

TECHNICAL REPORT ON THE IMPLEMENTATION OF THE 2009 JOINT STANDING COMMITTEE RECOMMENDATIONS ON THE FUTURE ROLE OF THE NATIONAL CAPITAL AUTHORITY

EXECUTIVE SUMMARY

(June 2012)

The Joint Standing Committee (JSC) published its final report “The Way Forward” in July 2008. The Committee concluded, “*The NCA should continue to exist but is in need of structural renewal*”. It also stated, “*the most important feature of the Report is the future planning framework*”. At the conclusion of its hearings the JSC was unable to obtain a complete answer to the following key issues: what statutory powers, technical capabilities and financial resources must the Authority possess in order to fulfil its statutory obligations? The object of this Report, written in 2009, was to address these issues from a technical standpoint in particular.

The Report’s principal conclusions are as follows:

1. For much of the past decade the NCA has been incapable of meeting its statutory obligations due mainly to punitive policies on the part of successive Commonwealth governments and ongoing, which have placed severe constraints on its professional staff numbers and its budget appropriations, including forcing the Authority to downsize its professional staff to the point of virtually complete extinction. As a consequence the Authority has been, and continues to be, incapable of implementing the National Capital Plan and keeping it under constant review and updated. In its more than twenty-year existence the Authority has never undertaken a comprehensive review and update of the Plan and certainly doesn’t have the professional and financial capacity to do so today. Because of such shortcomings the Authority has never adequately exercised its statutory oversighting role in relation to “*ensuring that Canberra and the Territory are planned and developed in accordance with their national significance*”. In effect successive Commonwealth Governments, unwittingly or otherwise, have sabotaged the enabling legislation.
2. The failure to revise the National Capital Plan for the past two decades has allowed the ACT Government to make repeated changes to the Territory Plan so as to strip out all of the National Capital Plan imperatives including land use planning objectives, principles, policies and environmental protection safeguards in relation to the built environment so that it is no longer consistent with the National Capital Plan and is accordingly in breach of Section 6 of the Planning and Land Management Act 1988. The Act also requires that a Territory planning authority responsible to the ACT Legislative Assembly shall prepare the Territory Plan, however, this requirement has been evaded by constituting the ACT Planning Authority (ACTPLA) as a sole corporation who is totally reliant on the public service resources of the Environment and Sustainability Directorate, a Government department. ACTPLA’s operations are

compromised by the fact that it has insufficient qualified town planners, engineers and land surveyors, etc. and accordingly relies heavily on developers to carry out the investigations on which ACTPLA's assessment of their development applications rely. This means that residents and community groups regard ACTPLA as not being impartial publicly, when dealing with the Assembly and in appearances before the courts. This has established a chronic situation of antagonism between community groups and business interests on one hand and the Government on the other, over a long period of more than ten years or so. It has led to sub-standard residential development in the new township of Gungahlin and loss of amenity in relation to inner area redevelopment programs, all of which are debasing long-standing national capital planning principles and practices.

3. It is not possible for the NCA to prepare, maintain and implement a National Capital Plan without having a transport planning capability, which has been the situation for most of its existence. The ACT Government has no integrated metropolitan land use/transportation planning capabilities either, as demonstrated by system failures at every stage of the planning, design and construction of Gungahlin Drive. There are early signs that the Majura Parkway is tending in the same direction being undersized (4 lanes rather than 6), unresolved road links to the city centre and likely to be unable to achieve its intended maximum design speed throughout its overall length. Metropolitan transport planning in Canberra's case involves Commonwealth, ACT and NSW jurisdictions and is beyond the capability of the Territory Government to handle on its own, even if it possessed the necessary professional staff and funding, which it doesn't. To put this whole issue in the proper perspective, in all Australia's major cities the limit of reliance on freeway networks has been reached and a step up to comprehensive passenger and freight rail networks is now critical. This means the coming into being of roughly a thirty-year, one hundred billion dollar planning and development program mostly funded by the Commonwealth, which is long overdue. In the case of the ACT, however, the urgency is more pressing. During the next five to ten years, an integrated highway, bus, rail and air transport system, planned and designed in conjunction with NSW and local government administrations, needs to be brought into existence because the early signs of travel congestion are beginning to eat away at travel utility.
4. The requirement by the Commonwealth that the Territory must rely on land sales as a major source of budget revenue has turned out to be a total disaster. It is an unsustainable policy that has inflated land prices to the point where affordable housing is not available to the 40% of ACT residents who are not employed in the more senior levels of the two public services and getting worse, comparable with Sydney and Melbourne which are more than 12 times Canberra's size.

*RECOMMENDATIONS OF THE JOINT STANDING COMMITTEE INQUIRY
INTO
THE FUTURE ROLE OF THE NATIONAL CAPITAL AUTHORITY
Commonwealth of Australia, Canberra, July 2008*

**NATIONAL CAPITAL AUTHORITY
RECONSTITUTION AND RENEWAL
Technical Report (2009) on the Implementation of the
JSC Recommendations on the Future Role of the NCA**

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Synopsis: *The Commonwealth Government has signified its acceptance of twelve of the Joint Standing Committee's recommendations concerning the future role of the National Capital Authority. The purpose of this Report is to provide information and advice to the Commonwealth as to how the JSC recommendations ought to be implemented by the Federal Government, in conjunction with the ACT Government as appropriate, in order to restore the planning and design quality of the National Capital.*

The Report is divided into four parts. Part 1 is an outline assessment of current trends and future needs. It concludes that the key issues to be resolved as a matter of urgency are (a) Canberra's main highways and public transport infrastructure backlog, (b) the threat of further uncoordinated urban development across the border in NSW, (c) the worsening inability of Canberra's dual planning system to cope with future urban growth and change, (d) the abandonment of garden city planning principles and the progressive decline in the quality and status of the National Capital as a consequence of the Commonwealth withdrawal in 1988.

Part 2 outlines the case for restitution of metropolitan strategic planning by a revitalised NCA. It also details how a Joint Planning Document should be drawn up and the physical, social and economic needs that such a plan must satisfy if both Territory and National Capital requirements are to be met.

Part 3 describes how successive ACT governments since 1989 have downgraded the Territory Plan from a metropolitan strategic plan to the level of a statutory zoning scheme by eliminating the references to national capital objectives, principles and policies that the ACT Government is legally bound to observe. It identifies the key role of the NCA as being the re-establishment of a metropolitan planning process that incorporates national capital imperatives, which currently are not being satisfied by the Territory Plan or by the National Capital Plan. The organisational structure and the technical work program of a revitalised NCA are spelt out.

Part 4 addresses the fundamental question as to what are the Commonwealth's obligations towards Canberra as the Nation's capital.

INTRODUCTION

Background

The terms of reference to the Joint Standing Committee (JSC), issued by the Minister for Territories, Bob Debus, on 19 February 2009, required the Committee to review:

- Administration of the National Capital Plan
- NCA governance requirements
- Level of oversight required to achieve the highest standards of urban design in the ACT
- Opportunities for greater cooperation between the NCA and ACT government authorities
- Promotion of the National Capital.

In its first response the Committee identified three key objectives for the Inquiry:

- To ensure that the Commonwealth protect and promote the unique design of Canberra because it represents the intrinsic character of the national capital
- Where possible, align land administration with planning jurisdiction
- Foster greater cooperation and collaboration between the Commonwealth and the ACT governments on planning and related matters.

The JSC formulated twenty-two recommendations to the Minister. The Government's response in December 2008 was as follows:

Accepted	2
Accepted-in-principle	10
Noted	5
Not Accepted	5

The Minister subsequently announced the setting up of an administrative (inter-departmental) program that will determine the best method for implementing the JSC recommendations. The Minister's program comprises the following stages:

1. A National Capital Taskforce in the Attorney General's Department to consider and advise the Minister on
 - What is the national interest in Canberra?
 - What are the appropriate responsibilities for the NCA to possess in order to maintain the special character of Canberra as a planned national capital?
2. Following the Minister's consideration of the Taskforce report, an Inter-Governmental Committee (IGC) to be convened by the Attorney General's Department.
3. Also a National Capital Consultative Council (NCCC) to be set up to provide comment and advice to the IGC. The Council's membership will be drawn from local and expert resources, appointed by the Minister.
4. The IGC is scheduled to report to the Minister by the end of 2009 on the future role of the NCA and related arrangements between the Commonwealth and Territory governments, as a basis for further consideration and legislative action by the Government.

Key Recommendations of the JSC Report

From the point of view of this particular project, namely, the revitalisation of the NCA, the Joint Standing Committee's two most significant recommendations are Numbers 17 and 18 dealing with integration and alignment of National Capital and Territory planning procedures. Both recommendations have been accepted-in-principle by the Government.

Recommendation 17 states

“That the *Australian Capital Territory (Planning and Land Management) Act 1988* be amended to enshrine the policies and principles of national significance as described in the proposed National Capital Land Use Plan in a schedule of the Act, and that the proposed Implementation Strategy be included as a disallowable instrument...”

Recommendation 18 states

“That the National Capital Authority and ACT Planning and Land Authority form a joint working group to achieve a simple integrated document which

- Comprises the statutory plans and agrees on clear geographic boundaries between the two plans based on the committee's objective that, where possible, land administration be aligned with planning jurisdiction;
- Includes harmonised language, definitions and structure;
- Provides guidelines for interpretation of the two plans;
- Provides advice to the Commonwealth Government on enshrining policies and principles relating to national capital significance across the Australian Capital Territory in the form of the National Capital Land Use Plan in the *Australian Capital Territory (Planning and Land Management) Act 1988*; and
- Provides advice to the Commonwealth and ACT Governments on the key elements of the Implementation Strategy”.

In addition, Recommendation 13, which has been simply ‘noted’ by the Commonwealth, deals with the preparation of “*a joint Sustainable Transport Plan that is recognised in both the National Capital Plan and the Territory Plan*”. Such a transport plan should, as a matter of course, be treated as an integral part of an overall metropolitan strategy because it is directly related to and is dependent upon the implementation of Recommendations 17 and 18.

Study Objectives

The objective of this study is to produce a Technical Report to inform and assist the various Commonwealth and Territory government agencies involved in the determination of how the implementation of the Joint Standing Committee's recommendations might best be managed.

It is hoped that the Technical Report will also be a source of useful information for individuals and groups wanting to make submissions to the Government in the course of public consultation programs that the Minister has indicated will be carried out.

1: CONTEMPORARY TRENDS AND FUTURE NEEDS

National Capital Status

In its response to the JSC Report the Commonwealth endorsed the Committee's recommendation that it should affirm '*its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians*'. The nature of that commitment is now greatly reduced compared to what it was prior to 1989, both administratively and financially. The current situation has been made worse because twenty years experience of self-government has not matched the original expectations of either the Commonwealth or the inhabitants of the ACT while, in particular, the design quality and the status of Canberra as the National Capital have both suffered a marked decline that is continuing.

It was one thing in 1988 for the Commonwealth to delegate responsibility for governance of the ACT to a Territory Government in order that it would become more like a normal Australian city with its own elected government, however, it was quite another to expect that in what is basically a city-state without a productive hinterland to draw upon, the Territory Government could virtually supplant the Commonwealth.

Any re-assessment of what constitutes – or ought to constitute – the Commonwealth Government's 'enduring commitment' to the future of Canberra accordingly needs to recognise what are undoubtedly awkward realities for the Commonwealth. Especially in view of Prime Minister Hawke's declaration during the passage of the enabling legislation in 1988 that the new Territory Government would be expected to become fully responsible for the governance of the ACT yet without giving any explanation or rationalisation as to why the Government was confident that such an arrangement was going to be feasible. It is now twenty years on and in that time the people of Canberra have reaped few if any benefits from self-government and there is ample evidence that the special qualities of the city as a planned national capital and as a garden city, that is, '*the intrinsic character of the National Capital*', is in marked decline.

Infrastructure Provision

Towards the end of the Second World War the Commonwealth Department of Post-War Reconstruction identified a mounting backlog of government and private sector infrastructure in Australia's cities and rural regions that would have to be faced up to when the war was over. In order to facilitate evaluation of the anticipated flood of Section 96 applications for 'fixed purpose' grants, the Department recommended that State governments be required to prepare city and regional planning schemes as a pre-condition to the allocation of federal grants for large scale infrastructure programs, in particular public housing, main roads, hospitals and universities.

All of the States, except Queensland, responded positively so that February 1945 saw the introduction of a statutory metropolitan planning process in NSW that eventually became Australia-wide and which, in varying degrees, has persisted to this day.

The Commonwealth undertook to contribute to the cost of capital city plans, however, when the NSW Government sought financial assistance for the preparation of the County of Cumberland Planning Scheme (for Sydney), Prime Minister Menzies, on the advice of the Federal Treasury, rejected it. On the other hand the Commonwealth did utilise such plans as a basis for entering into long-term Commonwealth/State agreements regarding the provision of funding for major infrastructure.

Since December 1988, with the election of the Rudd Government, there has been a re-engagement in favour of metropolitan and regional planning as a basis for the evaluation of infrastructure funding priorities by the Commonwealth.

