

## Heritage Impact Statement

### Regatta Point Pavilion Alterations, Additions and Associated Works

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#### Executive Summary

The National Capital Authority (NCA) is proposing to make alterations, additions and undertake associated works to the Regatta Point Pavilion in Commonwealth Park, Canberra. The Pavilion is within the Parliament House Vista which is on the Commonwealth Heritage List. Commonwealth Park, as part of the Canberra Central Parklands, has also been assessed in a draft heritage management plan and found to have potential Commonwealth Heritage value in its own right (Marshall and others 2009).

This assessment has been prepared to assist the NCA understand any potential heritage impacts arising from the works.

Having considered the proposed alterations and additions to the Regatta Point Pavilion and associated works, it is concluded that the works will:

- have a **minor impact** on several heritage values, given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park;
- otherwise have **no impact** on other relevant heritage values;
- be **not consistent** with several conservation policies related to trees and shrubs, given the removal of several trees and shrubs, and otherwise the trimming of several trees;
- involve a **minor inconsistency** regarding several conservation policies related to the impact noted above as well as the impact on one significant view; and
- otherwise be **consistent or generally consistent** with other relevant conservation policies.

Based on the apparent threshold being applied by the Department of the Environment, in no case or overall are any of the 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.

None the less, these minor impacts do seem to constitute *adverse impacts* within the meaning of the Act. The NCA is obliged to address the provisions of Section 341ZC.

Options that might be worth considering, if they have not already been considered, include:

- replacement tree plantings consistent with available heritage management plans;
- transplanting shrubs identified for removal, or replacement plantings consistent with available heritage management plans;
- careful design and construction of the perimeter path in the grassed slopes of Regatta Point, to minimise the impact on the appreciation of the grassed slope as a landscape feature; and
- heritage review and input to the design of the new landscaping works, even if these are not subject to formal impact assessment given their modest scale.



## **Introduction**

The National Capital Authority (NCA) is proposing to make alterations, additions and undertake associated works to the Regatta Point Pavilion in Commonwealth Park, Canberra. The Pavilion is within the Parliament House Vista which is on the Commonwealth Heritage List. Commonwealth Park, as part of the Canberra Central Parklands, has also been assessed in a draft heritage management plan and found to have potential Commonwealth Heritage value in its own right (Marshall and others 2009).

This assessment has been prepared to assist the NCA understand any potential heritage impacts arising from the works.

This assessment is based on:

- plans prepared by Townsend + Associates Architects (2020);
- additional advice from Townsend + Associates Architects;
- the draft heritage management plan for the Canberra Central Parklands (Marshall and others 2009);
- the Commonwealth Heritage values for the Parliament House Vista;
- a heritage report prepared to assist the design team (Marshall 2019); and
- several site inspections.

It is noted that a heritage management plan also exists for the Parliament House Vista (Marshall and others 2010). This plan has been approved under the EPBC Act. Given the conservation policies in the draft heritage management plan for the Canberra Central Parklands are consistent with, though more detailed than the Vista HMP, it is considered more appropriate to rely on the Canberra Central Parklands draft HMP.

## **Summary of Proposal**

The proposed works involve:

- removal of 6 mature trees, a dense group or copse of medium trees, and 5 shrubs;
- trimming of 7 trees;
- demolition of the separate public toilet structure, associated walls and path;
- demolition of the triangular paved area and associated walls and steps;
- demolition of the existing pavilion deck, ramp and stairs;
- demolition of the exterior pavilion walls to the north, east and southeast;
- demolition of the existing café fitout;
- construction of a new service road/shared path from the existing road west of the pavilion to the northeast side of the pavilion;
- construction of new retaining walls, stairs and landings to the north of the pavilion;
- construction of a new accessible path to the north of the pavilion;
- construction of external paved areas below and slightly forward of the new pavilion wings;
- construction of a new path around the existing pavilion on the east, south and west;
- construction of two new wings to the pavilion to the northeast and east, echoing the design of the existing northwestern wing. Because of the existing floor levels and slope of the land, the additions will have two storeys, with service areas on the lower

level;

- construction of a deck to the southeast of the pavilion; and
- construction of a new internal fitout to the former café area.

