

Heritage Impact Statement

Proposed Canberra Aqua Park – Black Mountain Peninsula

Duncan Marshall AM BArch(Hons) BA MICOMOS
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Executive Summary

William Yeap (the proponent) is proposing to install a temporary aqua park facility at Black Mountain Peninsula. The facility will be partially on the peninsula and partly in the waters of Lake Burley Griffin.

The lake has been identified as having potential Commonwealth Heritage values (GML 2009), and it is currently nominated to the Commonwealth Heritage List established under the *Environment Protection and Biodiversity Conservation Act 1999*. The lake and peninsula are also included within the indicative proposed area for a National Heritage listing of Canberra, also under the EPBC Act.

Having considered the temporary aqua park facility, it is concluded that the proposed works will:

- have **minor temporary impacts** on a range of existing or potential heritage values related to aesthetic qualities and the cultural landscape;
- have **no impacts** on another relevant value;
- be **not consistent** with several relevant conservation policies and strategies related to noise, the quality of shipping containers, the impacts on heritage values noted above, and public access; and
- be **consistent** with other relevant conservation policies and strategies.

The consequence of these findings needs to be considered under both the *Environment Protection and Biodiversity Conservation Act 1999* and the *National Capital Plan*.

Based on the apparent threshold being applied by the Department of Agriculture, Water and the Environment, in no case or overall are these impacts considered to be a significant impact within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*. Therefore an EPBC Act referral under Part 7 of the Act would not seem warranted unless certainty is required.

In the case of the *National Capital Plan*, two of the identified principles for heritage are,

‘Development should be consistent with the requirements of any relevant Heritage (or Conservation) Management Plan for that particular place... [and]

The management of heritage places should ensure that their use and presentation is consistent with their heritage values.’ (National Capital Authority 2016, p. 17)

Given the inconsistencies noted with the heritage management plan for the lake, as well as the minor temporary impacts, it would appear the proposal is not fully consistent with these principles. This interpretation should be confirmed with the National Capital Authority.

In any event, a range of options are suggested that might be worth considering to ensure or improve the heritage outcomes, if they have not already been considered.

This assessment only considers historic heritage values, and it does not consider natural or Indigenous heritage values. These issues have not been formally assessed, and some expert consideration should be given to them.



Introduction

William Yeap (the proponent) is proposing to install a temporary aqua park facility at Black Mountain Peninsula. The facility will be partially on the peninsula and partly in the waters of Lake Burley Griffin.

The lake has been identified as having potential Commonwealth Heritage values (GML 2009), and it is currently nominated to the Commonwealth Heritage List established under the *Environment Protection and Biodiversity Conservation Act 1999*. The lake and peninsula are also included within the indicative proposed area for a National Heritage listing of Canberra, also under the EPBC Act.

The park is a temporary facility and has previously been installed in much the same location. The current assessment arises because of the proposed ongoing, if temporary installation of the facility.

This assessment has been prepared to assist the proponent understand the impacts of the proposed works. The assessment only considers historic heritage values, and it does not consider natural or Indigenous heritage values.

The assessment is based on:

- plans of the proposed works provided by the proponent;
- additional information provided by the proponent;
- the heritage management plan for the lake and adjacent lands (GML 2009);
- the indicative proposed National Heritage values and area (DoSEWPac 2012); and
- a site inspection.

Summary of Proposal

The proposed works involve:

- installation of a large area of floating recreation facilities in Tarcoola Reach of Lake Burley Griffin, at Black Mountain Peninsula. The floating elements will be tethered to concrete weights placed on the lake bed;
- installation of boundary float lines in Tarcoola Reach, to stop access by water into the area of the facilities;
- installation of four dark green shipping containers on the adjacent foreshore to house support facilities. These will be mounted on timber sleepers with no other footings and no excavation. A solar cell array will be mounted on the containers to provide power;
- installation of boundary rope lines to control access to a section of the shoreline;
- there will be no connections to mains services (eg. power, communications water and sewerage), no music or other broadcast audio, no lighting, and all car parking will be

- contained within existing carparks;
- no other vendors (eg. for food) will be allowed outside existing carparks;
- no vegetation will be disturbed by the works; and
- all facilities are temporary, they will be installed in November and fully removed in March, and any disturbance to the landscape will be made good. The concrete anchors would remain from one season to the next, but be removed at the end of the licence period.