One of the Prime Minister's early announcements was to proclaim that the Federal Government would accept financial responsibility for the provision of key infrastructure deemed to be in the national interest in relation to economic development, the provision of education and health facilities and services and the setting up of a range of environmental improvement programs. He subsequently confirmed that a Building Australia Fund (BAF) would be set up having an initial capital base of \$20 billion in order to fund major infrastructure projects in situations where it appeared unlikely that they would be funded by State governments or private enterprise. Mr Rudd earmarked the Government's start-up priorities as being public transport, national highways, ports and communications projects as well as research programs aimed at climate change issues and the development of new energy technologies.

In the current budget context BAF assessments have been carried out by Infrastructure Australia, which is an independent body at 'arm's length' from government. Its principal function is to provide advice to governments, investors and owners of infrastructure as to what projects should be supported by the Commonwealth and to what extent. It will draw up a national infrastructure priority list twice a year for consideration by the Council of Australian Governments (COAG) that will make recommendations as to how Commonwealth financial grants should best be allocated on a project-by-project basis, supposedly irrespective of states.

These arrangements are now in place and it is worth noting that on several occasions during the lead-up to the 2009-2010 Budget, the Prime Minister made it clear that in view of the evaluative role of Infrastructure Australia, it was imperative that State governments put forward fully documented applications placed in a comprehensive planning context or as part of an ongoing infrastructure program so as to demonstrate that they form part of rigorously constructed social, economic and environmental programs.

When the Budget was handed down in May it became clear that Victoria and Western Australia with well-supported submissions had received substantial infrastructure appropriations, whereas NSW and the ACT with insufficient justifications did not.

What has been happening since the defeat of the Whitlam Government, more than thirty-five years and five federal governments ago, is that the relentless political pressure for improved education and health services (soft infrastructure) now consumes roughly two-thirds of state budgets leaving insufficient scope for 'hard' infrastructure. This has mainly been at the expense of transport systems in general and capital city public transport systems in particular, with water and communications infrastructure not far behind. These are all inter-connected networks that, when looked at from a national standpoint, represent a staggering multi-billion dollar backlog that are quite literally proving to be beyond the capacity of State and the Federal governments to cope with. Experience in Australian cities, when faced with similar backlogs during the 1960's and '70's, suggests that the Rudd Government's insistence on plan-based applications for infrastructure grants is unlikely to be met unless there is a return to properly constructed metropolitan and regional planning schemes on the part of State and Territory governments, which the Federal Government might find it necessary to specify.

This is a particularly important issue for the ACT because of its heavy reliance on Commonwealth grants for major infrastructure projects that currently are not normally justified by the ACT Government on grounds that derive from a well-established strategic planning program. The Canberra Spatial Plan, on which the Territory Government claims to rely upon as its long-term strategy, is not a strategic document being more in the nature of an aspirational statement as to all the things that the ACT Government intends to look into but, after a lapse of more than five years, has barely managed to do so. The indications, therefore, are that the relationship between the Territory Government, a revitalised NCA and the form and content of a joint planning document as proposed by the JSC, all have an important bearing on how Canberra might fare in the new world of Infrastructure Australia and the Rudd Government's requirement for rigorous, plan-based, justification to support applications for Federal Government infrastructure grants to the states and territories.

Growth and Change in the National Capital Region

During the preparation of the Y-Plan (1965-70) the NCDC on several occasions had cause to warn the Federal Government of the impending danger of unplanned residential development across the border in adjoining districts of NSW. The NCDC's concern was that ad hoc rezoning of rural land in NSW would enable rural-residential development that would eventually coalesce into housing estates and extensions of suburban Queanbeyan, which would place a growing burden on the infrastructure of the ACT that had not been allowed for by the Commission. The Y-Plan envisaged that ideally the northeast and northwest urban development corridors would eventually extend into NSW and be subject to the same spatial controls that existed in the ACT.

Despite efforts by the Whitlam and Fraser Governments to reach agreement with successive NSW governments (1974-85) on a range of options including relocation of the border, joint federal/state planning arrangements, protective zoning on main highways leading to the Capital, limitations on the size of rural subdivisions and channelling future growth by extending the Belconnen and Gungahlin urban corridors into NSW nothing has ever been resolved, however, over the last ten years or so the problem has re-emerged.

Speculative land purchases of non-urban land at Jerrabomberra, Tralee and Googong on the southern outskirts of Queanbeyan have led to pressures on the NSW Government to agree to incremental rezoning of land at Jerrabomberra and approval-in-principle of two large housing projects at Tralee and Googong respectively. These two projects have a combined capacity of about 30,000 residents all of whom will be heavily dependent on Canberra for employment opportunities as well as for retail, education and health services. Their work-related travel demands will seriously unbalance the whole of Canberra's eastern parkway and associated highway network, which is already experiencing significant congestion delays as a consequence of the growth of commuter traffic from NSW.

It is estimated that more than 25,000 people, including Queanbeyan residents, cross the border every weekday seeking to avail themselves of Canberra consumer services and employment opportunities and the numbers are steadily increasing. The Tralee and Googong developments, when approved, will be an added boost that the ACT Government at some stage will have to contend with in much the same way presumably that it has been forced to contend with in relation to water requirements.

In the past twenty years these kinds of Capital Region issues have been, and continue to be, beyond the powers and administrative resources of successive ACT governments to contend with. This accordingly raises the question as to what extent the Commonwealth henceforth needs to resume an active role in bringing together a joint ACT, NSW, Commonwealth system of regional planning for the Capital Region that protects the integrity of the National Capital by preventing urban sprawl from occurring immediately outside its borders beyond what the NSW Government has already endorsed at Tralee and Googong. There are other issues as well that need to be dealt with under the same joint regional planning umbrella including, for example, protection of the Canberra Airport flight path corridor and upgrading of the Sydney-Canberra railway system to enable Tilt or VFT passenger services, including in the context of the NSW Planning Department's long-term Sydney-Canberra urban development corridor.

Public Administration Aspects

In order to ensure an effective and viable planning framework for the future of the Territory's planning system, the JSC has identified three fundamental issues, namely

- Confirmation of the principles and policies that define the Commonwealth interest in the national capital
- The need for a single integrated planning document that incorporates such principles and policies
- Resolution of the role and the resources necessary for the NCA to administer the Commonwealth's responsibilities in order to ensure that the special character of the national capital is enhanced and maintained.

When considering the above objectives there are a number of fundamental considerations that have to be looked at, such as, what is the nature of the technical planning work to be carried out and what are the financial and human resources implications of implementing all of the above. These are essentially public

administration issues that emerged during the course of the Inquiry when it became increasingly apparent to the JSC that both the NCA and the ACT administrations lacked the capacity and skills to fulfil the requirements of the Planning and Land Management Act efficiently and effectively.

After two decades of Territory self-government there is a widespread view that both the ACT and the Commonwealth administrations have not kept pace with evolving Territory and National Capital needs. The parlous state of the NCA is of course self-evident while in the case of the Territory administration town planning and land administration operations have become fragmented and de-skilled to such an extent that the ACT Government has become the constant target of public criticism from all quarters that appears to have no prospects of abating. The reaction of the Stanhope Government has been to dismantle as many of the environmental, social and national capital obligations in the ACT planning statutes as possible in order to facilitate land and property development so as to maximise returns to the Territory budget.

While the JSC Inquiry was primarily concerned with planning and related land administration processes operating within the narrow confines of the NCA's statutory powers and duties this Report, on the other hand, looks more widely at a number of collateral factors that are undoubtedly germane to the successful implementation of the JSC's recommendations, including

- The twenty years evolution of the ACT Public service in ways that are not conducive to the establishment joint working relationships with the Commonwealth
- Inherent limitations within the Commonwealth Public Service for dealing with program delivery as distinct from policy delivery
- The logistical problems that will have to be overcome to re-equip the NCA so that it is capable of fulfilling the Commonwealth's planning and development obligations to the National Capital.

Economic Prospects

With the introduction of self-government in 1988 there was a view in some quarters that the ACT economy might, as a direct consequence, be encouraged to diversify and that the ACT could accordingly reduce its reliance on the Commonwealth by virtue of greater investment and job creation on the part of private enterprise. While there has been a degree of shift in this direction, partly because of the national trend towards contracting out public service functions and the privatisation of traditional public infrastructure provision such as electricity generation, water supply, toll roads, hospitals, schools and telecommunications, in the case of the ACT the Territory's economic base continues to be predominantly dependent on Commonwealth expenditure and fiscal grants.

The most pressing economic issue for the Territory, that nobody seems willing to acknowledge, is that the fiscal relationship between the Territory and the Commonwealth is rapidly becoming unsustainable.

It must have been obvious to the Hawke Government in 1988 that handing over most of the public land stock for future sale and development was never going to be a

sufficient source of funding to support the ongoing administration and development of the Territory, especially in view of the fact that land is a finite and rapidly depleting resource in the case of a Territory more than two thirds of which is a dedicated water catchment.

The inescapable fact, which has been evident for a number of years, is that the Territory Government cannot sell land fast enough and at high enough prices to balance its budget. What makes things even worse is that what is supposed to be a properly planned estate has become increasingly subverted by the overwhelming imperative of the ACT Government to maximise profitability or revenue-raising capacity by maximising land prices, irrespective of environmental or town planning considerations, whereas what it should be doing is seeking to re-negotiate the fiscal arrangements conferred upon the Territory without consultation in 1988 that are now producing unintended malign consequences from both a Territory and a National Capital viewpoint.

Climate Change

While the ACT will undoubtedly be affected by the adverse effects of climate change along with the rest of the nation, however, the issue of water availability is of particular concern because of the seemingly long-term decline in rainfall and stream flows in southeast Australia generally. The ACT Government via ACTEW is actively investigating water supply issues, however, there are many other aspects that are not being recognised, such as the feasibility of maintaining Canberra's garden-city character and what the alternatives might be, how to improve the quality and reliability of public transport and how to adapt the planning and management of the National Capital Open Space System to enable it to cope satisfactorily with the adverse impacts of climate change.

Canberra as a Model City

The underlying intention of the Constitution in 1901 was that the National Capital would be built by the Commonwealth as a model city the development of which would reflect the best town planning principles and practices of the day. Between 1913 and 1988 or between Walter Burley Griffin and the NCDC-era, the fundamental objective of the Commonwealth administration has always been to ensure that Canberra was planned, designed and constructed in strict accordance with this ideal. Unfortunately the same view has not prevailed under self-government, far from it.

And so the question remains, does the objective of designing and constructing Canberra as a model city so as to give it the special character intrinsic to the National Capital that the JSC Report refers to still prevail, or is Canberra's future development to be a *laissez faire* process of normalisation whereby Canberra progressively becomes just the same as other Australian cities.

Responding to Future Needs

The focus of the JSC Inquiry was on the Territory Plan and the National Capital Plan as being the two statutory instruments that are designated under the Australian Capital Territory (Planning and Land Management) Act 1988 to regulate land development in the ACT from both a Territory and a National Capital standpoint. Both plans arise from an underlying planning process that the JSC did not pay much attention to, however, in order to implement the Committee's recommendations it is this underlying planning process, commonly referred to as 'metropolitan strategic planning', that now needs to be reinstated.

Making this point in another way, the Territory Plan, is simply a land use zoning plan whose main purpose is to provide a spatial basis for development control regulations that are to be found in the written parts of the Plan. The Territory Plan does not, however, provide any information about how land utilisation and infrastructure development should occur in the future nor does it say anything about current trends and future needs in physical, social and economic terms that the Territory Government will have to contend with and accordingly needs to be aware of.

For example, the Territory Plan has nothing to say about Capital Region issues of large-scale urban development in the NSW borderlands. It offers no guidance as to how the ACT Government can resolve competing issues within the transport portfolio of roads versus public transport, public transport versus parking, buses versus light rail and so forth. Fundamental aspects of the Territory Plan are breaking down and are out of joint with such things as changes to the school system and retail shifts affecting neighbourhood centres and so forth yet, despite their obvious importance, ACTPLA is slow to respond to such issues because its professional staff, who are mainly equipped to deal with development control work, do not have the expertise to carry out basic investigation and research into land-related urban systems on which the reliable identification of town planning objectives, principles and policies rely.

2. URBAN AND REGIONAL PLANNING METHODS

Urban and Regional Planning Needs

The JSC concluded that, in the light of twenty years experience of a dual planning system there is a clear need to have a revised process that will integrate the National Capital and the Territory plans more effectively in order to eliminate the present unsatisfactory situation of conflicting policies, overlapping development controls and confused public consultation procedures. It accordingly recommended that there should be single planning document that reflects both national capital and territory planning interests. In its December 2008 response the Federal Government accepted this recommendation in principle and indicated its intention to work closely with the ACT Government to find the best way to arrive at a joint system that embodies both the National Capital and Territory planning schemes notwithstanding the fact that there are two separate planning and land management administrations.

Before addressing the question of what the form and structure of an integrated statutory planning procedure ought to be, it is important to canvass the issue of what

are the essential features that such a system needs to possess that will be responsive to the unusual circumstances of Canberra's system of governance. The shortcomings of the dual planning system are only one difficulty, the high degree of fragmentation that characterises the ACT's quasi local government system of administration is a major barrier to achieving successful integration of urban services generally, none more so than in the key area of transport services.

