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JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL  
AND EXTERNAL TERRITORIES

**Reference: Role of the National Capital Authority**

THURSDAY, 16 OCTOBER 2003

CANBERRA

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## JOINT COMMITTEE ON THE NATIONAL CAPITAL AND EXTERNAL TERRITORIES

Thursday, 16 October 2003

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

**Senators and members in attendance:** Senators Hogg, Lightfoot, Lundy and Stott Despoja 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 6.06 p.m.****MADEW, Ms Romilly, Executive Director, ACT Division, Property Council of Australia****McCANN, Mr Noel, President, ACT Division, Property Council of Australia**

**CHAIRMAN**—I declare open this fifth public hearing of the Joint Standing Committee on the National Capital and External Territories inquiry into the role of the National Capital Authority and turn to the proceedings at hand. I welcome representatives of the ACT Division of the Property Council of Australia to give evidence. These hearings are legal proceedings of the parliament and warrant the same respect as the proceedings of parliament itself. Giving false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. The committee has received submission No. 26 from the Property Council. Are there any corrections or amendments you would like to make to your submission?

**Ms Madew**—No, it is fine.

**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?

**Ms Madew**—Yes, we do. To put it in context, I will talk first about who we are and why we are appearing. The Property Council of Australia represents the property investment industry. Our members include the bulk of the ACT investors in office towers, shopping centres, industrial parks and tourism infrastructure and also key players in the residential property market. Our members therefore deal with both the NCA and the ACT Planning and Land Authority, which is now called ACTPLA, on a daily basis with regard to planning. The Property Council has also been active in a number of ACT government studies including the Canberra spatial plan, the economic white paper, the city west master plan and the non-urban edge review. The NCA could have a significant impact on these studies. That is why we are appearing.

There are three points which we want to cover very quickly that we have in our submission. The Property Council supports the continued role and responsibility of the NCA. However, we are always looking for planning certainty for our members and, as such, have a number of concerns. These include our desire for one piece of land and one planning authority instead of the confusion that is there now, the NCA's involvement in metropolitan planning and the communication engagement the NCA has with industry and the ACT government. I will ask Noel to give you a quick summary.

**Mr McCann**—In terms of one piece of land and one planning authority, our membership is very focused on timely outcomes of development approvals. In fact, at our last regular council meeting on Monday this week, our members basically agreed unanimously around the table. In fact, they would pay a premium for land where the NCA was the approval authority because of the timeliness of the approvals. They also understand that there is strategic planning development by the National Capital Authority, and at that time there is public consultation either through an amendment to the National Capital Plan or in an overall review of the National Capital Plan. But, if an application responds to the guidelines and to the planning, it has a fairly

seamless process to outcome. So our membership is focused on trying to get the ACT system more aligned with the NCA system. We have made submissions to the ACT Minister for Planning requesting that there be no preliminary assessment in the central business district, Civic and the industrial areas of Canberra for developments over 7,000 square metres. A preliminary assessment probably takes six to nine months, assuming there are not too many objections and assuming no administrative appeals hearing.

We have asked that no third party appeals apply in Civic, the town centres and industrial areas, because most of the appeals in these commercial centres are driven by commercial responses by vexatious commercial interests rather than by what could happen in residential suburbs, where people are concerned about the scale, the quality and the bulk of adjoining residential development. We see that the system that the NCA has actually works very well for the commercial areas. We are not saying that it applies equally to or that one system fits all planning in the territory. The suburbs should be dealt with differently in terms of the consultation. A 7,000-metre development in a residential suburb is a darn big development, but it is not very big when you look around the commercial development just below Parliament House, for argument's sake.

We also believe that, in the national interest, the National Capital Authority should be the single planning authority for the major approach routes. They are identified in the National Capital Plan as major approach routes and have certain overlapping requirements to the territory planning. Therefore, in the national interest that the NCA represents on behalf of parliament for 20 million Australians, it would be simpler to have one authority looking after the major approach routes. There will be some confusion that will develop even further as Constitution Avenue comes up for redevelopment. We think it is timely that a review such as this should look at the severing of the dual planning authority roles in some of these major locations. We are seeking a better negotiated outcome between the National Capital Authority and the new planning authority. We think it is very early days for the new planning authority, but we believe there are plenty of opportunities with a new CEO and a new council behind the CEO.

