



Australian Government
National Capital Authority

Ms Jill Irvine
Heritage Inquiry
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Ms Irvine,

The National Capital Authority (NCA) has prepared this submission in response to the inquiry by the Productivity Commission into the 'Conservation of Australia's Historic Heritage Places'.

The NCA sees heritage as a core element of its role, with our vision being '*a National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and worthy of pride by Australians*'.

Our submission provides the relevant background information on our role, the provisions of the National Capital Plan applicable to heritage conservation in the National Capital, and the NCA's heritage strategy and the implementation of this strategy.

Further comment is made on the implications of the *Environment Protection and Biodiversity Conservation Act 1999* on the work of the NCA and the staffing and budgetary consequences of these additional requirements.

This response addresses the Terms of Reference for the inquiry. Should you require further information on our submission please contact Ms Natalie Broughton on 6271 2867.

Yours sincerely,

Lindsay Evans
Acting Chief Executive

16 August 2005

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National Capital Authority

Submission to the Productivity Commission inquiry into the Conservation of Australia's Historic Heritage Places

1. INTRODUCTION

The National Capital Authority (NCA) has prepared this submission in response to the inquiry by the Productivity Commission into the conservation of Australia's historic heritage places.

The NCA has been guided in its response by the Terms of Reference provided by the Productivity Commission, particularly the Scope of the Inquiry:

1. the main pressures on the conservation of historic heritage places;
2. the economic, social and environmental benefits and costs of the conservation of historic heritage places in Australia;
3. the current relative roles and contributions to the conservation of historic heritage places of the Commonwealth and the state and territory governments, heritage owners (private, corporate and government), community groups and any other relevant stakeholders;
4. the positive and/or negative impacts of regulatory, taxation and institutional arrangements on the conservation of historic heritage places, and other impediments and incentives that affect outcomes;
5. emerging technological, economic, demographic, environmental and social trends that offer potential new approaches to the conservation of historic heritage places, and
6. possible policy and programme approaches for managing the conservation of Australia's historic heritage places and competing objectives and interests.

The NCA's submission provides the relevant background information on the NCA's role, the provisions of the National Capital Plan applicable to heritage conservation in the National Capital and the NCA's heritage strategy and its implementation. The submission finishes with comments on the three main issues of the inquiry.

2. NATIONAL CAPITAL AUTHORITY

The National Capital Authority was established in 1989 as part of the introduction of self-government in the ACT, with a view to securing the Federal Government's continuing interest in the planning and development of Canberra as Australia's National Capital. The functions of the National Capital Authority are set out in the *Australian Capital Territory (Planning and Land Management) Act 1988* ("the Act").

3. NATIONAL CAPITAL AUTHORITY GOALS

The Corporate Plan 2005-2010 sets out the NCA's vision for Canberra as '*A National Capital which symbolises Australia's heritage, values and aspirations, is internationally recognised, and worthy of pride by Australians*'.

Our mission is '*To build the National Capital in the hearts of all Australians*'.

Heritage principles are explicit in the NCA's goals which are integrated through its business operations. The NCA's goals are:

- ***To realise the promise of the city plan and the ideals of the founders***

We will work toward:

- *a National Capital which demonstrates the common purpose of the Australian people and profiles Canberra as the home of the Australian Parliament*
- *a Capital which is relevant to Australians, reflecting Australia's rich and diverse heritage, its people and their aspirations*
- *a robust and sustainable planning framework that supports the needs of the Capital now and in the future, and establishes a dynamic relationship between the Capital's cultural and natural settings*
- *a Capital worthy of national pride and valued by Australians*

- ***To foster Canberra as the National Capital***

We will work toward:

- *Informing Australians about the role, character, institutions, ceremonies and relevance of their National Capital*
- *a Capital which broadens the experience of all Australian citizens and stimulates their understanding of country and culture*
- *a Capital recognised as a place for significant national and international events*
- *a Capital which, as host to a broad range of national cultural, recreation and ceremonial occasions, encourages Australians from all parts of the country to visit*

- ***To develop the special character of the National Capital***

We will work toward:

- *the retention and enhancement of Canberra's unique landscape character and recognition of Australia's diverse cultural heritage*
- *the management and enhancement of the value of national land and assets for current and future generations*
- ***managing heritage places to protect and conserve their heritage values in accordance with our heritage strategy***
- *the establishment of a dynamic relationship between the symbolic and governance functions of Canberra as the National Capital and the lifestyle requirements of those for whom the city is home*

The NCA manages and maintains National Land required for the special purposes of Canberra as the National Capital. Most of this land is in the public domain of the central areas of the capital and include some of the nation's most significant cultural landscapes and national

attractions. The NCA manages these assets as a national investment, and for their cultural, heritage and environmental values, and as settings for national activities and events.

4 PLANNING THE CAPITAL

NATIONAL CAPITAL PLAN

The functions of the National Capital Authority are set out in the *Australian Capital Territory (Planning and Land Management) Act 1988* (“the Act”). One function of the NCA under the Act is to prepare and administer a National Capital Plan (the Plan). The Plan is the statutory tool which underpins the preservation and future of the Capital. Section 9 of the Act sets out the object of the Plan as follows:

Object of Plan

9. *The object of the Plan is to ensure that Canberra and the Territory are planned and developed in accordance with their national significance.*

The Plan is required to set the general policies to be implemented throughout the Territory. In particular, the policies of land use (including the range and nature of permitted land use) [Section 10(2)(b) National Capital Plan]. A National Capital Plan has been prepared in accordance with the Act and was gazetted in 1990. It is administered by the NCA and amended as necessary through the provisions of the Act. The Plan provisions relevant to this inquiry are set out below.

National significance of Canberra and the Territory

Key objectives of the National Capital Plan are to:

1. Recognise the pre-eminence of the role of Canberra and the Territory as Australia's National Capital.
2. Further develop and enhance a Central National Area which includes the Parliamentary Zone and its setting and the main diplomatic sites and national institutions, as the heart of the National Capital.
3. Emphasise the national significance of the main approach routes and avenues.
4. Respect the geometry and intent of Walter Burley Griffin's formally adopted plan for Canberra.
5. Maintain and enhance the landscape character of Canberra and the Territory as the setting for the National Capital.
6. Protect the undeveloped hill tops and the open spaces which divide and give form to Canberra's urban areas.
7. Provide a plan offering flexibility and choice to enable the Territory Government properly to fulfil its functions.
8. Support and promote environmentally responsible urban development practices.

The National Capital Plan identifies the matters of national significance in the planning and development of Canberra and the Territory as including:

- The pre-eminence of the role of Canberra and the Territory as the National Capital.

- Preservation and enhancement of the landscape features which give the National Capital its character and setting.
- Respect for the key elements of Walter Burley Griffin's formally adopted plan for Canberra.
- Creation, preservation and enhancement of fitting sites, approaches and backdrops for national institutions and ceremonies as well as National Capital Uses.
- The development of a city which both respects environmental values and reflects national concerns with the sustainability of Australia's urban areas.

Heritage and Environment

Principles and policies for environment and heritage are included in the Plan. The heritage policies place an obligation on proponents of development and also on planning and development authorities “...to give due protection to any natural or cultural heritage place in the ACT included on the Register of the National Estate and/or heritage register of the ACT Government” [National Capital Plan policies at 10.3 (a)]. Policies 10.3 (b) & (c), also place a requirement for Conservation Plans to be prepared for listed heritage places within Designated Areas and that applicable development conditions should conform with the requirements of any such Conservation Plan.

Designated Areas

The Act makes provision for the Plan to identify “Designated Areas” which are areas exhibiting special characteristics of the National Capital [Section 10(1)]. The Designated Areas are set out in the Plan as *those areas of land that have the special characteristics of the National Capital*. Within Designated Areas the NCA is solely responsible for detailed planning and all “works” require the approval of the NCA [The Act Section 12(1)(b)].

