Nominating Canberra for National Heritage Listing

Ed Wensing FPIA
PhD Candidate, National Centre for Indigenous Studies
Standard National Heritage Listing Process

Minister must determine the start of the first 12-month assessment period. Each annual assessment period commences on the anniversary of that day (s324G).

Public nominations sought
Minister must publish invitation for people to nominate places for the List (s324F). The notice must allow at least 40 business days for nominations to be made.

Minister may reject nominations that are unacceptable, frivolous, not made in good faith, or which do not contain sufficient information (s324A(4)). If rejected for failure to meet regulations about information or form requirement, the Minister must give written reasons to the nominator (s324A(5)).

AHC must explain exclusion to Minister if it decides to not include a nominated place in the priority assessment list (s324I(3)(b)).

Minister gives all nominations to the AHC within 20 business days after the end of the nomination period (s324A(1)).

Priority Assessment List Developed
- Within 90 business days, the AHC must give Minister a proposed priority assessment list and a statement about it, having regard to any determined themes, the AHC’s views about priorities for the assessment period, the AHC’s capacity to make assessments while performing other functions, and any other matters the AHC considers appropriate (s324B). It may exclude places voluntarily to have values.
- The list may include places that have been nominated in the current or preceding assessment period, or places the AHC wishes to nominate itself (s324B). The list must include an assessment completion time for each nomination. This may be more than the 12-month assessment period if the AHC considers more time is needed (s324C).

After 20 business days the priority assessment list becomes final. The Minister may remove or add places during this time (s324E).

Public comment sought
- AHC publishes the finalised priority assessment list on the Internet and in accordance with the regulations (s324F).
- AHC must publish a notice inviting people to make comments on each place in the finalised priority assessment list (s324G).

AHC Assessor: Nominations
- AHC must assess places on the priority assessment list within the time limits set by the Act (s324H & 324I). AHC must take into account public comments received under s324O.
- If AHC considers places might have N values, it must give owners, occupiers and Indigenous persons at least 20 business days to comment (s324H(5)).
- AHC gives the assessments to the Minister (s324H & 324I).

Minister makes decision
Minister must make a decision on the AHC assessments within 90 business days (s324I).

Include place in National Heritage List
Minister may include the place, or part of the place, in the National Heritage List (s324I(1)(a)). Minister must:
- Publish the decision on the Internet (s324I(1)(b)).
- Take all practicable steps to advise owner/occupier of inclusion (s324I(1)(c)).
- Advise nominator.
The Theme – Explanatory Statement

EXPLANATORY STATEMENT

Environment Protection and Biodiversity Conservation Act 1999

Determination under section 324H

(issued under the Authority of the Minister for the Environment, Heritage and the Arts)

Section 324C of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) requires the Minister to keep a written record of places and their heritage values, called the National Heritage List. Entries in the list may be made of places in the Australian jurisdiction that the Minister is satisfied have outstanding heritage value to the nation.

Section 324H of the Act provides for the Minister to determine one or more heritage themes that the Minister considers should be given priority in relation to an assessment period. Subsection 324H(2) of the Act provides for the Minister to request advice from the Australian Heritage Council (the Council), and have regard to that advice when determining a heritage theme.

The purpose of this determination is to establish “A Free and Fair Australia” as the heritage theme to be given priority for the assessment period commencing 1 July 2009. This theme reflects advice provided to the Minister by the Council, which considered that key messages associated with the theme include:

- Australia is one of the world’s oldest modern democracies.
- Australia has a robust and enduring democratic government with distinctive political and social institutions.
- The development and recognition of a distinctive Australian identity is characterised by the iconic egalitarian concepts of fair go and mateship.
- Australian democracy acknowledges diverse cultural, political and religious perspectives, and past struggles and victories for fairer conditions and equality.
- Australian democracy reflects core beliefs that Australians stand together, are committed to others, and rely on each other in difficult conditions or adversity.

Wider consultation was not undertaken in relation to the determination of this theme as the determination is considered to be of a machinery nature having no impact on private interests.

Subsection 324H(3) of the Act provides that a determination under section 324H(1) of the Act is a legislative instrument, but section 42 of the Legislative Instruments Act 2003, which provides for disallowance by either House of Parliament, does not apply to the determination.

The determination commenced on the day after it was registered on the Federal Register of Legislative Instruments.
Page 1 of our Nomination

National Heritage List

NOMINATION FORM

The National Heritage List is a record of places in the Australian jurisdiction that have outstanding natural, Indigenous or historic heritage values for the nation. These places they are protected by federal law under the Environment Protection and Biodiversity Conservation Act 1999. Nominating a place for the National Heritage List means identifying its national heritage values on this form and providing supporting evidence. If you need help in filling out this form, contact (02) 6274 2149.