In terms of the metropolitan planning, the NCA attends meetings on the development of the Canberra plan. Openly we are not sure about the engagement. We are reasonably sure there is engagement behind the scenes, but it would be good to show that they are actively participating. Part of that could well be that the ACT government invite the NCA representatives to be part of the head table or on the dais—if I could put it that way—and be seen to be actively participating, rather than being down in the ruck with industry and the community. NCA also appears to be short of resources in being able to get ahead of the game in the metropolitan planning issues. It is a perception that is generally accepted around the council table that more resources would actually smooth the way a fair bit. We are not sure about what resources they need, but clearly there is a shortfall in resources to be able to participate and lead in the metropolitan planning strategy and outcomes.

In terms of communication, some of our members who do not deal with the National Capital Authority believe the bush mantra that the NCA does not consult. Those who actually deal with the National Capital Authority know that they go through a whole process of consultation themselves, even though they make applications in accordance with the National Capital Plan, the guidelines and so on. But there is a perception and a mantra out there that the NCA does not consult widely. That could be a resource issue. There is also a firm conviction of most of our



members—for example, the people doing Landmark in Barton—that it was a very healthy and rewarding process for them to work their way through it. They are Canberra-wide developers and find it quite frustrating otherwise. We are just seeking stronger communication.

**CHAIRMAN**—Thank you very much, Ms Madew and Mr McCann. Before I go to my colleagues, I ask you: what is the fundamental difference—without going into big detail—between dealing with the ACT planning authority and the NCA? You say that your members would pay a premium for land that was controlled by the NCA, so there must be quite a significant difference. Where is the difference?

**Ms Madew**—There is a number of layers you have to deal with when you go through the ACT Planning and Land Authority. It includes the HQSD process, trees, heritage and PA. There is a whole lot of different layers.

**CHAIRMAN**—Doesn't that also apply to NCA?

**Ms Madew**—No.

**CHAIRMAN**—They do not worry about it?

**Ms Madew**—They do not have as many layers as ACTPLA has.

**CHAIRMAN**—Yet the NCA's staff is approaching 100, and the ACT planning authority would have only a fraction of those.

**Ms Madew**—The NCA are also looking at other areas. They also do marketing and promotions and other areas within them. I am not sure how big the NCA's actual planning area is.

**Mr McCann**—In terms of the layers, if one of our members makes an application to the National Capital Authority in accordance with the guidelines and in accordance with the land use planning that is contained in the National Capital Plan, there is a time delay of 16 weeks for working through the process of tender. Sixteen weeks is a long time. The ACT government, on the other hand, could sell a piece of land in the area where it has jurisdiction for planning. If it is a building of more than 7,000 metres, the lessor who buys the lease from the ACT has to go through a preliminary assessment. If it is under the National Capital Authority— notwithstanding, say, down in Forrest, where the ACT has sold the site—there is no preliminary assessment. The preliminary assessment process is over six months, assuming it is streamlined. Getting the development approval is more tortuous, in our membership's view.

**CHAIRMAN**—My last question is about the proposal of a dual planning authority using the expertise of both the NCA and the ACT planning authority to more comprehensively—and one would assume in a shorter time—issue a licence so that you could begin building. What do you think of the proposal for the dual planning authority?

**Mr McCann**—We have not asked our membership directly, but my interpretation of some of their comments is that they would not want to give up the speedy process they have when they are under the NCA umbrella, if I could put it that way.

**CHAIRMAN**—So you think the ACT, if it did have a dual planning authority, would slow down the NCA?

**Mr McCann**—Yes. I think the record is there that it has done and that it slows down the approval process. For some developments it may well be warranted because they may not comply with the development conditions and guidelines and the planning requirements. But there is a process in the ACT where a variation to the Territory Plan is consulted, the preliminary assessment is consulted and the development approval is consulted. The last two are subject to concepts of Administrative Appeals Tribunal actions. We are not saying that all of them are frivolous, but some of them are. The real issue is that we have a system in the ACT that is designed to be a cure-all for every development, whether it is in a residential, single-dwelling suburb or a central business district like Civic. Clearly there are competing interests that are different in a central business district compared to in a residential suburb.

**CHAIRMAN**—That is considerable and enlightening news to me. We are going to have Mr Byron here later, and I trust he will corroborate what you have said. I am looking forward to his evidence.

**Senator LUNDY**—You said earlier that you saw the issue of lack of consultation as something that your members had not experienced, and I wanted to clarify that. I think the concerns expressed by this committee relate to consultation with the wider communities affected by proposed developments, as opposed to the NCA's obvious consultation with developers they are working with. I want to focus on that a little more. You say that your members, who are property developers and property investors, think the NCA consults really well and thoroughly with them. Is that correct?

