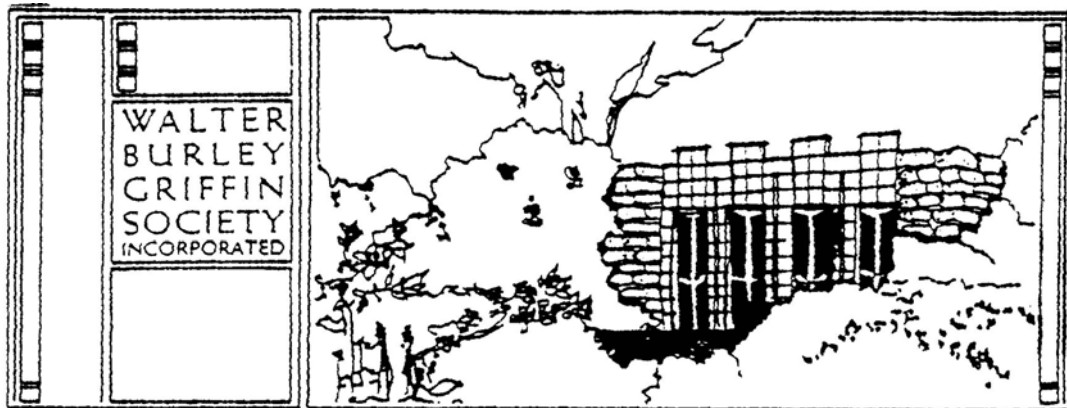




REVIEW OF THE NATIONAL CAPITAL AUTHORITY  
BI-ANNUAL PUBLIC HEARING 20 JUNE 2012

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

**18 June 2012**

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## 1.0 Executive Summary

- 1.1. The Walter Burley Griffin Society (WBGs) notes that the Parliamentary Joint Standing Committee on the National Capital Territory & External Territories (JSCNET) Bi-Annual Public Hearing into the National Capital Authority, scheduled for 20 June 2012, will focus on 'recent budget announcements and draft amendments to the National Capital Plan.'<sup>1</sup>
- 1.2 The 'recent budget announcements' clearly refer to the decision of the Australian Government to provide the NCA with an extra budget appropriation of \$11.9 million over four years from 2012-13, announced by the Minister for Regional Australia, the Hon. Simon Crean on 8 May 2012 as part of the Australian Government Response to the 2011 Independent Review into the NCA conducted by Dr Allan Hawke AC.<sup>2</sup>
- 1.3 The WBGs welcomes the extra funding for the NCA, which comes after five years of significantly reduced appropriations initiated by the Rudd Government in the 2007-2008 Budget.
- 1.4 The WBGs is committed to strengthening the role of the NCA in the planning, design and management of the National Capital. However, the Society is concerned that the Australian Government Response to the Hawke Review, and the conditions attached to the extra funding announced by Minister Crean, represent a critical weakening of the NCA, and the National Capital Plan which it administers. In operation, it would appear that the National Capital Plan is at risk of becoming subservient to the ACT Government's Territory Plan, with the result that the National Capital will no longer be planned in the national interest.
- 1.5 The forthcoming Bi-Annual Review of the NCA provides the first opportunity for the JSCNET to seek clarification from the Acting Chair, Chief Executive and Senior Officers of the NCA on the implications of the Australian Government Response to the Hawke Review, and the

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<sup>1</sup> 'About the House,' Parliament of Australia, House of Representatives advertisement, *The Australian*, 13 June 2012, p.2

<sup>2</sup> '11.9 million for the National Capital Authority,' Media Release: the Hon Simon Crean, Minister for Regional Australia, Regional Development & Local Government, 8 May 2012.

conditions attached to the Authority's extra budget appropriation by Minister Crean.

- 1.6 This submission, prepared on behalf of the Sydney-based Management Committee and the Canberra Chapter of the WBS, offers JSCNET a critical analysis of the current situation of the NCA, which may be of value to the June 2012 Bi-Annual Review of the NCA.
- 1.7 The WBS makes the following recommendations as part of this submission:

*National Capital Authority – Extra Budget Allocation, 2012–2013*

**Recommendation 1:** JSCNET should seek an assurance from the NCA that the appropriation of \$11.9 million over four years provided in the 2012–2013 Budget will be allocated to a review of the National Capital Plan, not to routine operations, management and maintenance. (Para. 2.8)

**Recommendation 2:** JSCNET should seek detailed advice from the NCA on how the 2012–13 Budget allocation of \$11.9 million will overcome the impediments that have prevented the Authority from responding to a clear Ministerial direction in December 2008 to resolve planning and land management responsibilities in the ACT. (Para. 2.15)

**Recommendation 3:** JSCNET should seek detailed advice from the NCA on whether the 'fundamental difference' between the ACT Government and the NCA on ACT planning and land management responsibilities, to which Chief Executive Mr Gary Rake referred in evidence before the Committee in November 2011, has been resolved. (Para. 2.20)

**Recommendation 4:** JSCNET should seek advice from the NCA on whether the extra budget allocation announced by Minister Crean, beginning with \$2.4 million in 2012–2013, is sufficient to re-establish the position of National Capital Plan Director and associated staff. (Para. 2.26)

**Recommendation 5:** Given the four-year limit on the extra appropriation announced in the 2012–2013 Budget, JSCNET should seek advice from

the NCA on how the Authority envisages ‘review, amendment and administration of the National Capital Plan and National Land’ will be carried out after 2015–2016. (Para. 2.27)

*The NCA, the National Capital Plan & Strategic Planning for the ACT*

**Recommendation 6:** JSCNET should seek advice from the NCA on whether the extra funding of \$11.9 million over four years, announced by Minister Crean, is aimed at supporting the ‘50-year forward look’ proposed by Professor Aitkin in 2011, or whether it is to be used for other purposes on the basis that the Australian Government has decided strategic planning for the National Capital will remain with the ACT Government. (Para. 3.27)

**Recommendation 7:** JSCNET should seek advice from the NCA on whether reform to the General Policy Plan, prescribed by Minister Crean in his response to the Hawke Review, will go beyond ‘land management responsibilities, service delivery and infrastructure provision’ to include strategic planning, and if so, whether strategic planning for the National Capital is to be led by the NCA, or by the ACT Government as it has been since 2002. (Para. 3.44)

**Recommendation 8:** JSCNET should seek assurance from the Australian Government that Recommendation 20 from the JSCNET ‘Way Forward’ inquiry into the role of the NCA ‘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’ – accepted in principle by Minister Debus in December 2008 – be acted upon. (Para. 3.50)

*Divided Planning & Land Management Responsibilities in the ACT*

**Recommendation 9:** JSCNET should call for the release of the full 2009 Report of the National Capital Responsibilities Task Force to which Minister Crean refers in the Australian Government response to the Hawke Review into the NCA. (Para. 4.13)

**Recommendation 10:** JSCNET should seek advice from the NCA as to whether terms adopted in Minister Crean's response to the Hawke Review, such as 'reducing duplication' and 'redesigned areas of Commonwealth interest' refer to removing 'Designated Area' and 'Special Requirements' overlays from Territory Land. (Para. 4.29)

**Recommendation 11:** JSCNET should seek advice from the NCA on the extent to which the Authority will undertake 'a comprehensive policy and format review' to more closely align the National Capital Plan with the Territory Plan 'in structure and terminology.' (Para. 4.32)

**Recommendation 12:** JSCNET should seek advice from the NCA as to whether the overall effect of the Crean Response to the Hawke Review will be to render the National Capital Plan subservient to the Territory Plan in policy, format, structure, terminology and operational terms. (Para. 4.33)