In identifying lands that have the "special characteristics of the National Capital" and deciding the extent of the Designated Areas, three primary factors are relevant:

- Canberra hosts a wide range of National Capital functions - activities which occur in Canberra because it is the National Capital and which give Canberra a unique function within Australia.
- Griffin's strong symbolic design for Canberra Central has given the National Capital a unique and memorable character.
- Canberra's landscape setting and layout within the Territory have given the Capital a garden city image of national and international significance.

The Designated Areas comprise:

- Lake Burley Griffin and its Foreshores;
- the Parliamentary Zone;
- the balance of a Central National Area adjoining the lake and the Zone, and extending from the foot of Black Mountain to the airport;
- the Inner Hills which form the setting of the Central National Area; and
- the Main Avenues and Approach Routes between the ACT border and the Central National Area.

The NCA has planning responsibility for these areas to ensure that they are developed in a manner which maintains their values for future generations.

NATIONAL CAPITAL AUTHORITY HERITAGE STRATEGY

The NCA is a Commonwealth agency that ‘owns or controls’ one or more places that has or might have Commonwealth Heritage value. As such, the NCA is required to prepare a heritage strategy for managing places to identify, protect and conserve their Commonwealth Heritage values. The NCA has prepared a final draft heritage strategy and this has been submitted to the Australian Heritage Council for consideration before it is submitted to the Minister for the Environment and Heritage. This heritage strategy explains how the NCA will identify, protect and conserve the heritage values of the places it manages.

As a manager of places that have, or may have heritage values, the NCA is also subject to other provisions of the EPBC Act. There are provisions in the EPBC Act that apply to persons who propose to take an action that has, will have, or is likely to have a significant impact on the environment. The definition of the environment includes social, economic and cultural aspects of places and can include places with heritage values.

5. GRIFFIN LEGACY

A matter of national significance as set out in the Plan is to respect the geometry and intent of Walter Burley Griffin’s formally adopted plan for Canberra. However, it had been some thirty years since there has been a major review of the philosophy, principles and policies guiding development of the rest of the Central National Area. To address this matter the NCA in 2002 commenced the ‘Griffin Legacy’ project.

The Griffin Legacy project, informed by an Advisory Panel, sought to appraise the relevance and vitality of the Griffin plan to Canberra and the National Capital of the 21st century. This project involved determining what has survived, what has been modified or discarded in the Griffin plan and what has continuing value and relevance. The outcomes will be considered by the NCA for implementation and amendment to the Plan as necessary.

6. MAINTAINING THE CAPITAL

NATIONAL CAPITAL ASSET MANAGEMENT

Section 6 of the Act provides for the NCA:

(g) with the Minister’s approval; on behalf of the Commonwealth, to manage National Land in writing by the Minister as land required for the special purposes of Canberra as the National Capital

On behalf of the Commonwealth, the NCA is responsible for managing a number of sites (places) in the ACT through its functions under the *Australian Capital Territory (Planning and Land Management) Act 1988* (“the Act”). Section 6(g) of the Act makes the NCA responsible for managing National Land declared as required for the special purpose of Canberra as the National Capital. The pre-eminent role of Canberra and the Territory (as the National Capital) is to be achieved by the preservation and enhancement of the landscape features which give the National Capital its character and setting, all within the context of Canberra’s national

significance. The map at **Attachment A** identifies National Land that is managed by the NCA.

The NCA also has obligations under the National Land Ordinance 1989 and applied provisions including the *Lakes Ordinance 1976*, *Roads and Public Places Ordinance 1937* and the *National Memorials Ordinance 1928* among others.

A number of places under the control of the NCA are already included in the Commonwealth Heritage List (CHL) as established under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and/or entered in the Register of the National Estate (RNE). In addition to these lists, there are other lists of a non-statutory nature identifying other places likely to contain heritage values. As part of its heritage strategy, the NCA identifies a program to assess places it manages against Commonwealth Heritage criteria to identify any Commonwealth heritage values.

