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Dear Andrew

Submission on Exposure Draft of National Capital Plan

The Inner South Canberra Community Council (ISCCC) welcomes the opportunity to comment on the Exposure *Draft of National Capital Plan*.

Introduction

The ISCCC is a voluntary, not for profit, community-based association. It was formed in 2010 to provide a unified and strong voice for the residents of inner south Canberra. The ISCCC consists of a Committee of inner south Canberra residents' groups representatives, two ordinary members and an executive. The ISCCC also has a number of members from the general community.

The Council's objective is to preserve and improve the social, cultural, economic and environmental wellbeing of Inner South Canberra and the Inner South Canberra community. In carrying out this task, we aim to support and strengthen the activities of the residents groups.

We appreciate the opportunity to provide comments on the exposure draft. We place great store in the National Capital Plan (NCP) and its effective administration by the National Capital Authority (NCA), in maintaining and enhancing the integrity of the national interest aspects of the Australian Capital Territory and its chief population centre, Canberra.

This submission focuses on matters of general concern, noting that specific aspects of the exposure draft have been taken up in detail by constituent organisations of the ISCCC, such as the Yarralumla Residents Association (YRA) and the Deakin Residents Association (DRA), and special interest groups such as the Friends of the Albert Hall Inc and the Lake Burley Griffin Guardians.

The ISCCC commends the NCA on the thoroughness and care with which the exposure draft has been prepared. While there are some aspects with which we have concerns, as discussed below, we are satisfied with the majority of the draft and appreciate the way in which it attempts to balance and resolve a number of difficult issues and competing interests.

NCA v Territory planning

As a general introductory comment, the draft seems to be based on the assumption that wherever there is duplication in planning, the solution is to transfer powers from the NCA to the ACT Government. But the rationale for this view is nowhere articulated. Indeed, there is much evidence that NCA planning arrangements are more streamlined and effective than those currently administered by the ACT Government. According to the Property Council:

‘While we welcome any decision that removes unnecessary duplication, any changes to the National Capital Plan must ensure that the world-class outcomes currently being achieved by the National Capital Authority can be delivered by the ACT Government. The NCA planning assessment process is far more streamlined and more efficient than that currently managed by the ACT Government’s Planning and Environment Directorate. As a result the NCA has delivered demonstrably superior outcomes’.¹

The ISCCC is itself disappointed in a number of aspects of the ACT planning system and does not accept that this should be the default option where powers overlap. This is no reflection on the quality and professionalism of officers in the Environment and Planning Directorate. But it is a response to well-justified concerns that a small, elected Assembly, with a myriad of local political and economic pressures, is not well-placed to guard the national interest in the planning and development of the ACT.

We would ask that the NCA revisit aspects of the exposure draft which are based upon what we consider to be a mistaken view of the capacity of ACT Government planning system to safeguard national objectives. This issue is addressed further below in relation to ‘Special Requirements’.

Special Requirements

A key feature of the exposure draft is the removal of Special Requirements for a significant proportion of Territory Land. This is described in the explanatory material as ‘a positive step in recognising the respective roles of the Australian and ACT Governments and in reducing complexity in the planning process’.

Again, as elsewhere in the draft, it is assumed that this objective, and presumably, the national interest in these parts of Canberra, is best achieved through a diminution in the role of the NCA.

We are pleased that the draft (4.26) proposes that Kingston Foreshore remain subject to Special Requirements, and we agree with the assessment therein that ‘the Commonwealth’s interest in Kingston Foreshore is to ensure the Lake Burley Griffin Foreshore in the East basin continues to be developed as a major landscape feature helping to unify the National capital’s central precincts’.

However, we are disappointed that the draft proposes to excise Telopea Park from the Special Requirements. The current NCP (4.5.3) states that ‘it is in the interests of the National Capital to ensure that important open place spaces are conserved’.

¹ CityNews, 30 April 2015

However, under the exposure draft, no longer will development of the Park need to conform to an NCA development control plan and, as stated in the explanatory document, 'the ACT Government will be wholly responsible for the planning of ...Telopea Park.'

The explanatory material does not explain why this change is necessary, both in terms of the intimate relationship between Wentworth Avenue, which remains subject to Special Requirements, and the historic and iconic nature of Telopea Park itself.

Although it obviously does not directly impact on the inner south, the proposed excision of the Murrumbidgee and Molonglo River Corridors is also cause for significant concern. The current NCP states that 'it is in the interests of the National Capital to ensure that the Murrumbidgee and Molonglo River corridor are conserved and managed within an agreed plan', and urban use is specifically excluded from these parts of the ACT.

