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Submission Cover Sheet

Inquiry into ACT's heritage arrangements

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Canberra Chapter

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The Secretary
Standing Committee on
Environment, Climate Change and Biodiversity
ACT LEGISLATIVE ASSEMBLY
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Submission – Inquiry into the ACT’s Heritage Arrangements

Introduction

The Canberra Chapter of the Walter Burley Griffin Society offered Minister Gentleman MLA on 24 March 2016 a comprehensive submission on the Five Year ACT Heritage Strategy 2016-2021, which we believe is relevant to this current Committee Inquiry and would urge its consideration again, please. A copy of this is our first attachment.

Summary

The main point to be made in this submission is that listing on the ACT Heritage Register means nothing unless there is planned and practical follow-up by the ACT Government, as to the continuation of care. Examples of where this does not happen will be provided. A secondary point is that Canberra, the total city is being considered in heritage slices that destroy the integrity of the planned national capital.

It is unfortunately notable that the ACT Government failed to support the federal heritage listing of Canberra in 2022. This was despite the federal consideration by the National Heritage Council being:

Due to the similarities between the nominated areas, the Council chose to assess the nominations together as ‘Canberra the Planned National Capital’ (the Place).

The Council recommended placing Canberra on the National Heritage Listing for 5 reasons, which are set out on pages 2 and 3 of the attached Ministerial Decision of 8 April 2022. The federal Minister for the Environment decided against the listing because of the ACT Government’s opposition. The Minister did, however, list Lake Burley Griffin and the adjacent lands, including Scrivener Dam, Commonwealth Avenue Bridge and Kings Avenue Bridge, along with areas around the lake.

Effectiveness of Operations of Council and Heritage Act 2004

It is noted that the ACT Heritage Council is described as: [an independent, statutory body responsible for a range of provisions.](#) However, this submission considers that The Heritage Council lacks this independence and the ability to act on its own initiative, as summarised in the following three points:

- (1) in making Heritage Guidelines. It may only act after receiving a direction from the Minister, under the following Section 25(2).
- (2) *However, the council may make heritage guidelines only—*
 - (a) *if the **Minister has given the council a direction** under section 26C—after the council complies with the Minister’s direction; and*

(2) Under Section 26A(3)(b)(iii), the Council must seek the negative approval of the Minister, if it seeks an extension of time to make Guidelines

*(iii) council, at least 25 working days before the end of the initial period, gives the Minister written notice (an **extension notice**) stating—*

(3) The Minister can direct the Council prior to any registration, under Section 39: *Minister may require council to further consider issues related to registration*

Preserving the City-Wide Heritage of Canberra – the National Capital

Local organisations seeking this greater, city-wide heritage listing have faced continual opposition. The ACT Government and Chief Ministers have persistently opposed National Heritage Listing of Canberra. The ACT Legislative Assembly in March 2020 rejected by a vote of 24 (Labor and Liberals) to 2 (The Greens) a motion to work with the Commonwealth for National Heritage Listing. Back in 2007, specialist research, professional initiatives and public seminars, and a Legislative Assembly Committee [report Number 30 of October](#), produced a strong nomination of Canberra and the ACT as a UNESCO Biosphere Reserve., which was subsequently dropped by the ACT Government.

A UNESCO Biosphere Listing is akin to World Heritage Listing and particularly appropriate for the ACT. There are UNESCO Biospheres elsewhere in Australia and globally, cities are now lining up to nominate, which accords closely with the Heffernan focus on climate change, and indeed on the Griffins' own form with sustainable (social, environmental and economic) development.

Since the early 1990s, there have been many who have advocated Canberra's nomination for World Heritage status, including many distinguished heritage and Canberra planning advocates. It has also been strongly argued that Heritage Listing and values need not impede Canberra's development, but on the contrary enhance it.

Canberra has earned consistent international acclaim as a planned city. The Griffin Plan was described as 'one of the treasures not only of Australia but of the entire urban world.' in 1992 by Professor John Reps. [Marion Mahony Griffin's twelve design drawings are included on UNESCO's Memory of the World Program](#), equivalent to the World Heritage Register.

The designs reflect the Griffins' understanding that the built environment should interact with the surrounding natural environment. Griffin envisaged urban density, people movement and public transport in a city of horizontal forms, of about 5 storeys, which preserve a sympathetic scale relationship with the natural landscape, its mountains and the vistas of them. National Heritage Listing status would raise expectations and aspirations. As the National Capital, Canberra is a work in progress. National Heritage Listing is an incentive which would enhance Canberra's potential and prospects domestically and internationally.

