

WALTER BURLEY GRIFFIN SOCIETY

CANBERRA CHAPTER

Brett Odgers, Committee member

Submission No. 006

SL (NISHI Building)
Date: 19/04/2010

Chair

Public Works Committee

Parliament House

Canberra ACT 2600

Proposed new fit-out of Nishi New Acton building

Edinburgh Avenue, Canberra City

Application by Department of Climate Change and Energy Efficiency

The Canberra Chapter of the Walter Burley Griffin Society makes the following submission to the Parliamentary Public Works Committee. I mention that another submission from the Society is in preparation by Professor James Weirick, President, and the central Management Committee.

2. Canberra Chapter members are very concerned about the proposal to build the 'Nishi' complex at all and have made submissions to both the National Capital Authority, regarding the developer's pending application for Works Approval, and the Department of Environment, Water, Heritage and the Arts with respect to the current environmental and heritage statutory assessment processes.

3. Our members' concerns about the building project proposal are compounded by the reference to your Committee. Our submissions on the planning and works approvals and statutory environment and heritage assessments have been serious enough. That the evaluation and approval processes of this project are now confused and potentially compromised, that is, very likely prejudiced by reference to the Parliament and Committee processes is a cause for even greater concern.

4. We urge the Public Works Committee to avoid the irresponsible and disingenuous position assumed by the Department of Climate Change and Energy Efficiency in their submission which ignores the uncertainty and unresolved, indeed controversial, project approval processes. Their submission to your Committee is dated 11 March 2010, well after public controversy over these processes had been canvassed during January and February 2010 in the print media. The Department appears to be advancing their planned fit-out and seeking PWC clearance on the say-so of a private sector developer.

5. It is submitted that Parliament and its Committee system are under incessant pressures to accommodate Executive duress and unconstitutional tactics. Executive accountability and public scrutiny are at a low ebb if the National Capital Authority is able to give developers and a federal Department assurances about planning and building approvals well before there is any public disclosure, in the Nishi case as late as December 2009.

6. It is salutary for the Committee system and pertinent to this reference to record wherefrom the National Capital Authority purports to give a proponent developer an approval-in-principle or other encouragement to prepare construction plans, as if it were a fait accompli and well before the public is permitted to be informed. It was in December 2006 that the Minister for Local Government, Territories and Roads, Jim Lloyd, failed to give the Joint Standing Committee on the National Capital and External Territories the option of inquiring into the *Griffin Legacy* Amendments (numbers 56, 59, 60 and 61) to the National Capital Plan, the most comprehensive and far-reaching Amendments in 40 years or more. The Minister compounded his unconstitutional action by declining to implement any of the recommendations of the subsequent report from the JSCNCET (March 2007) to disallow and review the *Griffin Legacy* Amendments.

7. The NCA has since proceeded as if the *Griffin Legacy* Amendments are a detailed and fully evaluated blueprint for development over 30 years of the Central National Area of the National Capital, whereas they can only sensibly evolve by careful project-by-project assessment.

8. Governments express increased commitment nowadays to “early, open, transparent and consultative development and policy assessment.” Local stakeholders were first informed of the ‘Nishi’ development in December 2009. First notice to the general public was an item in *The Canberra Times* of 18.1.2010. None of the NewActon publicity, brochures and real estate literature had previously indicated the Nishi tower project. Publicity in September 2009 around the Urban Development Institute of Australia award to the NewActon Molonglo Group project, particularly the adaptive-reuse of the heritage Hotel Acton, did not reveal any notion of the huge Nishi building.

9. The Molonglo Group plainly concealed the full dimensions of NewActon as it progressed. As it would make a big difference to the views and landscape of the surrounding area, there must be many disappointed local stakeholders in Edinburgh Avenue, Marcus Clark Street and new residential blocks in City West.

10. The NCA has sole power to approve ‘Nishi.’ NCA is also under no requirement to take public comment into account. The Department of Climate Change and Energy Efficiency submission states they “are not aware of any environmental issues” and the NCA will attend to “any heritage issues.” No ACT government approval or environmental impact assessment is required. The proponent’s submission to the DEWHA even states that the Nishi development does not form part of “other proposals in the region.” The Walter Burley Griffin Society, in its submissions to DEWHA, shows that the impacts of ‘Nishi’ are manifestly and directly relevant to the issues raised about *Griffin Legacy* Amendment 61 West Basin. The proposed ‘Nishi’ structure is both a component and a precursor of the West Basin development envisaged by the NCA, clearly integrated with the West Basin streetscape shown in the *Griffin Legacy* Amendment 61 documentation.

11. The issues around National Capital Plan Amendment 61 entail major impacts on the heritage and National Capital values of Lake Burley Griffin, the Parliament House Vista, Griffin’s Water or

Nature Axis, the symbolic and geometric setting of the Central national Area and the landscape values of Acton Ridge Conservation Area.

12. It would be invidious and unfortunate, therefore, if the Public Works Committee proceeded to assess this fit-out reference in isolation from and before the resolution of the issues pending before DEWHA and the NCA.

13. As a corollary, the PWC should take into account the parallel and contingent approval processes that have not been completed. We recommend that the PWC should bring to the attention of the Parliament these questionable actions:-

- a) That the National Capital Authority gives a developer approval-in-principle in advance of and pre-empting environmental and heritage assessments
- b) That the Department of Climate Change and Energy Efficiency seeks parliamentary approval for fit-out before building and heritage approvals are obtained by the landlord.

14. As indicated above, there are slight checks and balances against the powers and actions of the NCA. In this case, therefore, the PWC has additional responsibility to place the reference in context and not prejudice related statutory processes.

15. Our second principal contention is the issue of **costs** and long run outlays. The Department of Climate Change and Energy Efficiency appears to have taken a high cost path. They have entered into a lease and propose a \$20.5m fit-out. No evidence is provided of **alternative** buildings inspected or new building options. Existing empty buildings such as East Anzac Parade could even provide earlier accommodation and offer big gains in terms of longer run rental costs. Recycled older buildings can be retrofitted economically to high energy efficiency standards. New and redeveloped office complexes in Tuggeranong Town Centre, Barton, Belconnen and City East are in the pipeline according to reports and highlighted by public debate about the sustainability imperative for Commonwealth government offices to be located in various Town centres.

16. Thank you for the opportunity to comment and for the Committee's consideration of this submission.

Brett Odgers

Committee member

Canberra Chapter

Walter Burley Griffin Society Inc.

17 April 2010