Experience with different systems of metropolitan and regional planning in Australia during the past fifty years has shown that unless land use and transport planning processes are directly connected to urban development processes, the effectiveness of the plan in achieving its objectives will be significantly reduced or even nullified altogether.

Making the same point from an institutional perspective, the most effective planning organisations in Australia and elsewhere have been urban development corporations in which typically there is only one organisation doing the planning as well as being responsible for the implementation of the plan. The obvious advantage of this combined plan/develop arrangement is that the technical work that goes into the preparation of the plan involves the same professional personnel and thus the same ideas and the same professional skills when it comes to putting the plan into effect.

Although the statutory urban development corporation is basically a public sector invention, nowadays most of the large residential development company's have adopted it. For example, one of Australia's major homebuilders, Mirvac, has announced that it is getting out of small-scale housing projects and reorganising its business by concentrating on large land acquisitions and in order to obtain greater economies of scale that so-called estate development offers. This will enable the company to include essential community facilities and services that State governments and local councils are increasingly less able to do, and to do so in an efficient and timely manner. Mirvac will accordingly join the ranks of Delfin Lend Lease, Stocklands and most other big land and housing development corporations for whom comprehensively planned, designed and constructed housing estates and office parks have become the norm. Ironically this is the system of urban development that was pioneered by the NCDC but which has been abandoned under self-government.

The situation in the ACT is one in which the planning authority ACTPLA is functionally detached from the Land Development Agency, which is the ACT Government's land disposal agency. Consequently ACTPLA exerts very little influence on the spatial layout, form and structure and development standards attaching to the conditions that the Agency includes in its contracts of sale to developers. Likewise the spatial planning, urban design and environmental standards applying to public spaces in the town and local centres, in relation to parks and open space areas, are all handled by other elements of the Territory administration leaving ACTPLA with not much more than just an assessment and review role when granting development approvals.

This fragmented system of planning and land administration is far removed from the intentions of the 1988 ACT (Planning and Land Management) Act and from the Territory's stated intentions when the Bill to divide land planning and land disposal and assign them to separate agencies was debated in the Legislative Assembly. Of

much more serious concern, however, is the poor quality housing development that this arrangement is producing, as typified in a recent letter to the Canberra Times:

New house blocks from the government are often too small, over-priced, poorly proportioned and badly oriented for solar use. New houses are too big and encourage occupants to consume energy; they ignore the real need for affordability, continue to rely on expensive gas and electricity for space heating, and are often forced by the block to make ineffective use of solar and natural free energies. (Wrigley, CT 30.7.09, p.20).

The situation at the federal level is not much better in that the NCA has few powers in relation to the planning and design of Commonwealth land and building projects. Its capability to do its job in relation to maintaining the design quality of the National Capital is greatly constrained by the fact that it has never in its twenty-year existence been allocated sufficient funding or professional staff to carry out routine review and updating of the National Capital Plan, which is the only statutory mechanism available to it to engineer adaptations and improvements in light of actual experience.

If there is to be a single planning instrument that integrates the Territory Plan and the National Capital Plan and that does so in a manner that results in desirable urban outcomes, then it will be essential to have planning authorities in both administrations that can exercise unified control over plan implementation and that will be given the staff and resources to enable them to do so.

Producing a Joint Planning Document

The preparation of a single plan that integrates the National Capital Plan and the Territory Plan is basically a transformation of the National Capital Plan, which would be in accordance with the first of the Joint Standing Committee's terms of reference from the Minister, namely, to review the administration of the National Capital Plan with a view to recommending necessary changes. From a technical standpoint it would be basically a process of fundamentally changing the National Capital Plan from being a land use zoning plan to becoming a metropolitan strategy plan so that it becomes a single planning instrument incorporating policies and principles of national capital significance applying across the whole of the ACT. This would leave the Territory Plan to continue in its current role of being a development control instrument that is closely linked with the ACT Government's land sales programs.

The JSC Report envisages a revised National Capital Plan that will be prepared jointly by the Commonwealth and Territory administrations working together. The preparation of such a plan would be, in effect, the formulation of a metropolitan strategic planning scheme involving the following steps along similar lines to the NCDC's methodology for producing the 1984 Metropolitan Canberra: Policy Plan/Development Plan:

1. Collection of basic data - demographic, economic, etc – in order to establish the *status quo*.
2. Evaluation of current 'growth and change' trends, leading to assessments of future physical, social and economic needs over (say) ten to twenty five years.

3. Forecasts of social and economic growth as a basis for estimating future land and infrastructure requirements.
4. Needs assessments – land, transport, housing, education, health, essential services infrastructure, communications, conservation, national capital/seat of government facilities and services, cultural development and enhancement of the ‘special character’ of the national capital.
5. National Capital planning principles and objectives.
6. Spatial Plan.
7. Transport Plan.
8. Land and infrastructure development programs, one year and 5-10 year programs.
9. Performance monitoring and plan review feedback.
10. Development control procedures.

Such a program is intended to achieve three things:

- Understand how land in Canberra and the ACT is being utilised and identify ‘trends and needs’ that are likely to give rise to changes of land use and infrastructure demand in the future
- Establish routine forecasting procedures that maintain a regular flow of publishable information about how growth and change factors are influencing the utilisation of land and its availability for future urban development
- Provide an analytical framework for the formulation of one-year and 5-10 year land and infrastructure development programs by both the Commonwealth and Territory governments respectively.

Joint National Capital Planning Program Outputs

The tangible outputs of the above program would be as follows:

1. A revised National Capital Plan
2. A metropolitan planning database maintained by the NCA that provides regular outputs of social, economic, environmental and metropolitan growth and change assessments, for the edification of both the public and private sectors in relation to their respective land and infrastructure development programs and budgets.
3. The establishment of a joint urban research agency (within NCA) comprising professional experts in relevant disciplines, capable of supplying reliable information, analytical and research services to both the Commonwealth and Territory governments in order to enhance the frequency and quality of information-based decision-making, with particular reference to urban planning, land development, environmental assessments, infrastructure provision and social and economic planning.

While the ACT (Planning & Land Management) Act 1988 specifies that the purpose of the National Capital Plan is to ensure that “Canberra and the Territory are being planned and developed in accordance with their national significance”, it has become more and more evident for most of the last twenty years that this is not the case. The causes are not just a lapse of interest on the part of Federal and Territory governments, the policies and principles that are intended to give effect to this objective have become increasingly unclear to such an extent they are ‘more

honoured in the breach than the observance' and are accordingly greatly in need of revision.

In its response to the most obvious deficiencies that emerged during its Inquiry, the JSC made the following recommendations:

- That a single integrated document be brought into being that comprises the two statutory plans, which has clear geographic boundaries between the two plans and enshrines the policies and principles relating to national significance across the ACT.
- That the Act be amended to enshrine the policies and principles of national significance as described in the proposed National Capital Land Use Plan in a schedule of the ACT and that the proposed Implementation Strategy be included as a disallowable instrument
- Areas of Territory Land where the Commonwealth has a significant and enduring interest be converted to Designated Areas
- That a joint Sustainable Transport Plan be prepared and recognised in both the National Capital Plan and the Territory Plan.

In its Report the JSC noted that the formulation of a revised National Capital Plan would involve a specific investigation into (a) what is the 'special character of the national capital' and, (b) what are the underlying 'principles and policies' of the Plan that enshrine it.

A revised National Capital Plan would presumably comprise a broadly based spatial plan, one that identifies areas to be planned and regulated in more detail by the Territory Plan and that would incorporate overriding principles and policies that have been specified in the National Capital Plan as being of national significance. The revised National Capital Plan's principal spatial elements might accordingly be categorised along the following lines:

- Existing and proposed development districts (town structure)
- Central place hierarchy with target employment levels
- Service trade areas with employment targets
- Special uses areas (defence, Commonwealth facilities, communications, energy, commercial forests, water catchments)
- Airport district
- Broad-acre development areas
- Inter-town highway and public transport networks
- Parliamentary Zone & Lake Burley Griffin Precinct
- National Capital Open Space System

Since 2005 a four-year review of the Territory Plan by the ACT Government via ACTPLA has transformed it into a stripped-down land use zoning and development control plan in which the principles and policies derived from the National Capital plan have been mostly eliminated and are accordingly to be found either in the non-statutory 2004 Canberra Spatial Plan or by direct reference *ab initio* back to the National Capital Plan. To a degree the changed nature of the revised Territory Plan has anticipated the JSC's conclusion that the National Capital Plan ought to be updated and serve as the single planning document that spells out more clearly how

development under both Territory and Commonwealth jurisdictions is to be regulated by explicit statements of national capital planning principles and policies. An important output of a revised National Capital Plan, that the JSC Inquiry did not highlight although there were several submissions that attempted to do so, is that the data and analyses from which the Plan has been derived will be capable of providing information about large-scale infrastructure needs from which indicative infrastructure development programs could be drawn up. These would not only be relevant to the capital works aspect of the Territory's annual budget, they would also provide the sort of information that Infrastructure Australia will from now on be looking for when financial assistance from the Federal Government in relation to ACT infrastructure proposals is being sought.

Furthermore a revised National Capital Plan would be a critical prerequisite for the preparation of a Joint Sustainable Transport Plan (Recommendation 13). It would also provide a solid basis for assessing the extent to which growth and change factors in South Eastern NSW are likely to exert significant extraneous influences on Canberra's future development.

For example, the 2008 decision by the NSW Government to approve major housing projects at Tralee and Googong will not only place significant pressures on ACT infrastructure, particularly main roads, water supply, health and education services, they will also compete very strongly with the ACT housing market that is a critical source of revenue for the ACT Government. Both the Tralee and Googong schemes also pose a direct threat to the operational capacity of the whole of Canberra's Eastern Parkway network.

Realistically what is happening in NSW is the start of a new era in which there is nothing to stop large-scale urban development occurring with increasing frequency throughout the NSW borderlands, unless the Commonwealth and the NSW governments put in place something more materially binding than the loose-knit 'gentleman's agreement' that arose out of the 1975 Holmwood Inquiry on the part of the Whitlam and Askin governments.

A revised National Capital Plan would be able to throw useful light on some of the more philosophical issues that the JSC has highlighted:

- In a material sense, what are "*the Commonwealth's obligations in relation to the National Capital*"?
- The Government has affirmed that it has an "*enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians*". But what is going to be the practical manifestation of that commitment so as to move it beyond the level of mere assertion, especially in view of clear signs that the dual planning system is breaking down and Canberra the 'planned city' is in the process of becoming Canberra the 'unplanned city'?
- What is the '*unique design*' of Canberra and what is meant by the phrase '*the intrinsic character of the national capital*'?

These are the concepts that have been accepted by the Commonwealth Government and its administrative agencies without question throughout the first eighty years of Canberra's development. The introduction of Territory government in 1988 and hence a second level of public administration has, however, fundamentally altered the

received wisdom as to what constitutes an appropriate national capital ideology today and what are the perceived values to be adhered to by both the Commonwealth and the Territory Government in the ongoing planning and development of the City and the Territory.

3. ROLE AND RECONSTITUTION OF THE NCA

Evolution of the Dual Planning System

The ACT (Planning and Land Management) Act 1988 establishes a dual planning system in which the statutory powers of the Commonwealth override those of the Territory Government. With regard to the development of Canberra, the Territory Government is effectively the ‘agent’ of the Commonwealth. The controlling instrument in this regard is the National Capital Plan the purpose of which is to “ensure that Canberra and the Territory are being planned and developed in accordance with their national significance”.

The statutory functions of the NCA are:

- To prepare and administer a National Capital Plan
- To keep the Plan under constant review
- To provide planning services to anybody, with the consent of the Minister
- To foster an awareness of the National Capital
- To manage National Land.

The Authority can exercise the following powers through the medium of the National Capital Plan:

- Specify any land as a ‘Designated Area’ on the grounds that it is deemed to have the ‘special characteristics of the National Capital’.
- Define principles and policies for giving effect to the object of the Plan
- Set out General Policies to be implemented throughout the Territory in relation to (a) land use and (b), national and arterial road systems.

With regard to Territory planning the Act requires the ACT Assembly to:

- Establish a Territory Planning Authority
- Confer planning powers for the preparation of a Territory Plan
- Keep the Territory Plan under constant review.

The Territory Planning Authority is required to confer with the NCA regarding preparation of the Territory Plan and the making of amendments, which must be in accordance with the National Capital Plan as otherwise any non-conforming measures will be without legal effect.

A significant weakness of the Act is that despite the fact that it establishes a dual planning system it does not spell out the scope and content of each planning jurisdiction. For example, the Act does not make a distinction between metropolitan strategic planning (e.g. the 1970 Y-Plan), on the one hand, and a land use zoning plan (e.g. the Territory Plan), on the other. Nor does it set down criteria for deciding which classes of land and which types of infrastructure are to be retained as Commonwealth

responsibilities and which are being delegated to the Territory. Some of these deficiencies have been noted by the JSC and have been singled out as requiring remedial action by the Commonwealth.