Under the exposure draft, however, urban expansion could extend into the West Murrumbidgee without an amendment to the NCP. All that would be required is that the ACT obtain NCA certification that 'the proposed changes are not inconsistent with the principles and policies of the Plan.'

The ISCCC supports the YRA concern that 'the Exposure Draft would put in place a process that allows for approval of the two areas for future urban development without the need for the statutory process of public consultation nor parliamentary scrutiny. This would allow for urban development to proceed based on an specified assessment process'.²

There is a strong view among many sections of the Canberra community that Canberra's urban spread should not extend across the Murrumbidgee. Canberra architect David Flannery, Chair of the ACT Heritage Council, has previously argued that 'it is now widely appreciated that extending urban sprawl is an uninformed, senseless and destructive methodology for providing much needed housing...Developing new suburbs out there will have zero impact on revitalising the Tuggeranong Town Centre, put more cars on the road and add to both air and river corridor pollution.'³

The explanatory material notes that 'urban development at West Murrumbidgee was considered by the National Capital Development Commission in the 1970s. The NCA understands that due to environmental impacts and infrastructure cost considerations, the proposal was set aside.'

An examination of the local media at the time shows that there was considerable community discussion about the merits of extending across the Murrumbidgee and it is vital that the community should be afforded a similar right in any future discussion.

The requirement for NCA certification against 'the principles and policies of the NCP before urban development can extend across the river is vague and quite unsuited to what would be a momentous decision to extend the urban spread of Canberra in this way.'

Recent events illustrate the unwillingness of the ACT and Commonwealth Governments to reflect maturely and objectively on the requirements and suggestions of the NCA, including the extraordinary impasse in relation to the proposed Canberra brickworks development

² *Submission on Exposure Draft of Capital Plan*, Yarralumla Residents Association, 14 July 2015, p 3

³ Canberra Times, 28 April 2014

and lack of interest by the Commonwealth Government in relation to the proposed heritage listing of Canberra.

Indeed, recent statements by the relevant Commonwealth Minister provide no comfort in this respect. On 9 July 2014 Mr Briggs announced that he had asked the NCA to commence work to consider the possible expansion of Tuggeranong across the Murrumbidgee. 'The NCA's report will help determine if the previous environmental and infrastructure provision concerns relating to the development of West Murrumbidgee are still relevant today'.⁴

There appears to have been no consultation in relation to this report, and it is not clear whether it even exists. There is also considerable evidence that the Commonwealth and ACT Governments have a predetermined view that urban expansion should extend to West Tuggeranong, and we are unconvinced that the NCA, even if it opposed such development, would have the will or the capacity to resist.

Another change canvassed in the exposure draft of direct interest to the ISCCC is the proposed extension of urban boundaries to the east of Fyshwick. The ISCCC believes that there should be a comprehensive assessment of the impact on the Jerrabomberra Wetlands of the proposed Jerrabomberra-Symonston urban development. Again, we support the YRA recommendation that any development of this area should require a formal variation to the Territory Plan.

Further, the ISCCC is very concerned about the piecemeal approach taken to Symonston by the ACT Government, which we do not consider adequately protects the environmental, heritage and amenity values of this significant but unappreciated piece of old Canberra. It is important that there is full community consultation with local residents, including rural lessees, before any proposal for extension of urban settlement in to this area.

The NCA should re-examine this aspect of the exposure draft with a view to requiring an assessment and approval process which responds to the criticisms outlined above. At a minimum, any urban development in areas currently not allowed should require a formal amendment to the NCP following detailed public consultation.

Employment and Town Centres

The ISCCC is disappointed that the exposure draft, unlike the current NCP, does not include any meaningful discussion of the employment impacts of planning decisions.

As stated in the explanatory material, the focus of employment location policies on offices and the ability of the Commonwealth government to control their location, has been removed from the draft. A strong case exists to retain in the new NCP, albeit in an updated form, the useful analysis and principles contained in chapter 3, 'Employment Location' in the current Plan.

The much-reduced section on employment in the exposure draft (3.5) notes that 'one of the key principles of Canberra's urban structure has been that a hierarchy of centres has been developed, with each town having a centre acting as a focal point for higher order retail functions, commercial services, offices and community facilities.'

⁴ Media Statement, NCA to Investigate West Tuggeranong, 9 July 2014.

Indeed, the ISCCC strongly supports the view expressed by Mr Malcolm Snow, the Chief Executive, NCA, in a recent address⁵, that the Y-Plan 'remains a sound idea', and that 'the unresolved tension between the BCD and the centres is...a critical area of debate for our city.'