Commonwealth Heritage List

The Minister for the Environment and Heritage has already included in the CHL a number of Commonwealth owned places in the ACT. Places controlled by the NCA and included in the CHL are:

- Parliament House Vista, Parkes. Places individually listed within the Parliament House Vista and controlled by the NCA are:
 - Blundells Farmhouse, Outbuildings and Surrounds;
 - Old Parliament House Gardens;
 - High Court/National Gallery Precinct;
 - King George V Memorial;
 - Commencement Column Monument;
 - Carillon;
 - National Rose Gardens;
 - State Circle Cutting;
- Australian American Memorial and Sir Thomas Blamey Square, Campbell;
- Changi Chapel, Campbell;
- The Surveyor's Hut, Capital Hill;
- Acton Peninsula Limestone Outcrops, Acton;
- Acton Peninsula Building 1, Acton;
- Acton Peninsula Building 2, Acton;
- Acton Peninsula Building 15, Acton;
- Apostolic Nunciature, Red Hill.

The Parliament House Vista, in particular, is a large area of public parks and gardens within which are located a considerable number of individual assets such as parks, trees, artworks, memorials and fountains of heritage value. A substantial amount of land managed by the NCA has landscape values which involve complex management responsibilities.

The NCA's land assets are extensive and, in addition to the central areas, the NCA also manages Lake Burley Griffin, land at Yarramundi Reach, and Stirling Ridge. The NCA also owns or controls a number of individual elements which are located on Territory Land, which may have heritage value such as the Robert Burns and Senator John Knight memorials, and the

Duffield Grave, Mount Stromlo. Other elements are attached to buildings managed by other Commonwealth agencies, such as the bas reliefs on the Treasury Building, and sculptures associated with buildings such as the Edmund Barton Building and McLachlan Offices. A program of assessments has been put into place by the NCA to assess these places for any heritage value.

Heritage identification and assessment of other places

Places owned and managed by the NCA, which have not been previously assessed for heritage value, will require assessment under the obligations of the EPBC Act. The heritage significance of places must be measured using Commonwealth Heritage criteria.

In addition to identifying values against the Commonwealth Heritage criteria, the identification and assessment of places managed by the NCA must:

- consider all natural and cultural values, recognising indigenous people as the primary source of information on the significance of their heritage and their participation as necessary to identify and assess indigenous heritage values;
- use expert heritage advice to ensure that levels of documentary and field research are appropriate to best practice assessment and management of heritage values;
- use a comparative and thematic approach; and
- consult widely, as appropriate with government agencies, stakeholders and the community.

Preparation of management plans

Under the EPBC Act the NCA is obliged to prepare a management plan for places included in the CHL. As part of the NCA Heritage Strategy a program of management plans has been incorporated. A heritage management plan is currently underway for the Old Parliament House Gardens and Kings Park (part of the Parliament House Vista). Expressions of interest have also recently been called for management plans for the Parliament House Vista and Lake Burley Griffin and surrounds.

Management plans were previously prepared for a number of sites/places included within the Parliament House Vista. These include the Carillon and Aspen Island and the High Court - National Gallery Precinct. With the introduction of the EPBC Act heritage amendments and these places being entered into the CHL, these management plans are now being revised to comply with the EPBC Act amendments and the values of the places assessed against Commonwealth Heritage criteria.

The NCA is familiar with the process for preparing (conservation) management plans and in administering the Plan is obliged to identify, preserve, protect and conserve places of natural and cultural value in accordance with internationally acceptable principles. This includes applying best practice standards such as the *Natural Heritage Charter*, *Ask First* and the *Burra Charter*.

Management plans prepared for places of National or Commonwealth Heritage value will assist the NCA maintain its assets to a standard that reflects the importance of Canberra as the National Capital.

The requirement to prepare management plans for places included in the CHL and to review them every five years, does however, incur substantial costs for the NCA. The NCA has also observed in the last year that the cost of undertaking management plans through specialist heritage consultants has increased substantially. As a result of the requirements of the EPBC Act, the NCA also needs to employ staff with heritage expertise to administer and implement all the heritage requirements.

Works and maintenance programs

The NCA is responsible for carrying out works to cater for the developing and changing needs of the National Capital and for maintaining an extensive array of assets many of which have heritage value.