## 2.0 National Capital Authority – Extra Budget Allocation, 2012–2013

- 2.1 The Walter Burley Griffin Society (WBGs) notes that the Parliamentary Joint Standing Committee on the National Capital Territory & External Territories (JSCNET) Bi-Annual Public Hearing into the National Capital Authority, scheduled for 20 June 2012, will focus on ‘recent budget announcements and draft amendments to the National Capital Plan.’<sup>3</sup>
- 2.2 On 8 May 2012 Regional Australia Minister, the Hon. Simon Crean, announced that the National Capital Authority (NCA) will receive an extra budget appropriation of \$11.9 million, to be spent over four years, as part of the 2012–2013 Budget.<sup>4</sup>
- 2.3 This announcement was made in the context of Minister Crean’s release of the Australian Government’s Response to *Canberra a Capital Place: Report of the Independent Review of the National Capital*. The review was conducted by Dr Allan Hawke AC in 2011 (Hawke Review).<sup>5</sup>
- 2.4 The Australian Government Response to the Hawke Review (hereafter Crean Response) provides two differing accounts of the purpose of the extra \$11.9 million budget appropriation for the NCA.
- 2.5 The Minister’s Forward to the document states that the Australian Government has committed to:

*Provide funding of \$11.9 million over the forward estimates to the NCA to help ensure its ongoing financial sustainability, allow it to*

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<sup>3</sup> ‘About the House,’ Parliament of Australia, House of Representatives advertisement, *The Australian*, 13 June 2012, p.2

<sup>4</sup> ‘11.9 million for the National Capital Authority,’ Media Release: the Hon Simon Crean, Minister for Regional Australia, Regional Development & Local Government, 8 May 2012.

<sup>5</sup> Allan Hawke, *Canberra a Capital Place: Report of the Independent Review of the National Capital Authority*, 18 July 2011 (released 12 October 2011), [http://www.regional.gov.au/territories/actnt/files/Canberra\\_A\\_Capital\\_Place.pdf](http://www.regional.gov.au/territories/actnt/files/Canberra_A_Capital_Place.pdf) – accessed 14 June 2012.

*meet its obligations for heritage management and improve its capacity to maintain the assets in the National Capital Estate.<sup>6</sup>*

2.5 According to this statement, the appropriation is aimed at routine operations, heritage management and asset maintenance.

2.6 However, in the body of the Crean Response, a different purpose is stated:

*The Australian Government will provide \$11.9 million over four years as part of the 2012–13 Budget in response to the Review of the NCA. The NCA will undertake a review of the National Capital Plan (including associated planning recommendations) over the forward years. The NCA will work closely with the ACT Government in undertaking the review.<sup>7</sup>*

2.7 According to this statement, the appropriation is aimed at funding a review of the National Capital Plan over the next four years.

2.8 **Recommendation 1: JSCNET should seek an assurance from the NCA that the appropriation of \$11.9 million over four years provided in the 2012–2013 Budget will be allocated to a review of the National Capital Plan, not to routine operations, management and maintenance.**

2.9 JSCNET called for a comprehensive review of the National Capital Plan in recommendations of the Committee’s 2008 inquiry into the role of the NCA, brought down in July that year – almost four years ago.<sup>8</sup>

2.10 In tabling the Rudd Government’s response to the JSCNET ‘Way Forward’ inquiry in December 2008, the then-Minister for Home Affairs, the Hon.

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<sup>6</sup> Australian Government’s Response to the Hawke Review, p.3; similar wording appears in Australian Government, Budget 2012–13, Budget Paper no.2, Part 2 Expense Measures – Regional Australia, Local Government, Arts & Support, National Capital Authority Additional Funding – the appropriation will be allocated as follows: 2012–13, \$2.4 million; 2013–14, \$2.9 million; 2014–15, \$3.3 million; 2015–16, \$3.3 million.

<sup>7</sup> Crean Response, p.10.

<sup>8</sup> JSCNET, *The Way Forward*, Report of the Inquiry into the Role of the National Capital Authority, July 2008, Recommendations 18–21 (paras 11.132–11.135).



Bob Debus announced the appointment of an inter-governmental committee ‘comprised of representatives of Commonwealth departments, the ACT Government and other stakeholders’ for simplification of planning and land management responsibilities in the ACT.<sup>9</sup>

2.11 Minister Debus stated, ‘the inter-governmental committee will report to the Government with options for implementation as soon as practicable.’

2.12 The inter-governmental committee has never reported.

2.13 In evidence before JSCNET at the Bi-Annual Review of the NCA in November 2010, then-Chair of the Authority, Professor Don Aitkin admitted the inter-governmental committee had made no progress, acknowledging ‘inaction as much as dysfunction. We both blunder along not unhappily but it is so inefficient.’<sup>10</sup>

2.14 At the JSCNET Bi-Annual Review in November 2011, *one year later*, NCA Chief Executive Gary Rake admitted, ‘there have been no active discussions for several months now. The primary reason for that, as I think I put into evidence last time I answered a similar question, is there is still a fundamental difference between the ACT government and the NCA about the range of responsibilities that we each have in the shared planning system.’<sup>11</sup>

2.15 The NCA has now received funding to the tune of \$11.9 million to extend this process over four more years.

2.15 **Recommendation 2: JSCNET should seek detailed advice from the NCA on how the 2012–13 Budget allocation of \$11.9 million will overcome the impediments that have prevented the Authority from responding to a clear Ministerial direction in December 2008 to resolve planning and land management responsibilities in the ACT.**

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<sup>9</sup> Australian Government Response, Parliamentary Joint Standing Committee on the National Capital & External Territories, *The Way Forward – Inquiry into the Role of the National Capital Authority*, Minister for Home Affairs, December 2008, p.11 (hereafter Debus Response).

<sup>10</sup> JSCNET, NCA Bi-Annual Review, 17 November 2010, Hansard, p.16.

<sup>11</sup> JSCNET, NCA Bi-Annual Review, 23 November 2011, Hansard, p.2.

- 2.16 If as stated by Chief Executive Rake before the JSCNET in November 2011, the problem with the inter-governmental committee has been ‘a fundamental difference between the ACT government and the NCA about the range of responsibilities that we each have in the shared planning system’ what has changed that an allocation of \$11.9 million over 4 years will solve?
- 2.17 The WBGS notes that the Crean Response was developed ‘in partnership with the ACT Government and the NCA.’<sup>12</sup>
- 2.18 Has the ‘fundamental difference’ between the ACT Government and the NCA about planning and land management responsibilities been resolved. If so, how has this difference been resolved? Has the NCA given in to ACT Government demands?
- 2.19 If the ‘fundamental difference’ has not been resolved, has a process to resolve the difference been agreed upon?
- 2.20 **Recommendation 3: JSCNET should seek detailed advice from the NCA on whether the ‘fundamental difference’ between the ACT Government and the NCA on ACT planning and land management responsibilities, to which Chief Executive Mr Gary Rake referred in evidence before the Committee in November 2011, has been resolved.**
- 2.21 The WBGS notes that ten years ago, the NCA had a formal position in its organisational structure entitled ‘National Capital Plan Director’ responsible for the ‘review, amendment and administration of the National Capital Plan and National Land.’ This position was at the same level as the Directors of National Capital Projects, National Capital Promotion and the National Capital Estate (figure 1).<sup>13</sup>

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<sup>12</sup> Media Release: the Hon Simon Crean, 8 May 2012.

<sup>13</sup> NCA, *Annual Report, 2001–2002*, pp.8–10.



Figure 1. National Capital Authority Organisational Structure, June 2002 – note position of National Capital Plan Director (Source: NCA, *Annual Report 2001–2002*, p.8)



Figure 2. National Capital Authority Organisational Structure, June 2012 – note absence of position of National Capital Plan Director, a situation that has persisted since 2003 (Source: NCA website, accessed 14 June 2012)

- 2.22 The position of ‘National Capital Plan Director’ was dropped from the NCA organisational structure in 2003,<sup>14</sup> and has never been reinstated (for the current organisational structure, see figure 2).
- 2.23 The WBS notes that the NCA budget appropriation in 2001–2002 was \$17,144,000.<sup>15</sup> In 2011–2012, the budget appropriation was \$14,135,000.<sup>16</sup> Not adjusted for inflation, this is a \$3,000,000 shortfall.
- 2.24 The shortfall would be very much more in real terms, adjusted for inflation.
- 2.24 The extra appropriation in the 2012–2013 Budget for the forthcoming year – \$2,400,000 – does not come close to making up the shortfall the NCA has suffered in recent years.
- 2.25 Moreover, the extra Budget appropriation has a ‘sunset clause’ – it will come to an end in 2015–2016.
- 2.26 **Recommendation 4: JSCNET should seek advice from the NCA on whether the extra budget allocation announced by Minister Crean, beginning with \$2.4 million in 2012–2013, is sufficient to re-establish the position of National Capital Plan Director and associated staff.**
- 2.27 **Recommendation 5: Given the four-year limit on the extra appropriation announced in the 2012–2013 Budget, JSCNET should seek advice from the NCA on how the Authority envisages ‘review, amendment and administration of the National Capital Plan and National Land’ will be carried out after 2015–2016.**

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<sup>14</sup> NCA. *Annual Report, 2003–2004*, p.13.

