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Committee Secretary
Joint Standing Committee on the National Capital and Territories
Department of the House of Representatives
Parliament House
Canberra ACT 2600

INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY

1. The Walter Burley Griffin Society Inc. is most concerned about the current state of planning for the National Capital. We believe that Canberra retains the potential to become a great national capital of Australia and a sustainable, global city meeting the needs of the people, but realisation of this goal depends on the quality of its planning institutions. The Society therefore welcomes this opportunity to examine the causes of Canberra's current planning predicament and consider necessary changes to the institutional arrangements. It is an historic opportunity.
2. Like the McCallum Senate Select Committee of Inquiry 1954-55 into the development of Canberra, this Inquiry is addressing the legacy of the Griffin Plan and a state of planning ambivalence, confusion and under-performance. Both inquiries signal reaffirmation of Commonwealth executive and parliamentary responsibility for the future of the National Capital. There was then and seems now to be universal relief that the current shortcomings and pressures in the system are to be comprehensively addressed. The communities of the nation hope to regain a vision for a true capital city.

A. Outline of submission

3. The Society firstly presents its view about some of the important causes of the current predicament. They derive for the most part from the duality of the ACT planning system, diffusion of Commonwealth responsibilities, economic forces and relaxation of development controls in the public and private sectors.

4. The submission addresses in turn each of the Inquiry's terms of reference. A summary of the Society's conclusions is given at the end with a set of recommendations for bringing about desired changes to National Capital planning.

5. In sum, the submission argues that radical reform towards planning governance of vision, accountability and capacity is needed, as opposed to a reductionist, status quo approach of piecemeal land transfers and strained definitions of organisational differences. This is a vision that includes modern standards of environmental and social development. It is based on the respective constitutional sovereignties of the Commonwealth and the Territory, but emphasises the need for more, not less, national involvement.

6. Appendix 1 describes the Walter Burley Griffin Society Inc. Appendix 2 is a précis of the sustainability principles and values inherent in the works of Griffin and Marion Mahony Griffin.

B. Overview

Current predicament: trends since ACT self-government

7. The predicament of National Capital planning is reflected in:-

- recent examples of mediocre outcomes
- avoidance of Parliamentary accountability
- decline in professional imagination and capability
- weakness and poor judgment on the part of the National Capital Authority
- inadequate statutory and other regulatory safeguards
- restricted public participation and
- protracted, unresolved intergovernmental (Commonwealth and Territory) conflicts
- public controversies such as the Albert Hall and car parking in West Basin

It is vital to understand the causes before moving to policy options and solutions. The Society emphasises the significance of the following underlying factors.

8. With the advent in 1989 of self-government for the ACT, a dual system of planning organisations and statutory land use and development plans was established. Governance of Canberra was in the form of a strong democratic City-State and a separate National Capital Planning Authority. The Authority inherited the Commonwealth responsibilities for nurturing and promoting Canberra as the National Capital. The Territory Government has progressively gained in power while the National Capital Authority (NCA) has contended with loss of power, functions, resources and control over other Commonwealth Departments and agencies.

9. In the past decade statutory and administrative safeguards covering transparency, executive accountability, public management, environmental and heritage impact assessment and public participation have been weakened. The Society contends that the NCA continued the poor record for community consultation of past National Capital planning authorities in Canberra. This is largely due to gaps or weaknesses in statutory safeguards, Parliamentary scrutiny and consultation processes, for example in relation to the so-called Griffin Legacy Amendments, the National Gallery of Australia and the ASIO/ONA building complex on Constitution Avenue.

10. At the same time, the NCA together with the Territory Government extended their exposure to consultations with the business sector in an unbalanced way. The Griffin

Legacy Amendments to the National Capital Plan (NCP) in 2004-07 raised business and property sector expectations to an inordinately high level.

11. The Commonwealth Government ignored sensible and necessary changes to NCA governance and operations recommended by the Joint Standing Committee in its reports of July 2004 and March 2007. There is complacency and default in the general attitude of both the federal Government and the Parliament (excepting the present Joint Standing Committee) towards the National Capital. The latest round of cost-cutting has been extremely inappropriate, on all counts, but particularly for its disregard of Canberra as a symbol of Australia's evolving national identity and achievement.

12. The Society believes that Canberra can in time fulfil its promise to be a great National Capital and sustainable city. The challenges and barriers are formidable. One factor that is clearly in its favour is the Griffin Plan for Canberra. It derives from the first of perhaps three 'golden ages' in the building of Canberra when authorities with strong powers and resources were responsible for the National Capital's planning and development.

13. The NCA in 2002 took the splendid *Griffin Legacy Project* initiative. Two years of extensive research, survey and analysis were devoted to the original Canberra Plan design work by Walter Burley Griffin and his wife Marion. The finely illustrated book *The Griffin Legacy*, published in December 2004, contained the fruits of the historical project and "validated the plan's cultural significance and contemporary relevance" (Christopher Vernon, 2007). The book also contained "Propositions and Strategic Initiatives" that were translated into the Griffin Legacy Amendments to the NCP in 2007. The consistency and verification of the initiatives were dubious and not thoroughly or publicly tested. The ensuing Amendments were imprudently and without seriously constructive public scrutiny expedited onto the statute book. The Project's transformation into the Griffin Legacy Amendments to the National Capital Plan yielded controversy about their loosely defined principles, guidelines, scenarios and exposure to high risk, unsatisfactory, even perverse outcomes.