In addition, new plantings/landscaping are intended in the vicinity of the pavilion, especially in areas disturbed by the works. However, details of these works are not yet known.

### **Consideration of Alternatives and Mitigation Measures**

The current design arose from a limited competition which included other design solutions for the NCA's requirements. An earlier version of the current design was also reviewed through a design review panel process, which led to suggestions for improvements.

The current proposal was also subject to design development, which involved consideration of options for various elements. In particular, options for the new service road were considered in order to minimise the impact on trees.

The design development process also involved NCA decisions to reduce the scale of the works.

### **Heritage Values**

The best portrayal of heritage values to consider in this case are those found in the draft heritage management plan for the Canberra Central Parklands (Marshall and others 2009). A summary of key values relevant to the proposed works is as follows:

- The Central Parklands is of significant heritage value because it is associated with the history of the development of Canberra as Australia's national capital, including the initial Griffins' design for the city, and subsequent designs notably by Holford, Crowe and the NCDC, through Clough and others.
- The parklands are also significant for associations with the development and life of Canberra through its recreational use.
- The Central Parklands is an evocative landscape of beauty and serenity, popular with the Canberra community as a place to refresh body and spirit through retreat, reflection and contemplation of nature in the heart of the city. The Central Parklands is appreciated as a key part of Canberra's design and a place to enjoy spectacular views across the lake, particularly at sunrise or sunset. Favourite views include the lake and waterspout from Regatta Point... across the lake to the houses of Parliament and other public institutions, and to the nearby Brindabella Mountains.
- The Parliament House Vista conservation area, including the Central Parklands, evokes an emotional response from the Canberra community members for whom it is a place of dramatic and powerful views.
- The aesthetic values specific to the design and setting of the Parliament House Vista are also recognised, along with the integration of the architectural elements into the overall Griffins' design.
- The Central Parklands has a history of long use by and association with the Canberra community. It is highly valued as a venue for recreation, such as cycling and walking, and as an accessible location for watching sporting events on the lake or foreshore. It is also important for a range of social events, both formal and informal, from Floriade to family picnics.
- Commonwealth Park... [is] valued by the Canberra community in their own right

- and have a long history of use and association.
- Commonwealth Park is valued by the Canberra community as:
  - a meeting place for friends and family and for the community;
  - a place to bring visitors from interstate and overseas;
  - an important place, along with the political and cultural institutions; and as
  - a location for large public events, eg. Floriade.
- The parklands have significant heritage value for their special associations with a number of landscape designers and planners who are significant in Australia's history... [including] Richard Clough.

### 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   |
|---|--|
| The Central Parklands is of significant heritage value because it is associated with the history of the development of Canberra as Australia's national capital, including the initial Griffins' design for the city, and subsequent designs notably by Holford, Crowe and the NCDC, through Clough and others.   | <b>Minor impact</b> – given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park. Parts of the works also occur in areas modified after the NCDC period.   |
| The parklands are also significant for associations with the development and life of Canberra through its recreational use.   | <b>No impact</b> – the proposed changes may modify somewhat the nature of recreational uses, but these uses have the potential to continue.  |
| The Central Parklands is an evocative landscape of beauty and serenity, popular with the Canberra community as a place to refresh body and spirit through retreat, reflection and contemplation of nature in the heart of the city. The Central Parklands is appreciated as a key part of Canberra's design and a place to enjoy spectacular views across the lake, particularly at sunrise or sunset. Favourite views include the lake and waterspout from Regatta Point... across the lake to the houses of Parliament and other public institutions and to the nearby Brindabella Mountains. | <b>Minor impact</b> – given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park. However, the new facilities will not impact views from Regatta Point, although the character of the viewing points will change somewhat.                           |
| The Parliament House Vista conservation area, including the Central Parklands, evokes an emotional response from the Canberra community members for whom it is a place of dramatic and powerful views.  | <b>No impact</b> – the additions to the pavilion will be a very minor feature in views back to Regatta Point. As above, the new facilities will not impact views from Regatta Point, although the character of the viewing points will change somewhat.  |
| The aesthetic values specific to the design and setting of the Parliament House Vista are also recognised, along with the integration of the architectural elements into the overall Griffins' design.  | <b>No impact</b> – the additions to the pavilion will be a very minor additional architectural element within the Vista, in terms of their size and prominence. The design of the additions, being sympathetic to the existing pavilion, will also help integrate them within the overall landscape. |
| The Central Parklands has a history of long use by and association with the Canberra community. It is highly valued as a venue for recreation, such as  | <b>No impact.</b> In the case of recreational uses, the proposed changes may modify somewhat the nature of them, but these uses have the potential   |