After twenty years of implementation of the ACT self-government legislation what might be termed the planning balance sheet may be summarised as follows:

- All forms of metropolitan strategic planning that were envisaged under the Planning and Land Management Act 1988 have virtually ceased. The last attempt was the Stanhope Government's foray into the Canberra Spatial Plan in April 2002 which, after publishing a draft-for-discussion version based on extensive public consultation in March 2004 as a basis for more detailed investigation as to what the appropriate 'form and content' of the plan should be, the remainder of the program was aborted and ACTPLA's metropolitan planning team disbanded. This draft version, with minor changes, has been confirmed by the ACT Government as the planning strategy for the next 25 years, that is, to 2025.
- The Territory Plan has undergone an extensive four-year revision (2006-2008) in which the strategic and policy elements have been removed for purposes of simplification. The revised Plan has been turned into what is basically a statutory zoning instrument, development control procedures have been codified into a 'merit-based' system of assessment, public consultation and appeal entitlements have been severely curtailed and the Minister has been given draconian call-in powers that by-pass the planning regulations altogether. Despite the Government's initial aim that the revision would alleviate adverse criticism of the planning system from the property industry and community groups, after twelve months in operation there is scant evidence that it has or is ever likely to do so.
- For some obscure reason the National Capital Plan is not a metropolitan strategy plan and does not serve as a replacement for the Y-Plan. From the outset in 1989 it was formulated as a zoning plan derived from the NCDC's 1984 Metropolitan Canberra Policy Plan/Development Plan. It includes some Y-Plan principles and policies expressed as development control guidelines for each of the principal land use zones. The NCA's administration of the National Capital Plan over the past twenty years has not been effective in ensuring that the principles and policies that establish the special character of the National Capital have been adhered to by Commonwealth Government agencies or by the Territory. The Act is deficient in that it does not give the NCA power to apply sanctions in the case of non-compliance with the Plan.
- After twenty years of the dual planning system the overall picture is a dismal one. The garden city character of Canberra is in the process of being destroyed through the application of ill-conceived urban intensification policies. Planning requirements have been relaxed or eliminated in order to speed up the processing of development applications and, even more importantly, with the object of maximising revenue returns to the ACT Government from public land sales.

- This unfortunate situation is being made worse as the timely provision of municipal-type facilities and services becomes increasingly beyond the financial and administrative resources of the Territory Government to manage. The physical fabric of the city is accordingly deteriorating to such an extent that in many respects it has fallen well below the sort of standards that one would normally expect to see in the Nation's capital city, especially in Canberra's case where ever since Federation in 1901 the city has been held up as an exemplar of the best things that town planning and high standards of urban design have to offer.

The progressive decline in the quality of Canberra as a planned national capital is mainly a consequence of the decline in planning methodology developed and refined by the NCDC, which the NCA and the ACT Government inherited in 1989 but have not been able to sustain. The original versions of both the National Capital Plan and the Territory Plan derive, for the most part, from the Y-Plan (Metropolitan Canberra Policy Plan/Development Plan 1984) but have moved a long way away from the Y-Plan objectives, principles and policies that both plans were intended to put into effect. The sequential deterioration in planning methods on the part of the NCA and the ACT Government from 1988 to the present can be summarised as follows:

1. In 1989 the NCA and the ACT Planning Authority commence preparation of National Capital and Territory plans respectively. Both plans adopt the spatial layout, objectives, principles and policies embodied in the Y-Plan. Neither the NCA nor the Territory Government, however, has been able to maintain the NCDC's comprehensive approach to metropolitan planning and coordinated urban development, despite the fact that former-NCDC staff were assigned to both organisations.
2. Urban research and metropolitan planning investigations gradually phased out by successive Territory governments, especially the Carnell and Stanhope governments, basically because there is no strategic planning program to justify it. In the case of the Territory, the adoption of a local government departmental structure that separated town planners, sociologists and economists from civil engineers, transport planners, landscape designers and urban designers, for example, was inimical to the comprehensive planning and coordinated urban development approach that was the hallmark of the NCDC's success.
3. Steady loss of experienced professional staff from NCA and the ACT Planning Authority due to a combination of deliberate de-skilling and a growing inability to attract and retain competent staff and senior managers. Increasing reliance on consultants to carry out skilled planning and design work that tends to further weaken the in-house capabilities of NCA, ACTPLA and ACT municipal services staff.
4. In the absence of strategic planning and routine programs of research and investigations program the national capital principles and policies contained in both the National Capital Plan and the Territory Plan begin to atrophy and ultimately abandoned in favour of ad hoc decision-making in relation to complex issues such as retail development, office location, primary school closures, rural-residential

development and overall a widespread movement by both jurisdictions away from garden city ideals.

5. The lack of urban research leads inevitably to a lack of plan performance monitoring and review in order to ensure that the National Capital Plan and the Territory Plan are being kept up to date. This leads in turn to a reduction in planning and design standards and worsening development control difficulties that collectively give rise to mounting community and business unrest and adverse media reports.
6. Commonwealth Government support for the very 'idea' of the national capital has been on the wane for the whole of the twenty-year self-government era. The program of national capital development has accordingly been significantly curtailed. The attitude of successive Territory governments since 1988 towards Canberra's national capital interests has ranged from indifference to resentment to, at times, outright hostility as happened in the case of the Gungahlin Drive route determination by the NCA. From a national perspective it is hard to avoid the feeling that in the same period the image and status of Canberra as the national capital has deteriorated and the 'special character of the National Capital' that the JSC Report refers to, has not been actively maintained by the Commonwealth from the day it handed over its national capital responsibilities to the inaugural Territory Government more than twenty years ago.

Role of the NCA

Because of the manner in which successive Territory governments and the Legislative Assembly have tended to narrow the scope of Territory planning responsibilities so that ACTPLA functions more or less along the same narrow lines as a local council, it seems unlikely that implementation of the JSC recommendations will fall anywhere other than upon the shoulders of a reconstituted NCA. The most significant recommendations in this regard are as follows:

- Bring both planning systems into alignment as a single document (Recommendation 18)
- Enshrine policies and principles of national significance in the single planning document (Recommendation 17)
- Formulate a joint sustainable transport policy (Recommendation 13).

Although not highlighted in the JSC Report, the Hansard record of the Hearings shows that there were lengthy discussions about the extent to which the wide range of technical work that underlies both Plans needs to be revived and the likelihood that a reconstituted NCA offers the best prospects for doing so. The principal thrust of this Technical report is that there are basically two things to be done. One is to reconstitute the NCA with qualified professional staff sufficient to transform it into an effective metropolitan and national capital planning authority. The other is to re-establish an ongoing metropolitan strategic planning program based on reliable research and investigations to determine long-term land, transport and infrastructure needs and establish implementation programs to satisfy them in a timely fashion.

On the assumption that the Government will implement the JSC recommendations concerning the reconstitution of the NCA, then its metropolitan strategic planning role is likely to entail the following operations:

1. Restoration of the '*special character*' of the National Capital as the NCA's primary corporate objective
2. Definition and application of what the Commonwealth intends with regard to '*high standards*' of design, development and construction'
3. Establishment of regional planning procedures for dealing with the social, economic and environmental dependencies that are mutual concerns of Canberra and the National Capital Region (ACT/NSW)
4. Define and manage '*Designated Land*' and exercise zoning and design and siting control powers in relation to their utilisation and development
5. Set up routine metropolitan strategic planning procedures by merging the 1984 Metropolitan Canberra Policy Plan/Development Plan and a revised National Capital Plan
6. Carry out routine urban research and investigations for the benefit of National and Territory planning regimes, including responses to ACT Government priorities and requests
7. Provide expert urban and regional planning consultancy services to the Commonwealth Government in relation to land utilisation and urban infrastructure issues in Australia and abroad
8. Disseminate information about Canberra as a planned national capital with the object of keeping alive 'the idea' of the national capital' and enhancing its intrinsic value in the minds of all Australians
9. Promote, attract and facilitate tourist visitations for the purpose of having as many Australians as possible experience their 'national capital' at first hand and understand its fundamental role as the repository of the Nation's memorials and cultural institutions
10. Identify and establish the case for additional national institutions to be established in Canberra
11. Establish and maintain collaborative professional relationships with the Territory Government and administration, so that the ongoing development of the National capital is truly a joint venture in a way that has yet to be realised.

NCA Technical Work Program

The technical work program for the NCA that derives from the above role can be summarised as follows:

1. Special Character of the National Capital.

Since the advent of self-government the concept of the 'special character of the national capital' has largely been lost sight of to such an extent that it has been suggested variously by the Carnell Government, by Members of Parliament and by pundits and others, that the 'national capital' part of Canberra is no more than the Parliamentary Triangle, or that area plus the War Memorial, or plus the central basin of Lake Burley Griffin and so on, and that

the rest of the ACT should be placed under the undivided administration of the Territory Government. Another variant of this diminutive argument is that the Commonwealth Government should simply treat Canberra in the same way as it deals with the State capitals so that with the passage of time it will become 'normalised' and will look like and increasingly behave like other Australian cities and will no longer receive special treatment.

It has to be recognised that such sentiments are probably more widespread than most Canberra residents would hope for and that in the Federal Parliament the feeling amongst Members that their own electorates are being deprived of Commonwealth largesse in favour of Canberra's embellishment is more widespread and enduring than one might expect, Canberra's more than 100 years existence notwithstanding.

The manner in which Canberra has been planned and developed since provision was made for it in the Constitution in 1901, however, has been unwavering. The framers of the Australian Constitution determined that as an integral part of Confederation, Australia would have a new capital, located on its own site, planned as a model city whose principal purpose was to be the seat of national government, designed to the highest standards and in accordance with sound town planning principles so that it would become a healthy place in which to live and in general would reflect the best aspects of Australian culture.

In the intervening eighty eight years of Commonwealth administration nobody, not Walter Burley Griffin, not Sir John Sulman, not the Federal Capital Commission, the Department of Interior and the NCDC in the planning, design and construction of the city made any distinction between Canberra as a metropolitan city and Canberra as a national capital. The Y-Plan incorporates the accumulated principles and policies that were formulated during this 88-year period and on which the built form of the city prior to 1989 has been based. The JSC concluded that there have been significant departures from these principles and policies since advent of self-government that the Commonwealth, with the cooperation of the ACT Government, needs to identify and redress.

2. Application of high standards of design, development and construction.

The original intention of Australia's national capital being a model city means in practice achieving high standards of design and development in terms of land subdivision, architecture, civil engineering, highways and public transport facilities, landscape planning, design of public places (urban design) and conservation of the natural environment of the Territory so that, in Walter Burley Griffin's words, Canberra comes into existence as a planned city in balance with its surrounding region of hills and valleys and watercourses. This is what is meant by the phrase in the JSC Report '*the intrinsic character of the National Capital*', which the Commonwealth is committed to maintaining in the interests of all Australians.

During the NCDC-era, Canberra was widely known throughout Australia and abroad as one of the twentieth century's most outstanding example of town planning excellence. For many years it was much visited by expert professionals, architects, planners, engineers, landscape designers and property developers as an exemplar of world-best practices. Unfortunately however, that can no longer be said today.

Since 1995, under both the Carnell and Stanhope governments, the quality of Canberra as a built environment has declined. For example, in many parts of Gungahlin the quality of residential development is sub-standard in terms of house design and siting, streetscapes, access to sunlight and air, privacy and protection from overlooking, public open space provision and the design and siting of community facilities such as schools, libraries and so forth. At the other end of the scale, Garema Place in the heart of Civic looks shabby, as do the town centres of Woden, Belconnen and Tuggeranong beyond the precincts of the enclosed shopping malls.

A significant cause of this decline has been the practice of successive Territory governments to 'water down' those provisions of the Territory Plan that impose conditions on developers in order to ensure that they achieve high standards of amenity, health and convenience, which has the intended effect of improving developer profit margins they in turn can afford to bid higher prices at government land auctions.

Improving the profitability of development by lowering subdivision and residential development standards is not unique to Canberra. It has also become commonplace in green fields development projects in Sydney, Melbourne and Brisbane and for basically the same reasons, namely, to maximise government revenue yields from land sales and to speed up the rate of development approvals. Nonetheless, it is becoming increasingly recognised as bad town planning practice, especially by professional groups and by local councils generally, however, state governments are implacable in insisting that urban consolidation and intensification is the only feasible alternative to a continuation of traditional green fields development on the metropolitan outskirts that generates ever mounting infrastructure costs beyond the capacity of State budgets to accommodate.

The difficulty with this orthodoxy is that in Canberra and in Australian cities generally, higher development densities require greater numbers and intensity of public facilities and services than traditional low density development generates, such as, more intensive management and upkeep of public open space and recreational facilities, greatly increased levels of investment in public transport and higher demand for energy and communications services, most of which state and federal governments are by and large ignoring.

This situation is made worse by governments relinquishing conventional town planning regulations on the grounds that it can be left to market forces and consumer preferences to determine the most appropriate development outcomes, of which residential development in Gungahlin is typical comprising as it does an unending pattern of closely-packed, increasingly

larger, energy-consuming houses set amidst impoverished outdoor environments.

As long as the development of Canberra as a planned city with high standards of amenity and environmental sustainability continues to be a Commonwealth objective, then it is imperative that such standards are included as statutory requirements in the ACT (Planning and Land Management) Act in order to resuscitate what the JSC Report recommends as being a fundamental aspect of the ‘special character’ of the National Capital.

