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

INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY SUPPLEMENTARY SUBMISSION

The Walter Burley Griffin Society desires to present to the Committee the following supplementary submission. The main recommendations contained in our two basic submissions (1) in the name of the Society (dated 11 April 2008) and (2) tendered by Professor James Weirick, Society President, as a private individual (dated 11 April and 18 April 2008 respectively) are the focus of this submission. It has been prepared in the light of fundamental questions, issues and discussions raised by members of the Committee during the public hearings over the past fortnight.

The six recommendations made by the Society (WBG 1-6) and the five recommendations in Professor Weirick's submission (Weirick 1-5) comprise an integrated model. The basic proposal, commensurate with the present and future planning needs of the National Capital, is a single unified planning authority for the ACT (WBG 1). This supplementary outlines a possible structure, underlying principles and benefits of a National Capital Planning Commission, the linkages with the other recommended reforms and a sequence of transitional changes.

National Capital Planning Commission (WBG 1, Weirick 2)

Intergovernmental agreement:- A precondition of reform and changes to the National Capital planning system would be an agreement between the Commonwealth and Territory Governments, an opportunity to renew their respective commitments to the building of the National Capital and to sustainable urban development.

Council of Ministers:- The Commission would have a Ministerial Council of two: the responsible federal Minister, being a senior Minister befitting the significance of the National Capital; and the Planning Minister or Chief Minister of the ACT. The Commonwealth Parliament and the ACT Legislative Assembly would retain powers over statutory instruments and the accountability of the NCPC according to the Plans and budgets of each jurisdiction.

One over-arching Statutory Plan:- There would ideally be one statutory Plan: the National Capital Plan incorporating (1) the present NCP applying to “national” land; (2) the Territory Plan applying to “Territory” land; and (3) a Metropolitan Structure Plan. The Structure Plan is the most important part as it furnishes the one, unified Plan, laying down strategic policy directions and the overall spatial pattern of urban areas whilst integrating and enshrining the structures, principles and values of the other two Plan components. It would serve as the umbrella for generic Policy Plans, eg. infrastructure, land supply, housing affordability, energy, water, transport, environmental management, heritage and sub-regional planning; and National Capital programs and projects.

Sustainable Urban Development:- An integrated Structure Plan is also urgent in order to focus on the inter-relationship of the whole metropolitan system with the environment of the ACT and to synchronise effectively the National Capital purposes and the commitment of both Governments to sustainable urban development. Continued reliance by NCA and ACTPLA on the ACT’s “Spatial Plan” is unwarranted and even regressive. It is plainly inconsistent with the NCP and deficient in sustainability, environmental and strategic directions.

Governance:- Membership of the Commission would be ideally 11, with 3 nominated by the Commonwealth, 3 by the ACT Government, the new Commonwealth Government Architect, three persons with special knowledge, enthusiasm and experience in planning, the arts, cultural matters and history, and the CEO. The NCPC would be subject to the directions of and therefore responsible to the Ministerial Council. The CEO would be responsible to the Commission. The NCPC would be accountable to the two parliaments according to the Intergovernmental Agreement.

Commission structure:- The planning and urban design would be one division of the NCPC. An ACT Land and Planning Advisory Council would need to be restored to advise on specifically Territory planning issues. Other divisions would include land development, heritage conservation, asset administration, promotion and education, Commonwealth coordination, major projects and events. Coordination of the Commonwealth presence, office location and land uses would need to be addressed through memoranda of understanding between the NCPC and other Commonwealth Departments and agencies, in accordance with the Intergovernmental Agreement, which will clearly establish the overarching authority of the NCPC.

Division of lands:- Instead of the complex land designations in the ACT created at the time of self-government, two categories are proposed: National Land and Territory Land, with National Land to comprise all areas of National Significance and National Interest (i.e. the existing National Land, Designated Areas, Special Requirements Land, land 'owned' by Commonwealth Government Departments etc) – i.e. a wider domain of national significance than currently pertains. Under this designation, National Land would comprise the Parliamentary Triangle, Anzac Parade, Civic, West Basin, East Basin, Lake Burley Griffin foreshores, ANU, Barton, Russell East, the Airport, Defence lands, Stirling Ridge, State Circle, Collins Park, Weston Park, the central radials, the approach corridors, the inner hills and ridges, and the national parks/nature reserves. Territory Land would comprise the other suburbs of Inner Canberra, the New Towns and Town Centres (Woden, Belconnen, Tuggeranong, Gungahlin), and the rural villages of the ACT.

Consistency of national significance:- A major advantage of the one unified planning authority is that Commonwealth responsibility is not reduced to a small, arbitrary “special national interest” estate – but the fundamental provisions of s.125 of the Constitution, with respect to the federal territory and Seat of Government, are honoured in an effective, efficient way. The NCPC can routinely apply national significance to the metropolitan area as well as specific areas or sites in the ACT. In this situation, responsibility for identification and protection of ‘national significance’ is clearly established and maintained. The ‘matters of significance’ and ‘key objectives’ in the NCP, when combined, say, with the significance criteria formulated in the EPBC Act Policy Statement (2006) and sustainability principles provide a strong basis for proclaiming and defending the national interest across the ACT, while supporting the needs and aspirations of the Canberra community.

Land administration:- Land administration, leasehold, infrastructure and asset management would be entirely separate and a part of the ACT Administration. This would of course achieve a great simplification and restore order to the leasehold system. Its success would depend in large part on the rigour of the consolidated National Capital Plan and of the NCPC’s decision-making processes; and the statutory responsibility of the ACT Government to monitor and enforce compliance with lease-purpose clauses over time, through an open, transparent and accountable system.

