief officer level—but more importantly there should be cross representation on the respective boards of the two organisations.

The authority needs to reinforce its strategic planning role. In that respect, it should gain a more effective and immediate participation in the territory's spatial plan program which is going ahead at the moment. I would like to see that lead to an overarching strategic plan which both the territory and the Commonwealth could sign off to and under which the two statutory plans could operate.

The National Capital Plan needs some review, particularly in respect to the definition of designated areas. They are basically okay, but there may be a need for some boundary changes. It is the same for special requirement areas. To some extent the general principles and policies of the plan need review, and in particular the employment location policies which are vastly out of

date. It is my view that there need to be statutory time limits imposed on work applications, there should be public notification on major works applications and there should be rights of appeal.

Finally, it is my view that the authority should consider relinquishing its role in relation to the planning of the arterial road system. I do not think that is a national capital matter. There are other points I have made in my submission, but I will leave it there. I am happy to answer any questions, Mr Chairman.

CHAIRMAN—We will certainly have some questions for you, Mr Smith.

Ms ELLIS—Thank you, Mr Smith, for being here this morning. You referred to some points I was, in fact, going to explore with you. One of them was your view that there should be a more effective and participatory role by the authority in relation to the territory's spatial plan study. Can you elaborate on why you think that should be the case, how it could happen and what would be the benefits of it?

Mr Smith—The act gives the authority a certain responsibility for the metropolitan plan for Canberra, the general land use plan. Through that, it does have an important strategic planning role. The spatial plan is a strategic planning exercise. As far as I understand it, the authority is being consulted in the process of the spatial plan exercise continuing but my view is that it needs to be more than that. I would like to see authority staff working with the spatial plan team so that whatever comes out at the end of that can honestly be a jointly agreed plan. At the moment, I do not think that is happening; that is my perception, I do not know for certain.

Ms ELLIS—So hypothetically we could potentially have an outcome where the spatial plan is produced and there could be non-agreement.

Mr Smith—That is a risk, yes, because the spatial plan is being driven very much by the territory at the moment.

Ms ELLIS—You also have a view that the National Capital Plan should be subject to a major review, is that correct?

Mr Smith—Yes.

Ms ELLIS—I do not think I am verballing the NCA, but I am sure I heard them say this morning that the National Capital Plan is a very good one and it operates very well. On that basis, why do you think it needs to be reviewed?

Mr Smith—I think it is a very good one because I was involved in preparing it.

Ms ELLIS—I sort of knew that when I asked the question.

Mr Smith—But it is 14 years since it was first produced, and plans are evolutionary, dynamic things. A plan has to be continually monitored, updated and reviewed. I think it is basically okay and I do not think there would be a need for a lot of change. I have mentioned the employment location policies. I think they need review. The definition of 'designated areas' needs finetuning.

For instance, it is my view that land on either side of Northbourne Avenue should be designated. It is not designated at the moment.

Ms ELLIS—So you are talking about adding to it?

Mr Smith—In some places adding to it; maybe in other places deleting. I am not convinced that all the areas that are identified as having special requirements are necessary. For instance, special requirements apply over the whole of Civic at the moment. I think you can divide Civic into the areas inside London Circuit which are designated and leave the rest to the territory.

Ms ELLIS—You made a comment a moment ago about the idea of relinquishing responsibility for the arterial road system.

Mr Smith—Yes.

Ms ELLIS—That means all of our roads, doesn't it?

Mr Smith—No. I think you can differentiate between national highways and local arterial roads.

Ms ELLIS—So, with hindsight, how would your theory have applied in the Gungahlin Drive case?

Mr Smith—With hindsight, in my model the NCA would not have had a role in the route selection for the Gungahlin Drive extension.

Ms ELLIS—Was it that instance that gave you the idea of suggesting that relinquishment?

Mr Smith—I think it was, yes.

Ms ELLIS—What are your thoughts on that process?

Mr Smith—On the Gungahlin Drive extension process?

Ms ELLIS—Yes, on how it played out.

Mr Smith—I think it was unfortunate that there was a conflict between the territory and the Commonwealth about the route selection. Basically, I feel that it is a territory responsibility to decide how traffic gets from Gungahlin to Belconnen. I cannot really see that there is much National Capital Authority interest in that.

Ms ELLIS—I tend to agree, but that is my personal view. Along with other witnesses in other hearings, you have mentioned the idea of improving the NCA-territory liaison. One way would be through the suggestion you made just a moment ago about cross-board membership.

Mr Smith—Yes.

Ms ELLIS—Is that the only thing that we need to look at or are there other mechanisms within the structure that we should look at as well?

Mr Smith—I think there could be more formal liaison mechanisms below the board level.

Ms ELLIS—Formally structured?

Mr Smith—Yes. I think they are fairly informal at the moment. My perception is that at the working level there is good cooperation between the territory planning agencies and the NCA, but it does fall down on certain projects. I think if there was a more systematic mechanism for consultation and liaison then it would be to the benefit of both agencies.

Ms ELLIS—Rather than them working in exclusion of one another, which is what sometimes happens?

Mr Smith—Yes.

Ms ELLIS—My last question is to do with the current works application process. I think it is fair to say that your view is that the current process for dealing with them should be retained but that new statutory requirements should be introduced to include time-limited assessment periods, public notification of major proposals, first and third party appeal rights and so on. Can you give us some examples of how they would have been improved had those things being enacted? What would be the benefit of that? Do you have any examples you can put in front of us or could you elaborate a bit on that for us?

Mr Smith—In terms of examples, I might have to take that on notice.

Ms ELLIS—Sure.

Mr Smith—As a general comment, it is most unusual for a works approving planning agency not to have the requirements to publicly notify applications or to deal with them within a statutory time limit or for third or first parties to have appeal rights. I think it is a more accountable system.

Ms ELLIS—That came across very strongly to the committee in the State Circle amendment, which you would be aware of.

Mr Smith—Yes.

Ms ELLIS—But do you mean broadly, across the territory? That is a unique example, because it is the only residential area where the NCA have planning controls.

Mr Smith—I think I mentioned in my paper that I am really talking about major projects. Works approval is required for a whole range of minor works, even benches in Commonwealth Park or whatever. I am not talking about public notification on those but on major projects—say, office buildings at the airport. I think the Canberra community deserves the opportunity to comment on those types of development proposals.

Ms ELLIS—Do you have a view on the airport development—the discussion surrounding to it? It was put to us the other night by some witnesses that the Y plan now has an additional arm.

Mr Smith—Yes, I would agree with that; I think it does. I think the standard of development at the airport is first-rate.

Ms ELLIS—That is not the question.

Mr Smith—If you are talking about the airport as a major employment location, in principle I have no problems with that. There is no X plan emerging, as compared to a Y plan. There is a corridor extending from Civic, along Constitution Avenue, through Russell, to the airport. My perception is that a lot of the office users at the airport have either been brought here from interstate or are Canberra firms that have relocated and expanded. From that point of view I do not think the impact on Civic and other employment locations is as significant as some people would say. I see airports in a new light really. They are not just runways and terminal buildings. There is a trend all around Australia and throughout the world that airports are important gateway locations and business centres, and I see no problem with that.

Ms ELLIS—I guess the question is not so much whether we agree or disagree with the airport playing that role but to what degree in our city we allow that role to develop, as against whether we are satisfied that the town centre planning process is being affected at all by it. Given that the Tuggeranong town centre has never quite evolved to the breadth of Woden and given that Gungahlin has barely begun, are we abandoning that process by allowing the town centre at the airport? This is the question that we need to satisfy ourselves with. I am not saying it is happening; I am saying it is a debate that I believe we need to have. Would you agree with that?

Mr Smith—I think it is a debate that we need to have. The future role of the airport needs review in relation to the total metropolitan plan. I would agree with that as well. In terms of that being an employment location, there are some issues that need to be looked at: amenities for the work force, shops, child care, public transport and so on, which are not catered for at the moment. In principle, I have no problem with the airport becoming an employment centre, provided it is part of an integrated metropolitan approach.

Mr CAUSLEY—I note in your submission that you believe that there is not any long-term plan for Canberra over the next, say, 20 to 30 years. I wonder whether you might elaborate on that.

Mr Smith—I think that was a reference I made to the central national area.

Mr CAUSLEY—Yes.

