

## **Submission to the Joint Standing Committee for the National Capital and External territories**

### **Inquiry into the NCA and the way in which the Commonwealth will protect its interest in the National Capital**

**David Flannery FRAIA**

**31 Darke Street, Torrens ACT 2607**

tel 02 6286 3117 (home)

tel 02 6249 8666 (work)

mobile 0419 225 336

work email address: [david\\_flannery@bvn.com.au](mailto:david_flannery@bvn.com.au)

home email: [flannery@grapevine.com.au](mailto:flannery@grapevine.com.au)

I have been an architect for 30 years and have been a Canberra resident for 20 years. I am a Practice Director of Bligh Voller Nield Architecture (BVN), a part-time lecturer at the University of Canberra Architecture Faculty (UC) and the ACT Chapter President of the Royal Australian Institute of Architects (RAIA). This submission is made personally and does not necessarily represent the views of BVN, UC or the RAIA.

The following points and views are tabled for consideration by the Inquiry:

#### **Introduction**

- It is difficult to understand why the Federal Government has made significant cuts to the staff resources and funding for programmes of the National Capital Authority prior to the calling and running of this National Inquiry.
- That said, I believe the issues at stake in this Inquiry are of high national importance and urge the Inquiry members to agree to holding one or more sittings of the Inquiry in one of the State Capitals of Australia (such as Sydney and/or Melbourne) to solicit responses from a broader sample of Australians. This Inquiry will be dealing with the significance of our National Capital and its National Capital Authority, not a Local Government area.
- Canberra is a tangible and living symbol of Federation. It incorporates the work of Walter Burley Griffin and Marion Mahoney in their celebrated design for the city and references the beautiful natural landscape of the Limestone Plains and the backdrop of the Brindabella range.

#### **Term of Reference 1**

##### **Administration of the National Capital Authority**

- There is an obligation of the Commonwealth to look after the Capital. Since the inception of Canberra, the Commonwealth, through the Australian Parliament, has maintained an interest and a direct control of the future of Canberra as the Australian National Capital. This responsibility is held by the Commonwealth on behalf of the Australian people and our national way of life. This responsibility must be maintained

by the Commonwealth and not passed to ACTPLA which is, by any estimation, a planning authority with substantially the local interests as its focus.

- Duplication of planning functions does occur in Canberra, and detailed discussion with the planning executives and senior staff of both the NCA and ACTPLA will define and clarify this for the Inquiry far better than I can express here. However, it needs to be stated that the presence of duplication of planning functions in itself is not a valid reason to dismantle the National Capital Authority – a popularly and widely held fear since the calling of this Inquiry. See my comments below about the difference between strategic and statutory planning. (TOR No 4). In addition, the presence of some tension is a healthy sign – that relationship exists around the country between the State Planning authorities and the various local government planning departments
- I have a fear that ACTPLA will recommend the dismantling of the NCA and thus the abdication of the Commonwealth’s national strategic planning role to the Territory. This would be a situation that could disappoint not only the local community but many Australians from other parts of the country.
- Moreover, I would have no qualms seeing an expansion of the role of the National Capital Authority allowing an involvement in not only the currently demarked nationally significant areas, but also into such areas as demographic planning, town centre planning, public transport and services infrastructure, issues of environmental design and sustainability – retaining an interest in the major corridors, boulevards and public spaces including City Hill.
- I support the idea of a single planning document that clearly articulates the role and responsibility of both the NCA and ACTPLA.

