

# SUBMISSION 34.1

Joint Standing Committee on the  
National Capital and External Territories

Supplementary information on a submission to the: Submission No: ..... 34.1

JOINT STANDING COMMITTEE ON THE NATIONAL CAPITAL AND  
EXTERNAL TERRITORIES

Date Received: ..... 2/5/08  
Secretary: .....

## INQUIRY INTO THE ROLE OF THE NATIONAL CAPITAL AUTHORITY

### SUBMISSION BY THE ACT HERITAGE COUNCIL

At the Committee's hearing on 23 April 2008, the Committee Chair asked Dr Michael Pearson, Chair of the ACT Heritage Council, to provide further advice on three issues;

1. Observations on the NCA's proposals to relinquish control over 90% of the Territory land in Designated Areas
2. Options for the insertion of heritage advice into NCA planning processes, especially on National Land; and
3. The ACT Heritage Council's involvement in the Canberra Centre development in Ainslie Avenue, and its approach to vista protection generally.

Dr Pearson's comments follow.

#### **1. Observations on the NCA's proposals to relinquish control over 90% of the Territory land in Designated Areas**

On the face of it, the proposal by the NCA to hand back to Territory planning processes the bulk of the Territory Land in Designated Areas would resolve the majority of the Heritage Council's concerns about the anomalies in the management of heritage places in the ACT.

However, a critical element in the success or otherwise of this transfer lies in the nature of the amendments to the proposed consolidated National Capital Plan (NCP), and in particular the controls that might be inserted to protect the National Interest in the Territory Land. If the revised NCP maintained planning approvals by NCA, or any provision that exempted the operation of the ACT planning processes that integrate referral to and advice from the Heritage Council in DA decisions, then the changes would not improve the current situation.

The Heritage Council recognises the legitimate concern of the Commonwealth to protect the National Interest in the Canberra landscape and development, but the nature of the National Interest and the means of protecting it need to be more widely discussed, and then stated clearly in the NCP. The Commonwealth might retain 'call-in' powers over National Interest matters, but so long as the Territory processes protected the National Interests as stated in the NCP, then call-in would not be triggered.

We note that two large areas of Territory Land are to be retained under NCA's control under the NCA's proposal. The Heritage Council is concerned that the ANU Campus (to remain Territory Land in a Designated Area) needs urgent attention to identify and protect its heritage features, in the face of accelerating development of the area. There are a number of individually significant buildings and complexes on the campus, as well as potentially significant landscapes/vistas, that have not been systematically assessed. The Heritage Council considers that if the NCA retains control over the campus, it should take responsibility for undertaking of overseeing such a campus-wide heritage study.

The Heritage Council is also concerned that no mechanism exists under NCA control to adequately consider and if necessary protect the heritage values of the Olympic Pool site, which is entered in the Register of the National Estate, and nominated to the ACT Heritage Register. The pool has heritage value to the Canberra community, and any proposition that the National Interest requires its demolition should be subjected to open and transparent documentation and debate.

The places with heritage values that appear to us to remain under NCA control if their proposal is adopted include:

1. St. John the Baptist Church and Churchyard, Reid (RNE and ACT Heritage Register)
2. Duntroon Dairy, Campbell (RNE and ACT Heritage Register)
3. Civic Olympic Pool (RNE)
4. Jerrabombora Wetlands (Indic RNE)
5. Lennox house, Acton
6. Aboriginal places, both identified and as-yet unknown, in all areas under NCA control

## **2. Options for the insertion of heritage advice into NCA planning processes, especially on national Land.**

As indicated at the hearing, the Heritage Council believes that a statutory and transparent process should be put in place to ensure that the NCA has to consider heritage issues and concerns as part of its planning and approvals processes over all land the development of which it controls. This includes both National Land and any residual Territory Land that remains in Designated Areas after the review.

This requirement for the timely and appropriate consideration of heritage matters is present in the planning regime of every other Australian jurisdiction, and it is an ongoing and unacceptable anomaly that the NCA decisions are free of such basic safeguards.

Options for implementing heritage input include:

1. Making the ACT Heritage Council the heritage advisory and review agency for all land in the Territory (including National Land), through the consolidated National Capital Plan. This proposal has the advantage that the Heritage Council

already exists and carries out such functions within the Territory Land. While unusual, such an arrangement could be implemented in the unique context of the ACT, as the role would be to provide advice only, and the NCA would retain its role as decision maker on behalf of the Parliament. The revised NCP would have to be very clear about the requirement of NCA to seek heritage advice, and the mechanisms for considering that advice (similar to mechanisms suggested below).

2. Establishing a National Heritage Advisory Committee within or parallel to the NCA, that is tasked to provide NCA with heritage advice on planning instruments and development approvals. The revised NCP would specify when the NCA would have to seek the advice of the Advisory Committee, and the transparent process through which it has to consider and make public its decisions following that advice. The Advisory Committee should have the specific power to require the NCA to undertake heritage survey, study or assessment of any area or place having prima-facie heritage significance, regardless of its current heritage listing status.

The National Heritage Advisory Committee should be made up of persons with demonstrated expertise in the heritage assessment and management field, and should include or be able to draw upon such expertise in the built, Aboriginal and natural environments. The Advisory Committee's functions should not be limited to advice on heritage at the level of 'National Interest', but include all levels of heritage assessment. The Advisory Committee should be able to be asked by the Joint Standing Committee for its advice and opinion independently of the NCA.

### **3. The ACT Heritage Council's involvement in the Canberra Centre development in Ainslie Avenue , and its approach to vista protection generally.**

ACT Heritage Unit staff have checked the file in relation to the Canberra Centre development, which goes back to 1998. Ainslie Avenue and its vista were not on any ACT heritage register, as it was Designated Land, and therefore subject to National Capital Plan control, and prior to the *Heritage Act 2004*, the Heritage Council had no mechanism to consider places so designated.

The Heritage Council was nevertheless invited to comment on the National Capital Plan Draft Amendment No. 111, and indicated its concern to ensure that the proposed new centre was sympathetic to the landscape values of the Avenue, and recommended that the ground floor be designed as open court style carrying through an integrated landscape character of the streetscape, that the relationship to Glebe Park be better acknowledged, and that the design work extend to an improvement of the streetscape values of Bunda and Bullimba Streets. The Heritage Council comments appear to have been disregarded.

At a general level, the Heritage Council today attempts to identify any streetscape, landscape and specific vista values associated with listed places in its listing citations. Sometimes, as in the case of Lanyon, the Heritage Council has identified the

surrounding landscape as part of the values of the place, without including it in the actual listing. This indicates to the planning authority that the landscape is a buffer zone around the place, and the Council expects DAs within that area to be referred to it for comment.

‘Vista’ relates to specific view lines in a landscape, and to date the Heritage Council has not listed any vista independently of a larger area containing it. Protection of vistas are guided by an identification of the key features that help establish the value of the vista, such as the character of vegetation, cleared areas, major built or man-made elements, and more subtle features such as street furniture and road design.

The Heritage Council would be happy to discuss these proposals further should that be desired by the Joint Standing Committee.

Michael Pearson  
Chair, ACT Heritage Council  
30/4/08