13 October 2015

Mr Malcolm Snow
Chief Executive
National Capital Authority
GPO Box 373
Canberra ACT 2601

e-mail: worksapproval@natscap.gov.au

Dear Mr Snow

WA 20108 'City to the Lake' - Construction of the West Basin Foreshore

Thank you for the opportunity to comment. The Lake Burley Griffin Guardians notes the following overarching concerns in addition to providing comment on the detail of the West Basin Foreshore Development.

- Splitting the greater West Basin development into stages that require separate studies and presumably comment is an approach that is obviously seeking approval on Stage 1 before the public can formally cast comment on the more damaging development of Stage 2.
- To present a development with 36 documents which download to around 200 MBs and allow 15 days of review is difficult for members of the public. We note that the reports in plan format were reduced both in dpi and scale so that when electronically increased in size in order to read the text it becomes blurred and unreadable. None of the Tree Assessment plans on your website could be read.

Our comments on the detail of the proposal follow.

Yours sincerely

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on behalf of Lake Burley Griffin Guardians
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LAKE BURLEY GRIFFIN GUARDIANS (LBGG) COMMENTS
on the
WEST BASIN FOreshORE DEVELOPMENT, STAGE 1A Canberra

LBGG Comments on
Works Approval Report City to the Lake
West Basin Foreshore
Works Package 1 Early Works CttL- S1AW1-CGN-RPT-002
Prepared by Arup

&
Works Package 2
Main Works CttL- S1AW1-CGN-RPT-002
Prepared by Arup

With regard to the CttL Works Package 1 and Works Package 2, the Lake Burley Griffin Guardians (LBGG) firmly believes that the works proposed in West Basin should not be undertaken. Our reasoning, as outlined in LBGG 3 Comments (below), is primarily based on adverse impacts on heritage. It is our belief, that these adverse impacts have been perpetuated since the Griffin Legacy in Amendments 56, 59, 60, 61 to the National Capital Plan.

There is no sound reasoning given to support the alienation of public parkland. Promotion of the vision relies on jargon – ‘Connect and Enliven’ - instead of good planning, and is neither environmental nor best heritage practice. Developers, ACT Government revenue and the purchasers of apartments with views of the lake will benefit at the expense of the community. Although considered by some as 'under utilized', West Basin is a parkland that has environmental beauty, health advantages of sunlight and open air and public accessibility that people enjoy for passive and active recreation in an environment of tranquility, with vistas, views and valued environmental aesthetics. Added to these advantages is that West Basin is the only Canberra City lakeside landscape and the only City open space landscape of a reasonable size where Canberra City can hold events. Current and future Canberra citizens will lose the valuable West Basin parkland resource if the development proposal that includes Stages 1A, 1B and Stage 2 is approved.

Some examples of urban renewal projects in Canberra over the last 10 years that have been supported on the grounds of enriching vibrancy, now demonstrate failure of delivery as promised:

— Commonwealth Place, the dished structure on the southern foreshore of the Lake with the ‘slot’ on the Land Axis alignment took away a sloping lawn. The former low key grassed landscape was actively used by visiting school children and a most popular venue area for local Canberrans for outdoor opera events. It is now an unused structure with a neglected appearance.
— Kingston Foreshore Development has little recreation use on its foreshore landscape although it has a desirable sunny aspect. The Foreshore’s Slipway Maintenance complex planned at the boat harbour was removed to allow for development and Black Mountain Peninsular park was adversely impacted to accommodate the relocated complex. The 1998 Capital Lakes Rowing Club, established before the Kingston Foreshore development commenced, provided valuable recreation for the south side population, both for children and adults. The club has now been moved to a temporary location so that its former location could be developed. The club will soon be relocated to Grevillea Park, a considerable distance from the community it serves. No sailing or rowing is undertaken from the boat harbour which acts only as dormitory for commercial boats.

— Although New Acton has emerged as a successful social development with ‘vibrancy’ this is largely due to the successful rebuilding after the fire of the low-rise heritage building, formerly the Hotel Acton, and the ground first level facilities offered at the Nishi building. West Civic development is an example of the worst of medium height and medium density development. It is of underwhelming architecture that appears to have no environmental merit creating a shaded, cold environment with wind tunnels.

Putting a lot of money into foreshore reclamation on the basis of the 'Griffin Vision' is simply ‘spin’ and the ‘vibrancy slogan’ is a false claim to justify the ‘Development Vision’ set out for West Basin development Stages.