| Values  | Impact/Comment  |
|---|---|
| cycling and walking, and as an accessible location for watching sporting events on the lake or foreshore. It is also important for a range of social events, both formal and informal, from Floriade to family picnics.   | to continue.  |
| Commonwealth Park... [is] valued by the Canberra community in their own right and have a long history of use and association.   | As above.   |
| Commonwealth Park is valued by the Canberra community as: <ul style="list-style-type: none"> <li>• a meeting place for friends and family and for the community;</li> <li>• a place to bring visitors from interstate and overseas;</li> <li>• an important place, along with the political and cultural institutions; and as</li> <li>• a location for large public events, eg. Floriade.</li> </ul> | <b>No impact</b> – the proposed works will have no impact on these activities and associations.                                   |
| The parklands have significant heritage value for their special associations with a number of landscape designers and planners who are significant in Australia’s history... [including] Richard Clough.  | <b>Minor impact</b> – given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park. |

### ***Consistency with Relevant Conservation Policies and Strategies***

Another way to consider impacts is to assess the consistency of proposed works with any relevant conservation policies or strategies. The following relevant conservation policy and strategy extracts are drawn from the draft heritage management plan for the Canberra Central Parklands (Marshall and others 2009).

| Relevant Conservation Policies and Strategies  | Consistency/Comment   |
|--|---|
| <p><b><i>Policy 15 General conservation provisions relating to the Parliament House Vista</i></b></p> <p>The NCA will conserve the overall parklands landscape character as parkland, with a balance of formal and informal elements. In particular:</p> <ul style="list-style-type: none"> <li>• conserve the underlying geometry of the parklands as part of the Parliament House Vista, including the major boundaries of Kings and Commonwealth Avenues, and Parkes Way, as well as the Land Axis;</li> <li>• conserve the complex of gardens, united by landscape design, intimately bound into the architectonic structure of the various precincts, and set within the context of the National Triangle parklands;</li> <li>• conserve the balance of formal and informal landscape treatments using indigenous natural values and cultural values;</li> <li>• conserve the juxtaposition of bush with the formality of the built environment;</li> <li>• conserve the replacement of strict symmetry with a balanced development in the National Triangle;</li> <li>• conserve places of reflection and contemplation (eg. the garden areas);</li> <li>• conserve the continuum of both local and national history;</li> <li>• maintain the layers of values and stories; and</li> </ul> | <p><b>Minor inconsistency</b> – given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park. This includes the loss of a several mature trees, and the trimming of several others.</p> <p>The impact on trees might be mitigated by replacement plantings.</p> |

