

A vision for future planning

Introduction

- 11.1 This chapter outlines the planning framework to realise a future vision for the national capital. This vision is built on the belief that Canberra, Australia's national capital has the strongest of foundations to enable it to become world leading in planning and design for a sustainable future.
- 11.2 The committee firmly believes that this inquiry has presented a unique and timely opportunity to take planning in the Australian Capital Territory (ACT) to a level of international best practice.
- 11.3 Achieving this very ambitious aspiration will be dependent on the political commitment and will to coordinate activity across both the Territory and Federal spheres of Government in the coming months and years.
- 11.4 While the previous recommendations for Chapters 1 to 10 constitute a robust and comprehensive response to the terms of reference, and set a course for immediate action, the recommendations in this Chapter map a second, far reaching course of action to achieve the highest possible outcomes for Australia's national capital in the medium to long term.
- 11.5 The complexity of the planning arrangements requires many changes to be made at both the strategic and practical level. This chapter offers a path forward addressing both aspects of the challenge.
- 11.6 The chapter is divided into four sections and the committee's conclusions and recommendations appear at the end of each section. The four sections are:

- Sustainability planning and climate change;
- Strategic planning policies for the ACT;
- Proposal for an integrated plan; and
- 3D digital modelling of the National Capital Plan.

Elements of the way forward

- 11.7 The first section of this chapter looks at sustainability planning and climate change. It is imperative that any future planning for Canberra and the Territory includes a strategic focus on sustainability. The most effective way of ensuring sustainability is at the forefront of future planning considerations is to incorporate the goal of ecological sustainable development as a major principle in the *Australian Capital Territory (Planning and Land Management) Act 1988* (the PALM Act).
- 11.8 The second section looks at strategic planning policies for the ACT. With respect to the future planning regime for the ACT, the committee foreshadows that the two statutory plans – the National Capital Plan (NCP) and the Territory Plan – would sit side by side so that the existing hierarchical arrangement is mitigated. Instead, the Commonwealth’s interest in the national capital would be established through principles and policies set out in a **National Capital Land Use Plan** which would be enshrined in a schedule to the PALM Act and would sit across the two statutory planning documents. The National Capital Land Use Plan would be accompanied by an **Implementation Strategy** which the committee proposes should be included as a disallowable instrument to the PALM Act. The Implementation Strategy should establish a timeframe on how the two Governments propose to implement the National Capital Land Use Plan.
- 11.9 The third section of this chapter considers the proposal for an integrated plan. The goal of achieving a single integrated planning document with a harmonised language, definitions and structure should be guided by the committee’s objective that where possible, land administration be aligned with planning jurisdiction. In the event of Designated Area status being uplifted from areas of Territory Land, the committee envisages that the NCA would not have any overriding powers to overturn ACT Government development applications. Instead, the committee suggests that the PALM Act be amended to include a provision for decisions on development applications made under the Act to be subject to review through the Commonwealth Administrative Appeals Tribunal. The PALM Act’s provision for the Federal minister to issue a written direction to the NCA to disregard the ACT’s objection in the event of a dispute over a

draft amendment is retained under the committee's proposal set out in this section.

- 11.10 Finally, the fourth section of this chapter examines the possibility of utilising technological advancements to establish a three-dimensional digital planning document as a planning tool. The three-dimensional modelling software offers many potential benefits including enabling planners to gain a visual understanding of what development is permissible under provisions in the NCP. The software would also aid planning authorities in the process of public consultation.

Background

- 11.11 On the very first day of public hearings the concept of integrating the National Capital Plan (NCP) and the Territory Plan was presented to the committee. In light of this, the committee sought to clarify this proposal and gather feedback and responses from witnesses along the way on their views of such an idea. This chapter explores this discussion and concludes that there is an opportunity for long term planning reform that would serve Canberra as the national capital and the Canberra community.
- 11.12 Evidence presented during the inquiry suggested that support for an integrated planning framework has gathered further momentum since the 2004 inquiry into the role of the National Capital Authority. However, the question of how such a framework would be implemented, and how it would fit in with the existing legislation, was the subject of discussion and debate. There was some confusion with how the concept of an integrated plan, as presented by the NCA on the very first day of hearings, would operate. With the PALM Act specifically providing for two plans, administered by two separate jurisdictions, the pre-requisite of creating an integrated plan is close collaboration and agreement.
- 11.13 The discussions that took place during public hearings reinforced the critical need for a spirit of cooperation to exist between the ACT Planning Authorities and the NCA, and the ACT Government and the Commonwealth Government if positive outcomes are to be achieved.
- 11.14 The Walter Burley Griffin Society presented arguments for full unification of the two planning bodies into one under the auspice/jurisdiction of the Commonwealth. The Society proposed that this single national planning body would administer a single plan. The Society argued that the ACT Government was faced with an inherent conflict between its planning responsibilities and its needs to raise revenue from the sale of Territory Land.

11.15 The NCA presented a proposal based on its view that both the NCP and Territory Plan are still relevant and should be retained as complementary plans.

11.16 The NCA supported a fully integrated planning document with common language and definitions. The NCA clarified that it 'was not necessarily talking in statutory terms about an integrated plan', but rather an 'integrated planning document'.¹ Under this proposal, there would still be two plans but with far greater clarity and absolute consistency with respect to the definition of 'national significance' in both statutory plans. The NCA stated:

But the levels of integration are significantly higher than now because you do not feel like you are reading two books by two different authors. There is a common tone, a common language, a common understanding of meaning, a common development application process, a common set of maps. Where we have complete agreement, I suspect, with the Territory is a very clear definition of national significance and a very clear – and as unambiguous as is possible in planning – line from the top in the statements of significance through to the detail planning that the territory ultimately would be doing outside of the areas of special importance.²

11.17 The ACT Government referred to a 'harmonised framework' which would bring the elements of the NCP and the Territory Plan together in an 'information document'. The ACT Government stated:

The ACT government has not agreed to an integrated plan because that is a commitment to legislation, and clearly there is a lot of detail to work through there, but it has agreed to harmonisation. I think harmonisation is still recognising that there are two legislative bases.³

An overarching "plan" can be produced that brings together the two elements from different planning schemes. This would be an information document – not a statutory planning instrument. Ideally there would be common language used (definitions etc) however this may take some time to resolve and modify the respective plans.⁴

11.18 The NCA elaborated on how its proposed integrated plan might look:

1 National Capital Authority, Ms Annabelle Pegrum, *Transcript T5*, p. 41.

2 National Capital Authority, Ms Annabelle Pegrum, *Transcript T5*, p. 42.

3 ACT Government, Mr Andrew Cappie-Wood, *Transcript T5*, p. 22.

4 ACT Government, *Submission 69.2*, p. 6.

The first part, the National Capital Plan, would be owned by the Australian parliament on behalf of all Australians. It would articulate one strategic vision for Canberra and the ACT, being matters of national significance, the general policy plan for metropolitan Canberra and the ACT, and supporting principles, policies and land uses. It would be prepared completely and jointly with the ACT government every five years. In our view it should include targets or key performance indicators to measure the success or otherwise of our plans. Detailed planning provisions for areas of special national importance should be structured in a format as articulated in the DAF model and as illustrated in the recently completed Territory Plan.