3. Establishment of Regional Planning Procedures as an adjunct to the National Capital Plan.

The ACT Government has been unable to exert any influence on NSW and Queanbeyan City Council decisions concerning the rezoning of rural land at Tralee and Googong, notwithstanding that both schemes have significant implications and adverse environmental prospects as far as both the ACT and Commonwealth governments are concerned.

Experience shows that the special circumstances of border areas elsewhere in Australia have enabled developers to play off one government jurisdiction against another in order to obtain development approvals for what are usually highly speculative projects in which rezoning of non-urban land is invariably the first move. It would be prudent, therefore, to treat the Tralee and Googong initiatives as being the start of potentially widespread urban development anywhere along the length of the ACT/NSW border, rather than as being harbingers for more of the same.

The fact is that the Territory Government has not got the necessary regional planning skills at its disposal to interact with NSW planning and infrastructure agencies nor does it have the powers necessary to deal with NSW on a government-to-government basis to a sufficient extent such that the interests of the National Capital will be duly recognised. Fundamentally the resolution of regional development issues accordingly needs to be accepted as a Commonwealth responsibility, which has the added advantage that the Commonwealth can make offers of financial assistance in relation to infrastructure that is invariably a key issue in arriving at mutually satisfactory inter-governmental agreements.

Either way, the NCA will need to be set up to provide regional planning expertise that to date the Territory Government and the ACT Assembly have been unwilling or unable to muster.

4. Identification of Designated Land.

The JSC has endorsed the principle that Designated Land should be land that is managed, planned and developed by the Commonwealth, essentially for national capital purposes. It follows that fiscal responsibility for the carrying out of such ‘estate management’ functions should also be the responsibility of the Commonwealth.

Currently the National Capital Plan, reflecting the Y-Plan's national capital imperatives, specifies what are deemed to be areas of Designated Land. Under the JSC Report recommendations it will accordingly fall to the NCA to review and recommend to the Commonwealth what the final delineation of Designated Land, which is also National Land, ought to be. Arguably the two most important issues in this regard will be the future status of both the metropolitan parkway network and the National Capital Open Space System respectively.

In hindsight it is clear that in 1988, when drawing up the self-government legislation, the Commonwealth deliberately avoided acceptance of a reasonable share of fiscal responsibility as much as it possibly could. Twenty years down the track it is apparent that such an arbitrary stance has been inequitable to Territory governments, is impossible for the economy of the ACT to sustain and is insufficient to meet governmental obligations to finance the ongoing planning and development of the National Capital.

As a consequence of these deficiencies infrastructure backlogs have got steadily worse ever since. Fortunately, however, the Rudd Government has recognised that there are substantial infrastructure backlogs in every state and territory that cannot be made good without major funding contributions from the Commonwealth. Initial indications are that the Commonwealth will provide funding for much needed extensions to the Territory's parkway network, which tends to confirm that the whole of the network ought to be classified as Designated Land and accordingly recognised henceforth as being primarily a Commonwealth planning, design and funding responsibility.

The National Capital Open Space System is also Designated Land but not all of it is National Land, some being Territory Land that is subject to special requirements at the discretion of the NCA. The JSC has recommended and the Government has endorsed that all land included in the National Capital Open Space System should revert to being National Land, which means that it would come under NCA management.

It is evident that the Territory Government does not have the financial or administrative resources to manage the National Capital Open Space System effectively and has even less capacity to develop the type of land and environmental research and conservation programs that are needed to maintain and enhance its diversity and special status. It would certainly take a number of years for a revitalised NCA to work out how the overall system ought to be managed having regard to its complex ecological, cultural, recreational and tourism value so that eventually it can be presented as part of an overall national capital experience along the lines that Griffin envisaged of Canberra becoming a planned city set in its special regional landscape, the one complementing the other in perpetuity.

A useful model in this regard is Gatineau Park on the outskirts of Ottawa, which is funded and managed by the National Capital Commission on behalf

of the Canadian Government as a 381 square kilometre extension to the Canadian Capital Region.

5. Establishment of Routine Metropolitan Strategic Planning Procedures.

There are, broadly speaking, two types of town planning processes in use in Australia that can be categorised as being either ‘indicative’ or ‘prescriptive’.

Indicative planning in the 1960’s and ‘70’s was commonly practised by State governments in the preparation of metropolitan and peri-urban regional planning schemes that were later categorised as being ‘strategic plans’. Such plans were usually prepared by statutory authorities or, in situations where the planning and the development functions were combined, then development corporations like the NCDC and similar private enterprise corporations were established in order to comprehensively plan, design and construct large-scale new towns and planned community development projects. Such planning is ‘indicative’ in the sense that it produces a spatial plan to serve as blueprint for land development and building construction, both planning and development operations being carried out by the one authority.

Prescriptive planning mainly comprises land use zoning and the administration of statutory development control procedures by local councils in response to applications for development consents from private enterprise and from individual landowners.

Since 1988, Territory planning procedures have progressively shifted away from indicative planning based on the Y-Plan’s metropolitan development strategy to what has become basically a prescriptive methodology whereby ACTPLA administers development applications received from third parties in accordance with statutory land use zonings specified in the Territory Plan.

The NCA has inherited many of the powers and methods of the NCDC by virtue of the terms of its enabling legislation, which means that in implementing the National Capital Plan it has relatively wide powers to evaluate development applications in relation to the Plan’s stated objectives, principles, policies and to assess the likely environmental effects in order to arrive at a balanced view about approving or rejecting them.

In other respects, however, the Authority has tended to administer the National Capital Plan fairly narrowly as just a straightforward zoning plan. This procedure could be considerably enhanced by a reconstituted NCA if an information-based strategic planning operation was revived so as to recapture the advantages that were intrinsic to the NCDC’s comprehensive planning, design and development methodology. This would enable the NCA to take into account the National Capital Plan’s explicit national capital objectives, principles and policies that in recent years it has not managed to implement effectively.

The Territory planning system, on the other hand, over the past ten years or so has been progressively nullifying and shedding statements of underlying

national capital objectives, principles and policies so that pretty much only zoning classifications and tables of development conditions are taken into account by ACTPLA when development applications are being assessed, to the detriment of national capital values and garden city ideology.

From both a Commonwealth and a Territory point of view these are the hallmarks of a system that is failing. It is a system that favours development approvals at any price over the maintaining and application of proper town planning principles. It is a system that has become highly inappropriate in view of Canberra's outstanding planning history and the fact that from its inception in 1901 it was always intended to be a planned national capital and a model city. There is a growing feeling throughout the Canberra community and in the media that Canberra is well and truly in the process of becoming an unplanned city whose garden city character is visibly, day-by-day, being destroyed.

From political, business and community standpoints it is an adversarial system that pits community interest groups and business organisations on the one hand against ACTPLA and the Territory Government on the other, in a never-ending series of acrimonious disputes about all aspects of planning, development and environmental protection with no sign of abating after twenty unsatisfactory years.

6. Urban Research by NCA for the benefit of NCA and the Territory Government.

When the enabling legislation was drafted in 1988 the Commonwealth Government's intention, or at least its presumption, was that the incoming Territory Government would set up an ACT Planning Authority that would function as a metropolitan planning authority along more or less the same lines as the NCDC. For this reason most of the NCDC's professional staff were transferred to the ACT public service with a much smaller group being assigned to the then National Capital Planning Authority.

In the following twenty years, however, Territory governments have resolutely declined to establish an independent statutory planning authority in accordance with, if not the provisions at least the objects, of the Act. The ACT public service been divested of virtually all of its ex-NCDC professional staff and the Territory Plan has been watered down until to become simply a zoning scheme, closely akin to local government statutory town planning schemes in operation throughout Australia generally. This is the only sort of planning that successive Territory governments have been interested in, presumably because it allows the Territory Government to exercise political control and to manipulate the land market to suit whatever are its particular ends at the time, in preference to having an independent, expert statutory planning authority backed by courts of appeal so that management of the overall planning process is well informed and equitable.

This is certainly a far cry from what was intended by the Hawke Government in 1988 and represents a fundamental departure from the town planning

tradition that has given rise to the city that exists today, however, the JSC Report offers the prospect of recovery that a reconstituted NCA, backed by the resources of the Commonwealth, could bring about. For example, by giving the NCA an overarching responsibility for the technical work of information gathering, analyses and forecasting under a metropolitan strategic planning heading, the National Capital Plan could be readily transformed into a 'pro-active' planning instrument reflecting a balanced combination of national capital and territory objectives and priorities. This same urban research program would be able to provide reliable analytical data to ACTPLA as required so as to inform its technical operations that currently are bereft of such intelligence and have become dangerously *ad hoc*. Such a program could also underpin what ought to be a Commonwealth initiative via the NCA for interacting with the NSW Department of Planning in relation to a regional planning program for the ACT/NSW Capital Region.

7. NCA as a supplier of Expert Planning Services to other Commonwealth Agencies.

Currently, under its Act, the NCA can provide planning services to other Commonwealth agencies anywhere in Australia with the consent of the Minister. Since the advent of a new Federal Government at the end of 1987 it has been made increasingly clear that the time is well overdue for the Commonwealth to become involved with a number of key aspects of metropolitan and regional development and large-scale infrastructure provision, that have conventionally been deemed to be the sole responsibility of state governments.

The Prime Minister has recently commented on such matters in relation to the role of Infrastructure Australia that, from the Australian Government's standpoint, must be able to assess applications for major infrastructure funding in the context of a comprehensive planning and development program provided by applicants. Although not included under the same banner because of long-standing political difficulties, it is also clear that the problems of the Murray Darling Basin are as much land utilisation problems and regional economy problems, as they are water utilisation problems. It is only a question of time, therefore, before the Commonwealth will find it necessary to take on board land administration and economic planning as an adjunct to its current management of water rights, in which case a revitalised NCA would be well placed to provide such services as a logical extension of its basic urban research and land use planning operations. To add point to this notion, according to recent newspaper reports the Commonwealth is advertising overseas to recruit people with 'program' skills in order to offset the strong emphasis on policy work that until now has been the predominant activity of the Commonwealth Public Service.

8. Keeping the 'Idea of the National Capital' alive.

Throughout its thirty-year life an important aspect of the NCDC's role was to disseminate information about the special character of Canberra as Australia's national capital, including its unique character as a planned city embodying

the values and achievements of our culture and showcasing our history as a nation of federated states and former colonies. Since 1988 that role has largely vanished, notwithstanding that it is one of the statutory functions of the NCA that has never been sufficiently well funded to carry it out in other than a rudimentary manner, which means that as a result the very 'idea' and meaning of Canberra as the national capital has faded from public consciousness, to its serious disadvantage.

Canberra is not what geographers refer to a 'natural city', such as London, Paris or Rome in which governmental functions are a relatively small part of an overwhelmingly economic and cultural metropolis. Like the majority of federal capitals, Canberra is a 'conceived city', which has never had any purpose other than being a seat of government, fully funded by the federal government under the aegis of the national parliament for the purpose of establishing the seat of national government. Unlike a natural city or city of commerce and industry, in Canberra's case what began as an intention or idea in the Constitution needs to be continually kept alive by deliberate exposure to the general public so as to explain and justify the cost of building and maintaining the city as a national endeavour that is fundamentally different to the manner in which other Australian cities, normal cities so-called, grow and change and are accepted without question as being legitimate.

Although not generally recognised politically or by the media, there is nonetheless a pressing need to revive the NCDC's wide-ranging positive propaganda machine because there is no doubt that over the past twenty years the 'idea' of Canberra as the national capital has waned and as a consequence its image nationally has suffered, its effectiveness as the seat of national government has suffered and its role as the custodian of national values and culture have all been diminished accordingly.

9. Promotion of National Capital Tourism.

It follows from the above that the NCA needs to develop a publication and visitation strategy to heighten awareness and encourage visits to Canberra by Australians of all ages in order that they can experience what their national capital is like. In a somewhat bizarre fashion the Federal Government since 1988 has adopted the stance that because tourism is generally accepted as a state government responsibility nationally, then Canberra tourism is basically an ACT Government's responsibility, without recognising the obvious point that visitation to the National Capital is fundamentally different to that of tourists visiting the diverse natural and commercial attractions that the rest of Australia. A visit to the National Capital, and an inland Capital at that, is seen by most Australians as being something of a duty or mission or educational trip for their children and they expect it to be a display of all the best things that the National Government is responsible for, which is precisely what Canberra does but could do much better if the Commonwealth resumed its traditional responsibility for showcasing the Nation's capital in much more effective ways that the Territory Government can ever hope to achieve .

It is clear from the last twenty years experience that Territory governments do not see the promotion of national capital tourism as their responsibility, nor have they done very much in that regard. The Territory focus on tourism is conventional and populist, the same as state governments, aimed principally at attracting visitors that will fill up local hotels and shops by staging special events and catering to what might be termed the ‘vulgar’ end of the market or by piggy-backing on events being run by national institutions at no cost to the Territory. For these reasons the Territory Government doesn’t do very much in terms of disseminating information about the history of Canberra’s development as the National Capital or highlight its unique and special character as a planned city.