Consideration of Alternatives and Mitigation Measures

The proposed location of the shipping containers has been changed from the previous temporary installation because the previous location became boggy after rain. Several different locations were considered including one at the head of the bay. The proposed location at the southern end of the bay has been chosen to minimise the visual presence of the containers in the overall landscape.

Heritage Values

The best current understanding of the heritage values or potential values of the site for the proposed aqua park can be found in the heritage management plan for the lake (GML 2009) and in a fact sheet on the possible National Heritage listing of Canberra (DoSEWPaC 2012). Based on these sources, the relevant values or potential values include the following.

The lake is a unique and creative aspect of Australia's most successful urban plan, which is highly valued by communities for its aesthetic qualities. The lake is an outstandingly successful engineering and technical achievement which underpins the success of its creative and aesthetic qualities.

The Lake Burley Griffin Study Area is important for its association with the creation of the national capital and subsequent phases of national development. It reflects two key periods of urban design: the City Beautiful/Garden City discourses, associated with the design of the lake; and the later discourses of International Modernism, associated with its construction, its edge treatments and features.

The Study Area supports habitats for threatened ecological communities and species such as: yellow box—Blakely's red gum grassy woodland, temperate natural grasslands, the Button wrinklewort, striped legless lizard, Perunga grasshopper and the Murray Cod.

The lake is valued highly by communities for its landmark value, as a symbol of Canberra and as an iconic cultural landscape, which for many is a symbol of local identity.

The Study Area supports natural areas valued as remnants of the pre-settlement environment and an aquatic ecosystem which is valued by the community.

The Lake Burley Griffin Study Area possesses significant scientific research value and values as a part of Indigenous tradition, which also meet the threshold for Commonwealth Heritage listing.

The Indigenous archaeological sites of the Study Area are valued highly by Indigenous communities as evidence of their traditional occupation of this area. These sites also possess research potential for contributing to an understanding of past Indigenous lifeways in the area.

Canberra as an exemplar of twentieth century town planning concepts from the new ideal city of the Griffins' outstanding prize-winning design in the 1912 international competition, through successive phases of planning to the modern city expressed in the dispersed 'new town' pattern encapsulated in the Y-Plan.

The aesthetic appeal of the designed landscapes that showcase the national capital and the natural hill

and mountain settings of the city, which are highly valued by the Canberra community and visitors for its beauty, garden city appeal and national symbolic content.

Assessment of Impact

The central task of this assessment is to address the question: do the proposed works have, will they have or are they likely to have a significant or an adverse impact on heritage values? This question can be addressed by considering the impact on the identified heritage values.

Impact on Significance

Values	Impact/Comment
Heritage Management Plan Values	
The lake is a unique and creative aspect of Australia's most successful urban plan, which is highly valued by communities for its aesthetic qualities. The lake is an outstandingly successful engineering and technical achievement which underpins the success of its creative and aesthetic qualities.	Minor temporary impact – given the large area of floating recreation facilities.
The Lake Burley Griffin Study Area is important for its association with the creation of the national capital and subsequent phases of national development. It reflects two key periods of urban design: the City Beautiful/Garden City discourses, associated with the design of the lake; and the later discourses of International Modernism, associated with its construction, its edge treatments and features.	Minor temporary impact – given the installation of the shipping containers which will impact the edge treatment of the lake.
The Study Area supports habitats for threatened ecological communities and species such as: yellow box—Blakely's red gum grassy woodland, temperate natural grasslands, the Button wrinklewort, striped legless lizard, Perunga grasshopper and the Murray Cod.	Not assessed.
The lake is valued highly by communities for its landmark value, as a symbol of Canberra and as an iconic cultural landscape, which for many is a symbol of local identity.	Minor temporary impact – given the installation of the large area of floating recreation facilities within the lake landscape.
The Study Area supports natural areas valued as remnants of the pre-settlement environment and an aquatic ecosystem which is valued by the community.	Not assessed.
The Lake Burley Griffin Study Area possesses significant scientific research value and values as a part of Indigenous tradition, which also meet the threshold for Commonwealth Heritage listing.	Not assessed.
The Indigenous archaeological sites of the Study Area are valued highly by Indigenous communities as evidence of their traditional occupation of this area. These sites also possess research potential for contributing to an understanding of past Indigenous lifeways in the area.	Not assessed.
Potential National Heritage Values	
Canberra as an exemplar of twentieth century town planning concepts from the new ideal city of the Griffins' outstanding prize-winning design in the	No impact

Values	Impact/Comment
1912 international competition, through successive phases of planning to the modern city expressed in the dispersed 'new town' pattern encapsulated in the Y-Plan.	
The aesthetic appeal of the designed landscapes that showcase the national capital and the natural hill and mountain settings of the city, which are highly valued by the Canberra community and visitors for its beauty, garden city appeal and national symbolic content.	Minor temporary impact – given the installation of facilities within the lake and peninsula landscape.