To ensure this character and aesthetic of Canberra is retained for future generations, it should not be eroded away by poor decision-making. Untrammelled unsympathetic development should not be permitted nor encouraged. The national government, the National Capital Authority and the ACT government need to respect and care for this unique inheritance of the Australian people and Canberra residents and allow only sympathetic development to maintain the Griffins' vision and maximise Canberra's potential.

In May 2015, the ACT Chief Minister Andrew Barr, wrote to the-then Federal Environmental Minister Greg Hunt asking him to reject the heritage listing submission to prevent additional "regulatory burden" from being imposed, and business confidence and investment from taking a hit. "Canberra's special place as the capital is already more than adequately protected through the oversight of the NCA and our own planning rules," said Barr.

This assurance by the Chief Minister proved illusory in 2018, when the National Capital Authority approved the demolition of Anzac Park East Building and actively disrupted the symmetry at the bottom of Anzac Parade of the **Marion Mahony Griffin View** from Mt Ainslie. It appeared that this decision was made with reference to developments on Constitution Avenue, rather than the totality of the MMG View down Anzac Parade and its contemplation of the city of Canberra, the national capital.

The basic principle and objective are that National heritage and World Heritage Listings can and should enhance, not hinder, the development of Canberra, especially as the National Capital.

Long-standing Concerns about ACT Government Planning affecting Heritage.

The Committee is recommended to consult the regular columns on Canberra planning by CITY NEWS columnist, Paul Costigan. They are too numerous to review individually and can be referenced here <https://citynews.com.au/author/paul-costigan/>. To be more specific and as further background, a collection of published concerns in 2017 about ACT Government planning is enclosed.

Adequacy of Resourcing for the ACT Heritage Unit indicating Lack of Government Attention after Heritage Listing

It has been evident for some years that that Council and Heritage Unit resources have been inadequate for dealing with the volume of nominations for Heritage Listing. Equally important are resources for inspection, compliance and issuing infringement Notices and Heritage Directions. A specific and current example follows.

In 2011, the former Canberra City Garbage Incinerator was placed on the ACT Heritage List (a copy of which is enclosed). The Society maintains an interest in this because of the following:

The incinerator is of exceptional interest as one of the distinctive industrial buildings designed in the 1930s for the Reverberatory Incinerator and Engineering Company, particularly those by Eric Nicholls. Nicholls was a first-rate architect who learned directly from Walter and Marion Griffin and contributed much to the design of buildings for which Griffin is known.....The incinerator building, now within the Royal Canberra Golf Course in the Westbourne Woods arboretum, is used as a storage facility for the club's greenkeeper.

However, no follow-up has been undertaken by the Heritage Council or ACT Government. The Society has for many years been attempting to have the Royal Canberra Golf Club maintain this building in keeping with its heritage status. Under the *ACT Heritage Act 2004*, the Club has obligations to preserve the building in accordance with the incinerator's heritage values set out in the 2011 listing. It is also appropriate to note that the lease covenants require 'maintenance in good repair' and that the ACT Heritage Register entry is for *Canberra's Garbage Incinerator and its Immediate Surrounds*, presumably to see the building to full effect and integrity. These values entail the documentation of its history and provenance, made available for public informational and educational purposes.

When the incinerator was recently viewed, it was apparent that all kinds of vehicles, equipment, materials and waste had been stacked untidily around the building. Interior photographs taken in 2019 also show materials strewn at random within the incinerator. In the Society's follow-up of January 2023, the Club was approached and has responded positively to demonstrating its appropriate and on-going recognition and maintenance of the Incinerator's historical status and heritage listing.

You may care to view this **YouTube** presentation by Eric Nicholls' daughter in 2022, on the incinerator <https://www.youtube.com/watch?v=94A6xMI73mo>. The significant conclusions from this are that

- (1) no follow-up was done by the Heritage Council after its listing, and
- (2) active follow-up should not require such extensive action by concerned private individuals.