Form checklist
1. read the Nomination Notes for advice and tips on answering questions in this form.
2. add attachments and extra papers where indicated (Note: this material will not be returned).
3. provide your details, sign and date the form.

Nominated place details

Q1. What is the name of the place?

Canberra, Australia’s national capital, was formally named on 12 March 1913. The word ‘Canberra’ is derived from a local Aboriginal word or phrase, and is believed to mean ‘meeting place’.

Q2. Tip

Give the street address, or, if remote, describe where it is in relation to the nearest town. Include its area and boundaries. Attach a map with the location and boundaries of the place clearly marked. See the Nomination Notes for map requirements.

Q2a. Where is the place? Address/Location:

Australian Capital Territory

Q2b. Boundary:

The curtilage of this nomination is derived from the National Capital Development Commission’s 1984 Metropolitan Policy Plan/Development Plan as amended up to the end of 1988 and incorporated in the National Capital Plan at the time of self-government for the Territory. It extends to the whole of Metropolitan Canberra but with particular focus on the following elements (for clarity, National Capital Plan terminology is used to describe particular elements):

- All land in the Designated Areas as defined in the National Capital Plan (http://download.nationalcapital.gov.au/plans/np_plan.wma.pdf), these include:
  - the Parliamentary Zone and National Triangle;
  - Lake Burley Griffin and its landscaped foreshores;
  - the Main Avenues and Approach Routes;
  - Hills, Ridges and Buffer Spaces (extending the National Capital Open Space System as a visual backdrop and landscape setting for the National Capital, and defining discrete, decentralised new towns (Woden/Weston, Belconnen, Tuggeranong and Gungahlin) as proposed in the 1984 Metropolitan Plan) each with its own town centre and preserving the open character of the city by limiting the extent of the existing towns and forming new settlements in the valleys between the main hills and forming a visual backdrop and landscape setting for the National Capital;

- The River Corridors, and the Mountains and Bushlands;

- Extract elements of the 1918 Griffin Plan and the 1925 Ganley Plan which have set the framework for Central Canberra, including the avenues, open spaces, structures, axial lines and subdivision geometries (many of which are not covered by the National Capital Plan);
One of our maps showing the outer limits of our nominated area.

Our second map showed all the excluded areas.
Map of Prof Ken Taylor’s nomination
AHC Notice of nominations for assessment 23 June 2009
Extension of time for assessment granted by Minister
18 June 2010

Environment Protection and Biodiversity Conservation Act 1999
EXTENSION OF PERIODS FOR ASSESSMENT OF NOMINATIONS
FOR THE NATIONAL HERITAGE LIST

I, Peter Robert Garrett AM, Minister for Environment Protection, Heritage and the Arts, pursuant to sections 324J and 341J of the Environment Protection and Biodiversity Conservation Act 1999, extend the periods within which the Australian Heritage Council must assess whether the places in Schedule 1 meet any of the National Heritage criteria to the new deadline dates given in Schedule 1, and whether the places in Schedule 2 meet any of the Commonwealth Heritage criteria to the new deadline dates given in Schedule 2.

Dated 18/06/2010

[-signed-]
Peter Robert Garrett AM
Minister for Environment Protection, Heritage and the Arts

Schedule 1 - Places under assessment for the National Heritage List

<table>
<thead>
<tr>
<th>Place</th>
<th>Current Assessment Deadline</th>
<th>Proposed Assessment Deadline</th>
<th>Reason</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Canberra - Central National Area and Inner Hills</td>
<td>30/06/2011</td>
<td>31/12/2012</td>
<td>Consultation processes need to be completed and further evaluation of the possible National Heritage values is needed. These cannot be completed within the current assessment period.</td>
<td></td>
</tr>
<tr>
<td>Canberra and Surrounding Areas</td>
<td>30/06/2011</td>
<td>31/12/2012</td>
<td>Consultation processes need to be completed and further evaluation of the possible National Heritage values is needed. These cannot be completed within the current assessment period.</td>
<td></td>
</tr>
</tbody>
</table>
Meeting between AHC and ACT Heritage Council
8 December 2011

Australian Government
Australian Heritage Council

ACT Heritage Council

8 December 2011

Ground Breaking Meeting For Canberra National Heritage Assessment

The Australian Heritage Council and the ACT Heritage Council met in Canberra today to discuss the assessment of Canberra for National Heritage listing.