**Mr McCann**—Yes.

**Senator LUNDY**—Can you describe the level of engagement the NCA has with property investors and developers?

**Mr McCann**—Do you mean outside of individual applications?

**Senator LUNDY**—It would actually be useful to use a hypothetical scenario or a scenario you are familiar with where the NCA works with a developer or investor and progresses their application. It would be helpful if you are able to do that; otherwise, any general comments would be useful.

**Mr McCann**—I do not know exactly all of the consultation and planning outcomes that came with the Landmark development, but the Landmark development was sold by the Commonwealth and was subject to NCA approval processes. At around the same time, there was a piece of land bought from the ACT government in the city by the same developer. They put it to me that they were able to buy the land from the Commonwealth in Barton, get the approval, work their way through design changes with the National Capital Authority from the very early time of in-principle design to building design and not feel frustrated or delayed.

**Senator LUNDY**—What sort of time frame are we talking about with the Landmark development?

**Mr McCann**—From the date of purchase to the date of approval, it was 11 months. A redesign of the project was done by the proponent as a result of looking at the commercial issues. The same people are three years down the track on the Metropolitan site in Civic and have not got final approval. That is a problem for the ACT because they sold it on the basis of, ‘Once you get the approval, you can pay us for the site.’ That is a real problem with that mechanism.

**Senator LUNDY**—Just so that the committee is clear on it, can you describe in more detail where the Landmark development is and who the developer is?

**Mr McCann**—It is in between Blackall Street and Wentworth Avenue, overlooking the lake. In fact, I think Wentworth Avenue goes into another street but, I am sorry, I do not know the name of it.

**Senator LUNDY**—Who is the developer?

**Mr McCann**—Amalgamated Property Group, which is part of the Potts and Morris group—one of our members.

**Senator LUNDY**—Thanks for that. Your members are saying there is a good relationship with the NCA. Are you able to make any more detailed observations about this issue of resources and how the NCA obviously engages with developers and investors? Notwithstanding the issues about broader community consultation, from your observations does it have enough resources to manage those relationships with investors and developers?

**Mr McCann**—We have not heard any complaints to suggest that there has been undue delay from the NCA. I think we put in our preamble that, in the metropolitan planning area, there appears to be a lack of resources in its strategic planning.

**Senator LUNDY**—That is a broader thing. I will come to that. What are the other areas that you are aware of where the Commonwealth has sold a land asset that has had development applications come before the NCA? Can you cite any other examples?

**Mr McCann**—In Belconnen and on Adelaide Avenue, which I am not aware of personally.

**Senator LUNDY**—But they are going pretty smoothly, in that you are not getting any complaints?

**Mr McCann**—Yes.

**Senator LUNDY**—Moving to more general issues and this issue of resourcing, we have heard evidence from other witnesses that have expressed concern and scepticism about the level of technical and qualified expertise within the NCA. I think architects and engineers are two areas where there is a perceived weakness in the NCA. Does the Property Council have a view about that?

**Mr McCann**—No. In fact, at a recent boardroom lunch, our architect members, Bligh Voller Nield and Daryl Jackson Alastair Swain, expressed the view that they were more than happy

with the National Capital Authority approach and quite frustrated with the other side, the ACTPLA.

**Senator LUNDY**—So the architects that you are aware of are satisfied with the level of expertise within the NCA?

**Mr McCann**—Yes. We have certainly heard nothing to the contrary, and we tend to find out when there are problems.

**Senator LUNDY**—I appreciate that. Getting into the issue of red tape that you have spoken about and your concerns about comparative approval times between the NCA and ACTPLA, the previous witnesses have expressed concern that it is actually the duality and the interplay that adds to that problem. What is your experience of where both authorities have a say in the planning regime? I appreciate the comments that you have made about the one or the other, but now I really want to home in on this issue of what you describe as that ambiguity between the planning authorities.

**Ms Madew**—We have a member who comes under that area. He had to go through the NCA and then through ACTPLA. The building has not even started yet, and it has probably been 2½ years now. He has expressed absolute frustration at both. He felt that he had to go to one and then to the other and that there might not have been good talking between the two. There has been a lot of confusion there. He has now had to go to the AAT. Basically, it has been a very unhappy process, to the point where he will probably make a decision whether he will pull out or not. That means loss of jobs—it is a substantial development.

We understand that the transport route along Canberra Avenue and Northbourne Avenue has been identified as high density, so this should not occur. That is where our mantra of one piece of land and one planning authority comes in. We want either the NCA to give the planning to the ACT or vice versa. We believe that there should be just one planning authority. The two planning authorities should still remain, but developers should not have to deal with two authorities, because it is so confusing, costly and time consuming.