14. The term "Griffin Legacy" needs to be refurbished. The Griffin Legacy Project has been displaced in effect by widespread misuse of the Griffin "brand" and the grandiose amendments to the National Capital Plan of questionable consistency with the spirit and principles of Griffin and today's principles of sustainable cities. The project has abundant potential still, in the first place to support a proper review of the Griffin Legacy Amendments.

Current predicament: development factors

15. Development pressures are placing further stress on an impoverished planning system. The National Capital and Seat of Government functions continue stronger than ever, along with the educational, CSIRO, research, defence, sport and recreation, tourism, media, building construction, financial, legal, and lobbying and transport sectors. The inexorable centralisation of the federal government produces powerful economic multipliers.

16. Population growth through natural increase and migration is positive; average per capita consumption is high; and the private sector is healthy and innovative. Canberra is subject to regional, national and global patterns of finance and investment, notably in the business, property, commercial and residential development sectors.

17. The fiscal, regulatory, land release and economic development policies of the ACT Government generally facilitate these developmental forces. The aims are the conventional ones of:-

- maximising Territory revenue
- creating employment opportunities for young people

- maintaining a balanced workforce
- deregulation
- streamlining approvals
- reducing impact assessment
- achieving a lean government bureaucracy
- bowing to free market forces
- responding ad hoc to developer and political pressures
- relaxing height limits for residential and office buildings
- transferring public domain to the private sector
- flexible public/private sector partnerships.

18. Although they may be well intentioned, some of these policies have produced adverse and/or mediocre outcomes. They have jeopardised the public interest and the Griffin Plan, most notably in the cases of:-

- the auction of Section 63 City Hill
- development of City West
- Adelaide Avenue
- expansion of retail centres
- the Albert Hall.

19. Canberra is at a stage of accelerated development with impacts on the Central National Area, the city as a metropolitan entity and on the Griffin Plan. Canberra's prospects for sustainability will require much stronger vision, controls and administration than the present system can deliver.

20. Among the players, Commonwealth departments have been allowed to move their new offices around contrary to the Territory Plan and any relevant strategy for location of government employment. The Defence Department purports to be a major ACT landowner yet manages lands in Belconnen and Majura with no apparent reference to the National Capital Plan.

21. The location of the ASIO/ONA complex on Constitution Avenue and the designation of Constitution Avenue East as a defence/security precinct raises the question why alternative locations were not canvassed by the NCA and publicly debated.

22. Imperative demands for affordable housing are being met in part by acceleration of land releases and plans for Molonglo/Stromlo dormitory suburbs that show limited regard for sustainability or consideration of alternative measures.

Unfinished National Capital business

23. Canberra the National Capital is unfinished business of national significance. Is Canberra destined to succumb to retrograde forces, provincialism and outmoded economic and managerial ideologies? Or will we re-commit to the fulfilment of Canberra's potential – "A city like no other" and our representative federal capital - and redesign our institutions to achieve the wishes of the nation?

24. Public sector planning and leadership is coming back into vogue in many other cities, where neo-liberal economics and new public management models have proved unsuccessful. The Society believes this Inquiry gives us all a chance to try afresh. Renewed political, intellectual and organisational effort needs to be applied to the development and building of the National Capital.

C. Harmonisation of planning systems

This section addresses the Inquiry's first term of reference. It sets out the Society's analysis of main issues and then advances two recommendations.

a. **“The administration of the National Capital Plan with particular emphasis on the reduction of red tape and duplication of municipal and local planning functions, the jurisdiction of ACT spatial policy and harmonisation of planning systems”**

1. Rejection by the previous Government of the Joint Standing Committee (JSC) reports of 2004 and 2007 caused considerable frustration. Ensuing events such as Constitution Avenue and City Hill have caused great alarm. Discretionary, uneven and procedurally flawed interventions by the NCA, notwithstanding its good intentions, have caused frequent concern and controversy. This has been particularly evident with the Griffin Legacy Amendments, main radials and entry roads, Gungahlin Drive Extension, Uriarra village, Albert Hall precinct, City Hill, EpiCentre in Fyshwick and lack of influence over other Commonwealth bodies who give scant regard to either the National Capital Plan (NCP) or the Territory Plan.

2. This term of reference relates to the National Capital Plan, the commensurate statutory role of the NCA and the fundamental linkages with other regulatory institutions. It has become a very complex system. There are now 63 amendments to the NCP and few offered more promise yet were more disappointing than the Griffin Legacy Amendments 56, 59, 60 and 61 expedited through Parliament in 2007. They upset the balance between market-driven economic development and a far-seeing vision for the National Capital of Australia.