In terms of the things that it can manage within its available resources the ACT Government does well, such as Floriade, which is an outstanding success, however, it can’t supply the kind of sophisticated public transport system that is desperately needed to make the scattered national institutions conveniently available to visitors, nor can it afford set up and operate the whole infrastructure of receiving, informing and guiding individuals and groups along what is basically and potentially an enlivening tourism trail.

Since the demise of the NCDC the Commonwealth’s contribution to the production of tourist information is meagre and unimaginative in terms of maps, displays and explanatory material compared to other federal capitals, such as Washington and Ottawa for example. The Regatta Point national capital exhibition that was established by the NCDC more than fifty years ago is but a pale shadow of its former self and is well past its ‘use by’ date, but there is no sign that the Commonwealth even cares or that it will bump up the meagre funding that it allocates to the overall tourism precinct of the National Central Area, a place with a part-time fountain, poorly maintained landscape, broken pathways, inadequate tourist parking, bus and comfort and information facilities, in short a national disgrace.

10. Establishment of Collaborative NCA/Territory Relationships.

Inexplicably both the Carnell and Stanhope governments have at times shown a marked antagonism towards the Federal Government that has certainly not been in the interests of the people of Canberra nor has it been conducive to maintaining a collaborative relationship in relation to the planning and development of the National Capital. What should have been a genuine joint venture relationship has been characterised by a standoffishness that has at times allowed the Commonwealth to avoid funding obligations and town planning obligations, to the detriment of the city’s planning and design. Similarly at the departmental level, on a number of occasions during the last five years or so the NCA has sought to involve ACTPLA in joint studies of specific planning issues where there were both Territory and National Capital interests at stake, however, such offers have been mostly declined because ACTPLA did not have staff available or was otherwise engaged on more pressing priorities.

The JSC has made it clear in its Report, however, that the successful implementation of a number of its recommendations will be heavily dependent on effective professional collaboration between a reconstituted NCA and Territory organisations such as ACTPLA, the ACT Land Development Agency, ACT Roads and suchlike.

There are other problems of a different kind that have led to a breakdown between the NCA and ACTPLA because of the latter's inability or unwillingness to keep the Territory Plan under review as required by the Act. This was a factor in the ACT Government's 1987 decision to close a large number of primary schools without paying any regard to the significance of the local school as the centrepiece of the neighbourhood unit on which the whole suburban form and structure of Canberra is based. Similarly ACTPLA completely disregarded the central place hierarchy delineated in the National Capital Plan, and which is accordingly binding on the Territory, in order to permit large-scale retail development in Fyshwick. It is currently on the verge of doing the same thing in lower order centres in relation to supermarket development. The retail and commercial floor space limits that determined the hierarchy have removed in the latest revision of the Territory Plan referred to earlier and are basically *ultra vires* the National Capital Plan. The same thing has happened with the very high concentration of office development in Civic over the past decade or so to the detriment of the town centres, including Gungahlin.

On the other side of the coin, the decision by the Federal Government to not give the NCA power to determine the location of new Commonwealth office buildings, also in accordance with the same central place hierarchy that exists in the National Capital Plan, has meant the unwarranted development of office buildings in Barton, Forrest and Civic without any concern for such collateral issues as adequate public transport services, public parking facilities, the extension of paid parking control to include Commonwealth employees and so forth.

In order to meet the requirements of the JSC recommendations, a reconstituted NCA would need to develop collaborative arrangements with a large number of ACT agencies, in addition to ACTPLA, in order to review and update the Y-Plan Strategy and incorporate it into a revised National Capital Plan.

NCA Constitution and Resources

Ideally the responsible minister for the National Capital should be the Prime Minister, or at least a specified Minister for the National Capital. Historically Canberra has never flourished without the active patronage of the Prime Minister, not just in terms of the Prime Minister sponsoring the planning and development of the national capital in the manner that Menzies and to a lesser extent Whitlam did, it is equally a matter of the Prime Minister choosing Canberra as the preferred locale for important national events and for inter-governmental and international conferences and by ensuring that the city has appropriate facilities to do so, which at the moment it does not. If not the Prime Minister then at least a Minister for the National Capital, not just a Minister for all and sundry, which is what we have at the moment.

With regard to the constitution of the NCA, the Government has endorsed the following JSC recommendations:

- NCA should have more independence in keeping with its status as a statutory authority
- A National Capital Consultation Council should be established and co-chaired by the Minister and the ACT Chief Minister
- NCA to have 5-7 members, one of whom is to be the CEO
- NCA Chairperson to report to the JSC twice yearly.

In relation to the above constitutional changes, the selection of members and professional staff will be critical to the Authority's prospects for success. In the past insufficient attention has been paid by successive Federal governments to the appointment of individuals who have knowledge and experience in fields that are relevant to the statutory obligations of the NCA. As a consequence over the years the Authority's Board and CEO have gained very little by way of informed advice and guidance that statutory authorities are conventionally accorded, which means that this time round the qualifications and experience of the following appointments will be critical:

1. Chairperson
2. Authority Members
3. Professional Staff
4. National Capital Consultative Council

1. Authority Chairperson

The business of the Authority is town planning, land development, architecture, landscape planning and design, urban design, civil engineering, urban research and estate management. The Chairperson should accordingly be drawn from the ranks of the following professions in which he or she ought to be eminent:

- Civil Engineer
- Architect
- Town Planner
- Property Developer
- Landscape Planner
- Transport Planner
- Cultural Historian
- Former Federal Minister

2. Authority Members

It is important that the Authority Members possess both a particular and general expertise in relation to the technical work of the Authority, which not only comprises specific design and development disciplines but also involves the synthesis of multi-disciplines in the carrying out of its operations, so that they are well equipped to evaluate the validity and usefulness of the Authority's outputs. A preponderance of non-ACT members is also desirable so that through the Members the staff of the Authority can be made aware of

what is happening in similar fields of planning and development activity elsewhere. The following backgrounds together with a high level of professional experience, would be appropriate:

- Town Planning
- Civil Engineering
- Transport Planning
- Architecture
- Land Surveying
- Land and Property Valuation
- Landscape Planning and Design
- Housing, Commercial and Industrial Development
- Public Transport
- Education and Health
- Open Space Planning and Administration
- Estate Management
- Urban Economics
- Urban Geography
- Cultural History
- Public Art
- Environmental Science
- Sociology/Social Work
- Local Government

3. Authority Staff

It is desirable that in relation to Designated Land, the Commonwealth and accordingly the Authority becomes responsible for the financing of land development and construction management. This would mean the Authority would require significantly greater numbers of managers and administrators than it has at the moment while, in the particular case of the National Capital Open Space System, the Authority would desirably have a dedicated parks service under its control. The Authority' core staff should accordingly be drawn from the following professions:

- Town planning
- Civil engineering
- Surveying
- Transport planning
- Architecture
- Urban design
- Urban economics
- Demography
- Urban geography
- Statistics
- Environmental science
- Parks management
- IT systems management
- Library services

- Publication services
- Community and media relations
- Project management

4. National Capital Consultative Council

The membership of the Council should not be confined to ACT residents or business interests, it should have a balanced membership with individuals being drawn from other parts of Australia so that a 'national' as well as a 'local' perspective is brought to bear on the Authority's operations and outputs. It is also important that the individual members are persons of eminence so that the Council will have sufficient prestige such that it will be apparent that the Commonwealth Government is seeking advice and guidance from the best sources that the nation can offer. ***

Staff Development

At a rough guess it will probably take the NCA five years or so to recruit the necessary professional staff and up to a further three years for them to reach the required level of expertise in relation to:

- Metropolitan Strategic Planning
- Land Use/Transportation Planning
- ACT/NSW Regional Planning (in conjunction with NSW Dept. of Planning)
- Master Planning
- Development Control - Design and Siting (Designated Land)

It stands to reason that such lengthy staff recruitment lead times will make it necessary for the Authority to establish staff training programs to inculcate the types of multi-disciplinary techniques that will be germane to its statutory functions in what will be an unusual or atypical dual planning system.

There will also be a need to drastically alter the present practice of both the Territory Government and the NCA to have minimal numbers of in-house professional staff and call in consultants for investigation and design work when there is a specific project to be undertaken. Since the 1980's in Australia generally when notions of 'contracting out' and 'privatisation' of government services began to gain favour, increased reliance on the use of consultants has grown to such an extent that, in the ACT particularly, the stage has been reached where neither the NCA nor ACTPLA have anything other than a meagre capability to do professional work, such as investigate complex development applications, carry out baseline urban research or engage in routine design work and the reputation of both organisations has suffered greatly as a consequence.

'Contracting out' is a pernicious practice at the best of times because, beyond a certain point, it acts as a disincentive to permanent staff when they see most or all of the professionally interesting technical work being farmed-out leaving only the routine and the mundane for the in-house staff to deal with. Consultants are most effective when they are providing a specialist or niche service that complements live in-house programs and they are least effective when they are hired as substitutes for having fully committed staff in the client organisation.

In the whole self-government period neither the NCA nor ACTPLA has managed to attract and retain high quality professional staff, which does not augur well for the future. The reasons for this unfortunate situation are partly due to a chronic lack of funding and, in ACTPLA's case, the severe disadvantage of being part of a highly fragmented ACT administration that is subjected to constant ministerial and political interference with its day-to-day operations.

The most critical issue, therefore, for both the NCA and Territory administration in addressing the question of how the JSC recommendations can be implemented in a timely fashion, will be how to obtain suitable staff in a relatively short space of time. Even the decision as to how to start is problematic given the depleted state of current professional resources and funding in both jurisdictions.

4. COMMONWEALTH COMMITMENT TO THE NATIONAL CAPITAL

National Capital Decline

The legislation establishing a system of self-government for the ACT became law in 1988 and the first meeting of the ACT Legislative Assembly was held in May 1989. Without any prior consultation when deciding the terms and conditions under which ACT Government would operate, the Hawke Government made a number of what have unfortunately turned to be fatal presumptions, namely:

- That the Territory Government's principal source of revenue would be derived from the sale of government land. Also that the Territory would be treated by the Commonwealth fiscally in the same manner as the states and territories generally, regardless of the starkly obvious difficulties of it doing so.
- If the Territory Government incurred costs arising from servicing national capital needs, then such fiscal imbalances would be resolved by applications being made by the Territory to the Commonwealth Grants Commission.
- The principal responsibility for land management and town planning would devolve upon the Territory Government, subject to general oversighting by the National Capital Authority in relation to national capital aspects of what will be a *de facto* dual planning system, although the legislation doesn't describe it in such terms.

None of these presumptions have borne fruit. Twenty years later revenue from government land sales is not and has never been sufficient to fund the ongoing planning and development of Canberra and the Territory. Land is a wasting resource and the availability of developable land even more so, both of which must have been obvious in 1988 although never acknowledged by the Commonwealth either before or since, consequently there have been two highly adverse outcomes. One is a massive transport infrastructure backlog in terms of main highways and public transport, the second is widespread sub-standard urban development in Gungahlin caused by deliberately lowering development standards in order to maximise the profitability of government land sales.

The number of new national capital institutions and facilities has also declined. Since the advent of self-government there have been only two new national institutions built

in Canberra, one being the National Museum of Australia that was established in 1980 but whose building was not completed until 2001, the other is the National Portrait Gallery building that was opened in December last year.

Canberra is rarely if ever chosen by the Federal Government as the venue for national and international governmental conferences, nor has the Government been willing to fund the provision of suitable facilities to make such events feasible. Canberra is not a symbolic national capital held in high regard nationally with the prestige that both Washington and Ottawa enjoy. It is not utilised to showcase federal government sponsorship of national and international events presided over by the head of state. The virtual abandonment and obvious disdain for Canberra shown by Prime Minister Howard, while it undoubtedly dealt a serious blow to the city's image was only a more blatant example of the lack of enthusiasm for the National Capital that most Prime Ministers since Federation have shown.

Secondly, the Grants Commission has not turned out to be a mechanism for resolving fiscal imbalances in the manner that the Hawke Government claimed would be the case. A former Chairman of the Grants Commission, the late Mr. Justice Rae Else-Mitchell, contended at the time that the Commission's enabling legislation did not empower it to take into account the unique features of the ACT that were fundamentally different from those that were the subject of imbalance considerations between the States and Territories that the Commission was able to deal with and resolve.

Thirdly, the evolution of the dual planning system has not proceeded along anything like the lines that the Hawke Government expected or intended in 1988. The ACT (Planning and Land Management) Act was based on a presumption that the Territory Government would maintain more-or-less the same planning methodology that the NCDC had refined over the preceding three decades to design and develop Canberra as both a city and as a national capital.

What we have today is a Territory Plan that has been stripped of all the garden city principles and policies on which the 85-year development of Canberra has been based, to the constant dismay of the community, the dissatisfaction of the property industry and the despair of academic and professional groups, as evidenced by the following adverse trends:

- The garden city fabric, especially the inner suburbs of North and South Canberra, is being progressively destroyed by residential development provisions in the Territory Plan that facilitate total site clearance, high plot ratios, high site coverage, scant private open space, loss of natural groundwater recharge, reduced access to sunlight and privacy and consequently increased reliance on mechanical ventilation for year-round heating and cooling. Design and siting controls aimed at protecting and enhancing Canberra's garden city streetscapes have been virtually abandoned by ACTPLA.
- In the same vein suburban development in Gungahlin is characterised by an increasing proportion of small allotments coupled with reduced street widths and verges and hence reduced tree planting, fewer footpaths and street lighting and reductions in the quality and accessibility of neighbourhood open space.
- The Y-Plan central place hierarchy is being abandoned by removal of retail floor-space limits in the revised Territory Plan, which threatens the viability of

many neighbourhood centres where independent supermarkets are being exposed to pressure from the major retail chains who are pressing the ACT Government to permit larger but fewer local supermarkets establishments in order to achieve economies of scale albeit to the detriment of local customer convenience.