Mr Smith—The central national area is probably the most important piece of turf the NCA looks after and, as far as I am aware, there is no cohesive, comprehensive long-term plan to guide future development in that area. In my view it is a planning document that is urgently needed. I think the NCA approach is to do parts of it, bit by bit, but I have different view. I think you really need a holistic—

Mr CAUSLEY—Is that because of resources?

Mr Smith—I do not think so. It is probably the approach of the people at the NCA at the moment that it is more beneficial to do it that way.

Mr CAUSLEY—With regard to planning issues, you mentioned recently that you thought there could be some better cooperation between the NCA and the territory. Planning changes are always vexed subjects. It does not matter whether they are in the territory, New South Wales or anywhere else; there is always a great debate about them. I wonder here, where you seem to have more layers of involvement, whether part of the problem is the greater democracy of people who have vested interests—some large vested interests, some smaller vested interests. People have the ability to go through three or four different layers to try and get their opinions heard or their views through.

Mr Smith—I think that is certainly a relevant issue. It is not unusual for there to be a dual planning system in any part of Australia or overseas. If you go over the border to Queanbeyan, there is the State Planning Authority, Queanbeyan City Council and a shire council.

Mr CAUSLEY—There is a minister who can take the lot in under section 101 of the act.

Mr Smith—So I have no problem with the dual planning system. The point I was trying to make was that probably relationships between the territory and the Commonwealth planning agencies need to be improved in a more formal and systematic way—I think there is a lot of good informal cooperation between the agencies at the moment—as I mentioned with cross-representation on the boards and more formal liaison mechanisms at chief officer and working level so they can agree on joint programs, priorities and planning proposals. It would be in the interests of the Canberra community as a whole.

Mr CAUSLEY—Given that the NCA has evolved from a system that was much stronger, where the total authority existed and many of the people involved in the NCA did belong to the former organisation, do you think some of that has rubbed off on the new organisation?

Mr Smith—From the point of view of the former organisation, the National Capital Development Commission had an important focus on the national capital importance of Canberra that has rubbed off onto the National Capital Authority, and I am happy that it has.

Mr CAUSLEY—What about the authoritarian attitude?

Mr Smith—No. I think people in the NCA have adopted new attitudes and new approaches. There is always room for improvement. Public consultation is one area where I think things could be improved, but I do not see it as an authoritarian organisation in that respect.

Mr CAMERON THOMPSON—I asked this question of the NCA, but I wonder if the event of the fires around Canberra revealed any particular aspects of the plan that you particularly think we should be looking at again, given what happened there.

Mr Smith—I think it has provided opportunities to re-examine some of the metropolitan elements of the general land use plan. I would rather see those opportunities being examined jointly with the territory, whereas at the moment I get the impression the territory is pretty much

going alone on examining the non-urban lands that were affected by bushfire this year. I really think the NCA should be in there, side-by-side with those that are working on these projects.

Mr CAMERON THOMPSON—Did you hear what the NCA said in relation to that? Were you here then?

Mr Smith—I only heard the end of it. I did not hear the whole of their evidence.

Mr CAMERON THOMPSON—They were speaking particularly about, for example, issues of withdrawing blue gum trees from some of the central areas and that they would then approach the territory people to insist that this bushland character was being maintained or whatnot. You are saying the territory is going it alone. Can you lay out for me what sort of issues that raises in your mind about the plan?

Mr Smith—A lot of the areas affected by bushfire are important as settings to the national capital. The future use and future development of those areas is very critical to the symbolic importance of Canberra as the national capital, whether they are landscaped or rural villages, there is a whole series of ideas coming through the territory's non-urban land study. And yet I just do not know to what extent the NCA has been involved—I suspect not to any great extent. They have probably been consulted rather than having participated in those studies. I repeat my view that it really needed a much higher degree of participation from the NCA in important questions about the future of those areas.

Mr CAMERON THOMPSON—There have been reports about Stromlo and Molonglo forests moving back. That would, in your view, change the setting of Canberra, wouldn't it?

Mr Smith—It could do. I think it is something that needs to be looked at. It is a matter of great importance to the national capital.

Mr CAMERON THOMPSON—If you think the NCA should get involved in this, how should we go about it? I think you have called for a review of the plan in general. Do you think it is time to get the whole thing in focus and have a look at the broader issue of the plan as part of that?

Mr Smith—In terms of the total strategic plan for the territory, I would not support the territory going off in one direction and doing its own spatial plan, and the NCA doing its own strategic planning review. I think it is very important for them to get together and jointly participate in the preparation of a long-term strategic plan for the territory which both governments can sign off on. Then, as I think I said, the statutory plans—the National Capital Plan and the Territory Plan—can operate underneath this jointly agreed strategic plan.

Mr CAMERON THOMPSON—In the case of the fires, I understand the impact on the character of Canberra and that sort of stuff, but did it also reveal any other basic flaws in the design or the basic concept of how the capital is laid out?

Mr Smith—It certainly showed a flaw in having bushfire prone areas right up against the western side of the city. That is a lesson I think we have all learned. There is much more attention, now, to bushfire control and mitigation measures. Hopefully, they will be taken on

board by the territory and the NCA in future planning of those areas on the western side of the city.

Mr CAMERON THOMPSON—I would like to get you straight on that. Would you be an advocate for moving that forest area back or are you looking at what other ways we can address that?

Mr Smith—I believe there has to be some separation between the urban areas and the forests. I do not have a view on the size of that separation and the use of the buffer, but the importance of the forests to the timber industry and for recreation and as a setting for the national capital, are matters that need careful consideration.

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

Mr Smith—Thank you.

Proceedings suspended from 11.48 a.m. to 11.57 a.m.

POWELL, Mr Anthony John (Private capacity)

CHAIRMAN—Welcome. Do you have anything to say regarding the capacity in which you appear?

Mr Powell—I appear before the committee as a professional town planner.

CHAIRMAN—Thank you. 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 a contempt of parliament. The committee has received a submission from you, which it has numbered 33. Are there any corrections or amendments you would like to make to your submission?

Mr Powell—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 you some questions, do you wish to make an opening statement?

Mr Powell—I would like to make five points that relate to my submission. My first point is that in my view the role of the Commonwealth is fundamental to the planning and ongoing development of the national capital. In other words, it is not an option to postulate, as some people are doing, that there should be no such thing as Commonwealth involvement and no such thing as the National Capital Authority or its equivalent. The second thing is that in my paper I suggest that the ideal model—admittedly it is the council of perfection—would be one where you have a single authority responsible to a ministerial council, much along the lines as the Snowy Mountains Hydro-electric Authority, which was an expert professional organisation reporting to a ministerial council of federal, New South Wales and Victorian ministers, and it worked very well.

My third point is that, accepting the status quo, there is a need in my view to improve ministerial collaboration between the federal and territory ministers and between the National Capital Authority and the ACT planning administrations. I think that is a matter of some urgency. I also think that the present relationship between ministers, that is, the federal and territory ministers, is inexcusable.

CHAIRMAN—Could you expand on what you mean by that?

Mr Powell—I mean that their oath of office requires them to not only carry out certain statutory obligations but also, in an ethical sense, if you like, pay due regard to the public interest. The public interest is not served by a situation where there is a marked stand-off between the federal minister and the Chief Minister of the ACT in relation to planning and development matters in the ACT.

My fourth point is that the great difficulty that the National Capital Authority has in trying to exercise its statutory functions is that for the whole of its life it has had inadequate budgets. That has led in particular to an insufficient number and range of skilled professional planning resources. It does not have the staff and it does not have the money to carry out its statutory functions. I could go on about that. It has a lot to do with a longstanding attitude of the Department of Finance and Administration, which does not believe that the Commonwealth should be funding the development of the national capital. That consistent advice from that department persists to this day.

My fifth and final point is that, in my view, there is a fundamental imbalance between the Commonwealth and territory responsibilities for funding the national capital. It is not possible for the ratepayers of the ACT to fund the national capital elements of Canberra. It is just not feasible. There is no federal capital anywhere else in the world where the central government does not maintain a major responsibility for and interest in the development of that capital city. Thank you.

CHAIRMAN—Thank you.

Mr CAMERON THOMPSON—In your submission you refer a couple of times to the parliament's lack of interest in the wellbeing of the national capital.

Mr Powell—Do you mean the Commonwealth's lack of interest and the parliament's lack of interest?