<sup>15</sup> NCA. *Annual Report, 2001–2002*, p.105;

<sup>16</sup> Australian Government, Budget 2011–2012, Budget Paper no.4 – Agency Resourcing, National Capital Authority.

### 3.0 The NCA, the National Capital Plan & Strategic Planning for the ACT

3.1. The first object of the National Capital Authority, established under the *Australian Capital Territory (Planning and Land Management) Act 1988* (PALM Act), is ‘to prepare and administer a National Capital Plan’ [S.6(a)] – and the object of the National Capital Plan is ‘to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.’ [S.9]

3.2 Under S.10(2)(a) & (b), the PALM Act requires the National Capital Plan to set out:

- the planning principles and policies for giving effect to the object of the Plan;
- standards for the maintenance and enhancement of the character of the National Capital;
- general standards and aesthetic principles to be adhered to in the development of the National Capital;
- general policies for land use, and for the planning of national and arterial road systems throughout the Territory.

3.3 Under S.10(1) and S.10(2)(c) & (d), the PALM Act provides that the Plan may:

- specify areas of land that have the special characteristics of the National Capital as Designated Areas;
- set out detailed conditions of planning, design and development in Designated Areas, and the priorities for carrying out such planning, design and development; and
- set out special requirements for the development of any area (not being a Designated Area), being requirements that are desirable in the interests of the National Capital.

3.4 As the NCA has stated:

*The National Capital Plan at its most general policy level provides a framework determined by the Commonwealth Parliament for land use and development throughout the Territory. At its most*

*detailed level, it becomes the means for guiding the planning, design and development of the Designated Areas – those areas having the special characteristics of the National Capital.*<sup>17</sup>

- 3.2 At its ‘most general policy level’, the National Capital Plan should be an instrument of strategic planning in the ACT. However, since its establishment in 1989 it has rarely, if ever, performed this function.
- 3.3 As an instrument of ‘general policies for land use, and for the planning of national and arterial road systems throughout the Territory’, the National Capital Plan remains a document of the past based on background data decades out of date – data on population, household size, residential demand, employment growth, industry profiles, office market projections, retail activity, town centre profiles, growth strategies, regional role, capital costs, transport costs etc compiled in the 1980s and 1990s.<sup>18</sup>
- 3.4 Although supported by a complete lack of up-to-date data, the National Capital Plan has been amended approximately 70 times.
- 3.5 For the most part, these amendments are a grab-bag of changes to existing urban areas. The lack of data to support these changes makes the National Capital Plan a mockery of purposeful planning, as revealed in the 2007 JSCNET Roundtable on the so-called ‘Griffin Legacy’ Amendments to the National Capital Plan.<sup>19</sup>
- 3.6 Meanwhile, strategic planning for the ACT has been undertaken by the ACT Government separate from, and essentially ignoring, the National Capital Authority and the National Capital Plan.
- 3.7 This exercise has had no statutory basis, as by law the ACT Government’s Territory Plan is supposed to be subservient to the National Capital Plan.

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<sup>17</sup> NCA, *Consolidated National Capital Plan, incorporating Amendments*, December 2011, p.3.

<sup>18</sup> NCA, *Consolidated National Capital Plan*, pp.152–194.

<sup>19</sup> JSCNET, *Review of the Griffin Legacy Amendments*, March 2007, pp.12–13.

- 3.8 The object of the Territory Plan 'is to ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation' *ACT Planning & Development Act 2007* [S.48].
- 3.8 The ACT Government undertook a strategic planning exercise in 2002–2004 totally inconsistent with the National Capital Plan, selecting extensive areas for new urban development not previously identified in the National Capital Plan. This exercise was published as *The Canberra Spatial Plan*.<sup>20</sup>
- 3.9 In 2004, the ACT Government stated that *The Canberra Spatial Plan* 'is intended to guide the Territory in its allocation of resources, such as the use of land and the construction of capital works as well as to inform changes to both the National Capital Plan and the Territory Plan.'<sup>21</sup>
- 3.10 In other words, the ACT Government took control of strategic planning in the National Capital, fully expecting the NCA to fall in line and amend the National Capital Plan in accordance with its plans.
- 3.11 This is what happened.
- 3.12 The NCA removed the position of National Capital Plan Director from its organisational structure in 2003. As a consequence, the NCA had no capacity to fulfil its obligations under the PALM Act to keep control of strategic planning in the ACT, and had no apparent interest in doing so.
- 3.13 The most significant change to the urban structure of the National Capital since the early 1970's occurred in September 2008 with Ministerial approval of Draft Amendment 63 to the National Capital Plan, which permitted extension of urban development into the lands of the National Capital Open Space System in the Lower Molonglo Valley to house up to 55,000 residents in fifteen new suburbs. Amendment 63 eliminated all references in the National Capital Plan to the Molonglo River Valley

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<sup>20</sup> ACT Government, *The Canberra Spatial Plan*, March 2004.

<sup>21</sup> *Canberra Spatial Plan*, p.2.

- ‘providing separation between towns’ and required adjustment of the Molonglo River Corridor boundaries, and the boundaries of the Inner Hills/Ridges/Buffer Spaces of the National Capital Open Space System.<sup>22</sup>
- 3.14 Amendment 63 was based, in part, on two studies jointly commissioned by the ACT Government and the NCA: the *Molonglo Valley Suitability Study*, December 2004; and the *Molonglo River Corridor Boundary Study*, 2007.<sup>23</sup>
- 3.15 Both studies followed the ACT Government agenda and investigated the Molonglo Valley development proposal in isolation, not in relation to land suitability, employment centres, transportation options and ecological sensitivity across the ACT – i.e. the NCA undertook no strategic planning assessment of its own but fully accepted the strategic direction promoted by the ACT Government in its *Canberra Spatial Plan* of 2004.
- 3.16 The NCA placed itself in a subservient position to the ACT Government.
- 3.17 In adopting the ACT Government agenda, the NCA and the Australian Government agreed to significant extension of the western flank of Canberra’s urban area exposed to the risk of severe bushfires, as demonstrated by the fires of January 1952, December 2001 and January 2003.<sup>24</sup>
- 3.18 In 2008, the NCA commissioned a review of environmental studies conducted as part of the Molonglo Valley development proposal. This review focused on flora and fauna conservation issues with respect to urban development but did not investigate bushfire risk.<sup>25</sup>

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<sup>22</sup> NCA, *Amendment 63 Molonglo & North Weston*, September 2008; NCA, *Draft Amendment 63 Molonglo & North Weston*, September 2007, pp.16–17.

<sup>23</sup> Cox Group, *Molonglo Valley Suitability Study*, December 2004; and Red-gum Environmental Consulting, *Molonglo River Corridor Boundary Study*, 2007.

<sup>24</sup> Ron McLeod, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Report to the ACT Government, August 2003, p.171; Stuart Ellis, Peter Kanowski & Rob Whelan, *Report of the National Inquiry on Bushfire Mitigation & Management*, Council of Australian Governments, March 2004, pp.20–21.

<sup>25</sup> NGH Environmental, *Review of Environmental Studies Undertaken to Inform the Preparation of National Capital Plan Draft Amendment 63, and Territory Plan Draft Variation 281: preliminary assessment*, Report to the NCA, June 2008.



