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Architecture Planning Urban design Interior design Health facility design



The Secretary  
Joint Standing Committee on the National Capital and External Territories  
House of Representatives,  
PO Box 6021,  
Parliament House,  
Canberra ACT 2600.

### RE: **Inquiry into the role of the National Capital Authority**

As a professional Architect having practiced in Canberra over the past 25 years I would like to provide the following submission to this enquiry.

In responding to the terms of reference:

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

There is in fact very little "duplication" of planning functions between the NCA and the ACTPLA. Rather there exists by necessity a simple 2 level hierarchy of planning administration to satisfy both National and local community planning aspirations. The first level (the National capital Plan NCP) is responsible for the national interest in the National Capital, the second (the Territory Plan TP) for the local resident community interests. It is essential the NCP be the overarching plan which then defines the areas and issues which must be administered under the TP.

After identifying obvious areas such as the parliamentary triangle, the embassy areas, and sites which have, or are intended to have National facilities such as the National Museum or a new PM residence and land which forms part of the important open green space system throughout the ACT, the areas then deemed appropriate for urban development should and can be left to the control of the ACT community through the ACT Government planning system.

There should be no question as to the necessity for an overall plan for the ACT which represents the essential planning structure for the National Capital to promote and safeguard the interests of the people of Australia in their National Capital. Logically this must be administered through the Federal Parliament representing all Australians, not just the residents of the ACT. This overall plan should identify the appropriate "urban areas" or areas that primarily cater to the needs of ACT residents which should be planned and administered in the interests of the ACT community by their representatives in the ACT Government.

The clarification of the delineation between national areas and issues vs local areas and issues is essential to avoid duplications.

Once this delineation is established by the NCP, the ACT Government should take responsibility for those urban areas identified. It is both pointless and inefficient for the ACT Government to attempt to create a spatial policy which goes beyond the delineated areas and attempts to change the intent of the NCP. Rather the ACT Government should focus on achieving high quality planning and design outcomes in the defined urban areas.

It is clear the ACT community lacks the resources, the incentive, and the mandate to properly and thoroughly assume responsibility for the National interest in Canberra. This must remain the responsibility of the Federal Government. The interest of the local community in the on-going development of the city needs to be energetically and professionally represented by the ACT Government through regular (annual) reviews of the NCP jointly with the Federal Government as well as providing the professional administration of the Territory Plan by the ACTPLA.

**Recommendation: Retain the dual planning system but clarify the areas of responsibility to be assumed by the ACT Government. The Federal Government should formally review the NCP annually jointly with the ACT Government to maintain an open and transparent planning methodology without duplication of responsibilities. Any changes to the NCP must be approved by the Federal Parliament. The ACT should not attempt to extend their planning jurisdiction by creating overlapping spatial policy which contradicts the intent of the NCP.**

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

The NCA is, and should be, responsible to the Federal Parliament as the representative of the Australian People for planning decisions affecting the National Capital. It should not act "independently" of its responsibility to the Federal Parliament. Nor should or can the NCA answer to two masters. It is inevitable that on some occasions this responsibility to the national interest through the Federal Parliament does create a conflicting view compared to vested ACT interests. This conflict however highlights the very reason why the NCA should remain focused on being accountable to the People of Australia through the Federal Parliament.

The suggestion the NCA is not accountable is incorrect. The NCA has the specific responsibility to look after the "national interest" including identifying any issues where local ACT community interests are not compatible with the National interest. A local ACT planning authority would by definition be incapable of assuming this responsibility.

Recognising the difference between planning decisions which impact on the National Capital and those that don't is important if the legitimate interests of the local ACT community are to be recognised through an effective ACT Government planning system.