Mr CAMERON THOMPSON—That is what you have written here.

Mr Powell—Yes, exactly.

Mr CAMERON THOMPSON—What sorts of things would you expect from it for it to be showing more interest than it currently is?

CHAIRMAN—Apart from funding, of course.

Mr Powell—Apart from money? You very rarely get a federal member of parliament saying anything attractive and encouraging about Canberra as the national capital. The prevailing attitude amongst members of parliament, as I understand it, is that money spent on the development of Canberra is begrudged. There is a prevailing attitude that members feel that money should be spent in Launceston, Hobart or Brisbane long before it should be spent in the national capital. That, in my view, is a naive idea. In other words, it is not recognising the fact that a national capital is a special place and that all those people who come to Canberra and take the trouble to express their views about it take great pride in it and want their national capital to be a special place.

Mr CAMERON THOMPSON—You are speaking to the parliament's Joint Standing Committee on the National Capital and External Territories and we do have a strong interest in Canberra and its development. Do you believe that a lot of this is just pure politics—that a lot of the frustration you are feeling is just political argy-bargy that may be impacting on public perceptions about support for the capital?

Mr Powell—No. In fairness to members of parliament I do not want to hark back to the past, but previously Canberra was under Commonwealth administration and had an agency—the National Capital Development Commission—that was well funded in order to carry out its tasks. That commission devoted a lot of time and effort to providing information to members of parliament about the national capital. That was obviously important at the time, particularly when you go back to the early sixties when Canberra needed parliamentary support to get the funding to build the national capital, because it was literally being built at that stage from a town of 25,000 people.

There was a process of engagement in those days, which does not exist at the moment, between the commission and the Department of Capital Territory on the one hand and the federal parliament on the other. In other words, despite whatever endeavours the NCA might make in trying to connect, if you like, with the federal parliament, the territory government does not do that at all. The territory government sees that its obligation is to be accountable to the electors of Canberra but it does not make any particular effort to also recognise that there is a supraparliament, which is equally important to the wellbeing of Canberra and to which the territory government needs to pay much more attention to make sure the parliament of Australia is also well versed and well informed about Canberra—about its needs, about its progress et cetera.

Mr CAMERON THOMPSON—Do you see this more as a marketing exercise, an effort to get out and reignite passion for Canberra? Is that what our federal representatives need to do?

Mr Powell—If you mean marketing in a PR sense, that in my view is, generally speaking, a useless exercise. I think it is more fundamental than that; I think it is an attitude. I think that, in its administration of the ACT, the ACT government all too often fails to recognise that it is the agent of the Commonwealth. It does not have the same prerogatives as a state government or even the government of the Northern Territory. It is confronted with a unique and unusual situation. If it were more willing to recognise the fact that it is an agent of the Commonwealth, it would be much more motivated to recognise that it has to have good working relationships with the government of the day and that, in a broader sense, it has to have some goodwill emanating from the federal parliament—rather more than the federal parliamentary members representing the ACT can manage by themselves.

Ms ELLIS—Mr Powell, it is good to see you. I welcome all of those comments. As an ACT member of the federal parliament, I am constantly reminding people around the country that I am one of only four that come from Canberra and the rest come from everywhere else to occasionally fill the place up. Can you expand on the comments you were just making in relation to the ACT government's role in all of this? Does the problem sit fifty-fifty with the ACT and Commonwealth governments or does it sit more with the ACT government recognising what it should be doing? What exactly are you getting at when you talk about the two levels of government?

Mr Powell—I will go back to a question that was asked of my colleague Malcolm Smith. I think that a fundamental difficulty lies in the ACT (Planning and Land Management) Act, which prescribes the way in which the planning schemes—the National Capital Plan and the Territory Plan—will be prepared. That has produced a National Capital Plan and a Territory Plan which are significantly inadequate to meet the needs of Canberra and its ongoing growth. Given the

inadequacies in those two planning systems—and there is not enough time this morning for me to elaborate too much on that—by their very nature they tend to be mutually exclusive, and so the territory government can administer its planning scheme without much involvement from or dependency on the National Capital Authority or the federal government.

That has caused a related problem: the National Capital Authority, which has not had the resources to do proper strategic planning anyway, ends up doing pretty well nothing. For example, the National Capital Authority responded to its responsibilities in the Gungahlin Drive matter far too late. That allowed the ACT government to proceed, in good faith, to favour a particular route. In my view, it happened to be the wrong choice but that was the choice it made. The National Capital Authority decided at the very last minute that it would intervene and exercise its statutory responsibility. It went through the right procedures—it engaged consultants et cetera—and came up with the right decision: the eastern alignment. Again, we do not have time this morning for me to go into that.

I am basically saying the root cause is the inadequacy of the planning system. The Territory Plan has to be revised in a fundamental way, and the Stanhope government has embarked on that exercise. The National Capital Authority is, at the moment, adopting a wait-and-see attitude, and that is not in accordance with its statutory responsibilities. The territory government has exercised its responsibility to revise the Territory Plan; the process should have started with the National Capital Authority revising the National Capital Plan.

Ms ELLIS—There has been discussion from many witnesses about the need to have cross-membership between the two planning authorities. You address that in your paper as well. I do not think we have yet heard anybody say that that is a bad idea. You have actually gone a bit further and said that approaches by the ACT government to do that were rejected by the minister. How long ago did that happen?

Mr Powell—That happened fairly recently, based on a conversation I had with your colleague Simon Corbell, the Minister for Planning.

Ms ELLIS—So the ACT government actually made a formal approach, or an approach of some kind, and said, ‘We think it would be a good idea if we sat with the authority’, and that has been rejected, as far as you know?

Mr Powell—There have been a number of approaches, I think, through various channels, possibly involving the Chief Minister as well. The sort of response that they tend to get from the NCA is: ‘Let us have our staff talk to each other more than they do; let us proceed in a softly, softly way’. My guess is that the National Capital Authority believes that, if such a proposition were put to the present minister, it would not get anywhere.

Ms ELLIS—If I can follow up on some of the points you have made this morning on the Commonwealth and its attachment to or belief in the need to not only properly develop but also—and more importantly, in a way—maintain the national capital in its right role. I would preface my comments by setting the scene this way. We have been undertaking an inquiry into pay parking. In that inquiry we were looking at a previous inquiry into pay parking. It is interesting to look back to the report at that time. The committee of the day rejected the proposal. Part of the reasoning was that it was suggested that the revenue from the pay parking

regime would go to maintenance work required in the parliamentary triangle. The committee, I think rightly, said, 'No, you don't put parking charges on for that reason—fundamentally, that should be sourced through the normal budgetary processes anyway.' So nothing has changed much.

What I am really getting at is that it seems to me fundamentally ingrained in the system somewhere a disregard for the importance or relevance that we should be putting on funding at a Commonwealth level for the maintenance and proper structural support of the national capital, in every sense of the word—not just within the parliamentary triangle, but generally. Do you want to add anything to that? I share your frustration, I must say, with that and with the acknowledged inability in financial terms of the ACT government to even begin to attempt to pick that up.

Mr Powell—I will give you a quick three-step answer to that. Firstly, on my point about the federal government taking fiscal responsibility for the national capital elements, in Canberra's case, given that Canberra's urban structure and its plan are unique, the federal government needs to accept responsibility certainly for the heart of the national capital. That takes in basically the parliamentary triangle and the symbolic area up to the War Memorial, and extends along the wings of the lake to embrace the Museum et cetera.

It also needs to include the national capital open spaces system. The national capital open spaces system is a very sophisticated concept. The idea is that the national capital exists not just as a metropolitan city: the arms of what Griffin called 'the region' which are of significance—that is, the hills, valleys, streams et cetera—should be regarded as part of the national capital idea. They should be part of it as a physical entity and they should be maintained and preserved in perpetuity. That can only be done by the Commonwealth government, with its resources. That cannot be done or maintained by the territory government.

A related issue is that, in the case of federal capitals elsewhere—Ottawa, for example—the federal government accepts the responsibilities I have just outlined in the case of Canberra. It also accepts responsibility for parts of the parkway system. In our case, what needs to be done is that those aspects of the parkway system that are essential to the structure of the national capital should become a federal responsibility. There are some obvious ones: they are the main arterial road outlets and that includes almost certainly the important east-west access, which runs from the Glenloch Interchange and links Civic, Russell, the airport, and through to Queanbeyan.