| Relevant Conservation Policies and Strategies  | Consistency/Comment   |
|--|---|
| <ul style="list-style-type: none"> <li>• conserve the accessibility of the area, as a gathering and meeting place, and as a beautiful place.</li> </ul> <p>These provisions relate to the whole Parliament House Vista conservation area and are relevant to the parklands in broad terms.</p> <p>The sweeping vistas will be maintained, including the sight lines along the Land Axis. The Land Axis corridor will be kept spatially open and free of structures, visual or other impediments.</p> <p>Particular care will be taken to manage the character of the tree canopy in the parklands regarding the evergreen/deciduous mix. The general aim will be to reinforce tree planting to continue an evergreen framework with contrast provided by plants displaying seasonal differences in foliage, texture, colour or flower characteristics. In addition, conserve the trees of distinction (see Appendix E) as well as Weston plantings.</p>  |   |
| <p><b><i>Policy 16 Detailed conservation provisions relating to the Parklands</i></b></p> <p>The following landscape features of the parklands and specific components of the parklands will be conserved.</p> <p>Central Parklands (Commonwealth Park, Kings Park and the Rond Terraces):</p> <ul style="list-style-type: none"> <li>• conserve the contrasting informality of the parklands compared to the Parliamentary Zone;</li> <li>• conserve the unified informal landscape composition of the parklands which feature an overall structure of Eucalyptus tree planting, and areas of horticultural and specialist interest located away from the lake edge;</li> <li>• conserve the exotic plantings along the lake foreshore in order to provide a unified effect;</li> <li>• conserve the open woodland vegetation structure as a device to unite the parks, combined with the careful use of exotic and native trees for different topographies;</li> <li>• conserve the use of vegetation in informal drifts in an attempt to integrate with the surrounding informal indigenous landscape character;</li> <li>• conserve the use of more formal planting on either side of the Land Axis;</li> <li>• conserve the vistas which help structure the spatial composition of the landscape;</li> <li>• conserve the use/provision of water features in the landscape;</li> <li>• conserve the careful use of scale related to use;</li> <li>• conserve the creation of recognisable character in specific areas, achieved through the careful selection of trees, shrubs and other materials;</li> <li>• conserve the dryland woodland contrast of Kings Park compared to Commonwealth Park;</li> <li>• conserve the vistas:</li> </ul> | <p><b>Minor inconsistency</b> – given the additions to the pavilion will be new/built elements in the view from the lake to Regatta Point, and the small reduction in the grassed area at Regatta Point. As above, the loss of a several mature trees and the trimming of several others contributes to this outcome.</p> <p>The impact on trees might be mitigated by replacement plantings.</p> |

| Relevant Conservation Policies and Strategies   | Consistency/Comment |
|---|---------------------|
| <ul style="list-style-type: none"> <li>• from the main spur of Regatta Point towards the lake and Commonwealth Avenue Bridge;</li> <li>• from the Regatta Point building to the lake;</li> <li>• to and from the east facing slopes of Regatta Point to the lake;</li> <li>• along the Land Axis to the Australian War Memorial and Mount Ainslie, and to Parliament House;</li> <li>• to the Australian-American Memorial and Mount Pleasant; and</li> <li>• generally from the open areas of the parklands which have views to the Parliamentary Zone, especially the lakeshore promenade.</li> </ul> <p>Commonwealth Park:</p> <ul style="list-style-type: none"> <li>• conserve the surviving elements of the Crowe masterplan for Commonwealth Park including: <ul style="list-style-type: none"> <li>• limited vehicle access and parking provision with chief access to be via foot or cycle;</li> <li>• the entrance at the northeast corner of the park from Civic;</li> <li>• areas of individual and distinct landscape and horticultural character along the north of Nerang Pool, linking the two main pedestrian entrances – the Marsh Garden, Flower Garden and Stream Valley;</li> <li>• Nerang Pool (including its existing configuration), Lily Pond, Children’s Wading Pool and Mirror Pond;</li> <li>• the retention of Pryor’s two contained lawn areas and the grassed area at Regatta Point;</li> <li>• thick plantings along Parkes Way to block the sight and sound of traffic, being those adjacent on the northern boundary of the park and effectively the whole length of this boundary;</li> <li>• lighting to enhance features (<i>Commentary:</i> Nerang Pool included underwater lights but it is not clear if these can be reinstated);</li> <li>• public facilities including a building at Regatta Point (<i>Commentary:</i> Not necessarily the current building which is much altered and extended from the original);</li> <li>• amphitheatre (<i>Commentary:</i> It is noted that the amphitheatre could be enhanced as a small-scale event space);</li> <li>• play sculpture/the Fort;</li> <li>• Stream Valley with its crossing of stepping-stones;</li> <li>• the use of large scale tree planting to provide a framework and create a</li> </ul> </li> </ul> |                     |