- The viability of neighbourhood planning has been greatly undermined by the ACT Government's decision to close upwards of 20 primary schools in 1987/88 closure of neighbourhood primary schools on undisclosed grounds, to the serious detriment of the fundamental neighbourhood unit principle on which most of the suburban structure of Canberra is based, without serious consideration beforehand to ascertain whether or not there were feasible alternatives.

There is mounting evidence that the Territory Government for all of the above reasons and more is debasing the design quality of Canberra. Its garden city character, which is the essence of what the JSC Report refers to 'the special character of the national capital', is being whittled away by ACTPLA's inability to assess development applications on anything other than a narrow interpretation of land use zoning entitlements and a total disregard for national capital principles and policies contained in the Territory Plan as if they have no statutory effect. If that is the true situation and they do have no statutory effect under the most recent revision of the Territory Plan, then that would be *ultra vires* the National Capital Plan and should accordingly attract the attention of the NCA.

Territory Government Limitations

For the most part the focus of Assembly Members and Territory Ministers is essentially short-term and very susceptible to media pressure and community agitation in relation to the Government's ongoing ability to meet normal basic requirements, such as school, hospital, road, bus and municipal services and always wanting to be seen to be responding to demands for public consultation on virtually every topic imaginable.

Throughout the twenty years of self-government there has never been much inclination on the Assembly's part to worry about broader or long-term issues, such as the national capital aspects of Canberra's planning and development or the ongoing promotion of the city's national capital image, in other words, the prevailing attitude has been parochial. With regard to the important issue of the role of the Commonwealth in Canberra's affairs, politician's and party attitudes are rarely constructive ranging between equivocal and resentful to the general detriment of the city, its business enterprises and its inhabitants.

In common with other Australian cities, Canberra is struggling to keep up with the ever-growing demand for essential social and municipal services but, unlike other capital cities, it does not have the benefit of a sophisticated financial services industry and a pool of human services and resources markets to underpin sources of government revenue. More than three decades of an expanding global economy has benefitted the States and the Northern Territory but not the economic base of the ACT.

Arguably the most unfortunate reaction to this constrained fiscal situation from the point of view of national capital planning and the overall design quality of Canberra, has been the practice, firstly by the Carnell Government beginning in 1995 and by the Stanhope Government since 2001, to dismantle the Territory planning system step-by-step by removing as many obligations and constraints on developers as possible in order to attract maximum prices at government land auctions resulting in higher returns to the Territory budget. While both governments were on opposite sides of the political fence, both basically had an anti-planning attitude fed by a desire for expediency and pragmatism in decision-making and short-termism.

In her capacity as Chief Minister, Kate Carnell was ideologically opposed to the dual planning system because it interfered with the Territory's ability, as she saw it, to facilitate private enterprise land and construction deals on whatever *laissez faire* terms that the market might be attracted to.

For example, Mrs Carnell expressed the view that the rural corridors separating Central Canberra and the individual Towns from one another, ought to be abandoned in favour of urban infill because that would be the most expedient way of reducing the cost of connecting new housing and commercial areas to existing hydraulic services and public transport networks. She contended that the Territory Government ought to be able to respond to market preferences as the most reliable measure of what should and should not be built, where it should be built and how much.

For example, in her view the amount of retail floor-space to be permitted in the town centres should not be regulated or curtailed. She was in favour of tourist development projects being located on the foreshores of Lake Burley Griffin as an obvious and sensible thing to do if Canberra wants to become an attractive and lively tourist destination. Because the real estate industry claimed there was a market for rural-residential development in the region, then such development could be located in the inter-town broad-acre corridors. Her constant theme while in office was that Canberra should be developed in the same manner as 'normal' cities elsewhere and that the only exclusion should be the Griffin Triangle or possibly just the precincts of Parliament House within the State Circle ring road.

It must be said that Mrs Carnell's views were not without public support and her Government was admired in many quarters for its get-up-and-go, for cutting red tape and for vigorously arguing the merits of the city as a haven for private enterprise investment. Mrs Carnell is unlikely to be the last Chief Minister of this kind, which accordingly raises an important question as to how such views ought to be accommodated in the future development of the National Capital so as to get the best of both orderly planning and vigorous entrepreneurship without sacrificing the design quality of the National Capital.

Jon Stanhope has been equally antagonistic towards the NCA's national capital planning role and those provisions of the National Capital Plan that override the Territory Plan and accordingly constrain the land use zoning powers of the Territory Government. He took great exception to the NCA's role in deciding the route for the Gungahlin Drive Extension, which was clearly within its powers to assess and resolve. One would have expected that after fifteen years or so of self-government that both the Territory and the Commonwealth would have established proper

arrangements at a Chief Minister to Federal Minister level for resolving such differences of opinion. It is not unreasonable to expect that the Chief Minister would be conscious of the importance of having a good working relationship with, ideally, the Prime Minister or at the very least with the responsible Federal Minister given that the wellbeing of Canberra is to such a large extent in Commonwealth hands.

In much the same vein as Mrs Carnell's government, the Stanhope Government has paid scant regard to protecting the national capital aspects of the Territory Plan. It has progressively deleted as many of the Plan's protective provisions as possible, mainly in order to maximise the profitability of government land sales that, from the consumer's standpoint has meant higher land prices and reduced area utility value.

The Stanhope Government in the nine years since 2001 has effectively dismantled the planning system in the following ways:

- Downgrading subdivision standards by reducing street and verge widths, reducing rear and side boundary setbacks, increasing the percentage of site coverage, increasing plot ratios and lowering the minimum block area for standard and medium density housing, all with the object of increasing block yields and bumping up the developer's profitability, thereby increasing the sale price of the land and the quantum of revenue for the Government
- Downgrading housing design standards in relation to sunlight access, northerly orientation requirements, design and siting requirements, energy and noise protection ratings and generally poor compliance management by ACTPLA in relation to such matters
- Inadequate staffing and operating budget for ACTPLA with the result that the Authority lacks basic town planning and urban development competencies, is unduly reliant on consultants, is unable to carry out assessments of large and complex projects and is incapable of completing major infrastructure projects 'on time and within budget'. It does not maintain programs of basic research into fundamental policy aspects of the Territory Plan, such as retail trends, housing needs by type and for different age and income groups, economic forecasts, climate change projections, master planning, land development and related infrastructure planning and programming, public transport and parking demand assessments and programmed facilities provision
- ACTPLA, the Land Agency and ACT Government agencies collectively, rely far too much on the local property industry to decide how residential, commercial and service trades sites should best be planned and developed. There seems to be an unwritten policy that the fewer the number of statutory requirements placed on the developer the greater will be the sale value of the land. Gone are the days when the NCDC would research housing and commercial demand patterns as a basis for determining development conditions that would match social, economic and environmental requirements. Now, because the terms of self-government dictate that the sale of land is the only source of income available to the Territory Government, there is an undue emphasis on satisfying the requirements of the property industry
- In the most recent overhaul of the Territory Plan (2005-08) the ACT Government has largely dispensed with prior notification of residential development applications and public consultation, curtailed rights of appeal by potentially disadvantaged neighbours, strengthened the minister's call-in

powers enabling any development application to be approved at the sole discretion of the minister without regard to possible adverse planning and environmental requirements, to such an extent that there is a mounting public feeling that Canberra the planned city is fast becoming Canberra the unplanned city .

The effect of such policies and administrative practices on the visual and functional quality of Canberra's built environment are becoming more apparent and more frequent as witnessed by the growing number of dilapidated neighbourhood centres with boarded-up shops, closed primary schools, widespread graffiti, litter, dying trees and unwatered and poorly maintained local open space.

The reduction in planning and design standards is most noticeable in Gungahlin. In suburb after suburb, in both standard detached and medium-density housing areas, there is hardly any on-site, usable private open space behind the front building line resulting in generally poor access to sunlight and natural ventilation, few shrubs and even fewer trees. In the suburb of Amaroo the central neighbourhood open space area has been dispensed with altogether because presumably there is no local primary school. In sum, the development of Gungahlin constitutes a violation of the principles and practices of everything that the art and science of town planning stands for. It is a harbinger of social dislocation and unrest that history shows us is very likely to be inevitable.

These criticisms have been raised to a greater or lesser extent in the 89 submissions made to the JSC Inquiry, however, the Committee's terms of reference did not allow much scope for them to be looked at in any detail, however, when some of the key recommendations come to be considered by the Rudd Government then both it and the Territory Government will be forced to evaluate the adverse consequences of current policies and practices in terms of what is happening on the ground.

There is something seriously wrong with a system of Territory government that, after twenty years, has not managed to develop mutually compatible working relationships with anybody, not with the Commonwealth Government, with regional councils, with national institutions headquartered in Canberra, with local business interests and with representative community groups. Without such linkages no government can be effectual and no city can flourish. In twenty years no Territory government has managed to produce a significant public space or a remarkable public building, nor an attractive Civic Centre beyond the precincts of the shopping mall that tourists would want to visit. Over the course of twenty years there has been no imagination, no flair and no innovation that any Territory government can legitimately lay claim to, nor is there any demonstrated awareness of what constitutes a desirable and achievable level of municipal excellence. No country town of any importance would settle for the drabness and untidiness of Civic, Woden, Tuggeranong and Belconnen town centres.

Part of the problem is the failure of successive Territory governments to nurture their own public service and equip it to make the transition from what was a policy-oriented federal service in 1989 to become a program-oriented state and municipal service capable of producing material facilities and services on time, every day, to a social and business community that is recognised as a client.

Because of ministerial dominance the ACT public administration is highly fragmented and uncoordinated. It is and has always been plagued by routine interference and micro-management by ministers and their offices. There is insufficient delegation of responsibility to departmental and branch heads by the Government, which means that the public service is often ill equipped to muster well informed, properly researched advice to ministers as well to the Assembly and its committees.

In the case of the ACT Planning and Land Authority the multi-disciplinary approach inherited from the NCDC in 1988 has been dismantled, for example, the conventional functions of town planning, transport planning, subdivision design, urban design, landscape planning, development programming and socio-economic research have progressively been taken away from the Authority, a de-skilling process that started with the Carnell Government in 1995 and has continued during the last nine years of the Stanhope Government. Today ACTPLA is a barely functioning organisation, subject last year to several well-publicised development approval and leasing errors, admitted difficulties in interpreting the provisions of the Territory Plan and lengthy delays in assessing routine development applications.

The General Manager of ACTEW Corporation was recently reported in the Canberra Times stating that ACTPLA does not possess the professional expertise to carry out the required environmental impact assessment on increasing the storage capacity of Scrivener Dam. It lacks sufficient staff and operational funding to cope in a timely manner with large and complex development projects.

ACTPLA has no transport planners, its urban designers have been transferred to ACT Parks and Places, its hydraulic services engineers are with ACTEW, its subdivision planning function is with the Land Agency, its major project evaluation role has been taken over by the Chief Minister's Department as has its ACT/NSW regional planning role. It is difficult to avoid the conclusion that the Chief Minister has no confidence in his own planning authority. Whenever the media, for example, raises a contentious land use or urban development issue, which happens frequently, the Chief Minister hardly ever refers to ACTPLA as being a reliable source of advice on such matters, usually preferring to have his own departmental staff take over the matter and resolve it as best they can.

There are obvious shortcomings in the planning portfolio that the Stanhope Government seems unwilling to come to grips with. In recent weeks the Chief Minister has commented publically along the following lines:

- The Chief Minister expressed hope that the successful bidders for the first stage of the Googong housing project would produce a high quality development, oblivious to the irony that the Government and ACTPLA both had the option to specify a set of conditions that would influence housing types, size and layout but neither did so. The obvious inference is that the Government has no social or environmental aspirations for bench marking the design quality of the Googong project because it more concerned with achieving the highest possible sale price for the land.
- In a similar vein while musing on the question of “whether it had been right in the past to section off great swathes of Civic to create vehicle-free malls”, the Chief Minister went on to announce that the Government had allocated

\$200,000 to come up with options to help improve the look and function of the city centre as a means of achieving “a full return to life in the heart of the city”. Surely this begs the obvious question, why can’t ACTPLA provide the Government with answers to such questions and why, in the last nine years when it was apparent that extensions to the Canberra Centre would inevitably suck up all the retail activity and leave the rest of Civic with lots of empty shops and derelict building frontages, didn’t ACTPLA or the Government or both, try to work out what options were available as a basis for taking pre-emptive action?