Against the background of what I believe should be Commonwealth fiscal responsibilities, there are difficulties that your committee is facing in looking at parking. The National Capital Authority has approved office development particularly in Barton and Forrest over the last 10 years. In looking at each application in such areas, the National Capital Authority is required under its act to consider the transport and environmental implications before it issues approval. In my view it has not done that in any rigorous or systematic way, so you now have overdevelopment in Barton and Forrest. There has been no corresponding investment in improved public transport and no investment in or encouragement of facilities that would be needed by people who work in that area and by the growing residential population that is occurring in that area as well. One of the reasons why your committee is now required to look at the whole question of pay parking is that there is a need for some method of control—either a parking charge control or a more absolute restriction. If you had a lunch hour, you could walk

down to Barton right now and you would see the whole of Barton is overwhelmed with parked cars.

Ms ELLIS—Yes, we have seen it.

Mr Powell—That is just a small example of, if you like, the nexus between the overarching responsibility of the Commonwealth for national capital elements and its agent, the National Capital Authority, which is not able to exercise its statutory responsibilities in the way that the act intends.

Mr CAUSLEY—I am reluctant to break up this love-in but I will have to. I take seriously the point you make about parliament not having an interest in the national capital and I note your nationalism and your enthusiasm for Canberra. An attitude has been growing in Australia—and I represent a rural area—that Canberra is a very pampered city and that hundreds of millions of dollars have been spent here in the most affluent electorate of Australia. If that is what you are worried about, there is a problem because there is certainly an attitude in the rest of Australia that that is the case. I dare say a lot of those people will not come and visit Canberra—many will, but a lot will not—because they live in far-flung areas. Having said that, we were told this morning that the National Capital Plan and the Territory Plan are complementary and that they work very closely together. I note that you say that it could be done better—I accept that. They work very closely together. You also say here, I think, that it would be better with a single statutory town planning scheme. How can you protect those national icons that you talk about—that the rest of Australia should commit themselves to—under that single planning authority?

Mr Powell—If I may disagree with just a couple of points you made—and you may be just reporting what other people have said to this committee—in my view the National Capital Plan and the Territory Plan are inadequate instruments; they are not effective planning instruments. The central question you are asking about a unitary authority is that, by its very nature, a town plan has to deal with all aspects of the physical city—that is, the land use, transport, open space et cetera. It is not possible for a town plan to disaggregate those aspects because, by their very nature, they are seamless. Therefore, the ideal arrangement is one whereby you have a metropolitan planning scheme administered by a single authority. It is possible for that authority to report to different arms of government. It is important that that plan is then geared to budget processes and that, as the plan identifies needs, there is a budget program that addresses those needs.

At the moment you have a National Capital Plan—and forgive me for saying this; you may not have read it—that is a document that is so broadly stated and so full of motherhood statements that the most willing planner in the world would have great difficulty in making it apply in a material sense. The Territory Plan is derived from the policy plans of the NCDC and those plans are policy plans, because there was a powerful authority with adequate funding to carry out those policies. The Territory Plan has many of those sorts of policy statements expressed more as aspirations, but the territory government has great difficulty in looking at those and saying: how do they have consequences for budgetary processes? So increasingly, territory budgets are—as with government budgets everywhere in Australia—being drawn off into welfare, employment, health and education and very little is left over for the funding of infrastructure. Public transport and road infrastructure in particular in the ACT are lagging need.

In that sense, Canberra is beginning, if you like, to be aligned with most other capital cities in Australia.

Mr CAUSLEY—I note that we in the federal parliament are expected to have some input because we are representing the people of Australia as such. I live not far away, on the North Coast of New South Wales. But if I come down here for the sessions of parliament and I come for this committee for a short period during the week and we are confronted with some of these planning issues, I do not necessarily know very much about them. I find it quite difficult, to be honest with you, how we can have input into that when we do not know all the arguments. From my experience in my own backyard, many of the arguments involve vested interests.

Mr Powell—I think that a committee such as this should not be required to look at matters of detail. If the National Capital Authority, in combination with the territory government, were able to present you with what I would call strategic plans which raised long-term issues that establish, if you like, underlying policies that are persistent and significant, then it would be much easier for this committee to endorse or seek amendments to such strategies. Also, it would be much easier for this committee to then look at those strategies and their implications for funding, meeting social needs and building a symbolic national capital matched against the concerns from the communities which you come from—and I understand your difficulty very well. It is unreasonable, I think, for administrations in Canberra, however proficient they might be, to expect that the sorts of communities that you come from can see that the needs here are greater than the needs that they have been facing there. To some extent, that is a philosophical exercise.

You can either convince people around Australia that Australia should have and they should want a symbolically important national capital or if they do not want that then they are the democratic processes that mean we get less money and they get more. But it is very interesting to note that even the sorts of communities where you come from, to the extent that they understand and they are interested in what is happening world wide, if they travel, for example, they tend to come back saying how wonderful the national capitals of the world are—whether it is Washington, Paris or London—and in a sense they do have a basic aspiration that we have something equivalent, but not at the expense of their wellbeing and their community interests.

Mr CAUSLEY—I want to take up one more issue, Mr Chairman. Mr Powell, you comment on the NCA's involvement in tourist promotion, which I find quite interesting. You probably know the history of that, but why should they be involved in tourism promotion?

Mr Powell—The history is that when Lindsay Nielsen was the chief executive officer of the authority, he took the view that there was an important role for the National Capital Authority. He was able to persuade the authority at that time, and the government of the day amended the act to make that one of their statutory responsibilities. My difficulty with it, based on my not inconsiderable experience in relation to tourist development in various places in Australia, is that the kinds of people, the kinds of skills and the kind of organisation that it needs to promote tourism are quite different to the sorts of skills that you need amongst a mix of town planners, civil engineers, landscape designers et cetera. They are different sorts of human skills and they require different organisational environments to achieve their purposes. Unless somebody is able to show me that the National Capital Authority has been particularly successful in promoting Canberra, apart from putting on candle and light shows and that sort of stuff, I stand by my position on that. If that is a function and the Commonwealth wants to exercise it, and I think

there is a legitimate role for the Commonwealth, then that should be exercised and taken away from the National Capital Authority.

The other thing is that to some extent the national institutions in Canberra—the museum, art gallery, the War Memorial et cetera—are much better equipped to promote themselves. They have integrity; they have the credibility that the National Capital Authority is never going to have. Those national institutions promote themselves up to a point. If, beyond that, they need collective action then they should all get together and do that. Again there are good examples—and Washington is a very good example—where national institutions promote themselves, they have a nationwide image and they operate collectively where there is a need to do so.

Senator LUNDY—Thank you for your submission, Mr Powell. In your submission you say:

At one stage in the mid-90's a major review of the Plan was announced by the Authority but nothing has eventuated.

Your submission expresses the thought that the original plan was not quite an interim document, but certainly the formative stages of the document. Can you extrapolate on that view? Where do you think the anticipated evolution of the plan stopped occurring? What sort of evolution do you think needs to occur?

Mr Powell—When the authority was established it had a very limited time under its act to produce a National Capital Plan—about 12 months; I cannot remember exactly. It took the NCDC's metropolitan policy plan and derived a plan that was partly prescriptive. It was prescriptive because the National Capital Authority was not going to be the only planning authority, and the National Capital Authority was not going to be the development authority; that responsibility fell to the territory government. The National Capital Plan is full of reserved positions. For example, in the case of the broadacre areas to the east of the city—the Majura valley, basically—the plan says that no major land use decision should be made about development in this area until such time as a study is carried out. It then lists what the study might encompass. Such a study has not been carried out.

Senator LUNDY—Are you suggesting that it was anticipated at that time that that study would be carried out and that it would add more specificity to the plan and become part of what it is supposed to be?

Mr Powell—Exactly.

Senator LUNDY—Are there any other specific examples like that one that you can draw upon? I am particularly interested in the areas where there is ambiguity. One issue raised by other witnesses is: what is an area of national significance? Could you comment on that, please?

Mr Powell—Another very important issue is that the National Capital Plan indicates that the national capital open space system should be confirmed as a result of studies into its variant components, because it is a very complex land use structure. Also, the National Capital Plan recognises that, as time goes on, the administration of the national capital open space system raises not only an enormous administrative burden but also a financial burden. That has not been clarified. The other issue that it refers to is the need to maintain a forward-planning program in

relation to the arterial road system. That work has not been done, which led—as you know—to the whole issue of Gungahlin Drive.

