



LAKE BURLEY GRIFFIN  
GUARDIANS INCORPORATED

Mr Andrew Barr MLA  
Chief Minister  
Australian Capital Territory Legislative Assembly  
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2 July 2018

Dear Mr Barr

Your letter to Professor Toshiyuki Kono, President of ICOMOS (International) 10 April 2018, (incorrectly addressed as President of Australia ICOMOS) and the similar letter to Mr Ian Travers, President of Australia ICOMOS, 14 June 2018, contain serious misconceptions that require correction. This letter attempts this and also poses several related questions to you and the ACT Government

In doing this we refer to, inter alia, the *Lake Burley Griffin and Adjacent Lands Heritage Management Plan* Volume 1—Lake Burley Griffin Final Report, 2009 (the Report).

### **Comment 1**

You refer to the Report as if it is guiding the West Basin development project via *The Griffin Legacy* (2004) and the *National Capital Plan* (NCP). However, the Report states the following:

#### **2.5 Conclusions (p 16)**

*The thrust of the National Capital Authority's The Griffin Legacy is to provide greater access to the lake and greater connections with the major precincts of the city, which currently are only accessible easily by car. While such proposals have great potential to enhance the original design intent of the lake, its amenity and its setting, they will require careful planning which recognises and responds to the identified heritage values. In particular, considerations include:*

- *conservation of and respect for the contrasting character of the different parts and precincts of the lake;*
- *conservation and recognition of the heritage values of later phases of the lake's development such as the modernist re-interpretation of Griffin's design at the period of the design and construction of the lake; and*

- *conservation of the significant views and vistas in which the lake is a crucial unifying element for central Canberra and the surrounding landscape of hills and mountains, linking near and distant topography to provide a setting of unique aesthetic qualities for the National Capital.*

*The development of detailed conservation management plans or masterplans for specific parts of the study area subject to change or development pressures could inform the detailed design process for these areas.*

**Policies (p 43)**

**C6-1** *Conserve and manage the integrity of the formal design elements of the West Basin deriving from the Griffin plan as well as the later design and construction of the lake and its surrounds.*

It appears the drafter of your letters has not read the Plan which post-dates the Legacy document. It recommends the preparation of a West Basin Precinct Conservation Management Plan/Masterplan and impact studies for proposed developments (Vol 1 3.2 Key Objective of the General Conservation Policy – Policy and Actions). Neither the ACT Government nor the National Capital Authority (NCA) has prepared such a Conservation Management Plan or more than an impact study for the immediate foreshore works.

The Plan recommends nominations of the Lake and its adjacent lands for the Commonwealth Heritage List (CHL) and the National Heritage (Vol 1 3.2 Key Objective of the General Conservation Policy – Policy and Actions).

While the CHL recommendation was acted upon in 2010, its heritage protection stalled. The opposition from the ACT Government to Commonwealth heritage listings explicitly relates to the ACT Government's belief that its own future developments will be compromised (letter Barr to Hunt 30/11/15). This is a profound misunderstanding of the function of heritage listing with the good heritage protections in the Plan undermined by the ACT Government. The letters (to Professor Toshiyuki Kono and Mr Travers) falsely imply that heritage protections are in place.

The letter is silent on other heritage requirements imposed by *the Environment Protection and Biodiversity Conservation Act (EPBC Act)*, related advice referrals and the Commonwealth Heritage Management Principles as well as the National Capital Plan (NCP) – Amendment 86 in 2016. The latter requires the NCA to consider heritage places in Designated Areas as Commonwealth Areas for the purposes of protecting the environment in the manner currently afforded under the *EPBC Act* and any subsequent legislation.

Your letter misrepresents that the heritage and compliance requirements of both governments have been met.

**Question**

1.1 Has the ACT Government been required to undertake a West Basin Precinct Heritage Management Plan ?

**Comment 2**

The ACT Government and the NCA are ignoring that the significance of Lake Burley Griffin as a heritage object is based on the Lake's development from the Griffin composition and the Menzies' Government's NCDC works overlay. None of the Lake's Basins follow the Griffin

delineation expressed in his plans of 1911, 1913, or 1918.

Mr Barr to Professor Toshiyuki Kono 10.4.18:

*The Griffin's original plan intend the city's layout and form would continue down to the Lake in West Basin connecting the city centre and lake.....This work involves the reclamation of a portion of the lake bed to adjust the lake edge to the Griffin's intended alignment for the lake wall.*

This is incorrect. Griffin's plans all displayed extensive parkland around its well-shaped basins. Although Griffin's 1918 plan shows 2 blocks in West Basin area adjacent to Commonwealth Avenue, none of the Griffin plans show development down to the Lakeshore In West Basin. The later planning for the Lake's development adopted a picturesque naturalistic setting for the Lake's Basins ensuring that Lake system worked and Griffin's Basin composition was retained with approximate circular formations to its East and West Basins with a perimeter of parkland.

