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Secretary of the Joint Standing Committee on the  
National Capital and External Territories  
Department of the House of Representatives  
Parliament House  
CANBERRA ACT 2603



**Submission to the Joint Standing Committee  
on the  
National Capital and External Territories**

**INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY**

**by**

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The purpose of my submission is to argue the case for a stronger commitment to the ongoing planning and development of the National Capital on the part of both the Parliament of Australia and the Commonwealth Government.

I contend that the degree of legislative, administrative and fiscal support has been seriously inadequate on the part of both Federal and Territory Governments since the advent of ACT self-government in 1989. The result has been a slow but steady decline in the quality of Canberra as a built environment and of the ACT as the environmental backdrop to the National Capital. The fundamental causes are a failure of will on the part of the Commonwealth and inadequate resources on the part of the ACT Government. What is arguably the 20<sup>th</sup> century's outstanding example of planned urban development is being allowed to wither away because of a lack of commitment by the Commonwealth to the kind of aspirations that a federal national capital, by its very nature, is critically dependant upon.

I intend to touch upon recommended planning and development arrangements put forward to various Federal Governments, prior to ACT self-government, because in my view they still have contemporary relevance. Rather than deal simply with the shortcomings of the National Capital Authority (NCA) and the shortcomings of successive ACT governments I will offer suggestions as to what changes might now be made in light of Canberra's needs as both a national capital and metropolitan city. In my view both aspects are critically dependant upon how Canberra's future growth under the influence of changing social and economic forces, yet continuing to be set within a formal town planning framework, might best proceed.

### **Pre-1989 Planning Proposals**

On a number of occasions during the 1980's the National Capital Development Commission (NCDC) prepared submissions to the Fraser and Hawke governments, at the request of the responsible ministers, on how the planning and development of the National Capital might best be arranged under a system of ACT self-government. Leaving aside political considerations, which were deemed to be outside the brief, the Commission took the view that whatever was done under a new governmental regime should maintain and build upon the success of the preceding three decades.

Having examined urban planning procedures in federal capitals elsewhere it was clear to the Commission that a system involving joint administrative and fiscal responsibility was essential for success from both environmental and economic standpoints. This was congruent with the Commission's own 30 years experience. In other words, because different levels of government are bound to have differing perspectives it is critical that there is an effective institutional arrangement for merging these interests at the point where decisions are being made about planning policies and related urban development programs. This is of fundamental importance because such policies and programs tend to have long lead times, anywhere from 10 to 20 years being not uncommon, and so progressive investment by both the public and private sector needs to be sure of unequivocal and sustainable administrative procedures to guide their endeavours.

The Commission's consistent view was that because the statutory corporation has proven to be a successful model, well-suited to our culture and our continent, a joint Commonwealth/Territory

statutory authority should be established having a representative board reporting to both a federal and a territory minister. The authority would have a comprehensive planning and development role, with town planning operations being jointly funded but with separately funded development programs. It was considered that it would be advantageous if this authority was also the 'estate manager' of public lands and hence responsible for land subdivision, titling and sales.

Because the ACT has been dedicated under the Constitution as the site for the national capital, which is also intended to be a model city reflecting the aspirations of the Nation now and into the future, it follows that basic administrative and fiscal responsibilities are going to lie primarily with the Commonwealth.

It is against this constitutional background that the Griffin Plan and its heirs have laid out the city and territory in such a manner that the national capital element is pervasive, making it a city 'like no other' paraphrasing Griffin, and deliberately unlike other Australian cities. In its advice to government the NCDC went to considerable lengths to argue that the national capital elements need to be understood as being much more than simply the Parliamentary Triangle. In particular the designated National Capital Open Space System should always be accepted as a Commonwealth responsibility; likewise the Parkway System, the Airport, the Parliamentary Zone including Lake Burley Griffin, Anzac Parade and the War Memorial and designated National Institutions. These are the elements that federal governments in varying degrees elsewhere recognise as national responsibilities in terms of over-arching administration and primary funding.

In many respects the subsequent legislation that abolished the NCDC in December 1988 did have the intention of replacing the Commission's methods with separate but related systems of national and territory planning and development. Unfortunately, however, the prescriptive principles of the *Australian Capital Territory (Planning and Land Management Act) 1988* have been 'more honoured in the breach than the observance' in the intervening 15 years by both Federal and Territory governments.

In the following sections dealing with aspects of Commonwealth and Territory planning administration I take the view that the earlier recommendations of the NCDC referred to above continue to be a valid approach. In support of this it is pertinent to note that all large-scale urban development projects in Australia since 1958, whether undertaken by private enterprise or by state governments, have adopted the NCDC's comprehensive planning and coordinated development approach. Also all such projects have been carried out by expert corporations possessing the requisite town planning, urban design, engineering, programming, land development and construction capabilities, without which such endeavours cannot succeed. Urban development corporations accordingly offer a worthwhile gauge as to how the performance of both the National Capital Authority and the Territory planning and development administrations should be evaluated.

### **National Capital Authority**

As presently constituted the National Capital Authority has no Territory Government representation. Also recent approaches to remedy this defect by the ACT Government have been declined by the Minister (Tuckey). There is, in addition, no regular procedure for ministerial consultation on matters of common interest to both levels of government regarding the National Capital, in fact the situation appears to one of a 'stand-off' rather than a sensible working relationship, to the obvious detriment of the National Capital. It is a situation that seems to have become endemic.

The National Capital Plan was intended as a 'stop gap' at the time of its gazettal in January 1990. The expectation was that a process of constant review would lead to refinements to policies and principles that had been derived from policy plans and development plans formulated over many years previously by the NCDC. After more than a decade the Plan reads as a tentative document with an unfortunate tendency towards prolixity when a reasonable expectation is that experience and research would have allowed its provisions to be progressively refined and made more explicit.