Strong and efficient integration:- The NCPC would represent “strong” integration, recognising the interdependence and shared commitment to National Capital significance, ensuring intensive collaboration, common methodologies, common goals, principles and values, cross representation, effective coordination and efficient data management. Corporate resources and standards would gain through the scale and enhanced purposes of the commission.

Consultation protocols (WBG5):- There is a need for the ACT to resolve the chronic problem of consultations, public participation and community engagement, to achieve “collaborative” or “tripartite” governance whereby transparency, accountability and genuine public consultation and participation is ensured. Both the NCA and ACT Government have declared they have achieved best practice by their adoption, respectively with the Consultation Protocol and the Territory Plan, of the national Development Assessment Forum model. The DAF represents certainty and streamlining with minimum opportunity for public involvement. It is inadequate both for Canberra community expectations and for proper assessment of National Capital impacts. A new NCPC should be able to formulate and manage much more contemporary and satisfactory consultation protocols.

Purposes and benefits of consultation:- It must be pointed out that development assessment and public participation are not ends in themselves. They serve multiple purposes, such as: produce better proposals, evaluate feasible alternatives, resolve competing interests, envisage future consequences, mediate change and prepare management plans.

Planning appeals:- Single, expert independent mediation panels would constitute an appropriate appeals process for proposals on national land and, to some extent, on Territory lands, whilst the AAT (ACT) could still have a role with the latter.

Self-government and new federalism:- The sovereignty of the Territory and the strategies of the Commonwealth Government with respect to new federalism and sustainable cities raise the issue of national capital planning to a higher level of policy significance. The planning, design and management of the ACT should be an exemplar of focussed, efficient federalism, with both levels of government equal participants in a sustainability initiative of national significance. The unique dual role of City-State and National Capital supports a uniquely contemporary form of decision-making, accountability and project delivery. Moves towards joint, strongly integrated planning commissions, between federal and local bodies, are evident in Washington, Ottawa, Berlin and Brasilia, with impressive outcomes already for the National Capital character and for sustainable development.

Lake Burley Griffin foreshores, Defence lands, Canberra International Airport and the ANU:- These are examples of areas critical to the Central National Area, the Griffin Plan and the sustainability of Canberra's metropolitan development. Continuation of Canberra's bifurcated planning system, particularly under the NCA's proposed reforms, would fail to bring these areas under adequate control in the public interest. The Airports Act would need to be amended to return planning control of the airport to the NCPC.

Direct Parliamentary oversight:- The Parliament Act 1974 should accordingly be amended to extend oversight by the Parliamentary Joint Standing Committee from the Parliamentary zone to the Parliamentary Triangle, East and West Basins of the Lake, City Hill, Anzac Parade, Russell, Stirling Ridge, the main radials and main approach roads into Canberra. The Public Works Act and EPBC Act should be similarly amended to overcome existing anomalies.

Transitional sequence:- In the short term, arrangements could be made to adopt a range of integration measures designed to culminate in the creation of the Planning Commission. These moves could once again attract planners of the highest calibre and deploy with greater synergy and effectiveness the resources of the public and private sectors, bringing vision and vigour again to the planning of Canberra.

The Griffin legacy (WBG 2)

In the course of the public hearings on this Inquiry, evidence continues to emerge regarding the faults, shortcomings and risks entailed in the NCA's *Griffin Legacy Project*. The original terms of reference and partially-completed scholarship are most important. Its potential is yet to be realised and could constitute a key source for the NCPC. The so-called Griffin Legacy Amendments to the National Capital Plan must be comprehensively, thoroughly and publicly reviewed.

It can be expected that the advent of an NCPC as proposed would entail stronger planning and regulatory safeguards, but under present arrangements there are signs already of perverse and unsatisfactory outcomes from Griffin Legacy Amendments.

Review of the 'costs of the National Capital' (Weirick 1)

The Society's preferred model for a new stage in the planning of Canberra should be based on a thorough review of the 'costs of Canberra' that arise from the city's role and status as the National Capital and Seat of Government. The review would be in effect part of changes and reforms to other aspects of the self-government settlement of 1988 and evolution of 'the ACT model.'

Evidence from the Inquiry hearings and written submissions shows significant concerns with the basis for ACT compensation and the current level of Commonwealth investment. Witnesses have testified also to a decline in the quality of new buildings and maintenance of infrastructure.

Design advice, procurement and project management (WBGs 4, Weirick 3, 4, 5)

There is widespread support, both before this Inquiry and more widely amongst the professions, for a new organisation, the Office of the Commonwealth Architect, engaged by all Commonwealth Departments and authorities. The recommendations extend to the Government Architect's membership of the NCPC and the appointment of eminent design advisory panels, as part of the approval process for major works on national land. Respected local panels could be established for major works on Territory land.

There has been considerable discussion at the Inquiry hearings with respect to the preservation of Canberra's landscape setting, symbolic central area, visual relationships and heritage vistas around the Parliamentary Triangle. Concerns have been expressed about the limited and protracted NCA studies towards management plans for these assets. They are relevant in particular to the design and siting of the ASIO/ONA Headquarters on Section 49, Constitution Avenue and the National Gallery extensions.

General comment and conclusion

We thank the Parliamentary Joint Standing Committee on the National Capital and External Territories for the opportunity to make this Supplementary Submission to the Inquiry into the Role of the National Capital Authority.

From our review of the Submissions to the Inquiry, and the Evidence before the Committee to date, the Walter Burley Griffin Society re-affirms our considered view that the future of Canberra depends upon effective integration of Commonwealth and Territory responsibilities for the planning, design and management of the National Capital.

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Professor James Weirick, President, Walter Burley Griffin Society Inc.

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