Chair of the Australian Heritage Council, Professor Carman Lawrence said the members of the Council were delighted to be able to meet for the first time with the ACT Heritage Council.

"While the Australian Heritage Council is responsible for carrying out Canberra’s national heritage assessment, it is important that the two heritage councils actively engage with each other on this important assessment and build a supportive and productive relationship," Professor Lawrence said.

"The city of Canberra tells us the story of our country’s democracy, spirit, achievements and aspirations. National heritage listing is an opportunity to give this remarkable city Australia’s highest level of heritage recognition," Professor Lawrence said.

"The ACT Heritage Council welcomes the National Heritage assessment of Canberra, especially in the lead-up to the centenary in 2013. The planning and development of Canberra is an important national story and these aspects make the city a worthy candidate for National Heritage Acknowledgment," said Chair of the ACT Heritage Council Dr Dianne Firth.

"The Australian Heritage Council has already started work on the assessment looking at potential natural, Indigenous and historic heritage values," Professor Lawrence said.

"The ACT Heritage Council looks forward to seeing the results of the assessment, and it hopes to contribute in some way to this very worthwhile initiative," Dr Firth said.

"The assessment will complement the places already on the National Heritage List in Canberra including Old Parliament House, the Australian War Memorial and Memorial Parade, the High Court and National Gallery Precinct, the Australian Academy of Science Building and, as part of the Australian Alps National Parks and Reserves listing, Namadgi National Park and Tidbinbilla Nature Reserve," Professor Lawrence said.

"The Council will focus the current assessment on the national and symbolic importance of Canberra.”

"We are looking at the historic layers of Canberra’s town planning against the backdrop of the inner hills and Lake Burley Griffin. The national heritage importance of Canberra as an exemplar of twentieth century town planning will also be examined.”

"The assessments will also be exploring Canberra’s symbolic and national social importance as the capital of Australia and the centre of Australian democracy.”

"The Council is committed to ensuring the Canberra community is involved in the assessment process and has the opportunity to have their say about the assessment. Today’s meeting is just one of the many different elements of our consultation process for the heritage assessment.”

"I encourage the Canberra community to become involved in the assessment process over the next 12 months,” she said.

As part of the consultation process the Council will release a discussion paper in March next year to encourage public engagement and comment.

During 2012 the Council will also undertake formal consultation with landowners, occupiers and Indigenous people with rights or interests in Canberra, business and industry groups and key community and heritage agencies. A public forum is also planned.


Media contact DEWR/PAC Media 02 6275 9880.
CANBERRA NATIONAL HERITAGE ASSESSMENT

In 2013 Australians will be celebrating the centenary of their nation's capital. The city of Canberra tells us the story of our country's democracy, spirit, achievements and aspirations.

In addition to the planned centenary celebrations there is an opportunity to recognise the national heritage of Canberra and its symbolic importance as the capital city of Australia through National Heritage listing. The importance of the city as an example of twentieth century town planning may also be recognised.

The National Heritage List
Australia's National Heritage List comprises exceptional natural, Indigenous and historic places that contribute to Australia's national identity. These places define the critical moments in our development as a nation and reflect achievements, joys and sorrows in the lives of Australians. They encompass those places that reveal the richness of Australia's extraordinary Indigenous and diverse natural heritage.

Inclusion in the National Heritage List is the highest heritage honour within Australia. There are almost 100 places of outstanding heritage value on the list including Bondi Beach, the Melbourne Cricket Ground, Uluru Kata-Tjuta, the Great Barrier Reef, Port Arthur Historic Site, Adelaide Park Lands and City Layout and West Kimberley.

Several places within the Australian Capital Territory are already included on the National Heritage List including Old Parliament House, the Australian War Memorial and Memorial Parade, the High Court and National Gallery Precinct, the Australian Academy of Science Building and, as part of the Australian Alps National Parks and Reserves listing, Namadgi National Park and Tidbinbilla Nature Reserve.
Celebrating Canberra:
A nation’s cultural and democratic landscape

Exploring Canberra’s national heritage
The Australian Heritage Council
June 2012
Show NHL proposed boundary slide here!
CANBERRA
The planned national capital; a potential National Heritage place

Canberra is currently being assessed by the Australian Heritage Council for inclusion on the National Heritage List.

Canberra was created as a result of Federation and reflects the commitment of the then colonies to the democratic ideals and political form of the new nation.

Canberra is the only Australian city and one of few in the world based on a design competition and consistently developed within a tightly controlled planning system for nearly a century. As a planned twentieth century city Canberra exhibits its city beautiful and garden city origins in the layout of the central area and surviving garden city suburbs.