Consistency with Relevant Conservation Policies and Strategies

The following relevant conservation policy and strategy extracts are drawn from the heritage management plan for the lake (GML 2009). There is no source of conservation policy guidance regarding Black Mountain Peninsula specifically, although it does fall within the lake setting which is addressed, and the policies for Yarramundi Peninsula might also be considered given the similarities.

Relevant Conservation Policies and Strategies	Consistency/Comment
1.7.2 Conserve the overall form and shape of the lake which strongly reflects the Griffin plan.	Consistent
1.8.1 Conserve and manage the 'quiet and still' qualities of the Study Area, particularly in areas such as Central Basin, Tarcoola Reach and Yarramundi Reach.	Not consistent – given the aqua park is likely to generate noise from up to 100 users.
1.8.3 Conserve and manage the high quality parkland setting of the lake to a high standard.	Not consistent – the shipping containers are not consistent with the high quality parkland setting of the lake. While newly painted each season in a colour to blend with the surrounds, they are still not high quality parkland structures.
3.1.1 Encourage public access to the lake for a variety of non-motorised, water-based recreational uses which do not impact on other heritage values.	Not consistent – given the minor temporary impact on heritage values noted above.
3.1.3 Provide opportunities for organised and informal community and family gatherings around the lake.	Consistent – the proposal may encourage such gatherings.
3.1.4 Control recreational activities on the lake to minimise noise and disruption to the water surface, avoid impacts on the shore and shore users and minimise conflicts with other lake users.	Not consistent – given the aqua park is likely to generate noise from up to 100 users.
3.2.2 Retain current existing points of access to lake for recreation (boat ramps and swimming area).	Consistent
3.2.3 Avoid the introduction of new uses that require closure of the lake and foreshores (or parts thereof) to public access, ie for private or corporate events.	Not consistent – given the closure of a large part of Tarcoola Reach and a section of foreshore to the public (ie. free public access).
C7-1.4 Control the introduction of further permanent infrastructure on the lake such as buoys, booms, pontoons or jetties.	Consistent – noting the boundary float lines in Tarcoola Reach are to be removed at the end of each season. It is noted that permanent NCA float lines are already installed in Tarcoola Reach.

Other Comments

This proposal raises the issue of the appropriate location for activities on and around Lake Burley Griffin, consistent with the existing heritage management plan. Ideally, a strategic plan would exist to help guide decisions regarding such activities however, there is currently no such plan.

The proposal also raises the issue of cumulative impacts which the National Capital Authority should be mindful of.

Conclusions

Having considered the temporary aqua park facility, it is concluded that the proposed works will:

- have **minor temporary impacts** on a range of existing or potential heritage values related to aesthetic qualities and the cultural landscape;
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- be **not consistent** with several relevant conservation policies and strategies related to noise, the quality of shipping containers, the impacts on heritage values noted above, and public access; and
- be **consistent** with other relevant conservation policies and strategies.

The consequence of these findings needs to be considered under both the *Environment Protection and Biodiversity Conservation Act 1999* and the *National Capital Plan*.

Based on the apparent threshold being applied by the Department of Agriculture, Water and the Environment, in no case or overall are these impacts considered to be a significant impact within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999*. Therefore an EPBC Act referral under Part 7 of the Act would not seem warranted unless certainty is required.

In the case of the *National Capital Plan*, two of the identified principles for heritage are,

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The management of heritage places should ensure that their use and presentation is consistent with their heritage values.’ (National Capital Authority 2016, p. 17)

Given the inconsistencies noted with the heritage management plan for the lake, as well as the minor temporary impacts, it would appear the proposal is not fully consistent with these principles. This interpretation should be confirmed with the National Capital Authority.

In any event, options that might be worth considering to ensure or improve the heritage outcomes, if they have not already been considered, include:

- improving the quality of the containers/structures, consistent with the intended high quality parkland setting. While newly painted each season in a colour to blend with the surrounds, they are still not high quality parkland structures; and
- considering separating the containers to reduce the visual bulk of the collection of containers.