**Senator LUNDY**—Do you think that is contributing to a loss of business to the ACT?

**Ms Madew**—It is. In this case, it is a significant development where building is slowing and it would be good for the builders to be able to get in there. It is just frustrating.

**Senator LUNDY**—The committee has previously heard that designated areas are obviously a major case in point where there is duality. Do you have a view as to whether or not it should be one or the other?

**Mr McCann**—We put a view earlier about the National Capital Authority being on the major corridors—

**Senator LUNDY**—So you think they should be the approving authority on the major corridors?

**Mr McCann**—Yes, on the major corridors and the approach routes as defined in the National Capital Plan. I am sure there are areas where the ACT could handle it—notwithstanding that the lessees would probably rather try to get across to NCA only, in the current regime—but certainly, in the major corridors, we would see it that way.

**Senator LUNDY**—I think you mentioned the redevelopment of Constitution Avenue. Who currently has coverage of that precinct?

**Mr McCann**—The National Capital Authority and the territory planning authority, because part of it is national land and part of it is ACT land. It is basically part of the parliamentary triangle, notwithstanding that it is on the other side of the lake. It is the border.

**Senator LUNDY**—In the context of this discussion, what do you think are the potentially inhibiting factors on that particular Constitution Avenue development as a result of the existing arrangements?

**Mr McCann**—It would be subject to master planning, one would imagine, through the National Capital Plan and, hopefully, in consultation with the ACT, as one of the major corridors linking Russell to Civic, and there is a reasonable sized community in Campbell that is quite active—as we know with Fairbairn Avenue. The limiting thing would be if there cannot be cohesion and integration. We are not sure why that lack of cohesion and integration should occur, but we would be certainly trying to put our best efforts behind integration and the smoothness of it all.

**Senator LUNDY**—So, in that particular scenario, the NCA has sole coverage on the lake side of Constitution Avenue but then it is a blend on the other side?

**Mr McCann**—That is what it appears to be, yes.

**Senator LUNDY**—In terms of consultation, you mentioned the Campbell residents. Would it be the case that any proposals in that area, under the NCA only, would limit or perhaps change the requirements for consultation the NCA has with those residents?

**Mr McCann**—Earlier, I was putting to the committee that the consultation should be at the strategic planning time, in the master planning of that area—

**Senator LUNDY**—As opposed to the specific development?

**Mr McCann**—and, if an application responds and complies with all of that, why do you need to consult again? That is the issue with the ACT.

**Senator LUNDY**—Going into that area, I have not asked you questions about this but you made a very clear point about the resources necessary for the NCA to be able to adequately consult on some of those big picture and strategic plans. Your submission also states that you would like far more cooperation at that higher level. Can you give me a little more detail about how you see that operating? I think in your submission you talk about mutual representation on both of the boards—having someone from ACT planning on the NCA board and vice versa. Am I reflecting accurately on your submission?

**Ms Madew**—Yes. I think it would be helpful for both the NCA and ACTPLA if there were mutual representation on each, because the interests in each are quite different. On the NCA you have a lot of national interests, and on ACTPLA you have ACT interests. Sometimes the planners seem to have a very good relationship, but I think at the upper level it is very important that they also have open communication in the relationship and an understanding of what each is doing—and I am not sure that that is necessarily there. So, by having representation on each, you are going to get that crossover, that sharing of information and those types of things.

**Mr McCann**—And the opportunity has really only just created itself, because planning in the ACT was by ACTPLA and the minister, and now we have a council.

**Senator LUNDY**—So now you have got the structure that could allow that to happen?

**Mr McCann**—An opportunity for at least one of those people to be exposed to both sides—if, in fact, that was an opportunity that both governments could deal with.

**Senator LUNDY**—I do not think the federal government can deal with it just yet. I have one final question, and I think it goes to the heart of issues of those that would be disgusted with this mutual representation. You raise the issue of the definition of ‘national significance’ and ask that clearer definitions be established. Is it part of your view that we should remove as much ambiguity as possible from the way the National Capital Plan operates in Canberra?

**Mr McCann**—I guess what we are looking for is more than just clearing up that one definition. It would probably flow onto the roles that we are looking for in the separation. Clearly, there are 20 million people that need to be represented in the planning of Canberra, and there is a community of 350,000 people that also needs to be represented. We see a clearer or better defining of the roles.

**Senator LUNDY**—So a clearer definition could in fact establish the criteria for what became National Capital Authority controlled land and what became ACT government controlled land?

**Mr McCann**—Yes.

**CHAIRMAN**—That is about all, Mr McCann and Ms Madew. Thank you for your attendance here 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, thank you again for your attendance.

[6.37 p.m.]