Senator LUNDY—What should have happened there? What do you mean by an arterial road study? Does the plan foreshadow a study that was never done that could have given greater clarity to the ACT government with respect to the Gungahlin Drive extension?

Mr Powell—Let me explain. In relation to arterial road planning, the National Capital Development Commission maintained within its engineering division—and the National Capital Authority does not have any engineers—an ongoing program of monitoring traffic movements and congestion points. Also, through land use transport analyses, it was constantly working out to what extent the various parts of the system should be extended, at what rate et cetera. As regards that whole land use and transport planning process, from the day the NCA commenced operations no work under that sort of heading has been done whatsoever, nor has it been done by the Territory government.

Senator LUNDY—So whose responsibility should it have become, in your view, when the NCA—then the NCPA—was created and the Territory had self-government and their own Territory planning act?

Mr Powell—The land and planning management act specifies, in effect, that strategic planning is a role for the NCA to perform, which then establishes a context within which the Territory Plan administers the detail. As I said earlier this morning, because the National Capital Authority has not been given the financial resources and therefore does not have the staff it has not been able to carry out any strategic planning function at all.

Senator LUNDY—Thank you for that. You have taken me to the next area of your submission about which I wanted to ask a question, which is not only the deficiency you identify in the expertise within the NCA—and you are not the first witness to bring that view to the table—but also the extensive use of external consultants. I do not know how familiar you are with the work done by external consultants, but I would be interested in your comments about what impact that has had—that you have observed—on the ability of the NCA to fulfil its obligations under the act and in any comments you may have about the quality of that work.

Mr Powell—I say in my submission that consultants have an important role to play, but they are not a substitute for a skilled, in-house, professional staff. I am not too sure of the details here, but my impression certainly is that the National Capital Authority has relied too much on consultants and has not been able to refine the briefs in the way that an in-house organisation would be able to do and, having received consultants' reports and advice, it does not have the in-house staff to evaluate them in the way it should be done. Give consultants a brief and they follow a highly focused path and their aim is to arrive at a conclusive point—but that is not able to address the wider social, environmental and fiscal issues et cetera which it is the role of the National Capital Authority to do. That is my general response.

In the case of Gungahlin Drive, for example—which I know you have been very interested in—the issue is that the National Capital Authority, in effect, hung back when there was a need to do something about Gungahlin Drive. A lot of work was done by the territory government—various land use assessments exploring the growth of Gungahlin et cetera. As far as I am aware,

the National Capital Authority did not have any involvement in those, either. The territory government, in good faith, proceeded on a certain path. It chose a preferred option. The National Capital Authority came in very late in the day. I think that, in the end, their consultants and the authority came to the right conclusion. But, unfortunately, in a sense it was unfair. It was not reasonable to allow the territory government to proceed without any sort of input from the National Capital Authority. That was the cause of that particular difficulty. I think it stems from the fact—and I keep coming back to this—that the National Capital Authority does not respond quickly, because it does not have the money and it does not have the staff. So my submission to you as a committee is that the National Capital Authority, while it is there, should be given better resources.

Senator LUNDY—To involve itself more fully in those kinds of issues?

Mr Powell—And be encouraged to involve itself. It has a minister at the moment who does not encourage it to do that.

Senator LUNDY—You say in your submission that the NCA's:

... professional competence has been further eroded by management policies in the mid-90's aimed at reducing the numbers of experienced town planning and engineering staff ...

You go on to talk or speculate about the motivation for that. In your observation, how did that impact on the NCA's ability to be forward thinking about as opposed to—as you say elsewhere in your submission—reactive to planning issues? I am working on the basis that a lot of corporate knowledge and memory was lost through that period. You have observed since then a very reactive response and no big-picture thinking or refinements to the plan from a big-picture perspective. Is there a link between those two things?

Mr Powell—Yes. I was not in Canberra at the time, but when the arrangements for self-government were being negotiated the strong emphasis—on the part of the department of finance, in particular—was that the National Capital Authority should have minimal staff, that its role should be minimised and that the Commonwealth's involvement should be minimal. So when it came into being it had barely sufficient numbers of people. Subsequently, the National Capital Authority was caught up in government policies to downsize the Commonwealth Public Service, and it had to take its share. That resulted in a further loss of skilled personnel. At a later stage, under various chief executive officers of the National Capital Authority, that eventually led to the authority being given a tourism promotion role and, therefore, watered down even further. During that period, under those chief executives, further technical staff went because those chief executives believed that you did not need the staff sitting there all day; you could just call in consultants when you needed them. That was the wrong view, in my view. So that has caused the situation that the NCA finds itself in today. It is not necessarily the fault of the present administration; in fact, it is not the fault of the present administration. As I understand it, the present administration does want to improve its staff resources, but it cannot get the money do so.

Senator LUNDY—Thank you very much for your submission, Mr Powell.

CHAIRMAN—Mr Powell, on behalf of the committee, I thank you very much indeed for your attendance here today. There may be some matters on which we might need some additional information. The secretary will then write to you. You will be sent a copy of the transcript of your evidence today, to which you may make editorial corrections.

Mr Powell—Thank you, Mr Chairman. I hope that I have not been too overenthusiastic. I commend the committee's work.

CHAIRMAN—Thank you very much indeed. We appreciate that comment.

[12.40 p.m.]

ODGERS, Mr Brett James (private capacity)

CHAIRMAN—Good afternoon, and welcome. Would you care to elaborate on the capacity in which you appear?

Mr Odgers—I am a resident of Canberra, a private consultant and an officeholder of the Environment Institute of Australia.

CHAIRMAN—These hearings are legal proceedings of the parliament and warrant the same respect as 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 from you, which it has numbered 11. Are there any corrections or amendments that you would like to make to your submission?

Mr Odgers—Thank you; yes. I must compliment the committee on the process that you have followed. I think you have given ample time for public discourse and, certainly in my own case, treated me warmly in inviting this submission. I do want to add to the submission. I included seven propositions in my submission of May, four months ago.

CHAIRMAN—Mr Odgers, we all have copies of your supplementary submission. I ask that that be accepted by the committee. As there is no objection, it is so ordered. Please proceed, Mr Odgers.

Mr Odgers—As I say, the process the committee has followed has been very helpful. I realise that propositions 5 and 7 in my original submission did not really specify a preferred, recommended model. I would like to do that now.

CHAIRMAN—Proceed just a little bit, and then if you wish you can read in your omissions or corrections. Then we can proceed with your questioning after you have read whatever you wish. I need to say this for formality alone: 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 request. Before we ask you some questions, you may proceed with your omissions or corrections and with any opening statement you may wish to make.

Mr Odgers—The page we have in front of us is clarifying the model I was recommending rather implicitly in my original submission. It is therefore a supplementary submission. I do not need to say anything in camera here, but it would help to explain this supplementary submission if I mentioned two things. Firstly, I was director of land administration in the ACT for eight or nine years in the 1970s and director of rural and urban leasing. Secondly, a year ago the Chief Minister of the ACT, Jon Stanhope, appointed me to his expert reference group on sustainability. I had a hand in the OECD report *Urban renaissance—Canberra: a sustainable future*. I think that is an important basic document. The other document I mention is the ACT government's

sustainability policy, which was issued earlier this year. I think it is relevant to what I am about to say.

CHAIRMAN—Would you care to table both of those documents, if they are spare copies.

Mr Odgers—Yes.

CHAIRMAN—Thanks very much.

Mr Odgers—That is my preamble. I will quickly traverse what I have said here. I am a concerned citizen because I believe we are at a juncture in Canberra's history. There has developed a mismatch between the territory, which has been quite vigorous, dynamic and progressive in planning matters, and the National Capital Authority, which in relative terms has declined in its power, competence, resourcing, governance and methods of consultation with the community. The National Capital Authority has shown a lapse in values and professional competence in a number of specific events.

What concerns me more are rather deep-seated problems. Over time, despite the advent of self-government in 1989, there has developed a lot of ambiguity and inconsistency in the institutional arrangements between the territory and the Commonwealth. In particular, the funding arrangements with respect to the national capital have been neglected. Therefore, the model I recommend in the fourth and final paragraph of my supplementary submission is a model of parity and partnership. My supplementary submission says:

The NCA should be restored as a competent planning authority with a fresh set of goals, values, funding and professional resources.