3. The reforms of the ACT Territory Plan and Planning and Development Act 2007-08 contain vital but only tenuous links and safeguards for the NCP. Under the revised **development assessment** provisions, incorporated into both the Territory Plan and the NCA's Consultation Protocol, opportunities for public participation and stakeholder appeals are strictly limited. Under Commonwealth legislation governing the NCA and the Parliamentary Public Works Committee, public participation and appeals are limited.

4. Other vital institutions for the administration of the NCP include the Canberra Plan, the Spatial Plan, the federal Environment Protection and Biodiversity Conservation Act, the ACT Sustainability and Environment Commissioner, Administrative Appeals Tribunal, ACT Heritage Council and the ACT leasehold system.

5. The original reasons for the adoption of a public leasehold system for the ACT included:

- defraying the expenses of developing the National Capital by allowing unearned increments in land value to be retained by government
- avoiding speculation in undeveloped land and
- ensuring orderly planned development through lease purpose clauses and covenants.

The principle of Commonwealth ownership of land upholds the national capital purposes of ACT lands. The leasehold system provides fundamental town planning, land use and fiscal controls. Both precepts have been progressively abused and neglected over the years. Consequently both the NCA and the ACT Planning and Land Authority (ACTPLA) are seriously handicapped in their ability to plan and implement Canberra's development in an orderly, consistent, equitable and efficient way that ensures delivery of planned outcomes.

6. It has been the experience of the Society that all of these statutes, systems and bodies have a direct connection with the Commonwealth's interests in the ACT. There must be a less complicated system where the role, responsibilities and performance of the NCA are better specified and assured. Conversely, the other components of the overall planning system need to be consistent and mutually supportive. So, a primary objective of this Inquiry is to consider how the system can be **integrated** and simplified.

Unscrambling the planning system

7. Along with ACT self government in 1989 the planning system was divided among a number of statutes, regulatory provisions, plans and organisations. The ensuing "scramble" passed through a number of phases but the NCA, like its predecessor the National Capital Planning Authority (NCPA), has been deprived of authority, resources and political support.

8. The NCPA addressed mainly the Central National Area but also its statutory responsibilities in such other areas as the road entrances to Canberra, Civic, the Russell corner of the Triangle, location of Commonwealth government offices and Acton Peninsula. It sponsored the significant Jerrabomberra Valley sustainability urban design competition. Its promotional activities included travelling around Australia to hold information sessions and public consultations.

9. The NCA continued such work, notably through co-sponsorship (with the Territory Government) of the OECD Urban Renaissance Review of the ACT in 2001-2002, the Capitals Alliance Conferences and the initial Griffin Legacy Project. The NCA has maintained emphasis on the national institutions like the National Museum, National Gallery, National Library and National Portrait Gallery.

10. The basic purpose of Canberra remains as the National Capital and Seat of Federal Government. It is a constitutional imperative and a positive fact of life for most Canberrans. The leasehold system of land tenure and management also remains in place, designed fundamentally to serve the development of the National Capital, the Territory and the city of Canberra.

11. ACT Governments have emphasised Territory local sovereignty and taken pride in co-location with the National Capital, but have been more inclined to be adversarial and downplay the Commonwealth's responsibilities and National Capital functions of Canberra. This mutual aversion has led to an unfortunate fiscal imbalance where the Territory is being progressively under-compensated for its actual maintenance of National Capital elements. It is obviously in the interests of ACT ratepayers that the ACT Government and its federal Parliamentary representatives should be able to secure from the Commonwealth full recognition and compensation for the costs of managing the national elements of Canberra.

12. However, as pointed out by the Stein Report (1996) the Territory can expand its revenue base by improved administration of the publicly-owned land asset under the leasehold system.

13. The Commonwealth has lagged in making basic infrastructure investments such as Constitution Avenue, City Hill, entry corridors and interstate rail transport. The dual system has steadily obscured Canberra's mission, national interest and potential.

14. Geographically and in terms of Canberra's urban systems, the Central National Area, the land and water axes, City Hill, the lake, the vistas, the great triangle and related transport and traffic management are integral and dynamic elements of the city. A further partition of lands between the Commonwealth and the Territory would make no sense given the interdependence of land uses.

15. In his book "Canberra Following Griffin" (2002) Paul Reid entitles chapter 4 "A work of art: The Organic City." Griffin and Marion Mahony Griffin promoted the concept of the organic city as a synthesis and dynamic synergy of function and design, integrated physically, economically and socially. This concept stresses the interdependence and integrity of the whole urban system.

Sustainability

16. The ACT Government has made good progress with sustainability policies, including The Canberra Plan, a Sustainability Strategy, climate change, natural resources management, energy and water policies. In other areas and in overall strategic terms, however, the record is inconsistent. Current sustainability programs are modest and omit basic areas. The *Sustainable Transport Plan for the ACT* (2004) offers little prospect of a shift towards public transport. The *Spatial Plan* purports to be sustainability-based but development proposals such as the Molonglo/Stromlo dormitory suburbs and the Majura Valley industrial/employment node are manifestly unsustainable.