The second part of an integrated plan would be the Territory Plan. This part of the plan would be owned by the ACT Legislative Assembly on behalf of the local community. It would articulate the detailed planning provisions for those areas outside the areas of special national importance, as it does now.

A third and important part would be a part which has one set of definitions for the whole of the Australian Capital Territory and guidelines for how to implement, interpret and assess using those plans.

In summary, an integrated plan provides an opportunity, if adequately resourced, to create effective planning instruments for the ACT, a simplified, accessible and harmonised planning regime, a more effective policy development through collaborative efforts between the Commonwealth and the Australian Capital Territory, greater certainty and clarity for all, and a planning hierarchy clearly set out and unambiguous.⁵

- 11.19 The NCA approach preserves the existing hierarchy of the National Capital Plan over the Territory Plan. This fails to remove the possibility of conflict arising because of differences in interpretation by the NCA and the Territory Government and, importantly, retains the NCA's effective right of veto as a result of the NCA's interpretation of the plan being unchallengeable.
- 11.20 The committee was not convinced by arguments for the retention of this hierarchy, and the associated effective veto by the NCA when in disagreement with the ACT Government's interpretation of the NCP, provided there was some formal avenue of appeal in which to test the decisions, if challenged.

5 National Capital Authority, Mr Todd Rohl, *Transcript T5*, p. 19.

- 11.21 Hence, a key point of discussion regarding the future planning framework was whether the Territory Plan should sit within the NCP or that the two plans should fit together with clear geographic boundaries. The NCA support the former, the ACT Government the latter. The NCA supported the uplift of Designated Areas, as shown in *Figure ii*, only if the Territory Plan sat within and remained subject to the NCP.
- 11.22 The committee believes there is a practical compromise that allows clear geographic boundaries to be developed over time by agreement.
- 11.23 The committee also believes that the retention of the principles and policies of the NCP need to be independently preserved in both the National Capital and Territory statutory plans. Hence Recommendation 17, which preserves beyond doubt the important defining principles and policies of the NCP.
- 11.24 To embody agreed principles and policies of the NCP in a schedule of the PALM Act requires both planning authorities and statutory plans to be consistent with these principles and policies as described in the proposal for a new National Capital Land Use Plan.
- 11.25 The committee believes that removing the hierarchical relationship between the respective planning authorities can mitigate some of the concerns expressed by the ACT Government about its difference of opinion with the NCA on the strategic metropolitan planning for Canberra and their concerns over what constitute ‘matters of national significance’.
- 11.26 It will also permit a genuine and informed negotiation between the parties of where the geographic boundaries of the Territory Plan and NCP are appropriately placed as such negotiations will not be clouded by the fear of loss of the principles and policies in the current NCP.

Sustainability planning and climate change

- 11.27 The majority of people in the twenty-first century live in cities. Historically, cities have been viewed as polluting and environmentally inefficient. Canberra does not carry this burden as heavily for many reasons, but most importantly because it is a planned city that was originally designed with consideration to its natural environment. Subsequent generations of planners have at various times, had the insight and power to preserve these principles.
- 11.28 Cities around the world are changing in response to pressure relating to pollution, public health and mobility. Cities use about 75 per cent of the

world's energy and produce about 80 per cent of the world's greenhouse gas emissions, thus they are becoming places to test new ideas about how to tackle climate change. In fact, the concentration of economic resources within cities has seen them emerge as leaders in innovation with respect to addressing climate change.

11.29 Canberra is well placed to consider large-scale use of photovoltaics in new urban areas and the presence of significant research and investment at the Australian National University (ANU) and in private business. Greater focus is required on measurable emissions reductions through ideas such as 'green transformers' which use waste heat from local energy generation to heat and cool offices and homes.

11.30 The committee notes the comments of the ACT Commissioner for Sustainability and the Environment with respect to the ACT Government's stated emissions target:

On a per capita basis, the ACT continues to be a high greenhouse gas-emitting region. Reasons for this include our climate, our urban design and our lifestyle. Electricity consumption is far and away the ACT's greatest single source of greenhouse gas emissions. This is followed by transport.

The ACT Government has set itself the target of reducing Greenhouse gas emissions to their 1990 level by 2008, followed by a further 20% reduction by 2018.

The ACT Greenhouse Strategy: 2002 Review of performance and options for the future indicates that this will be hard to achieve using existing measures. The situation is made more difficult because of the existence of Commonwealth Government land and activities within the ACT, over which the ACT Government has no control.⁶

11.31 The release of the Garnaut Climate Change Review Draft Report in early July 2008 strongly reinforced the urgency for coordinated action on climate change.

Background

11.32 Sustainability as referred to in this section encompasses social, economic and environmental considerations in relation to planning. Arguments have been expressed that the concept of sustainability should be inherent in all levels of planning as this one issue ultimately decides whether a course of action is successful and long term.

6 ACT Commissioner for Sustainability and the Environment, viewed 18 June 2008, <<http://www.envcomm.act.gov.au>>.

- 11.33 Many submissions from individuals and community organisations addressed a wide range of issues related to the planning function including sustainability and heritage, climate change and resource use, public transport and the design of healthy and liveable urban spaces.
- 11.34 The committee notes that, in general, planning authorities are presently under-resourced and do not appear to be sufficiently empowered to take a lead in linking the separate government agencies with responsibilities in these areas. The committee sees an opportunity for a more coordinated approach to urban planning that draws on the best international thinking about how to improve the quality and sustainability of our cities. The committee also notes that the ACT Chief Minister's Department is taking a leadership role in the ACT.
- 11.35 The committee supports the view expressed by Professor Patrick Troy that it is 'in the interest of each level of government to ensure the balanced growth of the region in accordance with the notion of ecologically sustainable development.'⁷
- 11.36 This Chapter provides some thoughts about building a better approach to the future development of Canberra as a world city. A number of concerns are raised about sustainability and how it relates to Canberra's transport system; locating Commonwealth buildings; and how concepts of sustainability and connectedness only partially permeate through the National Capital Plan (NCP) and Territory Plan.

The Griffin Plan and environmental considerations

- 11.37 Some groups have suggested that Griffin's plan for Canberra was drafted with environmental considerations in mind, setting an example for future planning of the city. Ms Rosemarie Willett explained:

The way they thought of things was that the built environment should, in effect, have the same laws as the natural environment – that in the built environment we should practise according to the laws of nature and that that should be the way we should move ahead. So using the concept of the built environment being a parallel environment but tied into the natural environment would be one of the best ways of going ahead.... It is very hard to put it into a few words, but it is this understanding of the natural environment and this ability to move ahead in sympathy with it that is what Griffin was looking to do.⁸