It should enter into partnerships within the Commonwealth sphere and between the Commonwealth and territory spheres. One does not have to alter the statute book, although I should say that the National Capital Plan needs revision. At the same time, the territory government is revising the Territory Plan and introducing a Canberra plan which is now well ahead of the National Capital Plan in terms of planning integrity. Adequate governance or institutional arrangements can be achieved by policy decisions and, in particular, by Commonwealth government memoranda of understanding, protocols, sets of values, principles and guidelines, professionalism, transparency and accountability mechanisms. These are not being satisfied according to prevailing standards in other spheres of government in Australia.

Finally, resolution of the funding issue requires something more than the formula being followed by the Grants Commission at the moment. It is manifest that the methodology adopted by the Grants Commission is inadequate. In order to arrive at a better methodology and a better outcome with respect to allocating funds for national capital purposes, and to compensate the territory, I would think there should be a special inquiry and a public debate in order to try to codify the basic costs and benefits. That completes the supplementary submission I want to make.

Senator LUNDY—Thank you very much for your submission. I am particularly interested in the concept you describe as a mismatch, and in the decline in the resources and the capability of the National Capital Authority. What is your opinion on the factors that have contributed to that,

both with the NCA and—as you describe in your submission—the overall problem the Commonwealth has with the attitude towards Canberra as the capital?

Mr Odgers—I agree with what Tony Powell said about professionalism and the resourcing of the National Capital Authority. At the same time, the territory has been going ahead vigorously, to the point now where one can see, for example, Simon Corbell issue a policy for City West which is stimulating. It is much like the non-urban lands study, with lots of ideas and an interesting combination. He has already provided for infrastructure. It is budgeted, it is funded, he has thought-through options and it is out there for public debate.

As it happens, it overlaps with crucial areas within the mandate of the National Capital Authority—the city corner of the triangle, the lake foreshore, the mix of urbanism which was envisaged originally by Griffin and the salvaging, if you like, of some of the things that were lost on Acton Peninsula. Again, if the National Capital Authority had a bit of influence and a proactive stance, they might be able to provide a better context for these sorts of planning initiatives. The same applies to the non-urban land study. We are talking about the corridors of entry to Canberra—the entry portals of Majura Road, Northbourne Avenue, Kings Avenue, Constitution Avenue and parts of the great triangle. These are important complements, if you like, to the sorts of initiatives which are actually illustrated very well by the city west plan, which was issued this week.

Senator LUNDY—I am sure you are familiar with the fact that suggestions have been put before this committee that the overlap between the two planning authorities is causing problems, particularly in designated areas. I would use the main avenues as a working example. What is your response to the problems that are occurring and why do you think they are occurring? I ask this particularly because you are advocating a stronger role for the NCA—

Mr Odgers—I am not advocating two planning bodies.

Senator LUNDY—and I am presuming that means there would potentially be more overlap or more involvement of the NCA in designated areas like the main avenues.

Mr Odgers—If we assume my two planning authorities, there needs to be parity between the authorities in professional terms.

Senator LUNDY—So you mean equal power in terms of the decision making or decision making in different aspects of design and siting and so forth?

Mr Odgers—Decision-making processes can be organised and, indeed, you can get competent, good people who are committed to their work. But it has been demonstrated well enough that the NCA is not ready. They have been more reactive than proactive. With specific items—and there is a long history of the planning of Canberra—they can identify very well the main chances for developing the national capital and where the important areas are. At the moment there is a bit too much red tape there. There is a need to revise from time to time what your priorities might be.

There is a parallel with the water issue at the moment. The ACT government, along with all the Australian governments, is quite rightly concerned about water issues of various kinds. The

ACT government has a catchment in New South Wales. It is absolutely essential for the two jurisdictions to be able to collaborate with parity and partnership—a collaboration that is based on shared values, objectives and methodologies. As I understand it, the respective New South Wales and ACT governments have moved resolutely this year to re-establish that intergovernmental partnership which then is delegated to those professional technical and managerial levels, where you need to have the values, goals, objectives and guidelines well set out.

Senator LUNDY—And you can see that same partnership working between a Commonwealth planning authority and an ACT planning authority?

Mr Odgers—Yes, I can. As an economist, a simple ruler that one often runs across things is the division of labour. You often get a more efficient result by dividing something. When one thinks about the roles and responsibilities of the NCA and then those of the territory government, one can see the advantage in allowing them to specialise in their respective areas but be able to collaborate on an ongoing equal basis.

Senator LUNDY—I am interested in your comments about funding issues. We have not had a lot of evidence on this area, but funding obviously underpins the capabilities of the NCA and the roles it performs. Do you share Mr Powell's view that the NCA is chronically underfunded, not just in their capacity to do their work but also in their role in managing designated areas and national capital land and so forth?

Mr Odgers—I am afraid I am not very familiar with the structure and resourcing of the NCA. I have only been able to say that they have demonstrated reactive rather than proactive tendencies and incompetence at times, and an inability to deploy those forms of governance and consultation which the ACT government is showing with respect to building up its constituency for change—support for reforms. The NCA simply has not been able to do that, even compared with efforts they have made through the 1990s. I am more familiar with the compensation to the ACT government.

Senator LUNDY—Could you make some comments about that?

Mr Odgers—I am sorry that there is not enough transparency about these. I have read the Grants Commission reports from year to year and I have always estimated that the compensation to the ACT—let us say, a couple of years ago the \$13 million under specified headings—was orders of magnitude less than it ought to have been, which was closer to \$30 million. I have since talked to Treasury officers of the ACT off the record and they are making stronger and stronger submissions to the Grants Commission to demonstrate something of this order of just compensation.

Senator LUNDY—And this is for Canberra's upkeep as a result of its status as the nation's capital? Is that what you are talking about?

Mr Odgers—Yes, this is for managing on behalf of the Commonwealth. It is for protecting what the Commonwealth has created in the past. And, looking into the future, it is for sharing responsibility for the development and the realisation of Canberra as the national capital. It is sort of more of an ideal than something one can demonstrate, but I believe that the Canberra

community is one of those constituencies for the national capital. The national capital is unfinished business. There are a lot of gaps, there are a lot of mistakes and there is enormous potential and possibilities. There is much work to be done in time with the evolution and development of the national capital. There are a number of constituencies which at the moment have not been very active: I believe the Canberra community is one of them. Another one is the federal parliament. There are also other leaders in our community and different communities cutting across different sorts of sporting, intellectual, cultural and other constituencies out there that see Canberra in terms of its symbolic, cultural and progressive importance and status. I would hasten to add the business community to that as well.

Senator LUNDY—Thank you for that. If I could home in on the comments you make about consultation: your comments suggest that, if the NCA were more diligent and more effective in its consultation, then that would increase not only the confidence those constituencies have in the organisation but also their capacity to be a bit visionary. Am I interpreting your comments correctly? Please tell me what you think.

Mr Odgers—I think there is an intragovernmental responsibility. One needs to build up a coalition of support for what you are doing within your sphere of government as a first condition, and the NCA has manifestly failed. They may have consulted but they have not done so effectively in working in concert towards explicit objectives with respect to other Commonwealth authorities, in particular the department of finance and the defence department. I can cite many instances of where these two authorities have taken actions or occupy lands in a manner which is not consistent with national capital objectives, now or in prospect. In the other, wider area of consultation, the Canberra community is very important.

Consultation with the Aboriginal community is also important. With respect to initiatives that have been taken by the NCA—some of which are quite commendable and affect the quality of life in Canberra—the Aboriginal community have not been out there in the wider arena or forums selling and explaining these initiatives to people. I am not all that knowledgeable about the Aboriginal community, but I think that the NCA has simply not indicated in its approach to the Aboriginal embassy the right bona fides and understanding with respect to the recognition of the Aboriginal spirit and its representation and identity in the national capital. Yet this is obviously a very important aspect for the national capital.

Senator LUNDY—Those are very interesting points. I could ask you questions all afternoon if time permitted! You mentioned decisions the department of finance has made which potentially are not reflective of the vision for the nation's capital. Can you give me a stronger insight into what you mean? Are you referring to the recent sale of Commonwealth assets and the impact of that or to the decisions about the purchase and development of land for Commonwealth use?

