

Inquiry into the Role of the National Capital Authority

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Supplementary Submission from Gina Pinkas

Secretary:

Following the first day of the Committee's hearings, I wish to make additional comment mainly in relation to the proposals from the National Capital Authority's (NCA) presentation to the Committee.

1. Broad Planning Principles

In my view the NCA's proposal to return designated Territory land to the Territory to plan goes too far. It is important to retain some consistency in broad planning between the National Areas and the adjacent land, in particular that land which is visually or adjoining the National Area. While it is understood that the NCA will, through the National Capital Plan, determine the land use throughout the Territory eg residential, hills ridges and buffers, industrial land etc, it is also important in those areas of national significance adjoining the National Area that the NCA set the broad planning principles such as building height and density (not just land use). Such areas should be limited to those adjoining national areas. To avoid delays in planning and development in the Territory, it would be important to establish these broad planning principles as soon as possible and within 3 years. The NCA would need to be resourced to undertake this work. This proposal would allow the Commonwealth to retain some control over the settings for the National Area while allowing the Territory Government to proceed to manage its land and, where desired, develop and approve works within the broad planning principles.

An example of how this would work is in the Albert Hall Precinct. The issue of the loop roads on Territory Land would be a matter for the ACT Government to decide, however, if the Territory wished to develop the land it would be limited by the broad planning principles established by the Commonwealth. If the planning principles were established then the Territory would be free to develop, or not, as it wished within those principles. Such principles, if established, would have avoided the ad hoc planning on State Circle, which allowed some land to be developed as units and not other adjacent land. To take all control, except land use, in those areas away from the Commonwealth in my view would allow some very incompatible planning outcomes abutting the National Areas.

2. ACT Municipal Facilities

In terms of continuity of planning principles there is no logical reason why the NCA should acquire land along Constitution Avenue, such as the Olympic Pool site. Commonwealth Park and Parkes Way provide an excellent visual and physical buffer between this land and the National Triangle. The suggestion that the land should become national land is purely to provide the NCA with development rights over that side of Constitution Avenue. In other words a development land grab and it is not based on consistent planning principles. The NCA has not made these claims for land on other major avenues addressing the City, such as Northbourne Ave. What say would the people of the Territory have over the pool site if the control of the land vests in the Commonwealth?

It is noted that the development lobby is keen to have the Albert Hall precinct transferred to the Commonwealth. This is purely because they perceive that it will be easier to get development approved in the precinct if the Commonwealth controls it, as there will be less electoral considerations for any changes such as selling the Albert Hall to a developer. It cuts the people of the Territory 's electoral influences over the land.

The pool and the Albert Hall, are major Territory municipal facilities. It is for this reason that the Territory retained jurisdiction over this land following Self Government. No State or Municipal government would wish to transfer its municipal cultural and recreation facilities to the Commonwealth, nor should this be entertained in this review of the NCA. I seek especially the assistance of our ACT elected representatives on the Committee in avoiding this hand over of our facilities.

The Olympic pool site is (as is the Albert Hall) a much loved Territory asset and to transfer it to the Commonwealth would mean the people of the ACT would have no control over its future. At worst no transfer should occur unless there was agreement to cede to the Territory land in Commonwealth Park for a new indoor outdoor swimming complex. just across Parks Way and as near to the existing facility as possible. This land is the ideal position for an indoor outdoor municipal swimming facility surrounded by parkland (not overlooked by office or residential buildings), ample parking and accessible to the city and buses by being just across the parks way pedestrian bridge. The sale of the pool site would considerably contribute to the cost of a new facility.

3. Appeals and Reviews of NCA planning decisions

The Committee raised questions concerning what sort of appeal process was envisaged when proposed by the Friends of the Albert Hall. My view is that only significant decisions should be able to be reviewed, as it needs to be remembered that the inquiry is aiming to cut red tape not create it.

Significant matters could be described in the legislation but should include, for instance, matters that the Territory Government considers significant (eg Gungahlin Drive) as impacting on the Territory's economic or social well being or matters which do not conform to the planning principles set by the NCA ie airport development etc or indeed appealing against the principles themselves. Community appeals could include matters which affect the social and economic rights of Territorians such as the closure of the Olympic pool or removal of the loop roads in the Albert Hall precinct. They would not include the design of works or the location of works.

The appropriate appeal mechanism would be the Administrative Appeals Tribunal (AAT). The ACT Government, has through its legislation, set up a mediation process as part of the AAT review of a decision. Proponents have to go through that mediation process prior to any AAT appeal hearing. Any review mechanisms must be independent of Government.

4. Requests from the Territory to the NCA and vice versa

As it stated in my comment at the end of the first day's hearing, requests for planning changes between planning authorities should be authority to authority. This was the legislative requirement I believe yet current practice has broken that down. The provision is important as demonstrated by the work the NCA undertook in the Albert Hall precinct. Ms Pegrum, in her evidence, stated the NCA was requested to do this work by the ACT Government. I understand it was from a Department (not Planning) official within the ACT Government and did not have the support of the Planning Authority, the Government or its Minister at the time. In fact the Authority opposed elements in the draft amendment in subsequent correspondence. Much angst and expense could have been avoided if the communication protocols had been complied with.