7 Professor Patrick Troy, *Submission 80.1*, p. 2.

8 Ms Rosemarie Willett, *Transcript T3*, p. 84.

Achieving sustainability

- 11.38 Walter Burley Griffin's incorporation of the urban planned elements of Canberra's infrastructure with its natural environment is an important element of the planned city, as it gives it a unique character.⁹
- 11.39 Griffin was influenced by the Chicago-Prairie School of architecture that embraced 'a deep reverence for nature' and identified himself as a naturalist in architecture. Griffin stated:
- I am what may be termed a naturalist in architecture. I do not believe in any school of architecture. I believe in architecture that is the logical outcome of the environment in which the building in mind is located.¹⁰
- 11.40 It is in the context of the environment and the present day search for sustainable outcomes for planning and the associated issues of transport and development that Walter Burley Griffin's comments give relevance to the modern Canberra.
- 11.41 The Planning Institute Australia (PIA) advocated that achieving sustainability is a matter of changing how sustainability is perceived and incorporating it into the motivations behind planning:
- If you are thinking about the future, sustainability and climate change and its impacts, all of those need to be evaluated and incorporated into how best to ensure Canberra can grow and people can invest in Canberra, while achieving some of those sustainability outcomes. That is a process of thinking; it is not a process of saying, 'There's only one way of doing it.'¹¹
- 11.42 Further, PIA stated that the next big challenge facing society is 'climate change' and then government taking responsibility to incorporate initiatives, which address climate change into all facets of planning: including design, development, transport and economic decisions. This is how planning will adopt sustainability principles. PIA stated:
- The Commonwealth's responsibility for the national capital can be partly exercised through ensuring that the planning and development of Canberra meets the highest standards of planning and design. This responsibility also extends, however, to ensuring that Canberra, as the national capital and Australia's largest inland

9 Griffin, D (Ed), 2008, *The Writings of Walter Burley Griffin*, Cambridge University Press, Melbourne, p. 23.

10 Griffin, D (Ed), 2008, *The Writings of Walter Burley Griffin*, Cambridge University Press, Melbourne, p. 23.

11 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 22.

city, is economically, socially and environmentally sustainable and able to respond to new challenges such as climate change.

Ensuring an economically robust and sustainable future for the national capital and its unique setting is, as a result of self-government in 1989, a joint responsibility, in PIA's view, both in terms of planning and in terms of the provision of infrastructure.¹²

- 11.43 Mr Ed Wensing made the point that planning should take a longer term perspective and address a projected Canberra population of 1.5 million people, and then look at the various impacts on sustainability. Mr Ed Wensing stated:

A fresh look at the longer term for a population of one million or 1½ million people is urgently required, taking into account the sustainability of an inland city within the Murray-Darling catchment and Canberra's potential to be a model of the sustainable metropolis. Among the Rudd government's key priorities are climate change and sustainable cities. Canberra is the Commonwealth's only option for playing a direct role in demonstrating how urban form can be adapted to achieve sustainable development and to pressures of climate change.¹³

Sustainability, the NCP and the Metropolitan Canberra Policy Plan

- 11.44 The NCP acknowledges that 'long term metropolitan planning must incorporate recognised guidelines and goals for water quality (particularly in the built environment) and reflect national and international concerns for efficient use of energy and effective responses on the Greenhouse Effect. Use of national resources and the impact of development on environmental systems in both the ACT and the surrounding region must reflect national goals for sustainable development and regional needs.'¹⁴

- 11.45 The Royal Australian Institute of Architects (RAIA) advocated that a sustainable city could be achieved through one plan for Canberra. This would involve continuous dialogue between all tiers of government and across different parts of government. RAIA stated:

There are a couple of key principles that might be worth backgrounding. We believe that the future is about sustainability – that one of the most important questions facing us is the ability for governments of different persuasions and from different constituencies to effectively work together in the design

12 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 12.

13 Mr Ed Wensing, *Transcript T3*, p. 50.

14 National Capital Authority, 2008, *Consolidated National Capital Plan*, NCA, Canberra, p. 131

and management of our cities to achieve sustainable cities. This will be a major contributor to lowering greenhouse emissions if we can achieve it. We therefore believe that in an area such as the ACT there need only be one effective plan and, within that plan, recognition of the two levels of government coordinated and integrated through processes relevant to the issues identified within the objectives of the plan. We do not think that is a complicated document to construct. We also see this as being vital to effective and coordinated investment in management of the built environment. Also, because sustainability crosses many broad areas, it is vital that it is a coordinated dual government document.¹⁵

- 11.46 In addition, the Walter Burley Griffin Society proposed that the Metropolitan Canberra Policy Plan should be revised to include sustainability, environmental and strategic directions.¹⁶
- 11.47 It has already been mentioned in previous sections of this chapter that sustainability impacts on all aspects of planning including the transport system, locating government departments, developments and development applications. RAIAs proposed planning guidelines should incorporate environmental principles, which would inform planning in areas such as transport.

There are a number of different avenues for achieving innovative planning guidelines. But, if there was a general principle to apply, it would be that any new planning initiative, any control mechanism must now have a firm environmental basis to it – that the design and management of the public environment in particular, but also, effectively, the private environment through the public environment, is a sustainability issue. That of course informs every decision that planners make related to massive issues such as public transport or general transportation.¹⁷

Enabling sustainability planning

- 11.48 The Walter Burley Griffin Society advocated that the NCA needs to be given greater powers to meet the climate change challenge. With these powers, the NCA could incorporate sustainability principles into all aspects of planning so that Canberra continues to be a model of urban development into the 21st Century. The Walter Burley Griffin Society stated:

15 Royal Australian Institute of Architects, Mr Alec Tzannes, *Transcript T1*, p. 79.

16 Walter Burley Griffin Society, *Submission 40.1*, p. 2.

17 Royal Australian Institute of Architects, Mr Alex Tzannes, *Transcript T 1*, p. 80

The NCA in particular needs much greater powers and resources to fulfil its role where powerful Commonwealth departments and agencies, aided by land tenure and privatisation policies, can so readily undermine both the National Capital Plan and the Territory Plan. Equally important, the roles of both the NCA and ACTPLA must be measured against the imperatives of sustainability, which is now bracketed with climate change. Back in 2002, the OECD review of Canberra concluded:

Canberra can be as important a model for urban development in the 21st Century as it has been in the 20th if it can ... create new assets that take advantage of its role as a national capital, and maintain the high quality of its environment ... while making progress toward sustainability.

Neither of the two planning bodies has a strong or consistent record, especially of late. A critical mass of renewed political, intellectual, professional and organisational effort needs to be applied to the planning of Canberra as national capital and major city. The respective governments should start to transition towards a fully integrated and accountable planning system. The time frames for putting Canberra's national capital planning back on track necessitate different intervals: a longer interval for reconstituting the legislation, plans and organisations; in the more immediate future, there are readily available integration measures and improved democratic processes for improving the situation and facilitating this transition.¹⁸

11.49 RAIA has also advocated that the NCA should make decisions which impact on the overall planning of Canberra. These decisions would include deciding the location of government agencies, which would have avoided the current transport and sustainability issues emerging at the Airport.¹⁹

11.50 The ACT Division of the Property Council of Australia advocated a stronger role for the NCA so that the structure of Canberra could be protected, especially in relation to the development at Molonglo:

In terms of specific planning, strategic planning of the ACT is critical to the future viability and strong growth of the nation's capital, which also doubles as a significant regional centre. The NCA must play a lead role to protect the overall metropolitan structure and its impact on the central national area. That is to say,

18 Walter Burley Griffin Society, Mr Brett Odgers, *Transcript T1*, pp. 3-4.

19 Royal Australian Institute of Architects, Ms Sheila Hughes, *Transcript T1*, p. 81

the Property Council believes the NCA should monitor ACTPLA's strategic planning to ensure the metropolitan structure is maintained. For example, it is important to ensure the proposed development at Molonglo, which is supported by both the Commonwealth and the ACT governments, does not detrimentally impact on the traffic circulation and visual setting of the central national area and on greater metropolitan infrastructure such as the Majura Parkway.²⁰

- 11.51 Another method of achieving a more sustainable urban and environmental transport mix is through the introduction of light rail for Canberra as proposed by the Conservation Council of the South East Region (Conservation Council). The Conservation Council asserts that light rail

...delivers efficient mass transport with zero local air pollution and has the potential to be run from renewable energy thus providing the most feasible zero emission transport option for a city. Light rail also causes less noise pollution. It has cheaper operating costs if high volume patronage is achieved... Light rail has faster acceleration and deceleration and vehicles last longer. It can carry more bikes than buses and is aesthetically pleasing as grass can be grown between tracks.²¹

- 11.52 The committee notes that the ACT Government supports a joint approach with the Commonwealth to developing light rail as a sustainable public transport option for Canberra.