- 3.19 As far as can be determined from the public record, the NCA commissioned no independent studies of the bushfire risk entailed in Amendment 63 to the National Capital Plan but relied entirely upon ACT Government reports.<sup>26</sup>
- 3.20 The NCA appears to have no independent capacity to undertake land capability assessment in the ACT – a fundamental requirement for strategic planning.
- 3.21 However, in recent years the NCA has shown some interest in resuming its strategic planning role.
- 3.22 On two occasions, the former Chairman of the NCA, Professor Don Aitkin, gave evidence to this effect before the JSCNET.
- 3.23 At the Bi-Annual NCA Review in June 2010, Professor Aitkin stated:

*We are planning to present to parliament in 10 years time a 50-year-forward look for the national capital . . . We propose that it will take us 10 years to do this – to review the National Capital Plan, which is now 22 years old – and to present to parliament in 10 years time a vision of the national capital that would extend 50 years and then every 10 years renew that vision so that parliament has a sense of the way in which the national capital will grow. We can start doing that. I hope parliament accepts that challenge from us and in the fullness of time makes it possible for us to be funded in a way that would support that.*<sup>27</sup>

- 3.24 When asked by Senator Humphries, ‘Do you have any idea of what kind of level of work is going to be required to produce the first of these 50-year plans?’ Professor Aitkin answered, ‘We can start doing that now within our own resources and indeed we must, because that is all the resources we have. But if this is seen as a good thing to do then I would be asking

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<sup>26</sup> See response to community concern of bushfire risk in NCA, *Draft Amendment 63 Report on Consultation*, Attachment 7: Summary of Submissions, pp.9, 13–14, 24, 46, 49–50, 55, 57–60.

<sup>27</sup> JSCNET, NCA Bi-Annual Review, 16 June 2010, Hansard, p.2’ see also NCA, *Annual Report, 2009–2010*, Chairman’s Report.

government to support it with some senior staff for us, especially in the urban design and planning area.’<sup>28</sup>

- 3.25 At the November 2010 Bi-Annual Review, Professor Aitkin repeated his call for a ‘50-year forward look’ – and financial support to do so in the context of his previous statement that it would take the NCA ten (10) years to fulfill this task:

*We are always redoing the National Capital Plan because every proposal that comes to us that requires an amendment is in a sense a kind of upjigging of the plan. But it really needs to be looked at in terms of a 50-year forward look, in my view . . . I think 50 years is about right for a body like us, and indeed for the parliament. We are likely to pass half-a-million people in the national capital before very long, and a million before the end of this century. That is a big increase. What does it mean in terms of density of population, heights, approaches, transport and all the rest of it? We are bad at doing this, it seems to me . . . It will cost money to do it properly. We would need to hire people who are good at this, and use international experience. Sooner or later, I guess, we will do it.*<sup>29</sup>

- 3.26 The NCA has now received extra funding of \$11.9 million over four years.
- 3.27 **Recommendation 6: JSCNET should seek advice from the NCA on whether the extra funding of \$11.9 million over four years, announced by Minister Crean, is aimed at supporting the ‘50-year forward look’ proposed by Professor Aitkin in 2011, or whether it is to be used for other purposes on the basis that the Australian Government has decided strategic planning for the National Capital will remain with the ACT Government.**
- 3.28 Within the statutory framework of the National Capital Plan, the ‘General Policy Plan’ is the principal instrument of strategic planning.

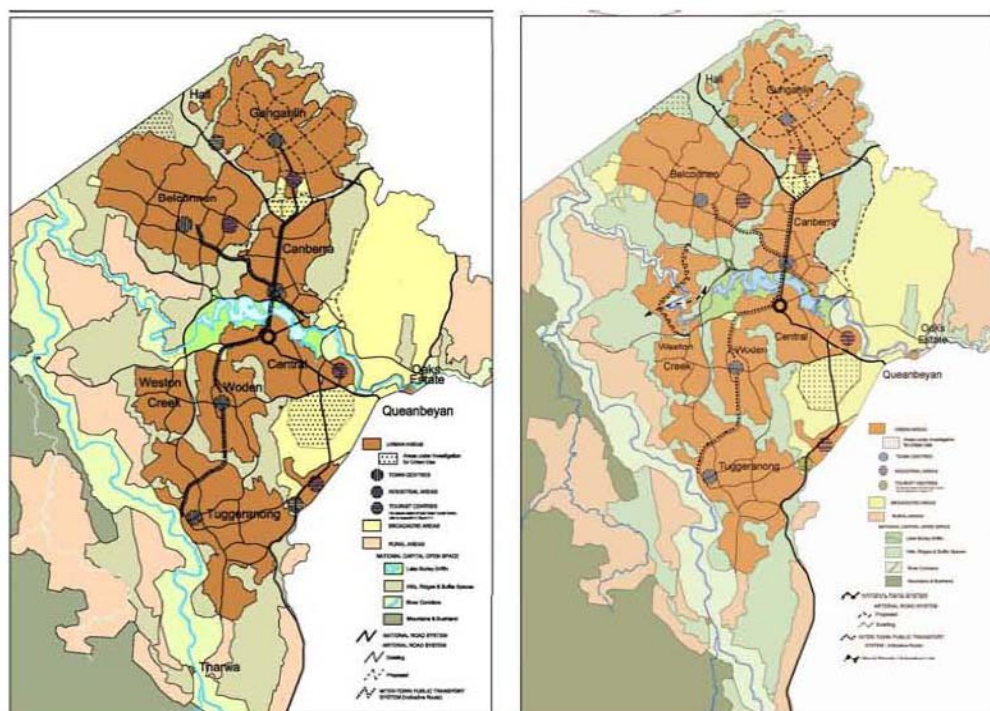
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<sup>28</sup> JSCNET, NCA Bi-Annual Review, 16 June 2010, Hansard, p.5.

<sup>29</sup> JSCNET, NCA Bi-Annual Review, 17 November 2010, Hansard, pp.7–8.

### 3.0 THE NCA, THE NATIONAL CAPITAL PLAN & STRATEGIC PLANNING FOR THE ACT

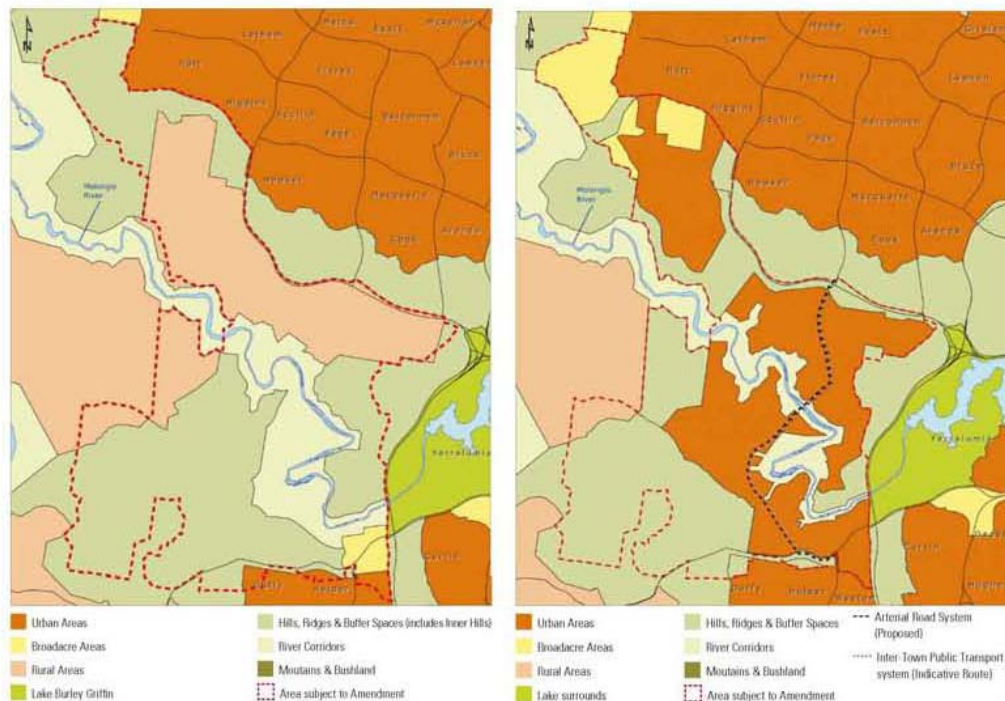
- 3.29 The National Capital Plan defines a 'Policy Plan' as 'a plan prepared for the purposes of setting out land uses for an area, whether existing or intended, or to deal with a class or classes of land use within an area.'<sup>30</sup>
- 3.30 The General Policy Plan comprises maps of the ACT showing urban and non-urban areas; general sub-categories of land uses within these broad areas; the national road system; the arterial road system; and the indicative inter-town public transport system.
- 3.31 Until DA63 Molonglo & North Weston was approved in September 2008, the General Policy Plan conformed to the Y-Plan established by the National Capital Development Commission in 1971 (figure 3).