Further Indication of Lack of Follow-up by ACT Government – signage on Mt Ainslie

In 2013, on Mt Ainslie ACT Chief Minister Gallagher unveiled descriptive signage for the *Marion Mahony Griffin View*. The signage itself is extremely important, as containing the basis of the design prize being awarded to the Griffins. At its unveiling, the-then Chief Minister observed:

"Marion's input into Walter's grand Canberra design was both crucial and seamlessly integrated. It is astonishing that her watercolours accompanying their entry capture the Australian landscape so faithfully when neither Walter nor Marion had ever been to Australia," the Chief Minister said. "The View is one of a suite of paintings that were listed in 2003 in the Australian Memory of the World Register, endorsed by UNESCO."

Source: https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/gallagher/2013/marion-mahony-gets-the-view-from-mt-ainslie

Although this signage is not Heritage listed, it was observed last year that the signage had been vandalised and the colours were badly faded. It appeared that no maintenance had been undertaken. At the Society's initiative and to the Government's credit, the ACT Government replaced the signage.

Overlapping Federal and ACT Legislative Responsibilities

It should be noted that the National Capital Authority maintains a [current Heritage Strategy](#), derived from this city-wide corporate aim: *To shape Canberra as a capital that all Australians can be proud of by ensuring it is well planned, managed and promoted, consistent with its enduring national significance.*

1.1 Purpose of the Heritage Strategy

This Heritage Strategy outlines the NCA's strategic approach to identifying, assessing, protecting and conserving Commonwealth and/or National Heritage values of places under its ownership and control. The strategy outlines the NCA's management context and how heritage has been integrated into its corporate management framework.....

Within the estate are 19 places included in the Commonwealth Heritage List (CHL). There are also two places included in the National Heritage List (NHL). Other places under the NCA's management have been identified as meeting the Commonwealth or National Heritage criteria and the threshold for inclusion in the CHL or NHL.

However, the NCA's *Strategy* is predicated on places, sites, monuments and buildings, all being listed on heritage registers. All the subjects are duly required to have Heritage Management Plans, approved under the EPBC Act. However, Canberra as the National Capital and the formal winning Griffin Plan are not on a Heritage register and are therefore not specifically incorporated in *The Strategy*.

If they were on, say, the National Heritage Register, the NCA would have to produce tri-annual reviewable Heritage Management Plans and allocate resources, strategy (and training programs) in the three yearly *Heritage Strategy*.

At the same time that heritage listing of the city of Canberra was rejected, a limited heritage listing of Lake Burley Griffin and its surrounds was made in 2022. The nominated area covers approximately 6,640 hectares including:

- *Lake Burley Griffin bounded by the entrances of the Molonglo River, Jerrabomberra Creek and Sullivans Creek, and Scrivener Dam;*
- *Springbank and Spinnaker Islands. [The Carillon](#) is listed separately on the Commonwealth Heritage list;*
- *Scrivener Dam;*
- *Commonwealth Avenue Bridge and Kings Avenue Bridge; and*
- *Stirling Ridge, Stirling Park, Attunga Point, Yarramundi Grasslands, Roman Cypress Hill and the Lindsay Pryor Arboretum.*

<https://www.nca.gov.au/planning/heritage/heritage-management-plans/lake-burley-griffin-and-adjacent-lands-heritage>

This is yet further indication of how the national capital of Canberra and its heritage is being considered in slices that destroy the integrity of the planned national capital.

Conclusions

It is important to reinvigorate public discussion and debate about heritage among the broad Canberra community. An inclusive membership of the Heritage Council in order to engender leadership will be important.

It should be noted that some residual attention has been paid to the Griffins' original plans in ACT heritage decisions, in the *Heritage (Decision about Registration of Red Hill Historic Plantings, Red Hill) Notice 2018*. Page 5 of that Decision summarises the on-going importance of the Griffins:

They are also the last vestiges of Walter Burley Griffin's audacious scheme to 'paint' the hills surrounding his planned city by revegetating the denuded hills with various coloured flowering plants. This was a part of his and Marion Mahoney Griffin's wider plan for the ACT region.

The columns by Paul Costigan provide a great deal more detail on the realities of ACT planning decisions. Such as:

- [“Planner Proposes Planning Change to Suit Planners”](#) (December 2022);
- [“What Stops the NCA from Doing a Great Job”](#) (February 2023) and
- [“Why The Planning Chief has Failed Canberra”](#). (15 March 2023).

Collectively, these articles reveal widespread Canberra community concerns about ACT Government planning decisions that adversely affect the city's heritage.

Yours faithfully

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Walter Burley Griffin Society