17. The NCA's disinterest in the Majura Valley is regrettable. Majura Valley is an entry portal/corridor to the National Capital and a principal feature of the Bush Capital urban/rural interface. It is outside the Y-Plan for Canberra, yet ACTPLA, the Canberra Airport and the Defence Department are proceeding unhindered to transform the valley along dubious sustainability lines.

18. The NCA has a direct, overlapping interest in all of these areas. In the Commonwealth sphere and in the policies of the NCA, moreover, sustainability has been poorly served. The NCA does not appear to have formulated a sustainability policy or criteria for sustainability assessment in preparation of plans. The National Capital Plan is not exempt from taking sustainability imperatives and criteria into account.

19. The prospects for Canberra becoming a notable sustainable city are currently not good. Canberra rates very poorly, in important respects, against other Australian cities and comparable cities overseas, notably Washington DC.

20. There is plenty of scope for the ACT to aspire to more strategic and ambitious sustainability goals. By their nature, sustainability objectives demand intense integration of policy formation and implementation across the whole Territory.

21. It is worth noting that ample inspiration and practical up-to-date illustrations of a strong sustainability approach - the simultaneous integration of economic, social and environmental objectives - can be drawn from the work of Walter and Marion Griffin - **Attachment 2** provides a summary of their contributions to the subject.

22. Sustainability demands a return to public sector responsibilities for a **strategic approach to planning**, after persistent doctrines of small government, declining public domain, faith in the private sector and flexible, poorly negotiated planning projects have proven to result in damaging outcomes.

23. Recent studies show that Canberra has a serious backlog in the maintenance and replacement of infrastructure assets, particularly roads, bridges, natural resources, public transport and landscape.

Integration

24. The challenge is to re-constitute and give due weight to all the parts of the planning system to make it work better. The OECD Review of Canberra in 2003 urges resolute measures towards integration. They include:

- Collective, cross representational executive boards or authorities
- Well defined, measurable and binding goals and policies

- Common principles and values
- Intensive collaboration between planning and administrative agencies
- Planning, program review and budget procedures that ensure continuing interaction between authorities with joint or overlapping responsibilities
- Increasing public information and involvement
- Joint management of shared or overlapping responsibilities and projects
- Standard methodologies for policy, plan and project evaluation
- Transparency, accountability and mandatory monitoring
- Coordination of relevant information systems, research and data base.

The Griffin Legacy Project

25. The Griffin Legacy Project (2002-2004) - distinguished from the linked *Griffin Legacy Propositions* (2004) and Amendments (2006-07) - would be a vital resource for new institutional arrangements. In the first place, as the NCA resolved in 2004 and in Draft Amendment 56 to the NCP in 2007, "the Griffin Legacy is the enduring framework for the city as it evolves into the 21st Century."

26. Secondly, the whole body of Griffin work embraced by the Project contains cogent and highly relevant criteria for the building of a sustainable city (e.g. transport, community development, waste management, urban efficiency and affordable housing).

27. Thirdly, as indicated by Proposition 8 of *The Griffin Legacy* (2004) the Project envisaged ongoing research, interpretation and education/raising awareness. It was to constitute a vital ingredient of the planning process for the whole of Canberra. The Society pointed out in its submission (22 February 2007) to the Joint Standing Committee's Roundtable on the Griffin Legacy Amendments to the National Capital Plan that the NCA refrained from undertaking any public or independent analysis and discourse as to the consistency between the Griffin Legacy Project and Propositions (2004) and the Draft Amendments (2006). The opportunity exists now for the benefits of the Griffin Project to be harvested for the Canberra community and the National Capital planning process.

28. Fourthly, the Project's revival is in our view a precondition for a comprehensive review of the Griffin Legacy Amendments.

29. At present neither the NCA nor the ACT Planning and Land Authority, jointly or severally, has the capacity to manage the planning vision and regulatory capability required for the National Capital for the so-called Griffin Legacy Amendments, certainly in their present unsatisfactory form.

30. The National Capital Plan, promulgated 18 years ago and given 65 Amendments since, generally is in need of a comprehensive review.

Institutional design

31. Canberra is both City-State and National Capital, comparable with cities such as Vienna, Berlin and Brasilia. It is a unique city but the planning system and institutions need to be equal to the claims of the two spheres of government, conserve the city's heritage and meet the challenges of the future.

32. Commonwealth and Territory Ministers have attempted to overcome the governance shortcomings of their respective planning organisations by forming ad hoc policy councils. A Canberra Central Taskforce provided the major policy guidelines for development of Civic and City Hill. The Ministers have formed a "Canberra Consultative Forum" with the business community which appears to have been influential. The Canberra Central Taskforce included architects, a town planner and a social policy

analyst, but was weighted heavily with prominent businessmen and ACT government department heads.

33. Commonwealth responsibility for urban planning seems to be in abeyance. The Minister for Home Affairs has responsibility for Territories, within the Attorney-General's portfolio, but for constitutional matters rather than **urban and regional** as well as National Capital **planning** policy. It is desirable for the Commonwealth to clarify its commitment to the planning and development of the National Capital.

