



ACT Heritage Council

Submission No. 25

File Ref: 20110907 National Memorials

Dr Bill Pender  
Joint Standing Committee on the National Capital and External Territories  
PO Box 6201  
Parliament House  
Canberra ACT 2600

Dear Dr Pender

**New Inquiry – Administration of the National Memorials Ordinance  
1928**

Thank you for the opportunity for the ACT Heritage Council to contribute to this Inquiry. The Council has the view that the Inquiry and its terms of reference are timely for the consideration of future national memorials and current proposals to accommodate the attitudinal and cultural development in Australia and development of the national interest since 1928.

The ACT Heritage Council's comments against the terms of reference are attached as Attachment A and the Council's letter to the CNMC in regard to the World War I and II Memorials as Attachment B.

**Dr Dianne Firth  
Deputy Chair  
The ACT Heritage Council**

**9. September 2011**



ACT Heritage Council

Attachment A

Parliamentary Joint Standing Committee on the National Capital and External Territories

**INQUIRY INTO THE ADMINISTRATION OF  
THE NATIONAL MEMORIALS ORDINANCE 1928**

The ACT Heritage Council is an independent body established under the *Heritage Act 2004*. Council's role includes identification and assessment of nominations to the ACT Heritage Register and providing advice on appropriate conservation of cultural, natural and Aboriginal heritage places and objects in the ACT. The Council is the ACT Governments key advisory body on heritage issues.

Members of the Council are able to demonstrate relevant expertise in disciplines relating to Aboriginal culture, Aboriginal history, archaeology, architecture, engineering, history, landscape architecture, nature conservation, object conservation, town planning and urban design. Members are also expected to be representative of the public from the community and special sectors of the community such as the Aboriginal community or the property ownership, management and development sector.

The Council has a statutory role to comment on heritage issues on Territory Land which is not a Designated Area under the National Capital Plan, and by agreement with the NCA it provides comment on heritage issues on Territory Land which is a Designated Area, or on National Land where the Council has a nominated or registered heritage place.

The ACT Heritage Council's comments against the Terms of reference:

**1. To inquire into and report on:**

- **The administration of the National Memorials Ordinance 1928 (the Ordinance) with particular reference to:**

**Membership;** In many cases the National Land to which the Ordinance applies also has identified heritage values. Accordingly, the CNMC should have access to the best possible heritage advice, and consideration should be given as to whether one member of the CNMC should have such expertise, or represent a heritage point of view.

- **Process;** Decisions on the sites for and the nature of national memorials are of great importance as the memorials convey or reflect national events and stories which embody national aspirations and values for current Australians, future generations and overseas visitors. Sites are an increasingly limited commodity given the extent of National Land and existing development, including numerous national memorials. As many proposed memorials are within or near existing heritage places, there is considerable community and expert interest in such proposals and the ACT Heritage Council shares this interest. Expert heritage advice should also be a key element in any decision-making process where heritage places are affected.

The processes of the CNMC should address all of these issues. The capacity of National Land to accommodate future memorials should be assessed and a comprehensive plan/code should be prepared specifically identifying all future memorial sites especially where there are heritage places involved. The appropriate general memorial character and landscape treatment for each site, consistent with the heritage values, including landscape values, should be included for all heritage places on National Land likely to be affected by the location of national memorials. It is noted the NCA's approved Parliament House Vista Heritage Management Plan already includes a similar requirement. However, this plan does not necessarily take into account heritage values in sufficient detail for use as a reference document. The future memorials plan/code should be publicly available and considered for inclusion in the National Capital Plan.

Proposals for memorials including the location, content and character of memorials should be subject to public consultation and comment, including with heritage stakeholders, **prior** to a CNMC decision. Decisions should only be made in the light of rigorous expert heritage advice where heritage places are affected, and these decisions, including the heritage advice, should be subject to public consultation. The National Capital Authority's draft *Commitment to Community Engagement* provides a good model regarding public consultation on development applications, and the NCA's proposed consultation process would seem the appropriate one to use. However, the draft currently proposes to exempt national memorials. This should change.

Consultation with heritage stakeholders will provide an opportunity for expert heritage advice to be offered, and supplementing the membership of the CNMC with heritage expertise, as discussed above, will also assist with this goal. Expert heritage advice will normally involve the preparation of a heritage impact statement. Unfortunately, the

Commonwealth's current heritage legislation, the *Environment Protection and Biodiversity Conservation Act 1999*, does not capture the planning decisions at an early stage. None the less, the Australian Heritage Council could be asked to comment on the heritage impact assessment and provide advice to the Minister, or even at an earlier stage to provide advice to the CNMC.

- **Independent Advice;** In addition to the access to expert heritage advice noted above, the CNMC may require independent expert advice in contentious situations e.g.: it may be that in prioritising competing applications a historian, expert in the particular field, would be sought; or on a contentious issue of design and siting particular expertise in the planning of Canberra may be sought.
- **Transparency;** The work of the CNMC should achieve the degree of transparency at least consistent with contemporary planning and heritage systems. Transparency would be greatly increased by the development and public release of a comprehensive plan for possible future memorial sites as discussed above, and by public consultation regarding memorial proposals.
- **The appropriate level of parliamentary oversight for proposed National Memorials**  
The Council believes that when evidence is brought before the CNMC of strongly expressed and diversely sourced public opinion opposing a memorial and this is supported by expert heritage advice, then the CNMC should be able to review its earlier decision or recommend a Parliamentary Inquiry be undertaken.
- **The appropriate level of public participation in the development of proposed national memorials**  
A high level of public participation should be fostered in the development of proposed memorials. Such participation should be a hallmark of national memorials, and it is also consistent with the important public locations for such memorials. Suggestions about the minimum level of participation are noted above.