Figures 3 & 4, NCA National Capital Plan – General Policy Plans, Metropolitan Canberra, 2002 (left) and 2009 (right). Note significant expansion of Urban Areas on former lands of the National Capital Open Space System as a result of Amendment 63 Molonglo & North Weston. Source: NCA, *Consolidated National Plan*, February 2002, p.15 & December 2009, p.18

<sup>30</sup> NCA, *Consolidated National Capital Plan*, December 2011, p.B4.

- 3.31 DA63 – approved as Amendment 63 and gazetted on 24 September 2008 – introduced a major change to the General Policy Plan, converting land uses previously identified as ‘National Capital Open Space’ to ‘Urban Areas’ (figure 4).
- 3.32 The WBGs notes that Draft Amendment 63, as released for public comment in September 2007, showed this highly significant amendment to the General Policy Plan in a detailed view zoomed down to the Lower Molonglo Valley, not at the scale of the overall maps of Canberra’s urban structure (figures 5 & 6).



Figures 5 & 6. ‘Zoomed down’ view of proposed amendments to the General Policy Plan, Metropolitan Canberra released for public comment by the NCA in September 2007 as Draft Amendment 63 Molonglo & North Weston. Source: NCA, DA63, pp.11, 23.

- 3.36 This was seriously misleading to the general public.
- 3.37 Moreover, it indicates an attitude to the General Policy Plan that it is no more than ‘the sum of the parts’, not the key strategic planning instrument of the ACT.

- 3.38 The WBS notes that both the Hawke Review into the NCA, and the Crean Response to the Hawke Review, ascribe great significance to the General Policy Plan.
- 3.39 The Crean Response to Recommendation 7 of the Hawke Review commits the Australian Government:

*to progress discussions on how to reform the General Policy Plan. This document sits under the National Capital Plan and identifies the current arrangement for land use. The Australian Government will work with the ACT Government to establish a resolution model for the responsibilities in the General Policy Plan that better reflects the division of land management responsibilities, service delivery and infrastructure provision that resulted from self-government. A tiered approach, reflecting national significance, will be explored to more accurately reflect Commonwealth and ACT responsibilities in the ACT.*<sup>31</sup>

- 3.40 This statement does not explicitly respond to Dr Hawke's recommendation, which reads as follows:

*The NCA and ACT Government progress talks around reforming the General Policy Plan to assign 'Principal Responsibility Areas' to the relevant jurisdiction and agree on an appropriate Inter-Governmental agreement to give effect to the operation of this approach to strategic planning. This should be done in the context of the comprehensive review of the National Capital Plan.*<sup>32</sup>

- 3.41 The Crean Response refers to 'land management responsibilities, service delivery and infrastructure provision' – and omits all reference to 'strategic planning'. This would appear to be tacit admission on the part of the Australian Government that the *de facto* abdication of the NCA's strategic planning role in favour of the ACT Government, evident since 2002, is now *de jure*.

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<sup>31</sup> Crean Response, p.10

<sup>32</sup> Allan Hawke, *Canberra a Capital Place*, p.5.

- 3.42 The WBS notes that Dr Hawke analysed the ACT strategic planning issue in relation to the nine criteria for future strategic planning of capital cities outlined in the 2009 Council of Australian Governments Agreement on Capital City Strategic Planning Systems, together with the National Urban Policy released in 2011 by the Minister for Infrastructure, the Hon. Anthony Albanese. Dr Hawke concluded:

*The NCA in collaboration with the ACT Government is best placed within the ACT to fulfil the National Urban Policy's objectives. The Commonwealth Government has clearly demonstrated that investment in Australia's cities is back on the agenda. The Government needs to extend this commitment to investing in Australia's national capital through the NCA.*<sup>33</sup>

- 3.43 Dr Hawke clearly recommended an integrated approach to ACT strategic planning with the NCA playing the leading role. He stated that 'the ACT Government . . . will need to give due weight in their plans, policies and activities to national objectives.'<sup>34</sup>
- 3.44 **Recommendation 7: JSCNET should seek advice from the NCA on whether reform to the General Policy Plan, prescribed by Minister Crean in his response to the Hawke Review, will go beyond 'land management responsibilities, service delivery and infrastructure provision' to include strategic planning, and if so, whether strategic planning for the National Capital is to be led by the NCA, or by the ACT Government as it has been since 2002.**
- 3.45 The WBS further notes that the Crean Response to the Hawke Review makes no mention of the role of the Parliamentary Joint Committee on the National Capital & External Territories in the strategic planning of the National Capital.
- 3.46 In the July 2008 report of the 'Way Forward' inquiry into the role of the NCA, JSCNET included as Recommendation 20, 'that any draft amendment(s) to the National Capital Plan proposing uplift of Designated

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<sup>33</sup> Allan Hawke, *Canberra a Capital Place*, p.52.

<sup>34</sup> Allan Hawke, *Canberra a Capital Place*, p.52.

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.’<sup>35</sup>

- 3.47 Minister Debus did not refer DA63 Molonglo & North Weston to JSCNET for inquiry. This was one of the most significant Draft Amendments to the National Capital Plan since self-government – a Draft Amendment involving land release for large-scale urban development in a part of the ACT not previously identified as ‘Potential Urban’ in the former lands of the National Capital Open Space System in the Lower Molonglo Valley, and as a consequence, involving significant uplift to Designated Areas. The Minister approved the Draft Amendment in September 2008 without subjecting it to a public inquiry and Parliamentary oversight.
- 3.48 However, in his December 2008 response to the JSCNET ‘Way Forward’ inquiry, Minister Debus responded to Recommendation 20 as follows:

*The Government accepts this recommendation in principle.*

*The Government agrees that significant changes to the planning system and the Plan should be subject to the scrutiny of the Joint Standing Committee. However, the framework for the inter-governmental committee establishing options for simplification of the planning system in the ACT is yet to be determined. The Government does not wish to pre-empt any decision it may take about the future use of Designated Areas and/or the geographic realignment of planning and land management responsibilities in the ACT.*

*The Government will consider how best to implement this recommendation in the context of aligning and streamlining planning and land management responsibilities in the ACT.*<sup>36</sup>

- 3.49 The passage of time has demonstrated that the ‘inter-governmental committee’ to which Minister Debus referred has been more than

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<sup>35</sup> JSCNET, *The Way Forward*, p.180.

<sup>36</sup> Debus Response, p.14.

ineffectual, as revealed in the November 2010 and November 2011 JSCNET Bi-Annual Reviews.<sup>37</sup> The presence or otherwise of this committee should not pre-empt the principle of public inquiry into changes to the National Capital Plan and General Policy Plan before the Parliamentary Joint Standing Committee on the National Capital & External Territories.

- 3.50 **Recommendation 8: JSCNET should seek assurance from the Australian Government that Recommendation 20 from the JSCNET 'Way Forward' inquiry into the role of the NCA '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' – accepted in principle by Minister Debus in December 2008 – be acted upon.**

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<sup>37</sup> JSCNET, NCA Bi-Annual Review, 17 November 2010, Hansard, p.16; NCA Bi-Annual Review, 23 November 2011, Hansard, p.2.