**Recommendation: Consideration should be given to include an ACT resident representative on the NCA Board to improve communications and transparency between National and Local interests. There should be an annual review of the NCP including input from the ACT Government. The NCA should remain accountable to the Federal Parliament.**

*3. The appropriate level of oversight required to achieve the highest standards in design for areas of national significance;*

Unfortunately it is almost a universal truth that it is impossible to legislate for good design. Rules can be made to prevent the worst from happening but cannot guarantee the best will happen. Therefore it is inevitable that a significant amount of oversight is required to protect and nurture good design. There is even more oversight required if specific local interests are not compatible with the National interest which can sometimes be the case in Canberra.

There is a strong tendency in the recent history of ACT planning policy approach to try and reduce or even eliminate any subjective professional planning decision-making in favor of a more objective “tick and flick” assessment process. Unfortunately both good planning and design outcomes require subjective professional input and can’t rely on a one-size-fits-all approach based on black and white rules and regulations. A successful planning assessment system therefore requires the professional resources as well as the policy structure to allow development proposals to be professionally assessed rather than rely on clerical ticking boxes to decide the true merit involved.

This has been a major difference between the NCA and the ACTPLA ability and approach with the NCA demonstrating a significantly more effective and productive capacity to oversee high quality design outcomes. It is vital for both systems to be focused on outcomes rather than process. At present the ACT system is almost totally focused on process to the detriment of outcomes. This may reduce the exposure of staff and politicians to public criticism by being able to hide behind “the rules” but it demonstrably fails to produce consistent high quality design outcomes.

**Recommendation: That whilst retaining and strengthening the role of the NCA to oversight the national interest in planning in the ACT, clear jurisdictional planning definition must identify where the national interest ends and the local interest starts. This should occur through a simplified National Capital Plan which defines the urban areas which then become the responsibility of the ACTPLA.**

**The NCA must be properly resourced to continue to be able to bring highly experienced planning and design skills to the administration of national planning functions in the ACT.**

*4. Opportunities to ensure cooperation with the ACT planning authority and increased engagement with the Canberra community;*

In order to foster cooperation between the NCA and the ACTPLA, the planning hierarchy must be clear, along with the associated responsibilities and interdependencies. As mentioned previously, there should also be annual reviews of the NCP involving the ACT Government.

Any planning system which relies primarily upon public consultation to produce quality planning solutions will invariably be unsuccessful. Consultation when used to ensure all relevant issues have been considered is most important however if consultation is used to establish consensus for approval the design outcomes suffer - inevitably the lowest-common-denominator prevails. The way the community is engaged in the planning debate is more important than simply increasing the frequency or opportunity for consultation in the planning process. It is extremely dangerous to raise the expectation within the community that the community will have effective veto powers through consultation on a particular development application. The planning system has already failed if such a safeguard is considered desirable or necessary.

**Recommendation: Provide the opportunity for the local community to have input into the preparation and review of the NCP but do not create the expectation that the ACT Community should have “veto” powers through the consultation process on individual development applications.**

5. The effective national promotion of the National Capital, and the roles of the NCA and the ACT Government in advocacy for new infrastructure projects including responsibility for events and developing the distinctive character of the National Capital.

There is no doubt the Federal Government has a responsibility to promote and develop the National Capital for the people of Australia. Equally, the ACT community will never have the resources to assume this full responsibility, even though the local community can and does benefit directly and indirectly from the Federal contributions to infrastructure in the ACT.

The Federal Government should continue to be the principal advocate for promoting and developing the national aspects and institutions in Canberra.

**Recommendation: The Federal Government should increase the resources and funding available to ensure the development of the National Capital properly reflects the aspirations of the Australian People. Both Federal and ACT Governments need to work in close cooperation to ensure the interests and objectives of the National Capital are realized in the most efficient and effective way.**

**Immediately reinstate the Federal funding to upgrade Constitution Avenue and continue to implement the infrastructure required to realize the Griffon Legacy objectives which have been accepted by the Federal Government.**

Yours sincerely,

Graham Humphries. LFRAIA, OAQ, MRAIC, HonFAIA, HonFNZIA.

11<sup>th</sup> April 2008