Most of the NCA's maintenance involves landscape programs of places of significance to Canberra as the National Capital. Programs such as maintaining the visual quality of the Parliamentary Zone, maintaining services such as irrigation systems and maintaining and replacing trees involve significant budgetary funds. Trees make up the NCA's largest single asset type, followed by memorials. Many trees are reaching the stage where their amenity value is beginning to deteriorate and a stage where their replacement is imminent because of age or for public safety reasons. The NCA has given consideration to this issue and has prepared interim management conservation policies for trees in the Parliament House Vista for implementation, until the management plan for the Vista is completed.

A substantial amount of funding is also required to maintain places on the CHL including Blundells Cottage, the Old Parliament House Gardens (recently refurbished), the Surveyor's Hut (interpretation signage has recently been installed), the Commencement column memorial in addition to the many parks, gardens and undeveloped land managed by the NCA.

During 2003-2004 the NCA refurbished the Carillon and Aspen Island in line with the conservation management plan at a cost of \$3 033 638 in addition to the replacement of the bells at a cost of \$86 469.

7. ENHANCING THE CAPITAL

Section 6 of the Act provides for the NCA:

- c) on behalf of the Commonwealth, to commission works to be carried out in Designated Areas in accordance with the Plan where neither a Department of State of the Commonwealth nor any Commonwealth authority has the responsibility to commission those works; and*
- d) to recommend to the Minister the carrying out of works that it considers desirable to maintain or enhance the character of the National Capital*

Canberra is a magnificent city. The national public places in the capital provide the setting for the Parliament and our national cultural institutions, and are the location for many of the ceremonial and community events that reflect our nation's history, spirit and aspirations. The NCA has the capacity to advocate and initiate capital works in national public areas to develop and enhance the Capital for all Australians. The NCA continues to invest in the legacy for future generations.

8. PROMOTING THE CAPITAL

CULTURE, COMMEMORATION & NATIONAL CAPITAL AWARENESS

Section 6 of the Act provides for the NCA:

e) to foster an awareness of Canberra as the National Capital

A National Capital is about more than buildings and places – it is about a feeling in our hearts and minds, and our national psyche. The Australian Government is committed to a National Capital which embodies our heritage, aspirations, unity and values, and is worthy of pride for all Australians. The capital, as the Seat of Government, centre of national administration, location for national cultural institutions, and reflection of national life, should be such that it can be appreciated by all Australians.

The NCA is charged with developing an understanding and appreciation of the role of Canberra as the National Capital. This responsibility complements and informs the NCA's roles of planning, capital works and land management and provides an excellent balance to the cultural programmes of the national cultural institutions.

The NCA takes a strategic approach to fostering an awareness of the capital through research, by encouraging participation, appreciation and celebration in the National Capital, by information and education about the capital, and by promoting the attributes of Canberra that are of national significance.

National Capital Exhibition

Located at Regatta Point in Commonwealth Park, the National Capital Exhibition provides a panoramic view of Lake Burley Griffin and many of the national institutions. The Exhibition tells the extraordinary story of Canberra, Australia's National Capital. Through its interactive displays, the National Capital Exhibition illustrates Canberra's vital role as a symbol of Federation and features the people, events, history, and design, which contributed to its development. The National Capital Exhibition is opened daily except Christmas Day and entry is free. Visitation for 2003–04 at the National Capital Exhibition was 265 986 visitors, an increase of 11 per cent compared to visitation in 2002–03, and included 126 643 coach visitors.

Whilst all the parks and gardens managed by the NCA are open to the public, two of the NCA's heritage assets are buildings which are also open to the public and serve as key tourist attractions. These are:

Blundells Cottage

Located on Wendouree Drive, on the northern shore of Lake Burley Griffin in the Central National Area, this stone cottage was built around 1860 as part of the Campbell family's 'Duntroon' estate to house tenant farm workers.

The cottage is open daily from 11am to 4pm excluding Christmas Day. During 2003–04 the cottage attracted 6937 visitors consisting of: 1682 school children and 5255 independent travellers.

National Carillon

Located on Aspen Island in Lake Burley Griffin, the National Carillon was a gift of the British Government to the people of Australia to celebrate the 50th anniversary of the National Capital. The National Carillon was officially accepted on 26 April 1970.