The comment seeks to give credibility to a poorly planned proposal derived from the NCA's *Griffin Legacy* report and subsequent Amendments to the National Capital Plan – a proposal that failed to undertake basic planning such as an environmental/heritage impact study, a visual assessment, traffic and transport implications, demographic implications, market viability, a cost analysis, or an assessment of the conflicts with national capital values and functions.

NCDC planners for the construction of the Lake in the 1950s/60s took great care to retain the 3 Basins, a key element of the Griffin design ensuring the Basins were each of reasonable size reflecting the Griffins overall lake composition, retaining the foreshore parklands, but forgoing the geometric formality for a naturalistic picturesque lakescape. Taking the 2.8 ha of lakebed will reduce the form of West Basin to the shape of prune, approximately half the size of East Basin. The urban form balance that was so carefully planned for the 3 Basins will be lost.

### **Questions**

2.1 What evidence do you have to support your claim that the 'Griffins' original plan intended the city's street layout would continue down to the lake in West Basin'?

2.2 Why has the heritage planning value of the existing Lake not been respected?

### **Comment 3**

Mr Barr to Professor Toshiyuki Kono 10.4.18:

*..transforming the West Basin from predominantly a carpark into a precinct where people come to meet, celebrate and relax.*

*That transformation includes a new public park. The next stage development of 55 metres of public space– with pavilions, playgrounds and water play areas...When completed West Basin will have 4 ha of public open space."*

Currently there is approximately 7ha of open space in West Basin in the proposed development area this will be expanded to 9.8 ha with the national lake-bed acquisition. The present car parking area (with the exception of old futsal courts) has trees that provide a canopy base for extensive vistas from City Hill, Vernon Circle and Commonwealth Avenue across the lake to the ranges beyond, while the car parks are well-utilised for Canberra events. The letter does not refer to any public car parking for Canberrans or visitors in the proposed development. It appears that event parking is being removed with no alternative.

**Questions:**

3.1 Can Mr Barr explain how the development of private apartments and retail premises can “enhance” the “cultural” and “heritage” value of the lake”?

3.2 How will the people get to this “precinct” to meet, celebrate and relax with no real means of significant motor vehicle, or public transport access? Light rail movements alone are unlikely to provide sufficient public access to replace private vehicle access.

**Comment 4**

Mr Barr to Professor Toshiyuki Kono 10.4.18:

*A mixed use, low-rise development is also proposed... with a range of retail, residential and recreational spaces to create a new community supported by a wide range of amenities and public infrastructure.*

**Questions**

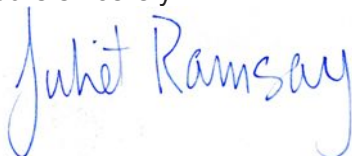
4.1 Could the ACT Government explain what building height for 'low rise' is intended as this appears to differ from information provided by the former Land Development Agency?

4.2 How will the allocation of a comparatively small amount of space in this strategic dedicated open space area meet best practice city open space designs?

Lake Burley Griffin Guardians are appalled at the misleading response and spin provided by the ACT Government concerning this development, suggesting that it is doing the right thing by heritage when it is manifestly not, and particularly when it is sent to the President of International ICOMOS.

We are also aggrieved that our Petition submitted to the ACT Government using the available, legitimate, democratic process with a request for support, was simply passed to the Commonwealth without the ACT Government taking any responsibility for its own role in the proposed development of West Basin and any attempt at a direct response. The 745 ACT citizens who signed in good faith would rightly feel discouraged that their request was not properly dealt with by their Government particularly as the LBG's petition demonstrated that more than twice as many Canberrans oppose the West Basin lake front development than supported it in the ACT Government's consultations.

Yours sincerely



Juliet Ramsay (convenor)  
on behalf of Lake Burley Griffin Guardians

cc.

The Hon Dr John McVeigh MP

The Hon Josh Frydenberg MP

Mr Ben Morton MP

Ms Gai Brodtmann MP

Members of the Joint Standing Committee for the National Capital and External Territories

Mr Andrew Leigh

Mr Mick Gentleman MLA

Mr Alistair Coe MLA

Ms Elizabeth Leigh MLA

Ms Nicole Lawder MLA

Ms Sally Barnes

Mr Ian Travers

Mr Malcolm Snow

Mr Daniel Burdon, Canberra Times

President Inner South Community Council

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Editor, the Eastlaker