## **Term of Reference 2**

### **Governance of the National Capital Authority**

- The expression “the Seat of Government” refers not only to Canberra the place – the physical and topographical place - but also to Canberra the institution which includes the Parliament itself, that part of the public service that is located in Canberra and the people of Canberra. The Constitution notes that the Seat of Government is not its territory, but rather seat of government sits within its defined territory. It is significant, in the media and in vernacular language, that the Federal Government is regularly referred to simply by the word “Canberra”. “Today Canberra decided to increase funding for...” is an oft heard such statement. This shows that Canberra is seen widely as the place of the seat of government.
- The National Capital Authority has the mandate to administer that responsibility owned by the Commonwealth. To abolish the National Capital Authority or to attempt to merge its jurisdiction with the ACT Planning and Land Authority would be an abrogation by the Commonwealth of its own responsibility for this city’s purpose, heritage, status, well-being and future. By virtue of our Australian Constitution, the Commonwealth should have a profound interest and role in the city of Canberra.
- If the National Capital Authority is abandoned or its authority is reduced, I fear that the nationally significant and other areas of Canberra will be neglected to the detriment of the future aesthetic of the city.

### **Term of Reference 3**

#### **Oversight of Design Standards**

- The Commonwealth must maintain a principal role in the control of the design of our major significant projects in the national areas of significance in Canberra. To give a local planning authority the responsibility for the development and design control of our major national buildings and infrastructure would lead to an iterative dissolution of the quality of our architectural standards in Canberra. The legacy of beautiful projects controlled by the NCA in the last twenty years and those of earlier national planning authorities (eg NCDC, FCA, FCC etc) have given Canberra a high national and international design reputation.
- The NCA has (or did have) a higher calibre of staff with expertise in design and architecture which is better able to adjudicate on the quality of building and urban design than the staff at the ACTPLA.
- Without a strategic planning function and statutory control of development in the nationally significant areas, I believe that the quality of the urban fabric and design quality of its key buildings will be lost forever.
- Why cannot the area of control of the National Capital Authority (or other suitably named planning jurisdiction) be extended to include control of design over all Australian Commonwealth land?

### **Term of Reference 4**

#### **Cooperation with ACT Planning and Land Authority and the Canberra Community**

- The difference between “strategic urban planning” and “compliance” or “statutory” planning is significant in assessing alternative governance models for the future planning regime of Canberra and the possible duplication or roles.
- Strategic Planning provides direction for an instrumentality over land use and development issues over the medium term (as a minimum 10-15 years – although some commentators would argue much longer periods up to 100 years). It includes the creation of development guidelines and specific development control plans to direct the future overall development of the city. This is a process that is currently undertaken by the NCA through the Canberra Metropolitan Plan. The Commonwealth is the owner of the Plan and through it, the Commonwealth takes a lead role in Strategic Planning, establishing the principles, policy and development requirements for the Territory. I am of the very strong view that the Commonwealth should maintain this position for the future of the Canberra.
- Compliance or statutory planning is used to ensure that development is managed effectively, is safe, suitable for its surroundings, and considers possible environmental and heritage impacts. The system assesses a planning application against a strategic planning scheme and other requirements, such a heritage controls, and provides the local community with an opportunity to have their say on an application before a decision is made. Once a decision is made, the planning process also allows for appeals against the decision. In Canberra, this role is fulfilled by both the NCA (designated areas) and ACTPLA (non-designated areas) – the system is clear and provides certainty

of jurisdiction and leaves control of the nationally significant areas with the national rather than the local authority.

- As stated above, there is, I believe, a popularly held concern that ACTPLA will recommend to the Inquiry the dismantling of the NCA and thus the abdication of the Commonwealth's national strategic planning role to the Territory. This would be a situation that could disappoint not only the local community but many Australians from other parts of the country.
- A recommendation of this Inquiry should be that the National Capital plan and especially the Canberra Metropolitan Plan should be controlled by the Commonwealth and that it be reviewed every five years.

### **Term of Reference 5**

#### **New infrastructure and development of the distinctive character of the National Capital**

- At self-government in 1988, local planning and land administration were separated. A recommendation of the Inquiry should be that the Territory Government should merge the Territory Planning Authority (ACTPLA) and Department Territory and Municipal Services. (TAMS)
- It is noted that the recent action of the Government in initiating funding cuts to the NCA's programmes has dismantled and potentially dismantled many worthwhile NCA coordinated activities promoting the distinctive character of the National Capital. This is clearly a regrettable outcome.



David Flannery FRAIA  
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