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Joint Standing Committee on the
National Capital and External Territories

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Senator K. A. Lundy
Chairman
Joint Standing Committee on the National Capital
and External Territories
Parliament House
CANBERRA ACT 2600

Dear Senator

I make this submission to the current inquiry by your Committee into the role of the National Capital Authority. I apologise for the delay.

It is my belief that Canberra, as the Seat of Government designated under the Constitution, has a special status which must be protected, including in planning terms. It was the intention of the founding fathers that a specific federal territory be created for the Seat of Government, and it was the enlightened decision of the Fisher Government that the national capital be designed through a public competition. These wise decisions have given Australia a beautiful capital which is the envy of people the world over, and holds its own with other planned capitals such as Brasilia and Riyadh.

However, it is undeniable that, with the growth in population in the Australian Capital Territory and the advent of self-government on 11 May 1989, tensions have developed between local needs and national priorities. My feeling is that a streamlining of the current arrangements could go a long way to lessening these tensions. Residents and businesses in Canberra, whilst accepting the value of living in a planned national capital, sometimes become frustrated with an element of duplication and complexity in the planning regime.

It would be possible to abolish the National Capital Authority and to incorporate its functions into a Department of State, with certain protections for a 'chief planner' (other examples exist, such as the Chief Commonwealth Medical Officer who administratively works within the Department of Health and Ageing but who has certain statutory obligations and protections).

However, I would not commend abolition of the NCA to the committee because it and its predecessor, the National Capital Development Commission, have shown, by actions, to be appropriate and sensitive custodians of the national capital planning regime. Land planning

decisions are much better handled at arm's length from Ministers by professionals, guided by legislation.

Legislation

I believe the *Australian Capital Territory (Planning and Land Management) Act 1988* should be simplified to provide that there be two only general land designations in the ACT, 'Territory Land' and 'National Land', and that co-operative arrangements be entered into between the Australian and ACT Government for areas where there need to be Special Requirements.

It should be generally clear what land-use is of 'national significance', and the test should be - is it something directly connected with Canberra being the Seat of Government? If the answer is 'No', then the land should be designated as 'Territory Land', with the proviso that the basic Burley Griffin Plan, and its extensions, should not be displaced.

National Land

National Land should comprise:

- the Parliamentary Zone;
- land occupied by the Australian Defence Force¹;
- Lake Burley Griffin and its immediate surrounds;
- land occupied by designated national institutions not in the Parliamentary Zone (e.g. National Museum, National Film & Sound Archive, ANU);
- ANZAC Parade, and the curtilage of the Australian War Memorial;
- the official establishments (Government House and The Lodge²); and
- Canberra Airport and Defence Establishment FAIRBAIRN (but excluding commercial buildings not connected with aviation).

Territory Land

Territory Land should comprise:

- all other land in the ACT, including Yarramundi Reach (which is currently National Land).

¹ Defence buildings should nevertheless be built consistent with all ACT building requirements.

² Including the Dunrossil Drive reservation leading to Government House and the vacant land on the corner of Adelaide Avenue and State Circle, adjacent to The Lodge. The National Land at Stirling Park was set aside for a future, permanent, Prime Minister's Residence and should be preserved for this purpose.

Special Requirements

Canberra has essentially developed from a 'company town' totally reliant on the public service to a large and vibrant city, with all the attributes and aspirations of other Australian cities, and where less than 50% of the working population are employed by the Australian Public Service.

However, it must never be forgotten - and the national Parliament has an obligation to ensure it never is - that the reason for the establishment of Canberra was to provide a Seat of Government and there are certain aspects of planning which must reflect that.

For instance, whilst the Australian Government has obligations under the Vienna Convention and law to protect foreign embassies and diplomats, there would appear to be no reason why embassies and diplomatic residences cannot be on 'Territory Land' and the buildings meet any ACT Government building requirements, provided there is an understanding of their special status. Diplomatic leases can be handled by ACT Planning & Land Management, like any other leases, provided the special nature of the lessees is understood.

Protection of 'hills and ridges' around the ACT is, I submit, important to the general environment of Canberra but might be better contained in legislation than as part of the National Capital Plan.

Special requirements should be agreed between the Australian Government and the ACT Government, and the appropriate means would seem to me to be through an agency such as the National Capital Authority on the one hand, and ACT Planning & Land Management, on the other. The legislation should be framed to provide the best possibility for agreement and, only if there is an irresolvable dispute should each body be required to notify their relevant Minister. Ministers should then have the power to make a joint decision (strictly within parameters relevant to the dispute), which must be tabled as a disallowable instrument in both the ACT Legislative Assembly and the federal Parliament. If Ministers cannot reach agreement, the federal Minister should, as a last resort, be empowered to make a Ministerial Declaration (again to be tabled in the federal Parliament as a disallowable instrument) as to what the decision is.

Such a system would promote co-operation between the two planning regimes but, ultimately ensure that the Seat of Government is protected.

Basically, the ACT Government should be allowed to administer its local metropolitan planning responsibilities in the same manner as the States or the other two self-governing territories. Standing behind this system, as a benign but not intrusive presence, should be the requirements of the National Capital Plan. Where there is conflict, the structures should allow for compromise and, if compromise cannot be reached, for the national interest to prevail.

Payments

The ACT Government currently receives significant annual payments from the Commonwealth, negotiated at the time of self-government, to compensate for 'national capital influences'. These should continue, but the ACT Government should acknowledge them as a special payment.

Board membership

There has been some suggestion that the National Capital Authority Act should be amended to provide that at least one member of the Authority should be an ACT resident. I note that, of the last three Authority Chairmen who have held office in the last decade, two have been ACT residents and the current Chairman lives not far over the border in NSW. I can see that, as a national authority, there has been resistance in the past to designating a seat on the Authority to the ACT, but it would seem consistent with the promotion of a harmonious relationship for such an amendment to be made.

I note, in passing, that - for a national body - no Tasmanian or Western Australian has, to my knowledge, ever been appointed to the National Capital Authority.

Parliamentary Zone - protection of the Vista

Currently, the Parliamentary Zone is defined³ as a 'key hole' shaped parcel of land, circling State Circle around Capital Hill and then branching down to the shores of Lake Burley Griffin along the twin axes of Kings and Commonwealth Avenue. I believe that, given the special status of the Australian War Memorial and ANZAC Parade in the hearts and minds of most Australians, consideration should be given to extending the Parliamentary Zone to include the 'vista' between Parliament House and the Australian War Memorial. If this is impractical, then it should be ensured by statute (not in the National Capital Plan) that 'National Land' include (as it does at present), all the land on the northern side of Lake Burley Griffin between the foreshore and Treloar Crescent, behind the War Memorial, bounded by ANZAC Park East and West, thus protecting the ceremonial avenue, the national memorials placed on it, and the vista between our legislature and the building which honours our war dead.

Thank you for the opportunity to make this submission.

Yours sincerely



(Don Morris)

³ Section 3 of the *Parliament Act 1974*.