34. The ACT is unique in its constitutional and governance arrangements. The Pettit Working Party on the Review of ACT Governance (1998) pointed out that the ACT is not over-governed and should expand community engagement in government.

35. Planning and environmental institutions for cities range from separate organizations through coordinating and integrating mechanisms ('weak' integration) to combined authorities ('strong' integration). Sustainability parameters for strong integration in strategic land use planning include interdependence, task differentiation, populations affected, aims, purposes and overlapping geographic boundaries.

Conclusions

36. The Society concludes that a single planning authority, combining NCA and ACTPLA is needed, subject to various possibilities for the detailed governance and administration. There should be a "freeing up" or reaffirmation of the geographical boundaries of national planning matters together with a much clearer recognition of shared Commonwealth and Territory goals, principles and responsibilities.

37. The terms of reference of the Inquiry suggest that the more amenable solutions to the disarray and decline of Canberra's planning might entail marginal adjustments to the status quo, confinement to the "Parliamentary Triangle" and further cuts to the National Capital Authority. Such solutions do not address the accumulated problems. In the Society's view, radical reform and reconstruction have become necessary, in the interests of both the Commonwealth and the Territory.

Recommendation 1

a) In the Canberra situation the ideal and most efficient form of integration would, in the long term, be amalgamation of the NCA and ACTPLA into a joint planning commission with governance arrangements devised to suit the primary and interdependent roles of each area. Resources commensurate with a global best standard planning authority should be given to make such a body succeed. The unified planning body would comprise a joint and over-arching authority directing national and Territory planning divisions. An ACT Land and Planning Advisory Council would need to be restored.

b) Such a body, say a statutory National Capital Planning Commission, should have effective powers and duties for coordination of Commonwealth Departments and the Canberra Airport with respect to land use, alienation, tenure provisions and management.

c) The Planning Commission would be accountable to the planning Ministers and the parliaments of the Commonwealth and the Territory. There is a need for the Commonwealth to clarify its commitment to the planning and development of the National Capital.

d) In the short term, arrangements should be made to adopt a range of integration measures designed to culminate in the creation of the Planning Commission. These moves with the prospect of an amalgamated and reconstituted planning authority can

once again attract planners of the highest qualifications and competence, deploying more effectively and efficiently the resources allocated by the respective Governments and the private sector.

e) The higher order Commission should restore the levels of vision and influence that have characterised the planning of Canberra at earlier stages of its history and bring the capital city a new vigour.

Recommendation 2

The Society recommends, in line with the Joint Standing Committee's 2007 Report, that the National Capital Authority, preferably a National Capital Planning Commission, institutes an expert and public process to:

- (a) revive and carry further the Griffin Legacy Project
- (b) Review comprehensively and publicly the whole set of Griffin Legacy Amendments 56, 59, 60 and 61 to the National Capital Plan, particularly in relation to the Griffin Legacy Project and Griffin Plan review findings.
- (c) this review should take into account the statutory, regulatory and administrative framework and safeguards needed for the effective implementation of any Griffin Legacy Amendments.

D. Governance of the NCA

The Inquiry's second term of reference states:

b. "Whether the governance arrangements for the NCA provide a sufficient balance between the independence of the Authority's planning decisions and its accountability for its operations"

1. A prime source for this term of reference are the Recommendations of the Joint Standing Committee's 2004 Report *A National Capital, a place to live*- inquiry into the role of the NCA. A stronger role for the JSC was envisaged (No.1). An expanded Board with representation from the States and Territories and reciprocal representation with the ACT planning authority was recommended (Nos 3-5).

NB. In 2004 the ACT had a proper and worthy Planning and Land Council.

Additional appeals and public consultation processes for NCA decisions regarding works approvals were recommended (Nos 4 and 11).

2. Recommendations 2, 6, 8 and 9 specify measures for better integration: namely joint approach to planning projects of shared interest, review for mutual consistency of the National Capital and Territory Plans and formulation of agreed planning principles to be applied to areas of Territory land.

3. Recommendation 8 also proposes reduction in the number of Designated Areas, subject to the agreed planning principles. The Society does not favour any reduction of Designated Areas.

4. The Society endorses these recommendations. We suggest that the recommendations relating to integration measures and agreed planning principles be incorporated in legislation and secured by amalgamated rather than dual planning organisations (Recommendations 1 and 2 above).

5. The Society's experience since October 2006 is that the NCA has been short on resources, powers, corporate memory and local sensitivity. Its approach to public consultation and the Consultation Protocol adopted in 2007 represents minimal standards; it is unduly limited, piecemeal, expeditious and rarely interactive or productive. Evidence indicates that the NCA has avoided full and proper scrutiny in accordance with the Parliamentary disallowance process and the Environment Protection and Biodiversity Protection Act.

Recommendation 3

The Society endorses the Recommendations of the Joint Standing Committee's 2004 Report, with the exception of Recommendation 8, and further recommends that the membership of the Board or Authority of the new Planning Commission includes nine members, rather than six, in order to ensure ACT representation and experts in town planning and Australian history.