#### 4.0 Divided Planning & Land Management Responsibilities in the ACT

4.1 In addition to the problems with Strategic Planning in the ACT, formidable problems in the operation of the planning system have persisted for many years.

4.2 The NCA has stated that the National Capital Plan:

*At its most detailed level . . . becomes the means for guiding the planning, design and development of the Designated Areas – those areas having the special characteristics of the National Capital.<sup>38</sup>*

4.3 However, this is not the full story, because there is also land within the ACT subject to ‘Special Requirements’ – and while overall land ownership is vested in the Commonwealth, the status of land in the ACT is divided between National Land and Territory Land.

4.4 The Hawke review has encapsulated the situation as follows:

*In describing the complexity of the current planning arrangements in the ACT, there are five combinations of planning and land management which apply:*

- *land within Designated Areas that is National Land (for example the Parliamentary Zone);*
- *land within Designated Areas that is Territory Land (for example the ACT Legislative Assembly);*
- *National Land where Special Requirements apply (for example Benjamin Offices);*
- *Territory Land where Special Requirements apply (for example Canberra Avenue); and*
- *Territory Land, administered by the Territory.<sup>39</sup>*

4.5 The Crean Response to the Hawke Review proposes several means of clarifying the situation, which in themselves are obscure.

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<sup>38</sup> NCA, *Consolidated National Capital Plan*, December 2011, p.3.

<sup>39</sup> Allan Hawke, *Canberra a Capital Place*, p.55 (based on the ACT Government submission to the 2008 JSCNET ‘Way Forward’ Inquiry).

- 4.6 The Crean Response states, *inter alia*, that the Commonwealth and ACT Governments 'have agreed to work collaboratively to improve the structure and expression of matters of national significance as the overarching principles that guide the Commonwealth's role in planning for Canberra.'<sup>40</sup>
- 4.7 Determination of what is 'national significance' was an issue raised at the 2008 JSCNET 'Way Forward' inquiry into the role of the NCA. Minister Debus, in his December 2008 response to this inquiry, stated:

*The Government acknowledges that the meaning of national significance in the Plan should be clarified and established within the legislation establishing the ACT's planning system.*

*The Government will consider how best to implement this recommendation through the options prepared by the inter-governmental committee for simplification of planning and land management responsibilities.*<sup>41</sup>

- 4.8 However, this matter was not referred to the inter-governmental committee but to a National Capital Responsibilities Task Force. Membership of this Taskforce was drawn from the Attorney-General's Department; Department of the Prime Minister & Cabinet; Department of Finance & Deregulation; Department of the Environment, Water, Heritage & the Arts; and the NCA. The Taskforce completed its report in December 2009.<sup>42</sup> In June 2010, NCA Chairman Professor Don Aitkin reported that 'the taskforce has completed its work but its report is still with government.'<sup>43</sup>
- 4.9 The full report of the National Capital Responsibilities Task Force appears to be still with government. However, a summary of the report and its list of recommendations are provided in Dr Allan Hawke's review of the NCA. The Taskforce established a set of criteria to determine whether 'a

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<sup>40</sup> Crean Response, p.4.

<sup>41</sup> Debus Response, p.13.

<sup>42</sup> Allan Hawke, *Canberra a Capital Place*, p.14

<sup>43</sup> NCA, *Annual Report, 2009–2010*, Chairman's Report.

place, activity or event is of national significance' and as Dr Hawke observed, 'rightly concluded that there is no location or area within the Territory that has no national capital significance since all parts of the Territory contribute to the unique city and its environment.' Dr Hawke went on to recommend that:

*The five criteria (aesthetic, historic, education/scientific, political, and social/cultural) for determining national significance, as described by the Taskforce on the Commonwealth's National Capital Responsibilities, be incorporated into the National Capital Plan.<sup>44</sup>*

4.11 Minister Crean responded to this recommendation as follows:

*The Australian Government supports this recommendation in-principle. The Australian Government supports incorporating criteria for determining national significance into the National Capital Plan, and will assess the appropriateness of each the five recommended criteria.*

*The Australian Government, through the NCA, will work in collaboration with the ACT Government to redraft the criteria for determining national significance and incorporate them into the National Capital Plan. New criteria should reflect enduring national interests and be sufficiently specific to shape and inform the NCA's role. This work will build on the 2009 work of the Commonwealth's National Capital Responsibilities Taskforce.<sup>45</sup>*

4.12 Clearly, the National Capital Responsibilities Task Force did not come up with the result the Government wanted, and now the criteria are to be re-written to produce the desired result.

4.13 **Recommendation 9: The JSCNET should call for the release of the full 2009 Report of the National Capital Responsibilities Task Force to which**

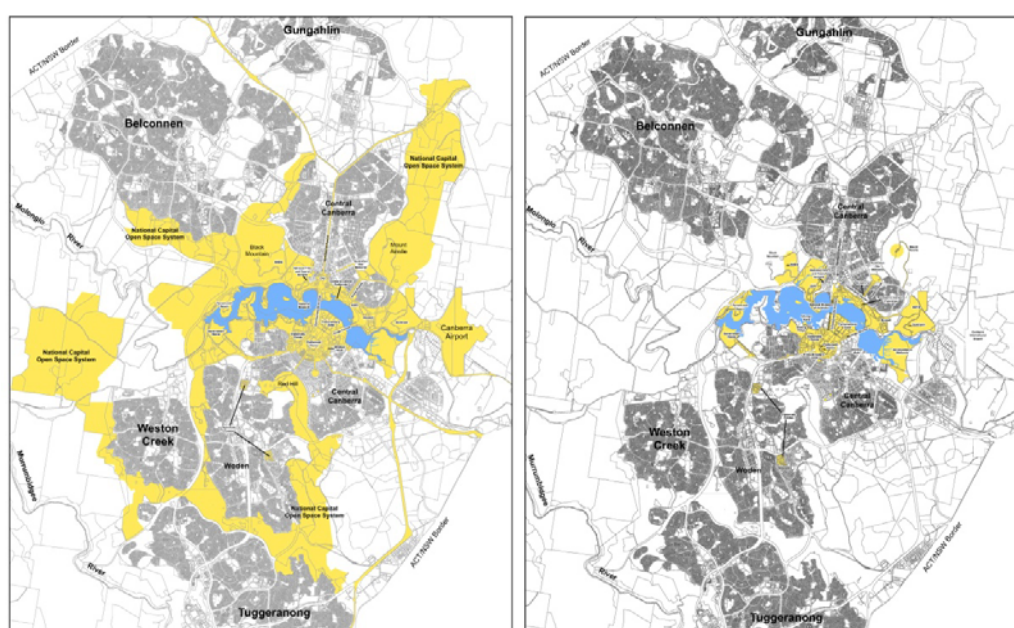
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<sup>44</sup> Allan Hawke, *Canberra a Capital Place*, p.37–39; see also Appendix H.

<sup>45</sup> Crean Response, p.7

### **Minister Crean refers in the Australian Government response to the Hawke Review into the NCA.**

- 4.14 The issue at stake is the extent of the Designated Areas and Areas with 'Special Requirements' in the ACT.
- 4.15 In May 2008, the NCA under Chairman Michael Ball and Chief Executive Annabelle Pegrum made a submission to the JSCNET 'Way Forward' inquiry, which proposed a drastic reduction in the extent of the Designated Areas (figures 7 & 8).<sup>46</sup>



Figures 7 & 8. Designated Areas in the ACT under the National Capital Plan, as of May 2008 (left), and proposed reduction of Designated Areas, renamed 'Areas of Special National Importance' (right) by the NCA in evidence before the 2008 JSCNET Inquiry into the Role of the NCA (Source: NCA submission to the Inquiry).

- 4.16 The areas proposed to be removed included the Main Avenues & Approach Routes; the Inner Hills, Ridges & Buffers; City Hill Precinct; West Basin; Weston Park & Black Mountain Peninsula; Yarralumla Bay Recreation Hub; Barton; Albert Hall Precinct; and the Deakin/Forrest Residential Area.