In June 2003, the National Carillon closed for extensive refurbishment work that was completed in December 2003. Regular recitals are played on Sundays and Wednesdays during winter (June to August) and on Sundays, Tuesdays, Thursdays, Saturdays and public holidays for the remainder of the year.

Tours of the National Carillon are conducted on Wednesdays, during winter (June to August) and on Mondays, Wednesdays, Fridays and public holidays for the remainder of the year.

9. INQUIRY QUESTIONS

What is the rationale for government involvement in historic heritage conservation and what principles should guide that involvement?

Conservation of historic heritage will only occur if the owner of a place values its historic qualities and recognises its significance for current and future generations. The Australian Government should take a leadership role to encourage, support, conserve and promote awareness of historic heritage places. The outcome will be to enhance the 'triple bottom line' return on the Government investment.

How does the policy framework for historic heritage conservation currently operate and what are its strengths and weaknesses?

As an Australian Government agency these comments concern our experience of dealing with the EPBC Act requirements, referral process and the Australian Heritage Council.

The strengths of the policy framework at the Commonwealth level are:

- that a comprehensive program of identification, assessment and management of heritage places is undertaken;
- the referral process, where applicable, provides a legislative approval for any proposal that has, will have, or is likely to have a significant impact on the environment, including historic heritage places.

The weaknesses are:

- the EPBC referral system has a very high bar set for whether or not a proposal will have an impact on a heritage place;
- some responsibility for determining whether or not a proposal will have an impact on a heritage place is also left with the agency proposing the action. This is a significant responsibility for the agency;
- at present there is limited ability to seek preliminary advice from the Department of the Environment and Heritage, without proceeding to a referral under the EPBC Act. Previously, the NCA benefited from being able to seek advice from the Australian Heritage Commission;

- although there is the ability to seek advice under Section 341ZD of the EPBC Act this is a much more formal process;
- anyone may nominate a place to the Commonwealth Heritage List or the National Heritage List resulting in actions designed to delay an activity rather than consider heritage values;
- staff and resources that are additional to agency's other needs are required which must be funded with existing budgets;
- it may not result in any change to current management practices.

What are the current pressures and emerging trends influencing the conservation of historic heritage places and, in light of these, how can the policy framework be improved?

The main pressures that have resulted from the EPBC Act obligations are:

- the amount of additional resources required, including but not limited to preparation of a heritage strategy; preparation of management plans for all places included on the Commonwealth Heritage List (including public consultation, notices in the paper, gazettal notices); assessment of all places (historic, natural and indigenous values) managed by the agency; assessment of whether or not a proposal will have a significant impact on the environment; preparation of a heritage register; incorporating heritage into all aspects of the NCA's operation;
- the amount of additional costs of meeting the obligations directly relates to the budget required by the NCA;
- the cost of professional heritage advice required for the preparation of management plans for heritage places has increased substantially in part due to an artificial increase in demand imposed by the timeframes to meet EPBC obligations;
- expected increases in asset management costs to meet changed service standards and to monitor compliance with heritage management requirements;
- no additional funding is provided.

10. CONCLUSION

The introduction of the EBPC Act is an important government initiative showing leadership in the protection of heritage places. Australian Government agencies and the NCA are still developing an understanding of the operation of the heritage amendments to the EPBC Act, the Commonwealth Heritage List, the National Heritage List and the role of the Australian Heritage Council.

In the long term the heritage amendments should lead to a comprehensive identification and assessment of the heritage values of places owned by the Australian Government.

The obligations of the EPBC Act have placed obligations on all agencies to identify, conserve and manage the heritage values of places they own or manage. The NCA is responsible for the management of a considerable number of heritage places including a number of places listed on the CHL. The NCA has prepared a draft heritage strategy as required under the EPBC Act and is implementing a program of management plans for those places included on the CHL. Maintenance and refurbishment works in these areas are also being undertaken in accordance with the relevant heritage principles.

These new heritage obligations, along with the ongoing maintenance of heritage assets do have considerable resource implications for the NCA. The NCA has also noted in the last year that the cost of professional heritage advice including the preparation of management plans for heritage places have increased substantially.