| Relevant Conservation Policies and Strategies   | Consistency/Comment   |
|---|---|
| <p>suitable scale, especially plantings in informal patterns or drifts;</p> <ul style="list-style-type: none"> <li>• eucalypt plantings down the ridges and green margins with exotic deciduous trees (see figure below);</li> <li>• the quality of open grass areas and areas of spatial interest;</li> <li>• framed views and vistas to points of special interest;</li> <li>• vistas from the main spur of Regatta Point towards the lake and Commonwealth Avenue Bridge, views from Regatta Point to the lake, vistas to and from the east facing slopes of Regatta Point to the lake;</li> <li>• conserve the surviving elements of the NCDC masterplan for Commonwealth Park including: <ul style="list-style-type: none"> <li>• Rhododendron Garden (Shrub Glade) concept;</li> <li>• informal planting of willows, poplars and elms along the north shore of the Central Basin;</li> <li>• surrounds of Nerang Pool - drifts of <i>Liriodendron tulipifera</i>, <i>Taxodium distichum</i> and <i>Betula pendula</i>;</li> <li>• higher levels of Commonwealth Park - informal groups of eucalypts with pine accents, and extensive under planting of wattles; and</li> <li>• Commonwealth Avenue - formal planting of <i>Ulmus procera</i>.</li> </ul> </li> </ul> <p>...</p> |   |
| <p><b>Policy 19 Tree maintenance and replacement</b><br/> The design concept of irregular group plantings of the one species as initiated by Weston and followed by Pryor will be retained. Nevertheless there are a few examples of line plantings which will also be retained for their heritage significance (eg. the Roman cypress boundary planting between the park and the Presbytery).</p> <p>It will be acknowledged that the open spaces are important landscape elements and the existing balance between planted areas and open space will be maintained.</p> <p>The contrast in form and foliage, flowers and fruits provided by the eclectic mix of evergreen and deciduous species will be maintained.</p> <p>Trees within the area will be maintained, including periodic tree surgery as necessary.</p> <p>In the case of dead, dying or dangerous trees, those in poor health unlikely to recover, or those displaying such poor characteristics as to substantially detract from the landscape, such trees will be removed. Generally trees will be replaced with the same</p>   | <p><b>Not consistent</b> – given the loss of a several mature trees and the trimming of several others.</p> <p>The impact on trees might be mitigated by replacement plantings.</p> |



| Relevant Conservation Policies and Strategies  | Consistency/Comment  |
|--|--|
| <p>species, especially in the case of significant trees (eg. commemorative trees). In the case of trees which are part of group, every effort will be made to use an advanced specimen.</p> <p>In the case of replacements for significant trees, the NCA will consider:</p> <ul style="list-style-type: none"> <li>• consulting possible stakeholders before removal of the existing tree; and</li> <li>• the possibility of undertaking some ceremony associated with the replacement planting.</li> </ul> <p>Given that the initial spacing of some group plantings may have been too close to allow trees to develop fully, therefore selective removals could take place to allow remaining trees to develop fully. It will be recognized however, that this may not be possible with closely spaced conifers which may not regenerate where dieback has occurred in the crowns.</p>                                      |  |
| <p><b>Policy 20 Shrubs and hedges</b><br/>Shrubs and hedges are important elements within the parklands, and these will be maintained, and replaced if dead, dying or in poor health. If possible, advanced specimens will be used. (Refer to Policy 22 regarding weed species.)</p>   | <p><b>Not consistent</b> – given the loss of several shrubs.</p> <p>The impact on shrubs might be mitigated by transplanting shrubs identified for removal, or otherwise by suitable replacement plantings.</p>                            |
| <p><b>Policy 25 Major buildings</b><br/>The NCA will conserve the:</p> <ul style="list-style-type: none"> <li>• Blundells’ Cottage precinct;</li> <li>• National Carillon; and</li> <li>• the original part of the Regatta Point Pavilion, to the extent possible given changes undertaken, or otherwise interpret the original building.</li> </ul>   | <p><b>Consistent</b> – the proposed works will not change the surviving original parts of the pavilion.</p>  |
| <p><b>Policy 37 Upgrading and adaptation works</b><br/>The NCA will replace or upgrade fabric and services, or undertake adaptation works as required by their condition or changed standards. Such works will not compromise significance unless there is no alternative, in which case every effort will be made to minimise the impact on significance.</p>   | <p><b>Generally consistent</b> – the proposed works involve upgrading and adaptation of facilities, there will be a minor impact on significance, and an effort has been made to minimise the impact.</p>                                  |
| <p><b>Policy 42 General provisions relating to new development</b><br/>The following general provisions will be implemented:</p> <ul style="list-style-type: none"> <li>• new permanent developments will not impact on the heritage values of the area nor on the spatial relationships between individual significant buildings and open spaces;</li> <li>• new permanent development in the parklands will be part of a planned approach which is in keeping with the values of the area. Ad hoc development will be avoided;</li> <li>• developments will generally maintain public access to parklands and open spaces, and will not close off spaces;</li> <li>• high-rise development is out of keeping with the area and will not be undertaken;</li> <li>• permanent intrusions to the axes, to views and sight lines will not be permitted; and</li> <li>• temporary intrusions may be permitted however:</li> </ul> | <p><b>Minor inconsistency</b> – given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park. None the less, the proposed works are sympathetic to the existing pavilion and the siting.</p> |