**BYRON, Mr Stephen James, Managing Director, Capital Airport Group**

**CHAIRMAN**—I now welcome Mr Stephen Byron, Managing Director of Canberra International Airport. 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 submission No. 42 from you. Are there any corrections or amendments you would like to make to your submission?

**Mr Byron**—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 hearing 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?

**Mr Byron**—Yes. Before I do, Terry Snow, my father, apologises for not being here, but he is in Sydney with some family matters.

**CHAIRMAN**—Thank you for passing that on.

**Mr Byron**—I would like to open by making some general comments about the airport's planning environment, and then I will move to some more general comments on the planning systems in Canberra. Canberra airport was sold as part of the privatisation of the Australian airports. All of those capital city airports were sold under the Airports Act, which has a comprehensive building approval and land use management regime. That regime includes a very broad and unlimited ability to develop land for a comprehensive variety of land uses. Canberra airport, however, is unique. It is the only one of these airports that is also subject to a town planning regime, and that is the regime of the National Capital Plan administered by the NCA. We are not subject to the ACT planning authority. Indeed, there is no capital city airport subject to town planning other than ours, through the NCA.

But we are not unique in terms of the NCA being the sole planning authority for our developments. There are a number of other areas in Canberra, including Barton, Forrest, parts of the Belconnen town centre and the ANU, as well as the airport that are subject solely to the NCA. Developments have occurred in those areas with similar approval processes to ours. These include the Landmark residential development, five office buildings in Barton built on sites sold by the ACT government in recent years, the National Museum and the construction of two major office buildings in the Belconnen town centre for the Commonwealth.

In terms of consultation, we are required by the Airports Act to prepare a master plan. We did that in our first year of ownership, 1998-99. That master plan was subject to 90 days of public consultation and extensive public meetings, and we made a huge number of presentations to a range of stakeholders. As well as that, any change to the National Capital Plan is subject to

public consultation. There have been two such changes made in relation to the airport—one in relation to science policy; one in relation to allowable land use—and those were subject to public consultation and then subsequent approval through the Commonwealth statutory processes. However, the airport is not subject to a requirement for consultation on a individual development by development basis, either through the Airports Act or through the National Capital Authority.

I will move on to talk about the planning systems. From our point of view, what needs to come about for Canberra is that, if there is one piece of land, there needs to be one planning authority. Having two planning authorities just does not work. They delay each other and they do not seem to work effectively together in that way. However, I do believe that there is a need for the Commonwealth to have a National Capital Authority or equivalent body to be responsible for managing its interests in respect of Canberra, and those will be primarily those issues that concern its nature as a national capital. That is also very important from a Canberra point of view, because the Commonwealth is of significant strategic economic importance to Canberra's future growth. Whilst we might be becoming a private sector town, the reality is that most of that is on the back of the Commonwealth and we are very much reliant on it.

Employment centres, by which I mean areas such as the town centres, the airport, Fyshwick and Mitchell, and what will evolve as not only employment centres but probably employment or economic corridors of development need to have a planning process—no matter who the authority is—that is focused on project delivery and achieving the economic development of those zones. It should not be a policy that is narrow and constrained; it needs to be flexible. Importantly, these areas need to have a process where there is public consultation only at the strategic master planning level and not at the individual development approval level. That is absolutely critical for the economic development areas.

Lastly, I believe both planning authorities need to have more resources made available to them in terms of strategic planning. Both the Territory Plan and the National Capital Plan need significant updating. Since they were written the world has changed, Canberra has changed, we have become more global and competition for economic growth is much more global and competitive. As the ACT government's discussion paper on its economic white paper has outlined, there needs to be a removal of the planning constraints and a reconsideration of their importance. So we would like to see, for both planning authorities, more resources put into an updating of those plans. I am happy to take questions.

**CHAIRMAN**—Thank you very much, Mr Byron.

**Senator STOTT DESPOJA**—I think, Mr Byron, you have pre-empted my first question, which relates to resources. Were there any other resources to which you were referring in your submission? Your last couple of comments suggest it is quite a specific recommendation, but I am wondering if it is broader.

**Mr Byron**—I think both authorities have very good technical skills in the individual development approval process. The delays that are inherent in the ACT system are very much a function of the appeal rights and the difficulties of that process. They manage that as best they can, but it is tough, slow and bad. What is really needed are the resources to do a strategic review of both plans to update and modernise them. If you like, the work that has been going on



since self-government has been the administration of both of those plans rather than any real old NCDC style thinking over the hill and thinking of how we build our future.