E. Achieving excellence for areas of national significance

The Inquiry's third term of reference is:

(c) "The appropriate level of oversight required to achieve the highest standards in design for areas of national significance"

1. Washington DC, the capital of the United States, places the oversight of planning and design excellence in the hands of the U.S. Commission of Fine Arts. It was established in 1910 by Act of Congress to guide the building architecture and landscape development of Washington. It advises the National Capital Planning Commission on the selection of land for the National Capital parks and parkway systems and early on was instrumental in reviving the 1791 L'Enfant Plan.
2. There are growing calls for a position of Commonwealth Government Architect, who might overcome problems of architectural standards and contract management of major projects in Canberra by Commonwealth agencies.
3. The NCA has routinely empanelled members of three professional organisations – the Planning Institute of Australia, the Royal Australian Institute of Architects and the Australian Institute of Landscape Architects – or commissioned periodically review consultants, but the products and effectiveness of this procedure are indeterminate, non-transparent and necessarily confined. A prime example is the urban design guidelines produced by the NCA for the auction of Section 63 City Hill. They seem to be in the form of vague and piecemeal principles rather than prescriptive rules, and have not been publicly available or canvassed. Section 63 illustrates the readiness of both the NCA and the ACT Government to shift responsibility to the private sector without the preparation of master plans, rigorous guidelines and competitive tendering processes to incorporate the public interest and reach for the highest design standards.

Recommendation 4

The Society recommends:

- (a) the creation of an office of Commonwealth Government Architect be considered
- (b) greater use of open competitions and competitive tendering for the preparation of master plans and design of significant structures

- (c) conditions are required to ensure transparency of professional qualifications and reputation.

F. Cooperation and engagement with the Canberra community

The Inquiry's fourth term of reference is to identify:

(d) "Opportunities to ensure cooperation with the ACT Planning Authority and increased engagement with the Canberra community"

1. The case of the Albert Hall Precinct Draft Amendment 53 showed the NCA had failed to cooperate at all with ACTPLA, or ACT leasing, environmental or asset management agencies. The NCA proposed an Amendment to the National Capital Plan, on an arm of the great triangle with other significant impacts on the Griffin Plan, without any baseline data and studies regarding heritage values, landscape vistas, traffic patterns and lakeshore preferences of locals and tourists.
2. There are numerous other instances of the NCA's making plans that displayed little sensitivity towards or even knowledge of local interests, history, heritage values and aspirations. Most recently, the NCA has taken no real interest in the fate of Old Canberra House on Acton Peninsula. Old Canberra House is on national land, in the Central National Area and a heritage listed building central to the story of the foundation and building of the National Capital and city of Canberra.
3. The NCA has said it will convene annual meetings to discuss publicly its work program. It would be far more productive if the NCA could frame their project information sessions in a way that the public was taken into its confidence earlier in the planning process and in a process of genuine, constructive exchange.
4. Opportunities to ensure Commonwealth cooperation with ACTPLA and public participation must be formulated in a three-way frame. There should be equal roles and responsibilities on the part of all three sectors.
5. As the NCA also serves other constituencies, in particular the rest of Australia and interested or concerned professional, business, academic and scholarly organisations and individuals, it needs to assign adequate resources and high standards of trust to its consultation processes

Recommendation 5

The Society proposes that this term of reference can best be met by integration of the planning organisations and genuine commitment to democratic consultation processes needed by Canberra's communities and the wider national and professional constituencies.

G. Promoting the National Capital

The Inquiry's fourth term of reference covers:

(e) "The effective national promotion of the National Capital and the roles of the NCA and the ACT Government in advocacy for new infrastructure projects including responsibility for events and developing the distinctive character of the National Capital"

This term of reference appears to apply to three main elements:-

- ❖ new infrastructure projects
- ❖ events
- ❖ developing the “distinctive character” of the National Capital.

1. There is a contradiction between the “promotion” and “advocacy” elements of this term of reference and the “cooperation” and “engagement” at issue in **term of reference (d)**. The aim of more effective promotion and advocacy should not derogate from the responsibilities to cooperate and engage.

2. There is a great need for more effective promotion of the National Capital, not so much as a static asset, but as an evolving, representative, symbolic and outstanding National Capital. The ‘distinctive character’, for example, is an aspiration and an evolving, national project. It should reflect in an inspirational way the nature and achievements of Australia and the federation.

4. In the Society’s view, many of the events staged by the NCA on the foreshores of Lake Burley Griffin have had no enduring National Capital significance and may on occasion have compromised or detracted from the symbolism, structures and functions of the Parliamentary Triangle in particular.

5. At the same time, there have been instances of local, national and international events, sporting in particular, being adversely affected by NCA-sponsored events and by poor management of Lake Burley Griffin water quality. Clearly, there are joint NCA/Territory government Lake Burley Griffin management responsibilities. The Territory would seem to be in a better position to manage the foreshores, water quality, usage and water basin, subject of course to National Capital planning.

Recommendation 6

The Society recommends, within the framework of organisational integration of the National Capital and Territory planning organisations, that:

- (a) higher priority and resources be accorded the promotion of the National Capital and its development aspirations
- (b) the NCA refrain from sponsoring events with little direct and enduring significance for the design, symbolism, distinction and representativeness of the National Capital.