| Relevant Conservation Policies and Strategies   | Consistency/Comment   |
|---|---|
| <ul style="list-style-type: none"> <li>• if required they will be placed in discrete or screened locations, or in less sensitive locations (eg. outside the Land Axis corridor);</li> <li>• temporary structures will be as small as possible and as unobtrusive as possible;</li> <li>• the duration of any temporary intrusion will be brief, especially in the case of the Land Axis where the intrusion will not extend beyond a few weeks;</li> <li>• every effort will be made to maintain the values of the area during the period of the intrusion including the visual and aesthetic qualities, and including measures which can be taken during any down-time;</li> <li>• every effort will be made to maintain access to the area affected; and</li> <li>• no major structures will be permitted in the Land Axis corridor, and minor structures will be located to the sides of the corridor, thereby maintaining the Old Parliament House – Australian War Memorial sight line.</li> </ul> |   |
| <p><b>Policy 43 New landscaping, landscape structures and plantings</b><br/>New landscaping, landscape structures and plantings, not including replacement plantings, may be permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• that it is consistent with the general landscape conservation provisions and provisions relating to specific components (see Policies 15 and 16);</li> <li>• that it respects the existing tree planting patterns within the parklands; and</li> <li>• that it is consistent with any management plan for the specific component effected.</li> </ul> <p>The NCA will consider opportunities to complete the Crowe masterplan for Commonwealth Park, including intensive horticulture areas, a conservatory and hilltop native garden.</p>  | <p><b>Not assessed</b> – given the new soft landscaping works have not yet been defined.</p>  |
| <p><b>Policy 44 New major buildings</b><br/>New major buildings may be permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• the provisions of the <i>National Capital Plan</i> including Appendix H regarding design and siting;</li> <li>• a few major buildings may be carefully located within Commonwealth Park and Kings Park – scaled to suit their parkland settings and subject to specific impact studies;</li> <li>• a comprehensive planned approach to the provision of major buildings within the parklands will be undertaken;</li> <li>• building designs will be of high quality, either consistent for the overall Parliament House Vista conservation area or consistent within major precincts, or designed in sympathy with other buildings in the immediate setting;</li> </ul>  | <p>While this policy generally relates to new, free-standing buildings, it also is relevant to a substantial addition to an existing building, as in this case.</p> <p>In this context, the proposed works are <b>generally consistent</b>.</p> |