Conclusions

- 11.53 The committee believes that Walter Burley Griffin's 'naturalist' approach to planning is still relevant for Canberra and especially important in terms of meeting the climate change challenge and addressing sustainability.
- 11.54 The committee acknowledges that the current issues that have arisen during the course of the inquiry can in a number of instances be attributed to a lack of strategic focus on sustainability. This is especially apparent with planning decisions made at the Canberra International Airport. It does not appear that any real consideration has been given to the impact

20 ACT Division, Property Council of Australia, Ms Catherine Carter, *Transcript T2*, p. 56.

21 Conservation Council of the South East Region and Canberra, 2005, *CCSERAC Position on the Belconnen to Civic Bus Way Route*, July, viewed 2 July 2008, <<http://www.consact.org.au/images/stories/sub.busway.July05.pdf>>.

on transport and the long-term impact on the environment in these instances.

11.55 The committee believes that the National Capital Authority (NCA) needs to be innovative and systematic in its approach to incorporating sustainability into its planning activities and develop its approach in consultation with the ACT Government and the community. Further, the NCA should be proactive in communicating its approach.

11.56 The committee concurs with the view of Mr Ed Wensing, who stated:

Canberra is the Commonwealth's only option for playing a direct role in demonstrating how urban form can be adapted to achieve sustainable development and to pressures of climate change.²²

11.57 The committee also concurs with the views expressed by Professor Patrick Troy:

The guiding principle for the planning and development of the ACT would then be to develop the region as a sustainable centre. This would mean that it was in the interest of each level of government to ensure the balanced growth of the region in accordance with the notion of ecologically sustainable development. Such an approach would automatically take into account problems of adaptation to climate change and the challenges wrought by considerations of energy supply and availability. It would also give due weight to the issues of water independence and security and of the need for the development of transport services to meet national, regional and local demands. Of course it would also embrace the obligations to ensure that the economic and socio-cultural aspects of Canberra's growth and management were consistent with the ambitions of both levels of government and of the community.

In short, the kind of planning such a system would entail might be described as the integrated assessment of the various environmental, social and economic opportunities, limitations and challenges provided in the ACT and would lead to a planning system which was beyond the limited range of physical determinism pursued by current planning agencies and provide the appropriate institutional architecture to ensure that environmental, social and equity aspects of the growth and management of the Nation's Capital were given proper weight.

22 Mr Ed Wensing, *Transcript T3*, p. 50.

The development of such a desirable planning system would depend heavily on an information base being developed the critical review of which would provide the evidence base for development initiatives and management strategies.

It would also depend heavily on developing an open, transparent planning system one of the benefits of which is that it would lead to a public more informed and supportive of the two levels of government in their joint endeavours to create a sustainable creative city as the nation's capital.²³

Recommendation 16

- 11.58 **The strategic goal of ecologically sustainable development should be embedded as a major principle in the *Australian Capital Territory (Planning and Land Management) Act 1988*.**

Strategic planning policies for the ACT

- 11.59 Commonwealth strategic planning policies for the ACT are currently expressed in the National Capital Plan (NCP), through the *General Policy Plan – Metropolitan Canberra* (herein referred to as the Metropolitan Canberra Policy Plan) and *General Policy Plan – Australian Capital Territory*.
- 11.60 The ACT Government's strategic planning policies are currently expressed in the Canberra Spatial Plan.
- 11.61 The Metropolitan Canberra Policy Plan broadly adopted the National Capital Development Commission's 1984 *Metropolitan Canberra Policy Plan/Development Plan* which was based on a comprehensive review of the Y-Plan.
- 11.62 The Metropolitan Canberra Policy Plan 'identifies urban and non-urban areas, general land use and national and arterial roads in the broadest sense.'²⁴ The plan also identifies the setting and character of the city in the form of the National Capital Open Space System, which includes protection from development on the inner hills, ridges and buffers.

23 Professor Patrick Troy, *Submission 80.1*, pp 1-3.

24 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 29.

- 11.63 Any significant departure from the Metropolitan Canberra Policy Plan requires an amendment to the NCP.
- 11.64 This is a source of frustration for the ACT Government, which has called for the replacement of the Metropolitan Canberra Policy Plan with a set of principles incorporated into the NCP.²⁵ The ACT Government stated:
- The approach of routinely denying the ACT government opportunities to shape urban form and development outside the parliamentary triangle and instead giving precedence to the Metropolitan Structure Plan, which is now over 20 years old and not tested against any sustainable development criteria, really cannot continue.²⁶
- 11.65 The ACT Government is concerned that its decision-making in terms of the provision of more efficient infrastructure is 'potentially hampered by the need to design it in a way that accords with the metropolitan structure plan.'²⁷ In its submission, the ACT Government stated:
- A fundamental question with regard to the approach proposed by the NCA is the Commonwealth Government's willingness to provide secure and ongoing funds for involvement in the strategic planning of the entire Territory, when the responsibility for delivery of the Territory's economy and social conditions is that of the ACT Government.²⁸
- 11.66 The Territory considers that the Metropolitan Canberra Policy Plan is dated and that the Canberra Spatial Plan is 'a more contemporary planning document' which 'provides the preferred basis on which we can design our infrastructure in the most efficient manner possible'.²⁹
- 11.67 The ACT Government's argument that the Metropolitan Canberra Policy Plan is dated was supported by David Wright, who argued that the plan was need of urgent review³⁰, and Professor Taylor, who said of the plan:
- That was a plan that the NCDC did and it was passed on in self-government. It is part of the National Capital Plan. It is referred to in various planning documents, but it is time it was upgraded and reviewed to look at transport, sustainability, future housing areas

25 ACT Government, Mr Andrew Cappie-Wood, *Transcript T2*, p. 3.

26 ACT Government, Mr Andrew Cappie-Wood, *Transcript T2*, pp. 3-4.

27 ACT Planning and Land Authority, Mr Neil Savery, *Transcript T2*, p. 13.

28 ACT Government, *Submission 69.2*, p. 2.

29 ACT Planning and Land Authority, Mr Neil Savery, *Transcript T2*, p. 13.

30 Mr David Wright, *Transcript T4*, p. 19.

and those sorts of land use planning decisions which are critical to this city.³¹

- 11.68 The Walter Burley Griffin Society used the example of the Molonglo Valley proposal – ‘the most significant change to the overall metropolitan plan since the 1970s’ – to advance its argument for a fully integrated approach for planning. The Society stated:

At the moment [the Molonglo] proposal does not conform to the National Capital Plan. It has been put forward by the ACT government under Canberra Spatial Plan, which does not have statutory force. A key series of decisions and important consultancies and so on have been commissioned without any basis of approval and, by the stage it comes to approval, in a sense it will already be a *fait accompli*. That is no way to plan this city. What is needed is an integrated approach which would look at the overall structure of the city, in which direction it should grow, on what principles – for example, sustainability – and, on that basis, have an accepted metropolitan strategy against which detailed provisions can then be evaluated. Now we have to evaluate a detailed proposal without the structure in place.³²

- 11.69 Mr Ian Morrison, a former traffic engineer and transport planner with the National Capital Development Commission, believes the Metropolitan Canberra Policy Plan is still relevant, but was critical of the National Capital Authority (NCA) for its failure to utilise the plan to provide adequate protection against transport and parking problems. Mr Morrison stated:

Despite the addition of planned development in the Lower Molonglo, this town-based structure is still relevant. However the NCA has failed to look ahead and use it effectively. If it had done so we would have witnessed strategic thinking at a metropolitan level to help safeguard against rapidly worsening transport and parking problems – those for example around Civic and along the approaches to the airport.³³

- 11.70 The NCA acknowledged that the ACT Government should be more formally engaged in the development of the strategic plan for the Territory, given that strategic planning recognises local objectives.³⁴

31 Professor Ken Taylor, *Transcript T3*, p. 63.

32 Walter Burley Griffin Society, Professor James Weirick, *Transcript T1*, p. 8.

33 Mr Ian Morrison, *Submission 12*, p. 1.

34 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 30.

11.71 The NCA proposed what it described as a ‘simple and very effective solution’ which would involve amending the *ACT (Planning and Land Management) Act 1988* to require that a comprehensive review of the Metropolitan Canberra Policy Plan, conducted jointly by the NCA and ACT Government, be required every five years.³⁵

11.72 The ACT Government agreed that long-term strategic planning would benefit from joint reviews, but with the result reflected in the respective plans. The ACT Government stated:

Embedding Territory-wide outcomes in the National Capital Plan distorts the self-governing Territory’s accountability and responsibility for long term planning.³⁶

11.73 Contrary to the ACT Government’s views, the NCA stressed the importance of the Metropolitan Canberra Policy Plan being retained in the NCP:

...our strongest recommendation to this committee is that the strategic vision for the whole of the territory – that metropolitan plan – needs to be retained by the parliament through the National Capital Plan, because what it does is say what is urban and what is not urban. It does not say that in the urban areas you can have townhouses or hotels or whatever. It just says urban and non-urban. It establishes the framework for growth. It says where the major roads should be – not their exact alignment, not what they look like, but simply where they should be – and, importantly, it protects that setting and character of the National Capital Open Space System. If the National Capital Plan continues to do that, if the parliament continues to have that control, then our view is that it is safe for the detailed planning to be reduced to those areas that are more important.³⁷

Conclusions

11.74 The committee concurs with the view that the strategic vision for the national capital and the ACT should be retained by the Commonwealth Parliament.

11.75 The committee accepts that the ACT Government is concerned about its strategic planning being affected by a document over which it has little or no input. These are legitimate concerns and the Territory’s lack of

35 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 30.

36 ACT Government, *Submission 69.2*, p. 3.

37 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, pp. 36-37.

participation in the development of the strategic plan has been recognised by the NCA. The committee believes that the ACT Government should be a partner to the Commonwealth in the development of strategic planning.

- 11.76 However, the committee believes that the general policy plans in the National Capital Plan are in need of an overhaul. The committee believes these plans should be replaced with a new **National Capital Land Use Plan** which would be accompanied by an **Implementation Strategy**.
- 11.77 The National Capital Land Use Plan should reflect the need to preserve the Commonwealth's national capital interests in the Territory, including the features of the capital's unique design, namely:
- the National Capital Open Space System, which creates channels of open, undeveloped land linking the natural environment into the heart of urban areas;
 - the prohibition on urban development on the inner hills, which creates and preserves the scenery and vistas of a natural landscape despite Canberra being highly urbanised;
 - the land and water axes;
 - the style and location of national institutions in and around the triangle and central Canberra; and
 - the presence of diplomatic missions.
- 11.78 The National Capital Land Use Plan might, for example, articulate major land uses, settlement areas, location and distribution of major centres and industrial areas, and major roads and infrastructure.
- 11.79 Under the committee's proposal, the National Capital Land Use Plan would be supported by an Implementation Strategy which establishes a timeframe on how the two Governments propose to implement the Land Use Plan. The Implementation Strategy would include office employment location policies, settlement strategies and an infrastructure investment program. It would also include a Sustainable Transport Plan prepared jointly by the ACT Government and the NCA as recommended in chapter 9 (Recommendation 13).
- 11.80 To emphasise the importance of the proposed National Capital Land Use Plan, the committee recommends that it be enshrined in legislation through a schedule to the *Australian Capital Territory (Planning and Land Management) Act 1988*. This would ensure that an amendment to the schedule, rather than relying on intervention through disallowance, would be required to affect changes at this significant policy level. The committee

recommends that the Implementation Strategy be included as a disallowable instrument.

- 11.81 The committee supports the idea put forward by the NCA whereby both the NCA and the ACT Government come together to consider the content of a new National Capital Land Use Plan and Implementation Strategy at intervals specified in legislation. The NCA proposed a period of five years.
- 11.82 In a period of change, the committee recommends leaving the option open for more frequent reviews, that being every three years.

Recommendation 17

- 11.83 **That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to enshrine the policies and principles of national significance as described in the proposed National Capital Land Use Plan in a schedule of the Act, and that the proposed Implementation Strategy be included as a disallowable instrument.**

The Act should also be amended to specify a requirement for the National Capital Land Use Plan and Implementation Strategy to be reviewed every three to five years.

Proposals for an Integrated Plan

- 11.84 The ACT Government agreed on the need to align the structure, format and language used in the respective planning documents. The Territory's submission stated:

The two planning administrations should work together, in the future, to prepare advice to both Governments on a program for achieving greater alignment of the structure and format, including language and alignment of zones, between the DAF Leading Practice compliant restructured Territory Plan and the NCP, with a view to developing a single planning instrument that would be implemented by the two jurisdictions for their respective areas of interest.³⁸

- 11.85 One of the primary causes of confusion under the current planning regime is that the NCP and Territory Plan are 'literally structured completely

38 ACT Government, *Submission 69*, p. 11.

differently' and that the two plans also have different definitions.³⁹ The NCA pointed out that between the two plans there are currently approximately 400 definitions, some of which are the same, some which are partly the same and some which are different.⁴⁰ The NCA reinforced the need to clarify these definitions using the example of a recent amendment to the NCP:

...the caravan park amendment recently derived purely from a difference of what is a caravan in the National Capital Plan and in the Territory Plan. That is just silly. At least all speaking the same language is crucial. What we call 'housing' or even 'urban' should be the same in both plans. The language should be plain language and the hierarchy unambiguous.⁴¹

- 11.86 Mr David Wright advocated standardising definitions so that they are common to both the NCP and the Territory Plan.⁴²
- 11.87 The Royal Australian Institute of Architects made a similar point in that an integrated planning document would 'ensure the same general codes apply across all relevant development in the ACT'.⁴³
- 11.88 The committee notes that standardising definitions and codes is possible with the retention of two statutory plans.
- 11.89 One of the points of confusion in the dual planning regime is how and where to access the planning detailed information relevant to the geographic area in question. When the information is held separately by two planning authorities, it becomes a complicated exercise for the citizen or business to actually determine what rules apply from which authority.
- 11.90 Therefore the committee recommends a simple and practical solution by encouraging both planning authorities to have available on request, and host on their respective web sites a complete set of planning information, with the relevant jurisdiction noted within the documentation. The committee believes that this service-oriented approach would be of assistance in the immediate term to reduce the frustration of having to source different information from different authorities for the same area of land.