Mr Odgers—I am referring to the former. I would instance the sale of a block of land at Yarralumla Bay.

Senator LUNDY—The water police property?

Mr Odgers—Yes. Corporate memory at NCA should easily have uncovered the plan George Seddon designed back in the seventies—I was the director of land administration at the time—

for the development of that open land and the foreshore at Yarralumla Bay. The assignment of that land to a purchaser who is a restaurateur with very clear intentions could distort or jeopardise the planning and management of that foreshore, which is a joint matter for the Commonwealth and the ACT. To a person who is knowledgeable about the way that people in this town, once they have outlaid a large sum of money, lobby to get their way and have the purpose of a lease changed, the alienation of that block of land was risky, and yet it was not prefaced by input from the NCA or from the territory.

There are other examples of land being sold. I fear for all the Defence land-holdings. Defence occupies most of the Majura Valley but clearly has no use for it. I fear for the land at Belconnen that is occupied by the Navy. You could fit five suburbs on that land. I do not believe it is being used effectively or efficiently by Defence. In the meantime, we have to find space for five suburbs in North Gungahlin, where we are moving into land with a very high conservation value.

Majura is very important because the Majura Parkway is potentially the more important portal and entry into the national capital when you start to enhance the parliamentary triangle, and yet the land could easily be sold off because they could make a lot of money from it. Already the Majura Valley is starting to show that lovely town and country design, like Bulga Creek, off the Cotter Road. With a ceremonial parkway running through the Majura Valley, there would be a lovely contrast between the country pastoral and agricultural activities of the valley and the city and national capital over the hill at Russell. Again, although it is not happening, the NCA has plans for it. But other things could happen to jeopardise that potential in the national capital.

CHAIRMAN—Mr Odgers, thank you for your attendance today. If there are any matters on which we 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 today.

Mr Odgers—Thank you.

[1.05 p.m.]

BLAIR, Dr Sandy, Secretary, ACT Heritage Council

FREEMAN, Adjunct Professor Peter, Chair, ACT Heritage Council

CHAIRMAN—Welcome. These hearings are legal proceedings of the parliament and warrant the same respect as 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 from the ACT Heritage Council which it has numbered 23. Are there any corrections or amendments you wish to make to your submission?

Prof. Freeman—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?

Prof. Freeman—We do. In terms of an overview of our submission, we want to say that we have an adequate to good working relationship with the National Capital Authority with regard to heritage issues—good in some senses and adequate in others. We believe that there is scope to improve that relationship in many ways and to develop a closer partnership on key issues. One example of this is a current project that the NCA has under way—a project called the Griffin Legacy, which you may be aware of. We were alerted to the idea of the Griffin Legacy and the fact of the project through an inquiry from the Heritage Council and then we put to the authority a series of partnership proposals through which we might work with them on their legacy project and expand their project into the territory area by creating a post Griffin legacy project.

That worked very nicely for us because it meant that we had a current consultant study already briefed and ready to go ahead with for post World War II values in Canberra, and we thought it was fitting, given the fact of the territory spatial plan being current, that there be a holistic view of heritage issues and heritage values. We thought the Griffin and the post World War II value studies would complement each other and hence we prepared a consultant brief to proceed with an extension and a parallel study. The idea of a partnership has been warmly accepted but not actually taken up and every initiative that is related to this parallel partnership has come from our end and not from the Capital Authority's end. Every request for information has come from us and not from the Capital Authority. So, in a sense, we wonder whether we are being sidelined and whether the idea of the parallel partnership is not going to happen—or that it will happen but only if we keep prompting.

There is a second issue that we have touched on in our submission, and that relates to the creation of development control plans. The creation of a development control plan is the authority's way of promulgating a particular planning envelope for a particular site. That is fine and it seems that in principle it should work, but in a number of cases the whole notion of the creation of a development control plan without a heritage inventory basis and without a parallel

database by which these plans can be developed has caused problems for the territory heritage planning authority.

I should digress to say there is an arrangement between the National Capital Authority and the Australian Heritage Commission by which places that are deemed to be of heritage significance are recognised by the authority. The problem is that the authority will only deem places that are already listed on the Register of the National Estate to be such places, and no others. The problem with that is that the tricky values or the complex values or the values that will not normally get picked up as national heritage values within a site get missed. I will cite some examples of those development control plans where the heritage values of the place have gone entirely unrecognised, partly because the authority has not got the overlay or the basic understanding of heritage values at a territory level to be able to be alerted to them, and partly because the Australian Heritage Commission has only entered really important places, not territory value places.

I will not take too long; I will just give one or two examples of that. On Canberra Avenue there is a group of two little houses which are now recognised as being most important in that they represent the introduction at a public scale of international-style domestic architecture by a government architect. The NCA put out a DCP for those sites. There was nothing on the Register of the National Estate and no reference was made to the ACT Heritage Council to see if we had comment to make. In fact, under the current situation there is no avenue for such an approach. So there was no formal approach and there was no informal approach. The upshot of that was that, when we were alerted to the fact that a DCP had been prepared that included these two little houses, we had to fight long and hard to make sure that when it got into the territory planning authority's purview that the planning envelope was altered to make sure these houses—the Whitley houses—could be maintained and retained with codevelopment. That caused us an enormous amount of time and effort.

Guardian House in Woden, which was a seminal building produced in the 1960s and designed by Ian McKay—it was called the Woden food canteen—was a stunning bit of architecture for the time but was not recognised by the Register of the National Estate. It was known about but not listed, nor was it included within the NCA's development control plan. Hence at the stage when the development control plan administration was shifted into the territory's purview it was not recognised and not allowed for, with the result that the planning envelope for that new site—the Guardian House site—did not make any mention of the retention of this building. Because we received a nomination externally, we acted on trying to keep the building, but we found that the ACT Heritage Council was compromised by the fact of a whole series of planning and development decisions being made prior to our intended nomination. In the AAT the nomination was sent back and virtually failed, and hence the development site was allowed to go ahead with the demolition of the building.

The final one is one that is still in the planning area and one that we have great concerns about, but it is again one where the Heritage Council has no direct influence—that is, Civic Square. Civic Square, of course, is an absolutely seminal space for the territory. I guess if you wanted to name a place that was the community square, that would be it. But it is nationally designated land and as such we do not have direct influence over the planning or heritage outcomes for that site. That only comes via the Australian Heritage Commission.

The result is that the National Capital Authority, in creating a development control plan to insert a new library and other facilities into that space, produced a series of planning guidelines and controls that we believe has created a fairly disastrous situation—that is, a new library building that actually pokes into this fairly regular and 1960s-style bit of civic planning. I might move from that to a brief overview of the ACT heritage list. Dr Blair might like to talk about that.

Dr Blair—There is strong expectation in the ACT community that, somewhere, somebody will have a comprehensive list of the territory's heritage, regardless of whose land the place is on. This is currently not the case and it causes great difficulty, confusion and complexity. The current situation is that, for places on national land and for designated areas on both territory and national land, the NCA have a standing objection to the ACT Heritage Council listing any places on those categories of land. Their argument is that they have the management control; therefore, if we list something on the ACT's territory register, it becomes part of the Territory Plan, it goes through as a draft variation and you could have inconsistencies between the Territory Plan and the National Capital Plan.

The problem, though, is that we think this creates some gaps in the system. It is particularly the case on designated territory land, which is in a bit of a limbo. The situation may even become worse with the new Commonwealth heritage legislation because, increasingly, the Australian Heritage Commission is interested in places of national significance and places on Commonwealth owned land. There is new legislation which effectively stops the Register of the National Estate and starts two new lists: places of national significance and Commonwealth owned heritage property.

The problem for us is that local heritage places would not get on the national list. So, on designated territory land in particular, potentially there will be a gap in places important to the territory. The particular concern, I guess, is that Aboriginal places—though there are other historic and natural places as well—will have very uncertain protection. In some cases, even though there is the standing objection by the NCA, the territory does proceed to enter those places in the interim register. But we are not able to put any management prescriptions into place, so, effectively, their management is very uncertain. As I said, with the new Commonwealth legislation, I think that level of uncertainty increases rather than diminishes.