| Relevant Conservation Policies and Strategies   | Consistency/Comment  |
|---|--|
| <ul style="list-style-type: none"> <li>• with regard to design qualities: <ul style="list-style-type: none"> <li>• the style of buildings will pay due regard to adjacent buildings and the overall balanced development objective for the Parliament House Vista. Where buildings will be screened, for example by mature vegetation, greater stylistic variation may be acceptable;</li> <li>• with regard to form, walls will generally be vertical and buildings will have expressed corners in plan, especially those facing the Land Axis, roofs will generally be flat or low pitched, and concealed behind parapets.</li> <li>• building heights will generally relate to the mature tree canopy of the area, or lower;</li> <li>• wall materials will generally be stone, concrete, painted render or glass;</li> <li>• predominant building colours will generally draw on the palette of existing colours used, which are pale colours including white, grey (eg. concrete), light brown (eg. sandstone) and light green (eg. glass). Predominant use of strong colours which detract from the balanced development of the area will not be used, although such colours may be used in minor ways; and</li> <li>• buildings should be predominantly oriented to the Land and Water Axes. That is, components of the building may depart from this orientation but the overall affect should match the axes.</li> </ul> </li> </ul> |  |
| <p><b>Policy 52 Paths and paving</b><br/> Limited new paths and paving may be permitted provided that:</p> <ul style="list-style-type: none"> <li>• every effort is made to provide good quality paths or paving, consistent either for the overall area or within major precincts, or designed in sympathy with the immediate setting;</li> <li>• it is carefully sited, especially in the case of major vistas;</li> <li>• it pays careful regard to and is sympathetic with the geometry of the vicinity;</li> <li>• it responds to a substantial demonstrated need or requirement; and</li> <li>• it is consistent with the guidance provided in Policy 30.</li> </ul>  | <p><b>Generally consistent.</b> In the case of the new perimeter path in the grassed slopes of Regatta Point, this should be subject to very careful design and construction to minimise the impact on the appreciation of the grassed slope as a landscape feature.</p> |

## Conclusions

Having considered the proposed alterations and additions to the Regatta Point Pavilion and associated works, it is concluded that the works will:

- have a **minor impact** on several heritage values, given the addition to the pavilion and associated works within the designed landscape of Commonwealth Park;
- otherwise have **no impact** on other relevant heritage values;
- be **not consistent** with several conservation policies related to trees and shrubs, given the removal of several trees and shrubs, and otherwise the trimming of several trees;
- involve a **minor inconsistency** regarding several conservation policies related to the impact noted above as well as the impact on one significant view; and
- otherwise be **consistent or generally consistent** with other relevant conservation policies.

Based on the apparent threshold being applied by the Department of the Environment, in no case or overall are any of the 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.

None the less, these minor impacts do seem to constitute *adverse impacts* within the meaning of the Act. Section 341ZC states,

- ‘A Commonwealth agency must not take an action that has, will have or is likely to have an adverse impact on the National Heritage values of a National Heritage place or the Commonwealth Heritage values of a Commonwealth Heritage place, unless:
- (a) there is no feasible and prudent alternative to taking the action; and
  - (b) all measures that can reasonably be taken to mitigate the impact of the action on those values are taken.’

The NCA is obliged to address these provisions.

Options that might be worth considering, if they have not already been considered, include:

- replacement tree plantings consistent with available heritage management plans;
- transplanting shrubs identified for removal, or replacement plantings consistent with available heritage management plans;
- careful design and construction of the perimeter path in the grassed slopes of Regatta Point, to minimise the impact on the appreciation of the grassed slope as a landscape feature; and
- heritage review and input to the design of the new landscaping works, even if these are not subject to formal impact assessment given their modest scale.



## Appendix A: Heritage Values

The following text is drawn from the draft heritage management plan for the Canberra Central Parklands (Marshall and others 2009, pp. 146-9).



The Central Parklands is of significant heritage value because of its history, unique design, uncommon, outstanding or very good examples of trees, aesthetic qualities, creative achievement, social value and historic associations. In some cases, the value of the parklands arises because they are part of the Parliament House Vista conservation area.

The Central Parklands is of significant heritage value because it is associated with the history of the development of Canberra as Australia's national capital, including the initial Griffins' design for the city, and subsequent designs notably by Holford, Crowe and the NCDC, through Clough and others. The result is a layering of designs which have built upon or consciously departed from the Griffins. This complex, evolving design is an important part of the story of the national capital and the Parliament House Vista in particular.