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<sup>46</sup> NCA Submission to the JSCNET Inquiry into the Role of the NCA, May 2008.

- 4.17 In addition, Canberra Airport was shown excised from the Designated Areas of the National Capital Plan in accordance with S.112A of the *Airports Act 1996*.<sup>47</sup>
- 4.18 At the JSCNET 'Way Forward' inquiry, the NCA under Chairman Ball and Chief Executive Pegrum also proposed to completely remove the areas subject to 'Special Requirements' in the National Capital Plan (figure 9).

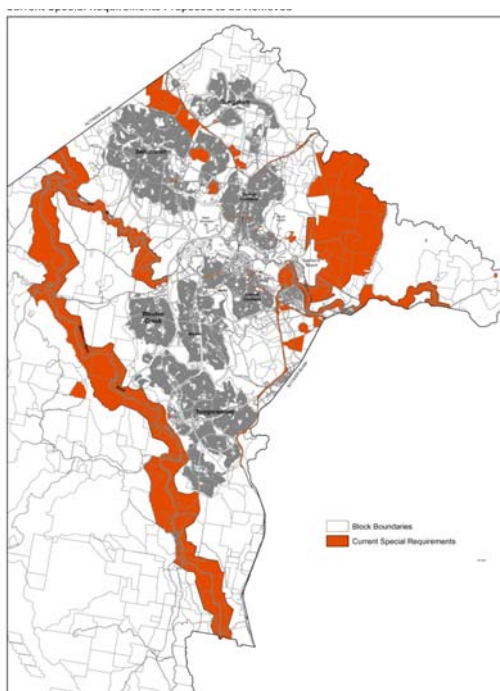


Figure 9. Areas subject to 'Special Requirements' under the National Capital Plan as of May 2008 – all these areas were proposed to be removed by the NCA in evidence before the 2008 JSCNET Inquiry into the Role of the NCA (Source: NCA submission to the Inquiry).

- 4.20 The areas proposed to be removed included the Main Avenues & Approach Routes; the Molonglo River Corridor; the Murrumbidgee River Corridor; Defence and related lands in the Majura Valley etc.
- 4.21 As reported by Dr Hawke, the dramatic reductions to the Designated Areas and Areas with 'Special Requirements' proposed by the NCA under Chairman Ball and Chief Executive Pegrum were investigated by the

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<sup>47</sup> This change has occurred, see NCA, *Annual Report, 2010–2011*, p.20.

National Capital Responsibilities Task Force, which came up with the following result:

*. . .the Taskforce considered the NCA's proposal of 2008, put forward during the JSC's inquiry, against their criteria . . . . The Taskforce concluded that there was no evidence or reasoning to support the NCA's proposal, and that the proposal ignored one of the three primary considerations for identifying and deciding Designated Areas. That is, the NCA's proposal gave little consideration to the landscape setting and layout of Canberra that give the capital a garden city image of national and international repute. The Taskforce considered that the NCA's response at the time may have been a response to reduced resources (or another reason), rather than based on evidence or representing the full range of the Commonwealth's responsibilities.*

*Work by the Taskforce confirmed earlier assessments of land required for national capital use or to protect national significance. Through application of the criteria, the areas that demonstrate national capital significance (and therefore those areas where the Commonwealth should bear the primary responsibility) largely match the current Designated Area and areas of 'Special Requirements'.<sup>48</sup>*

- 4.22 It is clear that the National Capital Responsibilities Task Force endeavoured to undo the damage caused by the NCA in its evidence before the 2008 JSCNET 'Way Forward' inquiry.
- 4.23 However, a counter-movement was unleashed by the NCA's proposal with at least one senior officer of the ACT Government expressing the view that the 'hills, ridges and buffers . . . protected under the National Capital Plan' should be looked at for urban development.<sup>49</sup>

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<sup>48</sup> Allan Hawke, *Canberra a Capital Place*, p.47.

<sup>49</sup> John Thistleton, 'Property Chief fights for housing development,' *Canberra Times*, 1 April 2011.

- 4.24 As outlined in the Hawke review, ‘the ACT believes that the reality of self-government could be achieved by defining the NCA’s principal functions to relate to the National Triangle and other national land where the National Capital Plan currently applies.’ In other words, the ACT Government supports the drastic reduction in the extent of the Designated Areas and areas with ‘Special Requirements’ proposed by the NCA before the 2008 JSCNET ‘Way Forward’ inquiry. As further outlined in the Hawke review, the ACT Government proposes ‘all designated areas and special requirements on Territory land . . . be removed.’<sup>50</sup>
- 4.25 Herein lies at least part of the ‘fundamental difference’ on Canberra planning between the Australian Government and the ACT Government, to which Chief Executive Rake referred at the NCA Bi-Annual Review in November 2011.<sup>51</sup>
- 4.26 Under S.26 of the PALM Act, ‘The Territory Plan has no effect to the extent that it is inconsistent with the National Capital Plan, but the Territory Plan shall be taken to be consistent with the National Capital Plan to the extent that it is capable of operating concurrently with the National Capital Plan.’ It is in the interests of the ACT Government to eliminate, or significantly reduce Australian Government control by eliminating or significantly reducing the amount of Territory land that is a Designated Area, or an area of ‘Special Requirements’ so the Territory Plan can operate concurrently and independently from the National Capital Plan.
- 4.27 The Crean Response to the Hawke Review appears to agree with this position, stating: ‘the Australian and ACT Governments support measures to increase clarity and integration while reducing duplication and complexity across the two planning systems,’ and continuing as follows:

*The Australian Government considers that the National Capital Plan should be revised to address (inter alia) redesigned areas of Commonwealth interest, based on clear criteria of national interest, such as Designated Areas and Special Requirement areas,*

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<sup>50</sup> Allan Hawke, *Canberra a Capital Place*, pp.28, 30.

<sup>51</sup> JSCNET, NCA Bi-Annual Review, 23 November 2011, Hansard, p.2.

*with the aim of aligning, wherever possible, planning and land management responsibilities.*<sup>52</sup>

- 4.28 The WBGS notes that the Crean Response agrees with Hawke Recommendation 9 to re-name ‘Designated Areas’ as ‘Areas of Special National Importance’, at the same time re-drafting the criteria of ‘national significance’ in response to Hawke Recommendation 2 in what appears to be a move to reduce the extent of these areas in accordance with the objectives of the ACT Government.
- 4.29 **Recommendation 10: JSCNET should seek advice from the NCA as to whether terms adopted in Minister Crean’s response to the Hawke Review, such as ‘reducing duplication’ and ‘redesigned areas of Commonwealth interest’ refer to removing ‘Designated Area’ and ‘Special Requirements’ overlays from Territory Land.**
- 4.30 Recommendation 6 of the Hawke Review reads as follows:

*The Government provide one-off funding to enable the NCA to undertake a comprehensive policy and format review of the National Capital Plan, with the view to reflecting contemporary planning themes, more closely aligning the National Capital Plan with the Territory Plan in structure and terminology, and implementing other relevant recommendations of the Review.* <sup>53</sup>

- 4.31 The WBGS notes that the Crean Response states that ‘the Australian Government supports this recommendation in part’<sup>54</sup> – but does not state which part. Although announcing the provision of \$11.9 million additional funding over four years, and stating that the ‘NCA will undertake a review of the National Capital Plan . . . over the forward years,’ the Crean Response implies, but does not state, the NCA will undertake ‘a comprehensive policy and format review of the National Capital Plan, with the view to reflecting contemporary planning themes,

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<sup>52</sup> Crean Response, p.8.

<sup>53</sup> Allan Hawke, *Canberra as a Capital Place*, p.54.

<sup>54</sup> Crean Response, p.10.



more closely aligning the National Capital Plan with the Territory Plan in structure and terminology . . .’