39 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 40.

40 National Capital Authority, Mr Todd Rohl, *Transcript T5*, p. 19.

41 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 40.

42 Mr David Wright, *Submission 68*, p. 10.

43 Royal Australian Institute of Architects, Mr David Flannery, *Transcript T1*, p. 72.

Defining 'matters of national significance'

11.91 From the ACT Government's point of view, much of the difference of opinion between itself and the NCA on the NCA's future role relates to 'how the "matters of national significance" are described, represented in planning instruments and actioned.'⁴⁴

11.92 The NCA agreed that matters of national significance need review, and argued that they 'should not be dumbed down by there not being a statutory process.'⁴⁵ The NCA stated:

I do not think there is any doubt about the fact that matters of national significance must to be reviewed and defined. We need a clear and unambiguous hierarchy from a strategic point through to the detail that the territory requires.⁴⁶

11.93 Dr David Headon argued that defining 'national significance' was crucial to reaching a clear understanding on what the role of the NCA should play in the immediate future. He stated:

When one looks at the 1990 plan – and it certainly has, rightly, troubled the National Capital Authority in recent years – there is no working definition of 'national significance', and yet the term and notions of national significance run throughout the document. We do need to have a sound definition. We do need to have that definition clarified in terms of what the designated areas are. Once we are clear on that, for reasons that definition would be determined by appropriate consultation, then the sometimes bitter debates that have dogged interaction between the ACT government and the federal government custodian body should be things of the past.⁴⁷

...you have got any amount of literature on which to base your working definition of 'national significance'. One thing is certain: our notion of national significance in 2008 is going to be different to the notion of national significance in 2050 or 2088. There, it is a work in progress, a working definition.⁴⁸

11.94 Dr Headon also spoke about the need to attract 'the right people around the table' to form a 'working definition' of national significance. Dr Headon stated:

44 ACT Government, *Submission 69.2*, p. 1.

45 National Capital Authority, Ms Annabelle Pegrum, *Transcript T5*, p. 24.

46 National Capital Authority, Ms Annabelle Pegrum, *Transcript T5*, p. 25.

47 Dr David Headon, *Transcript T7*, p. 4.

48 Dr David Headon, *Transcript T7*, p. 7.

Let us have the right discussion with the ACT Government and all appropriate people involved, likewise the National Capital Authority, and likewise former members of custodian bodies. ...I would look to the scholarly area and look to past experience. Then...I would want to draw on some of the expertise of planners around the country, as well as internationally.

You want to build on – and this does not happen enough in this day and age – the expertise and experience of key people who can still give us that experience.⁴⁹

Community consultation

- 11.95 The framework put forward by the NCA provides for considerable opportunity for community consultation. The two planning authorities would be required to undertake statutory consultation on proposed amendments to the NCP and Territory Plan in accordance with their respective Acts.
- 11.96 An additional layer of opportunity for public comment would then be accommodated through any amendment to the NCP being referred to this committee for inquiry. An inquiry would also give the committee the opportunity to assess the extensiveness of the NCA's own consultation process.
- 11.97 Further, the Federal Parliament may wish to inquire into the legislative amendment to the PALM Act that will be necessary if this approach were to be adopted by the Government.

Appeal rights

- 11.98 The omission in the PALM Act for development approval decisions to be subject to administrative appeal has long been a source of contention. The ACT Government argued that if the right to an appeal for a commercial development in the ACT exists, then that same right should exist for the NCA's administration.⁵⁰
- 11.99 Similarly, the National Trust of Australia (ACT) stated:

Planning decisions throughout Australia are subject to some appeal mechanism as part of good governance and this needs to be available for NCA planning matters as well. This has become particularly relevant with several NCA proposals which have been

49 Dr David Headon, *Transcript T7*, pp. 10-11.

50 ACT Planning and Land Authority, Mr Neil Savery, *Transcript T2*, p. 21.

put forward without appropriate consultation and have only been subject to a review as a result of intense public pressure.⁵¹

11.100 Professor James Weirick also elaborated on the anomalous situation created by the existing appeals framework for planning decisions in the ACT. Professor Weirick stated:

The mismatch between Commonwealth and ACT endeavours occurs at every level. The Griffin Legacy Amendments to the National Capital Plan simultaneously permit large-scale urban development on National Land without any right of appeal, and on Territory Land with the right of appeal.⁵²

11.101 If the Development Assessment Forum (DAF) model were to be adopted by the NCA, this could impact on existing arrangements concerning appeal rights.

11.102 The DAF model, as discussed in chapter five, provides that an applicant should be able to seek a review of a discretionary decision, but only against the same policies and objective rules and tests as the first assessment.

11.103 In relation to third-party appeal rights, the DAF model seeks to avoid unnecessary review where objective rules and tests have already been established by a consultative process. The DAF model provides that:

- Opportunities for third-party appeals should not be provided where applications are wholly assessed against objective rules and tests.
- Opportunities for third-party appeals may be provided in limited other cases.
- Where provided a review of a decision should only be against the same policies and objective rules tests as the first assessment.⁵³

11.104 The DAF model also states that:

If the rules and expectations associated with the public notification of development proposals are clear and these processes are undertaken in accordance with policy, there should be no need for

51 National Trust of Australia (ACT), *Submission 33*, p. 2.

52 Professor James Weirick, *Submission 77*, p. 7.

53 Development Assessment Forum 2005, *A Leading Practice Model for Development Assessment in Australia*, DAF, p. 27, viewed on 18 June 2008, <http://www.daf.gov.au/reports_documents/leading_practice.aspx>.

third-party appeal rights on many matters of merit, although there may be some benefit derived from notification.⁵⁴

Protecting the Commonwealth interest in the National Capital

- 11.105 The committee considers that much of the friction perceived to exist between the roles of the Commonwealth and Territory planning authorities draws on a prejudice that each level of planning is unable to fully embrace the “mission” of the other, e.g. that ACTPLA, if given approval powers over the Parliamentary Triangle, would allow inappropriate commercial development to occur there, and so forth.
- 11.106 The committee regards these perceptions as having poor foundations. It is evident that ACT residents have as strong a vested interest in preserving the “national capital values” of their city as any other Australians, indeed arguably more so. Nonetheless the committee weighed up the argument for some kind of “backstop” or “safety net” to exist to ensure that, where the Commonwealth delegates or assigns planning jurisdiction to the ACT over Territory Land within Designated Areas, the ‘National Capital’ interest is protected.
- 11.107 One such mechanism may be for the Commonwealth minister to have the power to “call in” a development or works approval given by ACTPLA which the minister regards as in breach of the principles contained in the NCP. Such a device, even on a transitional basis, would provide some assurance that the strategic vision exercised by the NCA in both its planning and approval roles would not be lost should the latter be partially transferred to the ACT.
- 11.108 The committee did not reach a position on this question, but recommends that it be the subject of further debate within the Parliament and the community. We believe that the extent of risk associated with a delegation or assignment of the Commonwealth role to the ACT has been exaggerated, but accepts that the perception of such risk should be addressed in any arrangements entered in to between the two governments.