This assessment only considers historic heritage values, and it does not consider natural or

Indigenous heritage values. It is noted that an assessment of the lands at Yarramundi Reach was undertaken as part of the heritage management plan for the lake and adjacent lands (GML 2009). This plan notes the presence of both Indigenous and natural heritage values at Yarramundi Reach, and given the proximity and geographic similarities of the two areas, it is possible Black Mountain Peninsula also has such values.

The proposal does not involve excavation works or disturbance of vegetation which might avoid or reduce the possibility of impacts on Indigenous and natural heritage values. None the less, these issues have not been formally been assessed, and some expert consideration should be given to them.



Appendix A: Heritage Values

The following text is drawn from the heritage management plan for the lake (GML 2009, vol. 1, pp. 2-3).



The Lake Burley Griffin Study Area possesses outstanding creative, technical and aesthetic heritage values for the nation as a whole, which meet the threshold for National Heritage listing.

Lake Burley Griffin is an essential part of what defines Canberra. It is an essential component of the Griffin plan for a lake to link and unify the axes and vistas of the plan to the underlying landform of the place. The lake is a unique and creative aspect of Australia's most successful urban plan, which is highly valued by communities for its aesthetic qualities. The lake is an outstandingly successful engineering and technical achievement which underpins the success of its creative and aesthetic qualities.

The Lake Burley Griffin Study Area also possesses highly significant historical, rarity, social, representative and associative values which meet the threshold for Commonwealth Heritage listing.

The Lake Burley Griffin Study Area is important for its association with the creation of the national capital and subsequent phases of national development. It reflects two key periods of urban design: the City Beautiful/Garden City discourses, associated with the design of the lake; and the later discourses of International Modernism, associated with its construction, its edge treatments and features. The Study Area also has links to Canberra's history including the workers of the temporary Westlake settlement and the construction of the first sewer infrastructure for the capital.

The Study Area supports habitats for threatened ecological communities and species such as: yellow box—Blakely's red gum grassy woodland, temperate natural grasslands, the Button wrinklewort, striped legless lizard, Perunga grasshopper and the Murray Cod.

The lake is valued highly by communities for its landmark value, as a symbol of Canberra and as an iconic cultural landscape, which for many is a symbol of local identity.

The lake is associated with important individuals involved in the creative and technical aspects of the design and construction of the lake such as Walter Burley Griffin, Marion Mahony Griffin, Charles Scrivener, John Sulman, Charles Weston, Lindsay Pryor, Sir William Holford, Dame Sylvia Crowe, Richard Clough, Peter Harrison, Trevor Gibson and John Overall. Roman Cypress Hill and the Lindsay Pryor Arboretum are sites within the Study Area which are associated with the work of Griffin and Pryor.

The Study Area supports natural areas valued as remnants of the pre-settlement environment and an aquatic ecosystem which is valued by the community.

The Lake Burley Griffin Study Area possesses significant scientific research value and values as a part of Indigenous tradition, which also meet the threshold for Commonwealth Heritage listing.

The Study Area possesses research potential relating to the study of the history and development of urban design and key practitioners in this area.

The occurrence of threatened ecological communities and species also provide some opportunities for scientific research.

The Indigenous archaeological sites of the Study Area are valued highly by Indigenous communities as evidence of their traditional occupation of this area. These sites also possess research potential for contributing to an understanding of past Indigenous lifeways in the area.

The following text is drawn from a fact sheet regarding the possible National Heritage listing of Canberra (DoSEWPaC 2012).



[The possible heritage values are Canberra include:]

- the historic significance of Canberra as the symbol and outcome of Federation, the site of landmark decisions and movements for change and a place of ongoing national commemorations
- Canberra as an exemplar of twentieth century town planning concepts from the new ideal city of the Griffins' outstanding prize-winning design in the 1912 international competition, through successive phases of planning to the modern city expressed in the dispersed 'new town' pattern encapsulated in the Y-Plan
- rarity as the only Australian major city consistently subject to centralised planning controls for nearly a century and in which successive trends in twentieth century international city planning can be clearly read
- the aesthetic appeal of the designed landscapes that showcase the national capital and the natural hill and mountain settings of the city, which are highly valued by the Canberra community and visitors for its beauty, garden city appeal and national symbolic content
- creative and technical achievement in the fields of town planning, urban design and landscape architecture
- social significance associated with landmark Indigenous rights decisions or protest sites and places of national commemoration
- Canberra's association with governors- general and prime ministers, politicians whose election marked milestones in the evolution of Australian democracy, and the people who played a significant role in the planning and development of Canberra.