**LBGG Comments on Heritage Impact Statement for West Basin Foreshore Development**
**Prepared for the Land Development Agency by Lovell Chen September 2015**

The LBGG is aware that the Lovell Chen heritage impact statement is specifically for the redevelopment of the landscape foreshore including the lake reclamation, Stage 1A of West Basin Development.

LBGG believes that requesting a heritage impact assessment only for the foreshore development without the context of Stage 1B, and Stage 2 the building estate development included, is a tactic to enable the more critical heritage impacts of Stage 2 building developments to be facilitated without appropriate heritage scrutiny. LBGG comments below refer to the numbered sections of the Heritage Impact Statement.

**Section 1.1**

The heritage Lovell Chen Heritage Impact Statement commences with quoting the Griffin Legacy (2004)
The underpinning principles of City to the Lake project are for the delivery of aspects of Walter Burley Griffin’s vision for an active lakefront that is integrated with Civic in a manner that meets the contemporary needs and expectations of the national capital.

The Griffin Legacy assesses the relevance of the Griffin Plan in the twenty-first century, and establishes a framework to deliver or recover elements of the Griffin Plan considered to have the potential to reinforce core values of Griffin’s vision. Critically, the Griffin Legacy reasserts the primacy of Griffin’s vision for Canberra as the primary driver in the city’s future development.

A report for the Joint Standing Committee’s Roundtable Public Hearing on the Griffin Legacy Amendments 56, 59, 60 & 61 by James Weirick (2007:4), the Walter Burley Griffin Society’s 2007 submission on the National Capital Plans Draft Amendments 56, 59, 60 and 61, and Jack Kershaw’s comments on ABC Radio 666 (1 October 20015), all identified serious flaws perpetuated from the Griffin Legacy in terms of heritage and indeed social planning. The Amendments 56, 59, 60 & 61 now embedded in the National Capital Plan to implement the Griffin Legacy are flawed. Amendment 61 quoted in the heritage impact statement is encouraging development that is clearly detrimental to the true Griffin vision and the heritage values of Lake Burley Griffin and its lakeshore landscape in its 1963 NCDC Plan constructed form.

The claim that the proposed water promenade and lake reclamation is restoring the Griffin vision can only be regarded as a tactic to allow alienation of public parkland for development purposes. Figure 1 shows Griffin’s 1918 plan with 2 building lots in West Basin and all of the foreshore landscape and extended landscape as continuous open space.

As can be seen on comparing Figure 2 with Figure1, Griffin did not propose urban development on the West Basin. Griffin consistently planned for public open space surrounding the lake as clearly shown in the 1913 plan at Figure 3.

The heritage of West Basin, like the heritage of Lake Burley Griffin, is the lake as completed in 1963. The lake was developed in a picturesque naturalistic form with extensive lakeshore landscape as shown on Figure 4. Recreating a single component of Griffin's lake edge with a segment of Griffin's arc-shape does not respect the continuity of the heritage values of the 1963 plan which has sympathetically developed the 1913 Griffin plan. To consider now imposing some past, single element of the Griffin plan on part of the Lake edge as a claimed Griffin ‘restoration’ is demonstrably opportunistic and a planning expedience to facilitate private development and appropriation of the public domain, rather than any genuine attempt at respecting either Griffin or subsequent sympathetic enhancements. This reclamation in the 'Griffin style' arc is anomalous and anachronistic and cannot be justified as an appropriate heritage decision.
Figure 1: The Walter Burley Griffin 1918 Plan (West Basin Segment)

Figure 2: Illustrative masterplan for the City to the Lake project (Source: Arup) from the Lovell Chen report
Figure 3: Griffin's 1913 plan showing lake landscape areas

Figure 4. National Capital Development Commission 1963 plan of Lake Burley Griffin

The National Capital Development Commission was awarded the Australian Institute of Landscape Architecture Award of Landscape Excellence in 1986 for its Lake Burley Griffin entry that featured the completed 1963 lake and an entire lake foreshore landscape.

There was no plan to alienate the West Basin parklands and develop the area with buildings, lake reclamation and a water-based promenade, until the 2004 Griffin Legacy. LBGG strongly stresses that the foreshore and building estate proposal is not a Griffin
vision, that it is not correct to assert that it is, that it is not ethical or appropriate to promote development of current public open space in this manner.