- The Chief Minister has also been reported as being in favour of developing a very fast train (VFT) link between Sydney and Canberra, stating that it is inevitable and that the Government has recently joined forces with the Canberra Business Council in order to reignite the public debate on the VFT and lobby the Federal Government to commit funding to the initial investigation phase of the project. The Majura Valley landholders on the other hand are being critical of the Government for fixing the route of the Majura Parkway that, to some extent clashes with the VFT route, without having done a proper engineering study of where the alignment of a fast rail corridor would actually go. Again, why hasn’t the ACT Government recognised the fundamental importance of the railway a long time ago and why won’t it commit the resources of ACTPLA and ACT Roads to carry out the necessary investigations now because, after all, this is a classic town planning problem involving land use planners, civil engineers, transport planners, economists, ecologists and landscape planners. One reason of course is that having run down the numbers and the range of professional resources in the ACT public service and fragmenting what’s left, the Government doesn’t have sufficient resources to commit to the complexity and long-term nature of such work, nor does it have sufficient foresight to envisage future socio-economic needs that the timely provision of major infrastructure is dependent upon.

In the light of such shortcomings it is significant that the JSC, coming at it from another angle, has recognised the importance of the Commonwealth and the Territory Government having a long-term or strategic planning capability to cope with such matters and has accordingly recommended the setting up of a joint planning arrangement between the NCA and the ACT administration whereby coordinated development objectives and priorities can be incorporated into a single planning document, to which the Rudd Government has given in-principle agreement.

Commonwealth Commitment to the National Capital

Metaphorically speaking, in December 1988 following enactment of the self-government legislation, the Commonwealth Government and the Parliament ascended Capital Hill and as they passed over State Circle they closed the gate on the remainder of the National Capital, leaving it in the unwilling hands of the ratepayers of the ACT to fund its ongoing planning and development. It was, in effect, a total abrogation of the Commonwealth’s constitutional obligation to build and administer the National Capital as the Seat of Government in the interests of all Australians.

In the ensuing twenty years Canberra has fared badly in the sense that its national capital role has been diminished while its garden city townscape is in the process of

being destroyed. The inherent presumption on the part of the Hawke Government that Territory governments would accept stewardship for both the national capital as well as the territory aspects of governance of the ACT has not materialised, on the contrary, Territory governments have been wholly concerned with local and short-term aspects of their governance obligations and by default have left national capital aspects of Canberra's development and administration to the Federal Government which, in what can only be interpreted as a deliberate policy, has resolutely avoided fiscal and administrative involvement in the wellbeing of Canberra as the National Capital to the greatest extent possible. These are the inescapable lessons from the past twenty years, parochialism on the part of Territory governments and irresponsibility on the part of Federal governments, that the Federal Government and the National Parliament have to face up to if the national capital role and design quality of Canberra are to be restored.

In the face of such an important and largely unrecognised challenge the Rudd Government, in its response to the JSC recommendations, has recognised the significance of maintaining the special character of Canberra as a model city in the following terms:

- That the *“intrinsic character of the National Capital”* must be protected and enhanced
- That the ongoing development of Canberra must incorporate *“a high standard of design”*
- That the Commonwealth affirms *“its direct and enduring commitment to the future of Canberra as a planned national capital”*

On the question of the intrinsic character of the National Capital, the JSC has noted in its Report that *“Canberra is one of only a small number of the world's capital cities that have been planned since their inception”*. The fact that it is a planned city is the hallmark of what its essential character is, however, in the twenty years since the advent of self-government this intrinsic character has not been protected and enhanced, quite the opposite. The public perception of Canberra, at least on the part of community groups who are active in protecting its environmental quality, is that it is in the process of becoming virtually an ‘unplanned city’ and that the Territory Government, in the absence of meaningful Commonwealth involvement, has not been able to rectify this unfortunate situation nor does it show any prospect of ever doing so.

Canberra's intrinsic character as a planned city stems from the fact that in the closing years of the 19th century it was proposed by the framers of the Australian constitution that the national capital ought to be developed as a model city, a special place in the new post-colonial Commonwealth whose development would be based on the best town planning ideas and principles of the day and where the national government would be charged with the sole legal responsibility for ensuring that this would happen in perpetuity.

In order to give material form to these noble obligations, in 1913 Walter Burley Griffin, the winner of the international competition to design the city, produced an inspirational planning scheme for a national capital that was intended in his words to be *“a city like no other”* and so laid down the planning and design foundations that

successive Commonwealth authorities have followed ever since, that is, until the advent of Territory self-government in December 1988.

Griffin's ideology was sustained for the next seventy five years or so and the concept of the kind of city that Canberra was meant to be was not deviated from so that, in succession, the first Planning Advisory Committee under Sir John Sulman, the Federal Capital Commission, the Department of the Interior and the National Capital Development Commission planned and built the city in accordance with Griffin's design principles and in the spirit of keeping faith with the proclaimed aspirations of the 2001 Constitution. The historical record shows that none of these agencies envisaged the national capital as being anything other than a holistic city, nor did anyone ever give even the slightest indication that at some stage it might be possible to shrink the concept of the national capital by confining it to a sector of the city, such as just the precincts of Parliament House or just Griffin's Parliamentary Triangle or just the Central Basin of Lake Burley Griffin.

When the JSC Report identifies that "*The challenge for all Australians is to ensure that Canberra as our national capital continues to be planned with the high ideals first advocated by the Griffins*", during the last twenty years that challenge has not been met. In fact there was no prospect that it was ever going to be met because from the very beginning successive Federal governments stifled the NCA by restricting professional staff numbers, by allocating unrealistically meagre budgets relative to its statutory obligation and by regularly failing to give the Authority moral support when it was being publically attacked by Territory governments that were resentful of their subordinate planning role vis-à-vis the NCA.

It isn't only the Commonwealth that has failed in its duty of care to maintain and enhance the national capital in the interest of all Australians. No Territory Government has ever expressed the notion that it has an obligation to develop Canberra and the ACT in the 'interest of all Australians', the whole focus of Territory politicians and political parties has always been on meeting the needs of Canberra residents while paying scant regard to whatever national capital obligations might fall to their lot.

As a consequence of both Federal and Territory disingenuousness, the 'world's best practice' town planning system of the NCDC has been dismantled and replaced by a system of land use zoning and development control that is rapidly turning out to be a planning and environmental disaster. Part of the cause has been that neither the Territory Government nor the NCA has been able to strike a mutually compatible balance between Territory and National Capital needs, with the result that neither organisation has managed to collaborate with the other in the planning and development of the city as a whole.

The prospect of a joint planning approach '*in the interests of all Australians*' has always been elusive, however, the JSC Report and the Federal Government's endorsement of its key recommendation offers renewed hope for something better and hopefully the prospect of a return to pre-1988 values and aspirations.

On the specific question of achieving high standards of design, the NCDC set itself the objective of achieving a uniformly high standard of planning and design, not just

in relation to national capital buildings and facilities but in relation to municipal facilities as well. It accordingly built up in-house teams of skilled professionals that directed external consultants or agents to carry out the detailed planning, design and construction of literally everything, housing, schools, health centres, offices, institutional buildings, roads, parks, water supply and sewerage and drainage systems, landscape works and so forth. It engaged the best of Australian expertise in all these fields and saw itself as a patron nurturing the practice of architecture, engineering, town planning, landscape design and associated social and creative skills on which the successful development of a modern city depends. This is still a worthy aim for the Commonwealth to re-establish in the only place in Australia where it has *carte blanche* to do so.

High quality design depends on cohesive organisation that the ACT administration does not possess and, unless there are radical changes, is never likely to. This is mainly because of the way in which the various Territory departments, branches and sections are fragmented in terms responsibilities, physical location and overlapping ministerial control along lines that are more akin to a local council or municipal system of governance. As mentioned previously what were originally ACT Planning Authority responsibilities in 1989 have been sliced and diced to such an extent that currently they are spread between three ministers and twice as many branches and sections of Planning, Municipal Services, Chief Minister's and ACTEW Corporation.

A reconstituted and properly resourced NCA, on the other hand, as a stand-alone Federal government authority having the degree of statutory independence that the JSC report has recommended, would accordingly have the potential prestige to attract Australia's best professional practitioners. Such an organisation would also have the scope and flexibility to think long term and to operate in the more sophisticated realms of planning, architecture and engineering design that development of national capitals usually entail. It would be able to cope with both long-term and intermediate time frames in a manner that the daily volatile pressures placed on Territory agencies doesn't always allow.

From a public service education and training standpoint, through collaboration and joint venture arrangements between the ACT Government and the NCA, the Authority could become a partner in elevating design standards and training Territory professional staff in relevant parts of the ACT administration in a wide range of urban skills, including urban research, planning, design and project management, moving between a national capital and Territory scale in order to be in a position to meet the unusual demands stemming from a dual planning system.

Finally, philosophically and politically, the most important conclusion arrived at by the Joint Standing Committee and recorded in its Report as Recommendation 1, is "*that the Commonwealth Government affirm its direct and enduring commitment to the future of Canberra as a planned national capital on behalf of all Australians*". The use of the word 'affirm' has to mean something more than just words, to be effective it has to be a material reference to political, fiscal and administrative commitments in the discharge of its Constitutional obligations and also as a source of material support to the ACT Government in its capacity as the 'agent' of the Commonwealth.

The Rudd Government responded formally in December 2008 by asserting that it does have a 'direct and enduring commitment' and went on to indicate the various aspects that it intends to fill out and resolve in conjunction with the rest of the Committee's recommendations.

The first twenty years of self-government have not produced the advantages and benefits that the Hawke Government had anticipated and on which it based its reassurances, not only to the people of the ACT but also to those wider interests in Australia generally when there were expressions of concern about possible threats to what up to that point had been recognised in Australia and worldwide as being an outstanding town planning and national capital development achievement.

Unfortunately many of those fears have subsequently materialised and the evidence of decline and destruction of a unique city, of Griffin's 'city like no other', is becoming more and more apparent with every passing day.

Canberra no longer attracts the attention of overseas experts that the NCDC paid host to, especially during the second half of its 30-year existence when there were mounting number of completed works to be seen 'on the ground'.

Commonwealth Government departments and agencies no longer look to Canberra to provide advice and assistance to other government authorities and private enterprise throughout Australia and in developing countries abroad when there are complex urban and environmental problems to be coped with.

There is no longer a regular flow of information about planning and development methods and the creation of a unique character for the National Capital coming from the NCDC who routinely published and disseminated to local councils, schools, universities, federal members and their electorate institutions, to academic and professional institutes abroad and to the media, which the Commission felt was a critical aspect of its national capital mission.

The Regatta Point National Capital Exhibition, which was established by the Commission in the early 1960's, was the first of its kind but is now a shadow of its former self. In its reduced state it stands as a testament to Commonwealth parsimony, indifference and underlying antagonism towards its constitutional obligations, along with such things as restraints on the operation of the Captain Cook Memorial Jet and water features generally throughout the Central National Triangle, the failure to provide tourist transport throughout such an extended area and numerous other instances, all of which give the lie to the assertion that there is a material Commonwealth Government commitment to the ongoing development and maintenance of the National Capital when in fact the reverse is true.

Somehow all of these threats need to be suppressed and previous positive attributes need to be recovered, not just because of national capital needs but also because the Commonwealth is in the process of moving from a selective overlooking of State government infrastructure and regional development projects to one of direct responsibility under a national development banner for the protection of threatened natural environments in the Murray Darling Basin and on the Great Barrier Reef, for metropolitan and national water conservation, hospitals, universities, environmental

protection in accordance with international treaties, inter-state highways, metropolitan public transport and so forth, simply because (a) governmental practices of the last two hundred years are no longer working sufficiently well enough and (b) the Commonwealth public service is not equipped with the necessary practical or program-delivery skills to manage the transformation into a more participative role with State and Territory governments.

In these terms the Joint Standing Committee Report has a value that transcends just national capital considerations. It has relevance to national urban and regional planning and development issues that the Government, the Commonwealth public service and Commonwealth instrumentalities generally, are increasingly being drawn into.

A.J.Powell
Canberra June 2009

Postscript June 2012

1. *During the past ten years or so the NCA has had insufficient professional and financial resources to be able to meet its statutory obligations. During that period the Hawke, Keating, Howard, Rudd and the current Gillard governments have all adopted a similar policy of forced reductions of the Authority's staff numbers to an unviable level and denying it sufficient funding to meet its statutory obligation to maintain and implement the National Capital Plan. These adverse circumstances have caused the Authority to make uninformed ad hoc rezoning decisions. This has been especially the situation with regard to both the rezoning of National Capital Open Space land to enable the ACT government's Molonglo development project and the Majura Parkway construction to proceed, without technically rigorous assessments of the land use and transport planning implications.*
2. *The Territory Government has reduced the Territory Plan from being a metropolitan planning instrument to a localised zoning and development control instrument. It claims that the Canberra Spatial Plan is the Territory's strategic planning instrument, however, the Spatial Plan has no statutory status and is nothing more than a March 2004 draft version prepared for public consultation purposes prior to functionality testing, but the overall program was ultimately aborted by the Stanhope Government in 2005. There is currently a Draft ACT Planning Strategy on exhibition for public comment, however, it will have no statutory status either but will simply be 'adopted' by the Government. The overall Territory planning system is substantially dysfunctional and continues to be strongly rejected by community and business interests over the last eight years.*