**Senator STOTT DESPOJA**—In your submission, you talk about the NCA's role as being to preserve the Commonwealth's interests and how that is necessary and should be strengthened—and I am assuming that some of your comments in your verbal submission today relate to how you perceive that strengthening process could take place. I am curious to discuss the issue of national interest with you. While you acknowledge in your submission that there is obviously a potential clash between local and national interests, do you believe, though, that when those national interests take priority there is a possibility that local interests are not adequately considered?

**Mr Byron**—I do not believe that is the case and I cannot think of any examples of that, but I can think of examples where the local interests could be at risk of prevailing too strongly over national interests. For example, where national monuments or museums were to be built, developed or further expanded, which would have a positive outcome for Canberra's role as the national capital but could adversely affect local community groups, they might take a negative interest.

**Senator STOTT DESPOJA**—My final question relates to the issue of naming streets at the airport, which I understand has been a topic of debate. Could you explain to the committee the process by which airport streets are named?

**Mr Byron**—It is not a process that involves or requires the approval of the National Capital Authority. We build and pay for the roads, and we are able to name them. We would not ordinarily be in the habit of changing them from day to day but, as part of an overall review and expansion of the general aviation area, we took the opportunity to rename a number of roads and name some new roads. We decided to continue a tradition that was started when we built what might be known as the airport loop road but what is in fact Tyson Drive: to name the roads after significant women in our family who have made a significant but often understated and undervalued contribution. So we just named them after those family members.

**Senator STOTT DESPOJA**—Do not worry, I was not getting into the substance of the naming and certainly was not putting in a bid. I was just curious about the process. My understanding is that you do not need the approval of the NCA, but it presumably occurs with the concurrence of the NCA. Do you, as a matter of fact, inform the NCA or other authorities?

**Mr Byron**—We inform them in the process of getting an approval for a sign design, and we would inform them as we do the ACT government. The ACT government have a designated person that we liaise with on airport matters in their traffic and planning area, and that is the person that we liaise with on this issue.

**Senator LUNDY**—I would just like to ask a few questions about your relationship with the National Capital Authority, given that they are the sole authorising body. I use the example of a recent development at the airport. In your experience, how long was it between the application, approval and start of construction of, say—pick one—an office block? I am interested in the average. I am trying to get a feel for how good that relationship is and how efficient it is from your perspective as a developer.

**Mr Byron**—We have a development liaison committee that meets with the NCA and the Department of Transport and Regional Services people, including the department's appointed Airport Building Controller and Airport Environment Officer. We meet four to five times a year. In that forum we try to identify and foreshadow things that are on the drawing board. They might not all come out and they might change, but we go through a list of the 12 or 15 projects that might be on the go at any one time. We also have agreed development guidelines with the NCA for each of the following precincts: the general aviation precinct, the terminal precinct and the Brindabella Park precinct, and they include landscape components et cetera. All of that means that sometimes, when we get to the point of finally lodging plans, we have been through extensive consultation with the NCA and the approval can be turned round in a matter of weeks.

There are occasions where, notwithstanding all of that, approvals are delayed three, five, seven or nine months, and we do have an enormous sense of frustration and anguish. At the end of the day, the authority is coming from a particular point of view and is being, from our point of view, difficult—but that is just the way these things are. There is the odd one, particularly with traffic and roads in relation to the ACT government, where the authority has, from our point of view, been difficult and, from their point of view, been thorough.

**Senator LUNDY**—What would be the average approval time for all the major developments you have undertaken at the airport?

**Mr Byron**—In reality, a process might start five months before plans are lodged and then, through that process, it might be six to eight months all up by the time it is approved. But it is between three or seven weeks for the actual approval of the plans. In contrast, the Airport Building Controller is often in a position to turn that round within seven to 15 days.

**Senator LUNDY**—Are they the people from the Department of Transport and Regional Services?

**Mr Byron**—They are an independent consultant appointed as the regulator for the Department of Transport and Regional Services under the Airports Act.

**Senator LUNDY**—But they do not get involved in development approvals, per se.

**Mr Byron**—They do have to approve it but it is more of a BA, so they do not get involved so much with the design. It is the building approval side of a DA.

**Senator LUNDY**—What is their criteria for assessment?

**Mr Byron**—Compliance with the Airports Act, compliance with the master plan and compliance with Australian standards.

**CHAIRMAN**—What is the master plan consulted?

**Mr Byron**—The Canberra Airport master plan, which is approved under the Airports Act by the Minister for Transport and Regional Services.