- 4.32 **Recommendation 11: JSCNET should seek advice from the NCA on the extent to which the Authority will undertake ‘a comprehensive policy and format review’ to more closely align the National Capital Plan with the Territory Plan ‘in structure and terminology.’**
- 4.33 **Recommendation 12: JSCNET should seek advice from the NCA as to whether the overall effect of the Crean Response to the Hawke Review will be to render the National Capital Plan subservient to the Territory Plan in policy, format, structure, terminology and operational terms.**
- 4.34 Dr Allan Hawke made one unambiguous recommendation to strengthen the role of the NCA, Recommendation 14:

*The NCA become the sole Commonwealth agency responsible for capital works within Designated Areas.*<sup>55</sup>

- 4.35 The WBS notes that the Australian Government ‘does not support this recommendation.’ The Crean Response states that ‘the current management system has been proven to be effective and efficient.’<sup>56</sup>
- 4.36 This has been far from the case – consider, for example, the siting and design of the ASIO Headquarters in a manner that does not conform to the NCA’s Urban Design Guidelines for Constitution Avenue<sup>57</sup>; the 40% increase in the cost of the ASIO Headquarters from \$460 million to \$631 million, as reported in May 2012<sup>58</sup>; the original siting of the National Portrait Gallery, as a result of NCA and Finance confusion, on land of the

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<sup>55</sup> Allan Hawke, *Canberra as a Capital Place*, p.71.

<sup>56</sup> Crean Response, p.11.

<sup>57</sup> as detailed in the WBS submission on Referral of the ‘Commonwealth New Building Project’ under the *Environment Protection & Biodiversity Conservation Act*, Reference no.2009/4814. 9 April 2009, pp.9–10.

<sup>58</sup> Dylan Welch & Lisa Cox, ‘Workers leave site as ASIO bill soars,’ *Canberra Times*, 29 May 2012.

- High Court<sup>59</sup> etc – all a measure of divided Departmental control among Finance, Defence and others in the development of the symbolic centre of the National Capital and the procurement of public works.
- 4.36 In not accepting Dr Hawke’s recommendation to strengthen the NCA, the Australian Government has relegated it to a minor ‘Works Approval’ role, stating ‘the Australian Government does not consider that this recommendation would enhance the clarity of the NCA’s role or improve the degree to which the Commonwealth interest is upheld.’<sup>60</sup>
- 4.37 In operational terms, this appears to be another move to make the NCA subservient to the ACT Government in planning, design and management – this time as an organisation lacking sufficient expertise across these vital areas of the Authority’s responsibilities.
- 4.38 Former NCA Chair, Professor Don Aitkin acknowledged the lack of senior staff, ‘especially in the urban design and planning area’ in evidence before the JSCNET Bi-Annual Review in June 2010.<sup>61</sup> It would appear that the extent to which the \$11.9 extra funding for the NCA, announced by Minister Crean on 8 May, will be allocated to extra professional staff, it will be absorbed in reducing the NCA’s responsibilities, not strengthening them.

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<sup>59</sup> Professor Richard Johnson MBE, LFRAIA, Principal, Johnson Pilton Walker Architects, pers. comm.

<sup>60</sup> Crean Response, p.11.

<sup>61</sup> JSCNET, NCA Bi-Annual Review, 16 June 2010, Hansard, p.5.

## 5.0 Conclusions

- 5.1 At the JSCNET Bi-Annual Review of the NCA in June 2011, then-Chair of the Authority, Professor Don Aitkin stated:

*. . . since the budget decisions of 2007-08, we have been manifestly short of the necessary funds to do what we are ordained by law to do . . . we need a clear statement from the Commonwealth government that the NCA has a role both in the maintenance of the public estate and in the future planning of the national capital.*<sup>62</sup>

- 5.2 A year later, the Australian Government has made extra funding available to the NCA – \$11.9 million over four years. However, the WBS notes:

- this is not sufficient to make up the agency's shortfall in annual appropriations since the Budget cuts of 2007-2008;
- the funding is tied but its purpose is not clear – the Society hopes it is to review the National Capital Plan, as stated in the Australian Government Response to the Hawke Review, not for operations, management and maintenance as stated in the Minister's Forward to this response<sup>63</sup>; and
- there is a 'sunset clause' on the funding, it will not continue beyond 2015-2016.

- 5.3 The WBS is committed to strengthening the role of the NCA in the planning, design and management of the National Capital. However, the Society is concerned that the Australian Government Response to the Hawke Review, and the conditions attached to the extra funding announced by Minister Crean, represent a critical weakening of the NCA, and the National Capital Plan which it administers.

- 5.4 In operation, it would appear that the National Capital Plan is at risk of becoming subservient to the ACT Government's Territory Plan, with the

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<sup>62</sup> JSCNET, NCA Bi-Annual Review, 22 June 2011, Hansard, p.3

<sup>63</sup> Crean Response, pp.3, 10.

- result that the National Capital will no longer be planned in the national interest.
- 5.4 The WBGs notes with concern that the position of Chair of the NCA has been vacant for almost eight (8) months since the 3-year term of Professor Don Aitkin came to an end on 28 October 2011.
- 5.5 The WBGs notes that there appears to have been no move on the part of the Australian Government to fill the new position on the NCA Board created to represent the interests of the of the Canberra community, which was announced in the Australian Government Response to the Hawke Inquiry more than a month ago.
- 5.6 The WBGs notes with concern that the Australian Government has not accepted the findings of the 2009 National Capital Responsibilities Task Force, which endorsed the current physical extent of Areas of Special National Importance in the ACT, and instead, has initiated a re-drafting of the criteria of national significance clearly aimed at reducing the Areas of Special National Importance.
- 5.8 For these, and related reasons detailed in the above submission, the WBGs is concerned that the national government is not interested in the national capital.<sup>64</sup>
- 5.9 The forthcoming Bi-Annual Review of the NCA provides the first opportunity for JSCNET to seek clarification from the Acting Chair, Chief Executive and Senior Officers of the NCA on the implications of the Australian Government Response to the Hawke Review, and the conditions attached to the Authority's extra budget appropriation by Minister Crean.
- 5.10 This submission offers a critical analysis of the current situation of the NCA and twelve (12) recommendations to the Parliamentary Joint Standing Committee on the National Capital & External Territories (see Executive Summary, above), which we trust, may be of value to the June 2012 Bi-Annual Review of the NCA.

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<sup>64</sup> James Weirick, 'Who cares about Canberra?' *Canberra Times*, 5 June 2012.

## **Appendix: The Walter Burley Griffin Society Incorporated**

Established in 1988 in Sydney, the Society – now in its twenty fourth year – commemorates the lives and works of Walter Burley Griffin and Marion Mahony Griffin and promotes the ideals, vision and community life they fostered in Australia. The Society is especially concerned with the conservation of landscape designs, urban plans, buildings and other works designed by or having an association with the Griffins. In relation to urban development in contemporary Canberra, the Society seeks to promote an understanding of the principles that underpin the Griffin Plan for the Canberra, the continuing value of these principles to the nation, and the need to conserve the places, institutions and processes founded on these principles.

The Society has several hundred members from various parts of Australia and USA. The Canberra Chapter of the Society was established in 2004. The Society is affiliated with the Walter Burley Griffin Society of America (established in 1998).

### **Committee Members 2012–2013**

Patron: Emeritus Professor Carrick Chambers AM

President: Professor James Weirick

Vice president: Akky Van Ogtrop

Treasurer: John Kabos

Secretary: Kerry McKillop

Management Committee: Adrienne Kabos; Martin O'Donoghue; James Smallhorn; Michael Thomson; David Turner; Anne Watson; Brett Odgers (Canberra Chapter Committee) *ex officio*; Peter Burley Griffin (President, Walter Burley Griffin Society of America), *ex officio*.

### **Canberra Chapter Committee**

Secretary: Dr Bruce Kent

Treasurer: Luke Wensing

Committee Members: Peter Freeman, John Holland, Dr Ann Kent, Trevor Lee, Brett Odgers, Rosemarie Willett.

### **Website**

<http://www.griffinsociety.org/> (Archived by the National Library of Australia since 2006, <http://protocat.nla.gov.au/Record/3821935>)