Timeframe for implementation

- 11.109 The committee is of the view that a period of 18 months represents a tight timeframe to give effect to this new vision for planning in the ACT. The committee also acknowledges the high levels of goodwill and co-operation

54 Development Assessment Forum 2005, *A Leading Practice Model for Development Assessment in Australia*, DAF, p. 25, viewed on 18 June 2008, <http://www.daf.gov.au/reports_documents/leading_practice.aspx>.

that must exist across both the Federal and ACT spheres of government as well as a collaborative and cooperative approach with both the NCA and the Territory Planning Authority.

- 11.110 The committee harbours some reservations as to whether 'national significance' is something which can be accurately defined, but was satisfied through its discussions with witnesses that incorporating the advice of an appropriately constituted advisory committee and a thorough consultation process, an acceptable working definition of what constitutes 'matters of national significance' may be attainable, and there would be merit in such an attempt.
- 11.111 If the proposed joint working group develop the structure, language, format and definitions of the respective statutory planning documents, there is an opportunity that some of the problems that have plagued the ACT planning community for the last two decades, can finally begin to be resolved. It is therefore essential that the respective planning authorities be provided with adequate resources, both human and financial, to conduct this work on the respective planning documents and participate in associated advisory and consultative bodies.
- 11.112 A key component of this review will be community consultation. While the committee has long-standing concerns about the NCA's track record with community consultation, the NCA's recent development of a consultation protocol portends an improvement in this area of NCA activity.
- 11.113 A key area of concern has been the inability for any party to challenge decisions or interpretations made by the NCA with respect to the NCP. The committee believes that once definitions are agreed, and this hierarchical relationship removed, any dispute or disagreement at the development approval level should be arbitrated by the Commonwealth AAT.

Conclusions

- 11.114 The committee's vision for the way forward is guided by the objectives outlined in the introduction to the report:
- **The first objective is to ensure the Commonwealth protect and promote the unique design of Canberra because it represents the intrinsic character of the National Capital.**
 - **The second objective is to align land administration with planning jurisdiction where possible, provided the first objective is achieved.**

- **The committee's third objective is to foster greater cooperation and collaboration between the Commonwealth and ACT Government on planning and related matters.**
- 11.115 The committee notes that the proposal of the National Capital Authority (NCA) essentially differs little from the current hierarchical planning structure, albeit with agreed definitions.
- 11.116 This would enable the NCA to retain the power to express an un-reviewable opinion as to whether the ACT Government is acting consistently or not with the NCP. In the view of the committee, this does not achieve the objective of removing red tape, complexity and duplication from the planning system.
- 11.117 Further, the committee believes that in the interests of ensuring that the overarching principles, policies and general land uses pertaining to matters of national significance remain in the first instance purely under the jurisdiction of Commonwealth, that these principles should be enshrined in the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act).
- 11.118 This will strengthen the protection of the major principles and policies of the NCP, including description of general land use, national and arterial roads in the broadest sense and the setting and character of the National Capital Open Space System, which includes protection from development on the inner hills, ridges and buffers.
- 11.119 Both the NCP and the Territory Plan would need to be drafted so as to be consistent with this legislation. Consistent language of both plans would enable the sort of integrated presentation of both the NCP and Territory Plan described later in this chapter. The principles and policies would need to be regularly reviewed.
- 11.120 This approach will have the effect of removing the oversight (veto) power of the NCA with respect to the Territory Plan, as both planning authorities would be equally subservient to the requirements of the PALM Act and the interpretation thereof. This would enable the prospect of the two planning authorities to determine formal lines of demarcation.
- 11.121 The committee recognises that there is some concern about the proposed areas of formal demarcation between the proposed new NCP and Territory Plan.
- 11.122 However, with the principles and policies agreed and enshrined in the PALM Act, demarcation lines can become a basis for consideration of what is appropriate and practical in a range of future circumstances.

- 11.123 In the event of conflict, there should be no right of veto by the NCA to override decisions by the ACT planning authority.
- 11.124 The committee notes that if the Development Assessment Forum (DAF) model is adopted by the NCA, this would impact on existing arrangements concerning appeal rights. In chapter five, the committee recommended that, in the interest of improving consultation, the NCA assess the DAF model for its relevance and application to the National Capital Plan.
- 11.125 However, given that there is no certainty that the DAF model will be adopted by the NCA, the committee is supportive of decisions on development applications made under the PALM Act being subject to review through the Commonwealth Administrative Appeals Tribunal.
- 11.126 The committee accepts that this could create difficulties where Commonwealth departments relating to defence and national security are involved, and suggests that a provision be available for appeal to be removed in such instances.
- 11.127 The committee envisages that consideration of proposed legislative amendments to the PALM Act and associated draft amendments to the NCP would be considered concurrently at a full public inquiry conducted by the committee.
- 11.128 The committee recognises that, notwithstanding a high level of cooperation, the final form of legislation will ultimately be determined by the Federal Government and considered by both Houses of the Commonwealth Parliament.
- 11.129 The scheme the committee envisages in this chapter is one which confers much greater equality than before on the city's two planning authorities with respect to day-to-day planning approvals, such as development applications. Its intention is that each authority should be supreme within its own geographic area of responsibility, subject to the terms of the overarching national legislation and to the review of any appellate tribunal.
- 11.130 However the committee acknowledges that the blueprint for each authority's role is the *Australian Capital Territory (Planning and Land Management) Act 1988* and the National Capital Plan made under it. These are instruments serving a national purpose, designed so that the Commonwealth's superior interest as the custodian of the nation's vision for the capital will always prevail in overall planning terms. The

committee's plan to modify the hierarchical nature of Territory planning does not interfere with this reality.

- 11.131 The PALM Act provides that, in the event of disagreement between the NCA and the ACT Government over a draft amendment to the NCP, the Federal minister can issue a written direction to the NCA to disregard the ACT's objection. This committee's proposals do not dislodge that power. Further, the PALM Act itself will from time to time be amended by the Federal Parliament at the behest of the Federal minister, possibly without the support of the ACT Government. The Commonwealth's dominant interest must be protected through the option of such devices.

Recommendation 18

- 11.132 **That the National Capital Authority and ACT Planning and Land Authority form a joint working group to achieve a single integrated document which:**
- **comprises the two statutory plans, and agrees on clear geographic boundaries between the two plans based on the committee's objective that, where possible, land administration be aligned with planning jurisdiction;**
 - **includes a harmonised language, definitions and structure;**
 - **provides guidelines for interpretation of the two plans;**
 - **provides advice to the Commonwealth Government on enshrining the policies and principles relating to national significance across the Australian Capital Territory in the form of the National Capital Land Use Plan in the *Australian Capital Territory (Planning and Land Management) Act 1988*; and**
 - **provides advice to the Commonwealth and ACT Governments on the key elements of the Implementation Strategy.**

Recommendation 19

- 11.133 **That the National Capital Authority be resourced to participate in the working parties and reviews as required.**

Recommendation 20

- 11.134 That any draft amendment(s) to the National Capital Plan proposing uplift of Designated Areas and a formal geographic re-alignment of planning jurisdiction be referred to the Joint Standing Committee on the National Capital and External Territories for inquiry.