**2. If changes to current arrangements are recommended, inquire and report on transition provisions for current proposals for memorials which have not been constructed**

The current proposals should be put on hold until the recommendations of the current Inquiry are implemented.

It then follows that transition provisions for current proposals for memorials which have not been constructed should be as follows:

- A heritage impact assessment on the specific place should be undertaken in relation to the conservation management plan. In the case of the World War I and II memorials the heritage impact assessment needs to be undertaken in relation to the Parliament House Vista and to values articulated in the preamble to the National Capital Plan;
- the Australian Heritage Council should be asked for comment on such proposals, and their impacts having access to the above conservation management plan (CMP) and/or heritage impact assessment;
- in addition to public consultation already undertaken, then further public consultation should be undertaken regarding proposals together with the public release of the CMP and/or heritage impact assessment;
- the CNMC should be encouraged to seek a Parliamentary Committee inquiry where sites are controversial such as the World War I and II Memorials; and
- if necessary, the timeframes for proposals should be amended to enable these steps.

### **Current Issues**

The ACT Heritage Council has considered the current proposal for World War I and II Memorials on the Rond Terraces and is concerned that a CMP has not been specifically prepared for such an important place as the Rond Terraces and endorsed by the Australian Heritage Council. There is also concern that a Heritage Impact Assessment has not been prepared which addresses the impact of the proposed memorials on the significance established by a CMP. Without a CMP or heritage impact assessment for the place, these memorials may have a detrimental heritage impact on the heritage significance of the place. A copy of the Council's letter to the CNMC in this regard is attached to this submission, Attachment B, for your information.



ACT Heritage Council

Phone: 6207 1687

Fax: 6207 7762

File ref: WWI and WWII Council comments

The Canberra National Memorials Committee  
Territories East Branch,  
Attorney-General's Department,  
3-5 National Circuit,  
BARTON ACT 2600CC:

CC: The National Capital Authority; The Memorials Development Committee; Mr Lincoln Hawkins, Beacon Hill Consulting.

Dear Committee

**The proposed World War I and World War II Memorials at the Rond Terraces**

The Secretary of the ACT Heritage Council, Mr Gerhard Zatschler was contacted by the representative, Mr Lincoln Hawkins, of the Memorials Development Committee (MDC), to invite consultation and comment in relation to the proposed World War I and World War II Memorials to be located on the Rond Terraces.

The Heritage Council is aware that the proposal is located on National Land and as such the ACT Heritage Act 2004 does not apply. However the issues were discussed at a meeting of the Council on Thursday 19 August and the Council came to the view that the proposal is inappropriate for the following reasons:

1. The MDC brochure and the WWI and WWII Design Report show the proposed Memorials to have a monumental scale relationship in the Vista towards Mt Ainslie. This is in opposition to the Australian War Memorial which has a human scale relationship and one that has been successful in portraying the human face of war and engaging the empathy of the observer. The existing Australian War Memorial superbly fulfils its role to memorialize in the public realm the sacrifices made individually and collectively by members of the Australian Defence Forces in all wars and to treat their memory with honour.
2. In the Vista, with the proposed composition of three Memorials, the Australian War Memorial visually recedes into the distance due to the perspective accentuated by the scale relationships. The Australian War Memorial suffers a consequent loss of impact.
3. The Portal Buildings, Anzac Park East and West have been the traditional markers set by the National Capital Development Commission (NCDC) of Griffin's vista towards Mt Ainslie. Their horizontal and vertical scale relationship is carefully considered in terms of the view towards the Australian War Memorial. The scale relationships of the proposed memorials do not reflect the sensitivity of the vista requirements as they are too close together and pinch the Vista.

4. The westward journey along Parkes Way at the Rond Terrace unfolds a view-shed across Lake Burley Griffin to the distant 'forested ranges and distant snow capped peaks South and West for background' articulated in the Griffin plan. The proposed WWI and WWII Memorials 20 metre towers, intervene in the vistas to the mountains and across the lake to Parliament House. The open nature of the vistas across the parks on the lake shore, a carefully considered landscape composition, would be lost.
5. The wide range of recreational uses of Commonwealth Park would be restricted by the Memorials in the area of the Rond Terraces, physically by their presence and also by their mood of monumental gravitas.
6. The Heritage Council is also concerned that the location of the proposed memorials moves the zone of war memorials beyond Anzac Parade and into the public park setting along the lake shore. This entails a change in the functional zoning of central Canberra and the Parliament House Vista that, as far as the Council is aware, has not benefitted from wide and meaningful discussion, and which has the potential to have broader implications for Canberra's planning heritage than have been addressed in the proposal.

In consideration of all the above, it remains unclear as to why these Memorials would be considered necessary. Please contact the ACT Heritage Council if additional details are required.

Yours sincerely



Dr Michael Pearson  
**Chair**  
**ACT HERITAGE COUNCIL**

25 August 2010