H. Summary of Conclusions

1. The Walter Burley Griffin Society is convinced that the people of Australia want to see Canberra develop as a truly National Capital – a sustainable city that is not just the Seat of the federal government but a centre of vision, imagination and achievement for the benefit of the nation. The Society believes this can be facilitated by reform of the planning institutions – a regaining of the modern principles of the Griffin Legacy.

4. The Society concludes that a single planning authority, combining NCA and ACTPLA is needed, subject to various possibilities for the detailed governance and administration.

5. There should be a “freeing up” or reaffirmation of the geographical boundaries of national planning matters together with a much clearer recognition of shared Commonwealth and Territory goals, principles and responsibilities.

6. The terms of reference of the Inquiry suggest that the more amenable solutions to the disarray and decline of Canberra's planning might entail marginal adjustments to the status quo, confinement to the "Parliamentary Triangle" and further cuts to the National Capital Authority. Such solutions do not address the accumulated problems. In the Society's view, radical reform and reconstruction have become necessary, in the interests of both the Commonwealth and the Territory.

7. Both the Commonwealth and ACT spheres currently lack adequate Ministerial and statutory board level governance.

8. The research, interpretation and educational purposes of the Griffin Legacy Project, initiated by the NCA in 2002 but effectively set aside in 2004, should be resumed and applied to the recommended review of the Griffin Legacy Amendments to the NCP. This review will require, moreover, adequate preparation of various baseline studies, specialised resource studies, master plans, timelines and implementation contingency planning that were missing from the Draft Amendments in 2006-07.

9. Contemporary environmental, social and economic forces in Australia and overseas demand a higher order of institutional and planning responses from governments. The shift away from deregulation and undue reliance on market forces and privatisation towards strategic planning and leadership by the public sector, evident in Australia and overseas, is the direction Canberra should be heeding.

10. The Commonwealth Government and the Federal Parliament need respectively to reaffirm their commitments to the development of Canberra as the National Capital. At this stage in Canberra's history, it is necessary for the Commonwealth to re-commit the level of resources and institutional arrangements that can provide the requisite excellence, imagination and vision.

11. The NCA's consultation processes have been deficient, lacking genuine public exchange and unproductive. Its Consultation Protocol is inadequate for the needs of the National Capital and of the Canberra and national communities.

I. Summary of Recommendations

Recommendation 1

a) In the Canberra situation the ideal and most efficient form of integration would, in the long term, be amalgamation of the NCA and ACTPLA into a joint planning commission with governance arrangements suited to the primary and interdependent roles of each area should be made. Resources commensurate with a global best standard planning authority should be given to make such a body succeed. The unified planning body would comprise a joint and over-arching authority directing national and Territory planning divisions. An ACT Land and Planning Advisory Council would need to be restored.

b) Such a body, say a statutory National Capital Planning Commission, a statutory body, should have effective powers and duties for coordination of Commonwealth Departments and the Canberra Airport with respect to land use, alienation, tenure provisions and management.

c) The Planning Commission would be accountable to the planning Ministers and the parliaments of the Commonwealth and the Territory. There is a need for the Commonwealth to clarify its commitment to the planning and development of the National Capital.

d) In the short term, arrangements should be made to adopt a range of integration measures designed to culminate in the creation of the Planning Commission. These

moves with the prospect of an amalgamated and reconstituted planning authority can once again attract planners of the highest qualifications and competence, deploying more effectively and efficiently the resources allocated by the respective Governments and the private sector.

e) The higher order Commission should restore the levels of vision and influence that have characterised the planning of Canberra at earlier stages of its history and bring the capital city a new vigour.

Recommendation 2

The Society recommends, in line with the Joint Standing Committee's 2007 Report, that the NCA, preferably National Capital Planning Commission, institutes an expert and public process to:

- (a) revive and carry further the Griffin Legacy Project
- (b) review comprehensively and publicly the whole set of Griffin Legacy Amendments 56, 59, 60 and 61 to the National Capital Plan, particularly in relation to the Griffin Legacy Project and Griffin Plan review findings.
- (c) this review should take into account the statutory, regulatory and administrative framework and safeguards needed for the effective implementation of any Griffin Legacy Amendments.

Recommendation 3

The Society endorses the Recommendations of the Joint Standing Committee's 2004 Report, with the exception of Recommendation 8, and further recommends that the membership of the Board or Authority of the new Planning Commission includes nine members, rather than six, in order to ensure ACT representation and experts in town planning and Australian history.

Recommendation 4

The Society recommends:

- (a) the creation of an office of Commonwealth Government Architect
- (b) greater use of open competitions and competitive tendering for the preparation of master plans and design of significant structures
- (c) conditions are required to ensure transparency of professional qualifications and reputation.

Recommendation 5

The Society concludes that this term of reference can best be met by integration of the planning organisations and genuine commitment to democratic consultation processes needed by Canberra's communities and the wider national and professional constituencies.