**Section 1.2**

This outlines the stages of development as follows:

- **Stage 1A**: West Basin foreshore from Commonwealth Bridge to the proposed Aquatics Centre. Stage 1A comprises the redevelopment and activation of this section of the waterfront as a cultural and entertainment precinct supporting a mix of uses, including retail, recreation, accommodation and public open space.

- **Stage 1B**: West Basin foreshore from the proposed Aquatics Centre to the National Museum of Australia.

- **Stage 2**: West Basin estate (the land to the south-west of Parkes Way and Commonwealth Avenue).

The balance of the City to the Lake project including City Hill, Parkes Way, including the introduction of green bridges to improve connectivity with Civic Commonwealth Avenue.

The heritage impact study does not consider the context of the other stages of the development particularly the impact of 7 building lots of Stage 2 that is a major source of heritage concern.

**Section 1.3**

Section 1.3 discusses statutory obligations and planning controls. The heritage study goes through the steps of identifying the current heritage listings that provide a statutory protective management. It is noted that the **only** heritage listing for Lake Burley Griffin is the waters of the Central Basin.

Shamefully, despite heritage nominations, dating from 1997 with the nomination of Lake Burley Griffin Conservation Area to the National Estate, the nominations of Lake Burley Griffin and Lakeshore Parklands to the National Heritage List in 2011 and again in 2012 and the partial place nomination to the Commonwealth Heritage List in 2010 no heritage listing has ever been progressed for this most outstanding designed landscape although a Commonwealth Heritage listing that includes the Central Basin is in place. **No** heritage listing for the lake and its landscape foreshore means **no** statutory heritage protection.

The Australian Heritage Council has assessed and determined national heritage values for *Canberra*. As well the Council assessed and determined the Commonwealth Heritage
Listing values for *Lake Burley Griffin and Adjacent Lands*. Although the values have been determined and agreed by the Minister, a management agreement with the ACT Government that has not been resolved. Environment Minister Greg Hunt has extended the listing time to negotiate management with the ACT Territory Government for both the National Heritage Listing of Canberra and the Commonwealth Heritage Listing of Lake Burley Griffin and Adjacent Lands.

Despite the lack of statutory protection, given that expert assessments of heritage value have been undertaken, surely Lake Burley Griffin and its foreshores should be regarded as holding heritage significance and not just a note to say that the nominations for Lake Burley Griffin and Lakeshore Parklands are now ineligible because the 2 year time frame set by the Australian Heritage Council to undertake assessments has expired.

LBGG believes that given the amount of information that is available on the heritage importance on Lake Burley Griffin and its lakeshore landscape, best heritage practice without question should apply the Precautionary Principle.

**Section 1.3.2**

The heritage impact statement refers the relevant heritage report by Godden Mackey Logan in 2009 *Lake Burley Griffin and Adjacent Lands Heritage Management Plan* that also notes heritage values of the lake. Despite the delay of actual listing on the Commonwealth Heritage List, this should also be a trigger to ensure that any development adjacent to or in the waters of the lake requires thorough investigation.

**Section 1.3.3.**

Discussed the National Capital Plan’s Amendment 61

As noted in our comment in Section 1.1, the LBGG believes that Amendment 61 is flawed.

**Section 1.4**

This section of the Lovell Chen heritage impact statement notes the nearby listed heritage places that have statutory protection. The LBGG reiterates the comment for 1.3 that given the amount of information that is available on the heritage importance on Lake Burley Griffin and its lakeshore landscape, best heritage practice should apply the Precautionary Principle.

**Section 1.4.1**

The Lovell Chen heritage impact statement notes that ‘as a place that has been assessed as being of Commonwealth and National significance, the protective provisions of the EPBC Act (Section 26) apply. Section 26 requires that a person must not take an action on

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1 The Precautionary Principle means that where there are threats or potential threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measure to prevent *environmental degradation*.
Commonwealth land that is likely to have a significant impact on the environment, which includes heritage values.'

**Section 2**

This section in the heritage impact statement covers the history of West Basin, is detailed and of interest. The landscape design award noted on page 4 could be included. As well, a paper by Richard Clough and John Gray (Clough and Gray 1964: 4) notes that there was a need to provide quick growing trees and that *Populus alba* 'pyramidalis' and *Populus trichocarpa* 'maximowiczii' were the main species selected.

This section of the heritage impact statement provides an interesting account of the layers of cultural history associated with the basin.

**Section 3**

This section provides a description of the study area, covering the setting landscape and views. The vistas that need to be noted are those from the northern end of Commonwealth Avenue across the Basin and importantly, the low profile of the National Museum allows views to be experienced to the mountains beyond.