The historic heart of Canberra contained within the central amphitheatre of hills and the environment created by the land and water axes, the lake, the tree-lined avenues, parklands and the Inner hills of the national capital open space system are an essential part of Canberra's aesthetic experience, set against the backdrop of the Brindabella, Tidbinbilla and Bimberi ranges.

The post-war dispersed new towns represent an innovative response to population growth.

What is being assessed?
The assessment is taking a broad, overarching approach to Canberra as the national capital, seat of Australian democracy and a showcase of twentieth century town planning concepts. Existing National, Commonwealth and ACT heritage listings within Canberra will fit within this umbrella listing.

It will complement the national heritage listing of the Australian Alps which includes Namadgi National Park and Tidbinbilla Nature Reserve.

Potential natural, Indigenous and historic heritage values related to the city of Canberra and the Inner hills will be considered in the assessment.
Distinct Planning Layers and Legacies

• The **first** legacy period (1890-1921)
  [2 periods: pre-Griffin 1890 – 1912
  Post-Griffin 1913 – 1921].

• The **second** legacy period (1921 – 1949)

• The **third** legacy period (1950 – 1988)
Significant features:

- National Triangle & Parliamentary Zone & Land Axis;
- Parliament House, The High Court of Australia, the Governor-General’s Residence in Yarralumla;
- Lake Burley Griffin and Water Axis;
- Main approach roads & avenues;
- National Capital Open Space System;
- Broad scale metropolitan structure of new towns/centres;
- Extant elements of Griffin’s 1918 plan;
- Building height restrictions in Inner Canberra;
- Peripheral parkways; and
- River corridors and landscape views to the Brindabellas.
National Heritage Criteria

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION REGULATIONS 2000
REG 10.01A

National Heritage criteria (Act s.324D)

(1) For section 324D of the Act, sub-regulation (2) prescribes the National Heritage criteria for the following:
   (a) natural heritage values of places;
   (b) indigenous heritage values of places;
   (c) historic heritage values of places.

(2) The National Heritage criteria for a place are any or all of the following:
   (a) the place has outstanding heritage value to the nation because of the place’s importance in the course, or pattern, of Australia’s natural or cultural history;
   (b) the place has outstanding heritage value to the nation because of the place’s possession of uncommon, rare or endangered aspects of Australia’s natural or cultural history;
   (c) the place has outstanding heritage value to the nation because of the place’s potential to yield information that will contribute to an understanding of Australia’s natural or cultural history;
   (d) the place has outstanding heritage value to the nation because of the place’s importance in demonstrating the principal characteristics of:
      (i) a class of Australia’s natural or cultural places; or
      (ii) a class of Australia’s natural or cultural environments;
   (e) the place has outstanding heritage value to the nation because of the place’s importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;
   (f) the place has outstanding heritage value to the nation because of the place’s importance in demonstrating a high degree of creative or technical achievement at a particular period;
   (g) the place has outstanding heritage value to the nation because of the place’s strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
   (h) the place has outstanding heritage value to the nation because of the place’s special association with the life or works of a person, or group of persons, of importance in Australia’s natural or cultural history;
   (i) the place has outstanding heritage value to the nation because of the place’s importance as part of indigenous tradition.

(3) For sub-regulation (2), the cultural aspect of a criterion means the indigenous cultural aspect, the non-indigenous cultural aspect, or both.
Canberra’s NHL Values

• A. The place has outstanding heritage value to the nation because of the place’s importance in the course, or pattern, of Australia’s natural or cultural history.

• D. The place has outstanding heritage value to the nation because of the place’s importance in demonstrating the principal characteristics of:
  – i. a class of Australia’s natural or cultural places, or
  – ii. a class of Australia’s natural or cultural environments.

• F. The place has outstanding heritage value to the nation because of the place’s importance in demonstrating a high degree of creative or technical achievement at a particular period.

• G. The place has outstanding heritage value to the nation because of the place’s strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.
Five key documents

- Griffin’s 1912 Plan and accompanying Report Explanatory.
- Griffin’s 1918 amended plan for Canberra.
- Tomorrow’s Canberra, the Ў’ Plan 1970.
John Reps

• “Griffin himself recognised that his competition design was far from flawless, and he made many significant changes in it as early as 1913. …Modest in size and altered in many respects from Griffin’s vision, it remains an extraordinary achievement deserving recognition and protection as one of the treasures, not only of Australia, but of the entire urban world.”

(Reps 1997:267)
Thank You.