**Senator LUNDY**—But that is confined criteria.

**Mr Byron**—Yes.

**Senator LUNDY**—You would have heard Mr McCann, an earlier witness from the Property Council of Australia, say that they felt the level of consultation with developers was, relatively, pretty good. I know you have been around for a long time. How do you rate the ability of the NCA to work with you, to not block you and to not provide more red tape? Do you think it is a very good or efficient arrangement relative to previous experience?

**Mr Byron**—I think the relationship between developers and the NCA is as extensive as the developer makes it. If you have more meetings with them, you have a better relationship and better consultation through the development process.

**Senator LUNDY**—So the NCA respond to that?

**Mr Byron**—Yes, and they make themselves available very adequately and make constructive comments. They do not change their mind on stuff; they are pretty consistent. For us, like all things, it goes up and down. Things often take longer than we would like. Issues of policy and future changes to the National Capital Plan seem to take forever, but I think they have their own limitations in terms of their management of their own consultation processes and in dealing with the public and the ACT government. That is just the reality of what we have to deal with.

**Senator LUNDY**—Another witness at this inquiry raised concerns about the proposed type of development in the retail area—I think it was a hardware proposal. We received a submission from Magnet Mart, who were very concerned about the type of development. For the committee's benefit, can you tell us what the nature of that proposal was and what its status is now, and perhaps comment on the response of other witnesses to that proposal?

**Mr Byron**—I do not quite know how to tell you about the proposals we have, because we do not really have them. I became aware of that submission earlier today in preparing for this. It has never been raised with me as a concern. The reality is that we have been foreshadowing with the ACT government and the NCA jointly that there needs to be a detailed planning study on the Majura valley. If we did that together, it could integrate with the ACT government's spatial plan. We have been doing that for 12 months.

**Senator LUNDY**—This is the economic corridor that you were speaking of earlier.

**Mr Byron**—Yes. The reality is that we, the NCA and ACTPLA have all been too busy on all these other inquiries. We have not done the work. There has been a bit of a scare campaign about us rushing off and doing all of this bulky goods retail development at the airport.

**Senator LUNDY**—So you have not got anything on your books or any applications in to do with that.

**Mr Byron**—I have not met with a bulky goods retailer, so I am not likely to go and build one without knowing whom I am building it for or whatever. At the moment, we cannot do it because the National Capital Plan limits our retail use to 500 square metres per shop, as it were. So we could not do it anyway.

**Senator LUNDY**—My memory tells me that there is some sort of application from the NCA—and I may be incorrect here—to vary that to allow greater retail in that precinct.

**Mr Byron**—No, that is to increase the flexibility in relation to office. We have not had any discussions with the NCA about changing the retail. We do not know if we want to do it. We have foreshadowed—and we now have the agreement of Minister Corbell—doing some joint work on this corridor and looking at appropriate land uses. In that context, I have suggested it would be an appropriate land use through the whole corridor. That would include part of the airport. But, as I said, we have to do the planning work together and then, if it is sensible, there are some changes to be made to the Territory Plan or the National Capital Plan.

**Senator LUNDY**—Going further with that, do you concur with the previous witness that there is a lack of resources in the NCA to do some of that big picture future planning?

**Mr Byron**—Yes, in both planning authorities. In fact, I think it has been fantastic that the spatial plan has pushed the need to try and address some of these issues, and some of that strategic work has started to be done. Admittedly, most of the work has focused on the future residential development for Canberra and there needs to be a bit more work on the economic zones where we are all going to work. We will have places to live, but we need to work out where we will be working.

**Senator LUNDY**—I just thought of another question which I neglected to ask the previous witness. I am interested in both Mr Byron's and the Property Council's view about the NCA's role in promoting the national capital and events. Chair, I do not know if it is possible but, if we could pass that on to the Property Council and perhaps ask them to respond briefly in writing on their views about the NCA's role in those areas, that would be helpful.

**CHAIRMAN**—That would be possible, yes.

**Senator LUNDY**—I notice Mr McCann is still here, so I am hoping that he will make a note. That would be helpful.

**CHAIRMAN**—Mr McCann will take it on notice—unofficially.

**Senator LUNDY**—Mr Byron, given that we have now heard many witnesses say there is not an eye for the future, a strategy to review the whole plan in the context of the 21st century or a maturing ACT self-government et cetera, what do you think about that role of the NCA and the development of the NCA into new areas like promotion, events and things like that?

**Mr Byron**—I think it is very important and very positive. They have started to do it over, say, the last three years. It is something the Canberra Business Council was pushing for probably five years before that. They have started to do some of it, and their Christmas concert is one exercise. The way they are committed to getting some vitality on the weekends and activity in the triangle is absolutely fantastic. I think it is also important because it means the NCA are not just a planning authority and not just a development approval body. It helps them keep their focus on the fact that part of their role is explaining the national capital to all Australians. I think that is very important. Again, I think they have had very few resources to do that. No doubt they have not had specific funding for some of those things and they have just managed their budget to

enable them to do it. We have been talking over the last 18 months with the various ministers for the territory about how that role could be expanded and properly funded.