The character of the landscape today is adequately described.

**Section 4**

Covers the proposed works.

**Section 5.2**

This Section covers the assessment of impacts. The following comments appear sound.

Lake Burley Griffin and its foreshore is valued as a central component of the designed, symbolic landscape of the National Capital. It has been assessed as being of historic, social and aesthetic value to the nation.

While access, edge treatments and landscape character vary, in general, it operates as intended by Griffin, as a place for recreation and reflection with an (almost) continuous landscape treatment. The Lake and foreshore is also valued as a cultural landscape that demonstrates multiple strands of influence, including Griffin’s vision (as inspired by the City Beautiful movement) and International Modernism.

Interventions with the potential to diminish these values include alterations to the overall form and shape of the Lake, significant changes its setting and large scale breaks in the generally continuous landscape treatment to the foreshore.

The boathouse was the only built outcome at West Basin of the NCDC landscape plan of 1961. It provided public access to the lake by means of boat hire. It is a small structure of limited architectural pretension and presence. It has not been identified as a building of heritage significance, and research undertaken for this HIS has not revealed information that would suggest that it is a place of cultural heritage significance. As indicated in the architectural drawings, the
function of the boathouse will be replicated in approximately the same location (‘boat pavilion’).

The following comments are not supported by acceptable evidence of interpretation of Griffin’s intent; (see LBGG comments in section 1.1 and 1.2). The following is ‘spin’ merely mimicking the flawed Amendment 61, that pays no heed to the 1963 constructed landscape and will result in an adverse impact on Griffin’s intent.

The lake wall and reclamation works will provide a platform for development of West Basin as a waterfront park and promenade. The works will result in a localised interpretation of Griffin’s intent tailored to suit contemporary needs. In this sense, they can be seen as part of a continuum, where Lake Burley Griffin and its foreshore areas have been shaped by dynamic intellectual processes, and social, economic and environmental considerations.

From a heritage perspective, a key question that arises in relation to Policy 1.4 is whether the proposed treatment of the lakeshore to the north-east of West Basin (soft and hard landscaping and new built form) will diminish the historic, social and aesthetic values of Lake Burley Griffin, as identified in the HMP.

In response to this question it is considered that landscape and built outcomes are of a character and scale that will sit comfortably in the context of West Basin and the evolved lakeshore generally. It is also noted that the works will result in the activation of West Basin (part) as a place of recreation.

LBGG strongly disputes the following comments:

…the values identified in the Heritage Assessment of Lake Burley Griffin (GML, 2009), and that qualities and attributes that underpin these sentiments will not be materially affected by the proposed Stage 1A works. Further, the proposed works will not impact on the aesthetic values of the lake which will retain its role as a unifying element of the city with a landscaped and accessible lakeshore, as conceived by Griffin and delivered by the NCDC.

Conclusion

The result of this heritage impact study is unacceptable for the reasons stated in this submission. Moreover it only assesses the Stage 1A Development. The impact of the combined Stages 1A, 1B and Stage 2 developments on the heritage values of the lake and lakeshore landscape exclude; the impacts upon significant vistas across the landscape which will be affected by the combined developments are also excluded.

LBGG notes that in contemporary heritage practice assessments are required to include the setting. The assessment needs to consider the heritage significance of West Basin both for the setting of the place itself and in its broader context as integral with the setting of Lake Burley Griffin. The Xi’an Declaration on the Conservation of the Setting of Heritage Structures, Site and Areas (http://www.icomos.org/charters/xian-declaration.pdf) sets out relevant guidance under points:

— Acknowledge the contribution of setting to the significance of heritage monuments, sites and areas.
— Understand, document and interpret the settings in diverse contexts.

A heritage practitioner undertaking a heritage impact assessment should consider the context of the place and the next stage that is part of the development. The vistas and views across West Basin that are of the heritage significance and for which the Lake is renowned, will be detrimentally impacted by Stage 2.

The public lakeshore landscape space that Griffin was so careful to include in all versions of his plan, which was repeated in the 1963 lake and landscape development, is valued by the community and has high potential for future landscape enhancement will simply be destroyed and alienated from public use.

To prepare a Heritage Impact Statement restricted to the promenade development Stage 1A is a regressive heritage process.

References


UNESCO 2011 Historic Urban Landscapes Recommendations


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2 UNESCO — United Nations Educational, Scientific and Cultural Organisation
3 COMEST — World Commission on the Ethics of Scientific Knowledge and Technology