I think there is an issue for us in being able to deliver to the ACT community a heritage register including all of the places they think are important, with protection and without any gaps in it. We are currently preparing new legislation for the territory. The ACT government is proposing to update the heritage provisions—they are more than a decade old and they need updating. In the consultation the ACT government has undertaken with the community over the new legislation, the issue of national land and the confusion and difficulty in working out who is responsible for heritage on various lands has come up as an issue. It is an issue that I think we need to address and we need a way to address it. It is not clear at the moment what that way forward is.

Mr CAMERON THOMPSON—In your submission I read a statement about the minimum building heights along the main avenues, which you say is a directive to developers to demolish existing buildings. Can you give us some examples of where that applies and what we are potentially missing out on there?

Prof. Freeman—I have mentioned one—that is, the Whitley houses on Canberra Avenue—where the requirement, first and foremost, from the National Capital Authority is to provide avenue urban guidelines adequate to provide a proper entrance to the parliamentary triangle and to Canberra. That has been translated by them, for some unknown reason, on all the avenues, but particularly on Canberra Avenue, into a blanket suggestion that there be three- to four-storey building heights along the avenues. In the case of the Whitley houses, that meant, basically, that the houses went.

Mr CAMERON THOMPSON—Can you describe these Whitley houses to me? What are they?

Prof. Freeman—They look pretty ordinary and pretty terrible at the moment, because they have been untended and un-lived-in for about a year and half. They are little white buildings with flat roofs and horizontal windows. In the pristine state they are small but very streamlined-looking buildings of the 1930s.

Mr CAMERON THOMPSON—When you say ‘Whitley’ buildings, was Whitley the architect?

Prof. Freeman—Whitley was the architect, and he turned out to be an important architect who designed the Canberra High School, the Ainslie School and all sorts of really important buildings.

Mr CAMERON THOMPSON—What is the particular heritage of those buildings?

Prof. Freeman—In the context of Australian domestic architecture, it was probably the first time that there was a wholehearted acceptance by a government authority of a radical international architectural style. We can find hardly any other references to such a radical and forward thinking approach to government housing. So, in themselves they might look like nothing much, but in fact they carry a message that is far more important than just their immediate territory message.

Mr CAMERON THOMPSON—How many houses are there?

Prof. Freeman—There are five Whitley houses left. One of them is in poor condition or has been altered badly. The four that are still remnant are all now subject to codevelopment proposals by the development industry. To go back to this business of what happens on major avenues, another example is section 26, opposite the Canberra fire station precinct, which is an item on our register. The development control plan basically pursued the NCA’s overall holistic vision for the avenue, which was three- and four-storey buildings creating a suitable gateway. The proposed development on that site will mean that there will be overscaling of the Canberra fire station development and the destruction of a number of buildings that are not necessarily of heritage importance but are important in their time because they represent a precinct of two-storey brick buildings planned during the NCDC period.

The problem basically is that this vision for the avenues is not guided by a strategic plan—for that avenue or any avenue. NCA presumably has had neither the resources nor the capacity to say, ‘Okay, we are going to have to follow up our National Capital Plan guidelines for these

avenues—we will have to produce a strategic plan.’ It has only been at the prompting of, I think, the ACT Planning and Land Authority and the ACT Heritage Council that they have finally agreed that a strategic plan for, say, Canberra Avenue is going to be prepared. Meanwhile, we are going to lose important buildings and the context of buildings on our heritage register will be compromised.

Senator LUNDY—Can you tell me whether you are familiar with the basis upon which the NCA have a standard objection to the listing of ACT buildings with ACT heritage value on the ACT list? Why is that possible under the law?

Dr Blair—Their objection is based on the fact that they have management responsibility for those lands and therefore the territory cannot put in place controls that constrain their management of those lands.

Senator LUNDY—Even though it is territory land?

Dr Blair—Yes. Heritage registrations go through as draught variations and become part of the Territory Plan, and the Territory Plan cannot be inconsistent with the National Capital Plan. So they take the view that for those types of land the National Capital Plan should take precedence and therefore we should not be putting them on our heritage list. As I said, in the 12 or so years that the heritage provisions have been in place in the ACT, some places have gone onto the interim list—even some places on national land. But there seems in particular to be a concern about putting in place what are called specific requirements as part of the registration that set up development controls in the Territory Plan. They are the controls that ensure the protection of places in a development context.

Senator LUNDY—Chairman, I have a suggestion. I am certainly familiar with the information given by witnesses in relation to the implications for the new heritage act. But I would like to suggest to the committee, for the purposes of this aspect of evidence, that we cross-reference with the debate on the new heritage bill in the chamber so that we can reflect on the implications of the act for the issues that these witnesses raise.

CHAIRMAN—How do you propose to do that?

Senator LUNDY—I do not know, other than to make the suggestion on the record. I think it would be useful to be able to reference the Hansard of that debate in the Senate chamber for the purposes of the point these witnesses are making. I presume it is possible. I just thought I would place that on record.

CHAIRMAN—I have objection to that.

Senator LUNDY—We do not have time to go into it now; that is part of the problem. I am certainly familiar with the issue that you raise, Dr Blair, and I think it is a very important point. I think you are right—there are now new gaps that have been created as a result of the passage of that legislation. I have a question which relates to a recent issue about consultation. I certainly take on all of your points about the fact that you are not consulted. Were you consulted about the proposal for the fan sculpture to commemorate the centenary of women’s suffrage?

Prof. Freeman—No. That went down the track that I just described. The Heritage Commission's view was sought. To our dismay, the Heritage Commission seemed to acquiesce in the proposal, although we are still trying to find out more about the background of that judgment. The NCA accordingly went ahead without any reference to the ACT Heritage Council.

There is one item I would like to address, to reinforce that matter of nationally designated land. In the Australian National University there is a series of little cottages on what is called Lennox Crossing or Liversidge Street. There were nine of them. There are now two, and only one of them is in really good condition. That is on the corner of Bachelors Way and Lennox Crossing. The ANU, to their credit, have done a lot of work on conserving both the building and the landscape, and it is a real delight. It is nationally designated land of course.

On that property there is also a stables building within which the first constable for Acton, and hence for the new federal capital, kept his horse and buggy. Subsequently it was lived in by his widow, and she extended the stables in order to get her car in. That building was deroofed by the ANU about a year and a half ago and it has been steadily falling into decay. As a result of pressure from the Heritage Council, I think, and from private consultants and interested people, they agreed to have a documentation of works to restore the building, because it was all part of the one group of buildings and it told a wonderful story and it is very important to the territory's heritage. But, because it is on nationally designated land and because we have no direct control and cannot actually put any pressure on the ANU apart from pressure we put on the Australian Heritage Commission—who now are less and less inclined to be interested in these matters—the building is going to fall over. That is purely a matter of jurisdiction.

CHAIRMAN—One had the impression—and I am sure I speak for a lot of my colleagues, perhaps not all—that, if a building was not safe on the ANU campus, it was not safe anywhere.

Prof. Freeman—You would have thought so.

Senator LUNDY—Has the NCA ever proactively contacted the ACT Heritage Council to consult you or to discuss with you an issue that they are involved with—perhaps a place or a building on designated land? Has any initiative ever been taken, in your memory?

Prof. Freeman—I can only answer from my incumbency, and I would say no, but Sandy may have a different experience.

Dr Blair—No. We have had, up until recently, a memorandum of understanding with the Australian Heritage Commission, and regular meetings with them where we do learn about things that are happening in the NCA through the Australian Heritage Commission's role, but it is often very difficult to get copies of advice. There are limits. We hear about but cannot comment on or see key documents often.

Senator LUNDY—Does the council often contact the NCA and just get no response or do you get told—perhaps not in so many words—to go away? Have you found yourself in a position of trying to contact the NCA and just not hearing back?

Prof. Freeman—That is pretty much it—or we hear back after a period of time, but usually only after a second or a third request for contact. We are trying to get around this and we have

previously invited Graham Scott-Bohanna of the authority. We have now invited Stuart Mackenzie to our next Heritage Council meeting to give us a briefing about where the Griffin Legacy project is up to. In both those cases the requests have come from us to them and there has never been an offer the other way.

CHAIRMAN—Thank you very much, Professor Freeman and Dr Blair, for your attendance here today. If there are any matters on which we need additional information, the secretary will write to you. I would like to thank again those witnesses who appeared before the committee today.

Resolved (on motion by **Mr Thompson**):

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

Committee adjourned at 1.34 p.m.