At one stage in the mid-90's a major review of the Plan was announced by the Authority but nothing has eventuated. The statutory requirement to keep the Plan under constant review necessitates systematic programs of urban research in order to regularly chart social, economic and environmental needs. Also to evaluate land use and development pressures, particularly with reference to land use/transport interactions. There is little evidence that proper studies are being routinely carried out in relation to such matters as town planning standards, demographic and land use forecasts, urban design standards and arterial roads planning, as required by Section 10(2) of the Act. The result is that very little has been published by the Authority for its own purposes as well as for the guidance of Territory planning agencies and the private sector.

For the most part the Authority's planning efforts are reactive rather than forward-looking. For example, its typical response to most planning and urban development issues is to engage external consultants. This is because the Authority no longer has the necessary professional expertise in-house to fulfil its statutory obligations in this regard. The engagement of consultants to carry out an environmental impact assessment of the Gungahlin Drive Extension, extremely late-in-the-day, is just the most recent example of the unsatisfactory nature of such procedures. Consultants can be a useful adjunct but they are not a substitute for a professionally capable statutory authority.

Since its inception the NCA has been, and continues to be, seriously under-funded and under-resourced. Its professional competence has been further eroded by management policies in the mid-90's aimed at reducing the numbers of experienced town planning and engineering staff, partly to achieve down-sizing targets and partly to place greater emphasis on tourism promotion as a consequence of changes to its Act. The unfortunate outcome is that the Authority has generally been unable to carry out either of these functions sufficiently well, not due to any shortcomings in the dedication and willingness of the staff but rather to a set of deficient institutional arrangements that are largely beyond the Authority's control.

One of the great strengths of the NCDC was that it had the respect of Parliament and the support of its ministers, albeit not uncritically. These factors were very significant in relation to Gazetted Plan variations and national works approvals.

Since the advent of ACT self-government in 1989 the Federal Parliament has shown scant interest in the continuing enhancement and development of the National Capital, constitutional obligations notwithstanding. Similarly, commencing with the Hawke Government, successive governments have shown a distinct reluctance to fund those aspects of Canberra and the ACT designated in the National Capital Plan as being of national capital significance. The time has well and truly arrived for Parliament to seriously examine not only the equity of such policies but whether placing the major financial responsibility for national capital elements on the ratepayers of the ACT is sustainable. There are increasing signs that it is not sustainable as urban infrastructure and the quality of both the built and natural environment are deteriorating and are visibly becoming less and less capable of adequately meeting current and prospective national capital needs.

### **National Capital Improvements**

In light of the above, which I expect will be echoed in many respects by other submissions to the Inquiry, it is recommended that the Committee give consideration to the following issues:-

1. Examine the causes of Parliament's chronic lack of interest in the well-being of the National Capital in relation to its symbolic role and visual enhancement as a model city, especially in light of its original aspirations of which the Griffin Plan was the first and fortunately inspirational expression. Why is faith in, and commitment to, the essential 'idea' of Canberra not being maintained by Members?
2. Consider varying the *Australian Capital Territory (Planning and Land Management) Act 1988* to enable the reconstitution of the National Capital Authority as a jointly administered and jointly funded National and Territory statutory planning authority. Experience to date shows the desirability of having an ACT planning administration which is responsible jointly to designated federal and territory ministers, reporting annually to the Parliament and to the ACT Legislative Assembly, and effectively synthesising its national and territory town planning and urban development operations.

3. Consider the deletion of the NCA's statutory responsibility for tourism promotion on the grounds that the requisite skills and corporate attitudes are fundamentally different to those demanded of a planning and urban development authority. This proposition should be examined by evaluating the ineffectiveness or otherwise of the Authority's performance in this regard.
4. The membership of a reconstituted authority should be reflective of the professional skills that such an organisation requires to efficiently and effectively discharge its statutory responsibilities. A combination of the technical knowledge and professional skills specified as pre-requisites for the NCDC Commissioners and the National Capital Planning Committee in the 1957 Act is still a reliable guide.
5. Evaluate the desirability of having a single statutory town planning scheme for the ACT on the grounds that the various land, transport, urban infrastructure and natural environmental systems are basically seamless. The present classification into national and territory categories is valid as an administrative device but is contrary to the essential process of synthesis on which comprehensive planning and coordinated development inherently depends.
6. Evaluate the financial and functional sustainability of key national capital elements, especially the National Capital Open Space System and the Parkway Network, with particular reference to the predominant fiscal responsibility being left with the Territory Government that in turn is heavily reliant on a diminishing land resource base.

### **Collateral Considerations**

- The Territory Plan suffers from the same inadequacies as the National Capital Plan and accordingly requires a major overhaul.
- The Canberra Spatial Plan should have been an NCA initiative given that the over-arching responsibility for metropolitan planning is identified in the Act as an NCA responsibility. At the very least steps should be taken as soon as possible for the NCA to become a genuine partner in the process with the establishment of joint professional task forces reporting to both the Authority and the ACT Government.

- The incoming Territory Planner should be appointed as a member of the National Capital Authority as a readily achievable move to begin to improve the largely ineffectual working relationship between the two existing planning systems.
- The NCA should also begin to take active steps to involve itself, together with the Territory Government, in the planning of prospective NSW urban development in the borderlands that is bound to have important implications for the future planning and development of the National Capital.

***Relevant CV Experience***

- *Project Leader, Sydney Region Outline Plan, NSW State Planning Authority 1963-68*
- *The Commissioner, National Capital Development Commission 1974-85*
- *Director-General, NSW Department of Conservation and Land Management 1992-93*

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