**Senator LUNDY**—My final question goes to this big issue of an overarching review of the National Capital Plan. Several witnesses before this inquiry have said that it needs to happen and that the issues that are being worked through with the plan do not reflect the fact that the ACT has developed and grown in the way that it has. One of the key issues, as far as the original Y plan for the ACT goes, is that it does not acknowledge the growth of an economic corridor off to the right-hand side—the airport precinct—which is what you were talking about. Do you think that would be a key element of any review for that opening of minds around the original Y plan?

**Mr Byron**—I think it would, and we have had a lot of discussions with the ACT government, the spatial planning team and the NCA in relation to that broader issue. I think it would be positive. I think it can be done in a way that builds on and is compatible with the Y plan but also helps lay down a framework for the future development of the city so we know where the jobs and activities are going to be and we can start planning the transport infrastructure to meet that. It is true that until recently all of the airports around Australia had been treated as black holes, if you like, that were not part of their cities. I think the ACT is the furthest down the track of recognising that not only is the airport part of the city and part of the planning landscape but it has a very positive role to play in that. That recognition is at both the NCA level and the ACT government level. So the strategic review, in looking again at the words in the plan, would do very well to address that issue.

**Senator LUNDY**—Indulge me: I cannot help but notice that the airport has been the consistent recipient of many an award along the lines of design and architecture. I want to highlight that in the context that the National Capital Authority and previous entities have been notorious for very boring buildings. I want to get your insight into the level of support you have received from the NCA in being creative in the architecture and design of the precinct. I am not trying to say that you should give them too much credit, but I am interested in the attitude put forward by the NCA on the airport's efforts to do something a little creative with design out there.

**Mr Byron**—They have never had a conservatism about that. We did not ever have to talk them into it. But I think the reason that that came about was that they had a great deal of confidence in the architect that we appointed, Alastair Swain of Daryl Jackson Alastair Swain, and that we first went about establishing the master plan more broadly and brought them along with all of it. Alastair is a fantastic architect. He pushes the envelope, and we have allowed him to do that. We have not had what are otherwise very limited development controls in design. It is true that in Civic so many of the buildings are cream and six storeys or cream and eight storeys. In Barton they are cream, plus they have terracotta roofs.

**Senator LUNDY**—They are NCA guidelines that make them cream and six storeys, aren't they?

**Mr Byron**—You could be right. They are matched by the Territory Plan as well, but they probably started in the National Capital Plan. We were involved in the development of the department of communications building, and it does not give me a sense of great pride, sadly,

because of the roof. We were forced to do the terracotta red-tiled roof because we had to be the same as and referential to Parliament House.

**Senator LUNDY**—Was that an NCA spec?

**Mr Byron**—Yes. It is terrible, and there is too much of it. I remember we fought about it at the time.

**Senator LUNDY**—Do you think that scope, that creativity, was allowed because of the good, strong relationship between the airport, your architect and the NCA?

**Mr Byron**—I think that is true. It is also because those specific, old-fashioned design controls were not in place before we started. They litter both the National Capital Plan and the Territory Plan and are one of the limiting factors.

**Senator LUNDY**—That is the legacy thing, isn't it?

**Mr Byron**—Yes.

**Senator LUNDY**—Do you think a review of the National Capital Plan could deal with some of those issues and perhaps challenge some of the established thinking?

**Mr Byron**—I think they could, and I think they would open up the opportunity for it to be done on performance benchmarks rather than prescriptive measures. The same is importantly true when it comes to land use, because each site in Canberra—whether it is in Civic or Barton—has a very specific and often limited land use. The reality is that economic cities, CBDs and town centres are now much more mixed use. We need to move away from this prescriptiveness to facilitate developers to be creative, to broaden the land use and to have mixed use.

**Senator LUNDY**—Thank you very much.

**CHAIRMAN**—Thank you, Mr Byron, and thank you also for passing on the comments from your father, Mr Snow. We appreciate that. If there are any matters on which we might need additional information, the secretary will write to you. You will be sent a copy of the transcript of your evidence, to which you may make editorial corrections. Again, on behalf of the committee, thanks so much for your attendance here tonight. I would also like to thank the other witnesses that appeared before the committee this evening.

Resolved (on motion by **Senator Stott Despoja**):

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

**Committee adjourned at 7.06 p.m.**