Recommendation 21

- 11.135 That, in the interest of aligning the National Capital Authority's planning system with the ACT's, the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to include a provision for decisions on development applications made under the Act to be subject to review through the Commonwealth Administrative Appeals Tribunal.

3D digital modelling of the National Capital Plan

Background

- 11.136 The NCA is looking at the possibility of applying three-dimensional (3D) digital software to create a digital version of the NCP. A 3D digital version of the NCP would allow for computer modelling to be used as a planning tool. Three-dimensional modelling takes the form of a piece of specific software that can be applied as required to a land use plan.

How 3D modelling works and its accessibility

- 11.137 The 3D digital computer representation (consisting of a number of merged software programs) allows the user to place buildings, other developments, particular landscape features such as trees, people, cars, buses etc., within a particular area such as a park, town or city. This model has the benefit of allowing the user to view the impact a particular planning proposal such as a building development would have on a particular urban landscape, including where an object's (such as a building) shadow may be cast. The model is considered 'state of the art' and is currently very expensive, but would offer an improvement in terms of consultation.⁵⁵ The PIA stated:

55 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 26.

The potential is a significant improvement in terms of online access through the course of development proposal and development application processes. There are a lot of challenges, though, in ensuring that it is affordable and that the technology really does drive efficiencies and is accessible to everybody. There is still a lot of work to be done in terms of protocols and integration.⁵⁶

- 11.138 The greatest benefit of using 3D modelling for planning purposes is that it allows planners to gain a visual understanding of the implications of a proposed development resulting in greater efficiency. The Planning Institute Australia explained the benefits of 3D modelling in the area of planning. The PIA stated:

The ultimate benefit is about creating greater efficiency and allowing people to understand the implications of a development in a visual way. One of the things that we have argued in terms of electronic development assessment is that it is no good taking a paper based system and turning it into an electronic one without gaining the potential efficiencies that such a system can provide. We are now seeing some leading local governments taking that technology and really driving efficiency to improve throughput of development proposals and the like. But it is also a useful tool when taken to the next stage and fully integrated with GIS topographical information to provide people with that capacity in a community consultation context to better understand what a proposal's implications are.⁵⁷

- 11.139 The PIA emphasised that 3D modelling was the latest technology and that while it is a very useful tool for consultation purposes; it should not replace face-to-face consultation.⁵⁸

- 11.140 In relation to how 3D modelling could be applied for the purpose of manoeuvring through the commonalities of the proposed integrated (National Capital) plan, the PIA stated:

With a 3D model – as I said, there are two. The tracking is one technology, and then there is 3D technology. So, for example, if there were going to be a proposed change in the densities at Gungahlin Town Centre and it was all modelled, you could get a very good and quick sense, as could the community, of what it might look like. With the Molonglo proposals, I think people are

56 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 27.

57 Planning Institute Australia, Ms Di Jay, *Transcript T3*, p. 27.

58 Planning Institute Australia, Ms Di Jay, *Transcript T3*, p. 27.

still thinking, 'What is it going to look like as I come around that corner?' If you put that into the model you can get an immediate sense of that.⁵⁹

- 11.141 The committee was shown a working example of 3D digital modelling and how it could be used to view proposed developments. Some examples of images of Canberra generated from the 3D digital planning model appear at *Figures v and vi*.⁶⁰

3D modelling and a proposed integrated National Capital and Territory Plan

- 11.142 The graphic representation of plans has developed significantly in recent years and the committee believes that the idea of an integrated plan will be complemented with the use of the type of 3D digital graphic representation demonstrated privately to members of the committee.

- 11.143 In the context of the proposal for an integrated plan, the NCA has stated that 3D modelling provides scope for better presentation of the NCP and the Territory Plan and for gaining clarity in the planning context. The NCA put forward the view:

... there is significant scope for both plans to be better presented and for the planning hierarchy to be set out and made unambiguous. With that objective in mind, the authority supports a fully integrated planning document with a common language and common definitions. For good communication of this type, we need to think beyond two-dimensional planning documentation and take the lead by augmenting that traditional documentation with a three-dimensional fully digital plan. This virtual plan could also be layered with visitor information and would be used to model national and local development applications – a 21st century approach to articulating the planned vision for the capital.⁶¹

- 11.144 The NCA added that a digital format for both the NCP and the Territory Plan is achievable, as the groundwork required for digitalisation in terms of geospatial mapping has been undertaken over the last 15 years. The NCA stated:

We think the digital plan is incredibly important. It is easy to achieve. Within the authority we have one of the largest geospatial mapping capacities in Australia. It has been put together over at

59 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 27.

60 The images are for representation purposes only and do not represent any current or future developments.

61 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, p. 31.

least 15 years and the territory also has excellent digital information. If they were combined, there is the prospect of a fully three-dimensional digital plan that you could not only visit but also drop development applications into and look at them on the web. You could also have detailed planning information pop up, which would be a huge jump forward. There are two legislative plans. There is separation of ownership of the plans but they speak the same language, they form the same document and the hierarchy is unambiguous. That should not be too hard to achieve if we set our minds to it and work hard together.⁶²

11.145 The ACT Government is supportive of an integrated plan in a 3D digital format and stated:

Let me state from the outset that the ACT government is supportive of a range of elements set out by the NCA, including' ... 'that one integrated planning document which incorporates the two current statutory regimes be developed and made available in 3D digital format.⁶³

11.146 The ACT Government is also keen to gain access to the 3D digital modelling software and has made a recommendation in its submission to the effect requesting:

the ACT Government be given access to the NCA's 3D modelling software to enable its consolidation by ACTPLA with its GIS and make the consolidated system mutually available under an agreed administrative arrangement.⁶⁴

11.147 The committee believes that additional resources from the ACT Government would be a useful contribution to the development of this project.

11.148 There are a number of local councils using the technology to assist with planning decisions. The Gosford City Council is one recent example.⁶⁵

Conclusions

11.149 The committee believes that the 3D digital modelling in the planning context is useful as a tool to aid planners and assist the community in gaining a better understanding of proposed developments during the consultation phase.

62 National Capital Authority, Ms Annabelle Pegrum, *Transcript T1*, pp. 40-41.

63 ACT Government, Mr Andrew Cappie-Wood, *Transcript T2*, p. 3.

64 ACT Government, *Submission 69*, p. 19.

65 Planning Institute Australia, Ms Sue Holliday, *Transcript T3*, p. 25.

- 11.150 The committee is aware that the use of 3D digital modelling is costly, and is concerned that much needed resources for the level of consultation and collaboration are a higher priority for the NCA in the short term.
- 11.151 Nonetheless, the committee believes that it would be a useful tool for both the NCA and ACT Planning Authority and could, as suggested by the NCA and ACT Governments, be used for an integrated plan.
- 11.152 The committee is of the view that the concept of the digital plan fulfils its potential only if it able to be accessed online.

Recommendation 22

- 11.153 **That the Commonwealth provide resources to the National Capital Authority to continue the development of a cost effective three-dimensional integrated plan in digital format which is available online with the purpose of gaining efficiencies in planning and enhancing consultation.**

Senator Kate Lundy
Chair
8 July 2008