Recommendation 6

The Society recommends, within the framework of organisational integration of the National Capital and Territory planning organisations, that:

- (a) higher priority and resources be accorded the promotion of the National Capital and its development aspirations

- (b) the NCA refrain from sponsoring events with little direct and enduring significance for the design, symbolism, distinction and representativeness of the National Capital.

The Society may want to tender a supplementary submission in the light of the evidence and discussions conducted by the Committee at the public hearings and forum. Representatives of the Society would also be very pleased to attend and participate in these discussions.

Kerry McKillop
Secretary
Walter Burley Griffin Society Inc.
11 April 2008

APPENDIX 1

The Walter Burley Griffin Society Incorporated

Established in 1988 in Sydney, the Society commemorates the lives and works of Walter Burley Griffin and Marion Mahony Griffin and promotes the ideals, vision and community life they fostered in Australia. It aims to promote a better understanding of the lives and works of the Griffins, promoting especially the preservation and conservation of landscape designs, urban plans, buildings and other works designed by or having an association with the Griffins.

The Society has several hundred members from various parts of Australia and USA. The Canberra Chapter of the Society was established in 2004.

Committee Members 2007-2008

Patron: Professor Carrick Chambers AM

President: Professor James Weirick

Vice president: Akky Von Ogtrop

Treasurer: John Kabos

Secretary: Kerry McKillop

Management Committee: Colleen Fry, Adrienne Kabos, Martin O'Donoghue, Margaret Petrykowski, Stuart Read, Professor Geoffrey Sherington, Michael Thomson, David Turner.

Canberra Chapter Committee

Chair: Brett Odgers

Vice Chair: Dr Bruce Kent

Secretary/Treasurer: Luke Wensing

Committee members: Marion Halligan, John Stokes, Rosemarie Willett, Dr Ann Kent, Beverley Thomas Larson, Kerri Taranto

This submission has been prepared by the Society as a contribution to the public good. Neither the Society nor any individual committee member of the Society, directly or indirectly, stands to make any personal financial gain from this submission or the outcome of the Inquiry. The submission was prepared by unpaid volunteers and was funded by the Society from its own resources and was not influenced by any person or organisation external to the committees of the Society.

APPENDIX 2

WALTER BURLEY GRIFFIN AND MARION MAHONY GRIFFIN'S PRINCIPLES OF SUSTAINABILITY

There were many aspects of Griffin's plans and concepts for Canberra that are consistent with what today are called principles of sustainability. They can be summarised as follows:

WATER RECYCLING

Griffin recognised that water was too precious to waste. He planned that each valley of the national capital would be self-sufficient in terms of waste water treatment and recycling for landscape and horticultural use.

BIODIVERSITY

Griffin's Canberra was to be a 'garden city' in which diversity of vegetation was a major feature. There were to be extensive parks and a variety of street trees were planted under his direction. An early priority was the establishment of urban forests, which contained a high proportion of Australian trees and supported the regeneration of the hills by temporary fencing to control stock and rabbits. Protection of the water catchment areas by re-establishing forests to prevent erosion was also a high priority.

NATURE AND SOCIETY

Griffin understood the special landscape of Canberra and was able to apply his principles of people and buildings developing in harmony with and enhancing the natural environment.

ECONOMIC SUSTAINABILITY

Griffin envisaged production horticulture to provide food for the community with market gardens located in the best soils within the city environs? He also envisaged managed forests to sustain construction of the city using the most advanced forestry techniques. He planned the provision of power by a hydro-electric power station at a dam on the Murrumbidgee River. Griffin's precept of local self-sufficiency was that suitable mixed industries should be nurtured to provide natural resources, materials and jobs, for example his forestry and the cork oak plantation experiments.

TRANSPORT

Griffin's Canberra was to have relatively densely populated residential suburbs with an efficient and extensive tram system utilising hydro-electric power. Everybody would live within five minutes walk of public transport. The national capital was to be linked to the main railway line between Sydney and Melbourne by a new line from Yass to Canberra and linking with to Cooma branchline at Queanbeyan. It would have had its main railway station in central Canberra on the northern side of the lake, with other stations located in the suburbs.

SOCIAL SUSTAINABILITY

Griffin planned a community environment that nurtured children and created safe, healthy and attractive environments for all citizens. He planned the schools to be at the heart of the residential suburbs, built at the centre of the hexagon street plans so that the children's space was safe at the centre of the community. In 1920 he designed cheap and attractive "artisans' cottages" for Canberra. He recognised that high-rise development caused congestion as in the American cities, and so planned Canberra "to have a horizontal distribution of the large masses for more and better air, sunlight, verdure and beauty." (p.30 *Walter Burley Griffin landscape architect*. Peter Harrison 1995, National Library of Australia).

The Griffins work in Canberra, Melbourne and Sydney expounded ideals of community development as embracing collective and individual culture, physical and spiritual wellbeing, the arts, theatre, recreation and democracy. His Report Explanatory for Canberra emphasized the importance to society of respect for the constitution, stable democratic institutions and the history, heritage and prospects of the nation.

Walter Burley Griffin Society Inc.
May 2007