However, other than providing a few laudable principles and policies for employment location, the exposure draft appears to provide the NCA with no practical levers to enable it to have any real impact in this area. While providing words of comfort, the current trend towards the mass removal of jobs from town centres to Civic, Canberra Airport and elsewhere will continue unabated.

A consultant's report earlier this year found that 'jobs are increasingly locating in the city's centre and around the airport, while housing is increasingly being built on the city's fringes and in the neighbouring towns of New South Wales...With the exception of Civic and a selection of suburbs in the inner north, housing and jobs are increasingly separated, diverging further from the urban structure that Canberra was initially planned on'.⁶

The ISCCC would like the NCA to be given a prominent role in the shaping of Canberra's development, but there is nothing in the exposure draft that it affords it any effective responsibilities. The policies outlined in the draft at 3.5.3 are quite sensible but do not appear to allow the NCA any scope to influence the pattern of the city's growth.

This is of more than academic interest to the ISCCC. Inner south Canberra sits at the crossroads of some of the city's great inter-urban thoroughfares. The increasing cross-town traffic, driven by employment growth far distant from people's place of residence, is generating congestion and significantly detracting from the local amenity and environment.

Yarralumla Residents Association Inc

The ISCCC supports and commends to you the submission provided by the YRA dated 14 July 2015. Many of the comments included therein have general application across inner south Canberra, including those relation to sustainability, future urban areas (discussed above), urban design and heritage, designated areas, and compliance with the NCP.

Deakin Residents' Association Inc

The ISCCC also supports the submission on the exposure draft by the DRA, and notes particularly the issues therein highlighted such as

- the need for clarity between Commonwealth and Territory responsibilities;
- lack of Heritage Listing of Canberra;
- enforcement of Development Control Plans;
- consistency of Designated Areas with local precinct codes;
- need for NCA to establish and assert a strong national position on local development proposals; and,
- need for NCP to address emerging needs arising from more significant urban intensification, as well as efficient transport.

⁵ *Rebooting Town Centres*, 25 June 2015, Canberra and Urban Futures at the University of Canberra.

⁶ Canberra Times, 17 May 2015, quoting Mr Bryn Davies, SGS Economics and Planning.

Lake Burley Griffin Guardians

The ISCCC supports the recommendations made in the submission of the Lake Burley Griffin Guardians of 21 July 2015. In particular, we consider the following to be particularly important:

1. The National Triangle needs to be named and fully identified in the list of places that comprise the Designated Area; with the NCA named as the authority responsible for the continuing integrity of the National Triangle.
2. The second objective should stipulate vistas and the importance of open spaces for defining the geometry of the city. The plane of the Lake is important in this role allowing views to nationally significant termini and views across the lake to the mountains beyond.
3. We support the conservation of the major vistas from major landmark locations and parklands, around Lake Burley Griffin and other vistas such as from the former Kingston Power House towards the eastern lake shore, from the Arboretum towards the lake and along roads such as Sturt Avenue across to Mt Ainslie.
4. We strongly urge the production of specific masterplan and guidelines for lakeshore. This plan should accommodate the need for lakeshore recreation for the next 100 years.
5. We would like to see much more strength behind the Draft's statements relating to the maintenance of a robust and sustainable ecology both in the water column and the riparian surrounds of the lake and other water bodies and water courses.

Albert Hall

The Albert Hall is one of the most important and cherished buildings in inner south Canberra, and the ISCCC endorses the submission to the review, dated 20 July 2015, of the Friends of the Albert Hall Inc.

The review process

We were disappointed in the manner in which the review of the NCP was originally announced to the ACT and broader Australian community. In its story announcing the review, the *Canberra Times* of 30 April 2015 carried the headline 'Cabinet agrees to curtail power of National Capital Authority in Canberra Planning'. Comments attributed to the government spokespersons quoted in the article appeared to confirm the accuracy of the headline.

We have been assured subsequently that Cabinet has not in fact formed a view on this matter but there are strong suggestions that the Commonwealth Government may have a predetermined view on the appropriate outcome of the review.

We hope and expect that the NCA, as an independent statutory authority, will in finalising its draft NCP resist pressure from whichever direction it may come to relinquish powers which will leave it unable to exercise its important responsibilities. The views of Governments, Ministers and politicians, while always worthy of note, should not be allowed to compromise the beauty and amenity of the ACT for short term considerations.

Thank you for considering this submission and we would be happy to provide further information if this would be useful.

Yours sincerely

A handwritten signature in black ink that reads "Gary Kent". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Gary Kent
Chair

22 July 2015