The Central Parklands demonstrates the influences of the different chronological periods in the evolution of the designed place, particularly as part of the quest to establish a distinctive national quality through the medium of landscape design within an area under the control of the Commonwealth since shortly after Federation. It remains a document which contributes to the understanding of the history of landscape design in Australia and needs to be considered as an integral part of the Parliament House Vista, and particularly its context within the National Triangle.

As part of this history, the Central Parklands landscape also reflects the *National Identity Period* in Australian landscape history through its overall informal structure of Eucalyptus tree planting.

The parklands are also significant for associations with the development and life of Canberra through its recreational use.

In addition to the broad landscape areas, the parklands contain a range of individual sites with some measure of historic value including trees or tree groups, memorials and other sites. Most of these individual sites are of modest historic significance. The overall use of the parklands for memorial activities is of greater significance. One site which may be of somewhat greater historic significance is the Carillon.

In addition, the plantation of *Eucalyptus bicostata* in Kings Park is of interest as the last plantation style planting in the central part of Canberra.

(Criterion (a))

The Central Parklands makes a major contribution to the Parliament House Vista conservation area which is arguably of outstanding heritage value. The larger area is unique within Australia as a designed national place, or indeed as a series of component national places, evolving over time and contributing to this larger national landscape. Its physical evolution has allowed a tradition of landscape architecture and horticulture to be developed which is unparalleled in any other Australian city.

The *Podocarpus totara* and *Camphor laurel* are of significant heritage value being of botanical interest as uncommon exotic specimens of trees.

(Criterion (b))

A number of trees are of significant heritage value being of botanical interest as outstanding or very good examples.

(Criterion (d))

The Central Parklands is an evocative landscape of beauty and serenity, popular with the Canberra community as a place to refresh body and spirit through retreat, reflection and contemplation of nature in the heart of the city. The Central Parklands is appreciated as a key part of Canberra's design and a place to enjoy spectacular views across the lake, particularly at sunrise or sunset. Favourite views include the lake and

waterspout from Regatta Point, the National Carillon on Aspen Island, across the lake to the houses of Parliament and other public institutions and to the nearby Brindabella Mountains. The Central Parkland's dynamic seasonal qualities and changing moods are also highly valued. The path around the lakeshore is particularly valued as a way of moving through the landscape which changes with the seasons and enjoying the views. The sound of the Carillon carrying across Kings Park contributes to the sense of place.

The Parliament House Vista conservation area, including the Central Parklands, evokes an emotional response from the Canberra community members for whom it is a place of dramatic and powerful views and also a place of reflection and contemplation. Members of the Canberra community describe the Parliament House Vista's aesthetic quality using a range of powerful adjectives: 'dramatic', 'amazing', 'extraordinary' and 'beautiful' to convey the strength of feeling it evokes in them. They value the juxtaposition of bush with the formality of the built environment. The aesthetic values specific to the design and setting of the Parliament House Vista are also recognised, along with the integration of the architectural elements into the overall Griffins' design.

Kings Park has a range of values including contributing to the lakeside environment as an informal element, for its link to Mount Pleasant, for the vistas from Parkes Way, and views to the Carillon and the Parliamentary Zone. Overall, these components meet the threshold for the Commonwealth List, as there is evidence of significant heritage values held by the Canberra community.

The Canberra community and, in particular the veterans/family of veterans among them, value the visual link between the Parliament House and the Australian War Memorial which represents the democratic values of the Australian nation and the sacrifices made to uphold them.

The National Carillon on Aspen Island is of aesthetic value to the Canberra community as an evocative place, especially the sound of the bells over water.

Blundells' Farmhouse is evocative of Canberra's rural past before the National Capital was built.

(Criterion (e))

The Central Parklands is of significant heritage value as a related set of creative achievements in landscape design. This partly arises because of the individual qualities of the parklands but also as part of the wider setting of the Parliament House Vista conservation area. This creative achievement relates to the:

- contrasting informality of the parklands compared to the Parliamentary Zone;
- unified naturalistic (informal) landscape composition with increasing areas of horticultural and specialist interest away from the lake edge;
- open woodland vegetation structure as a device to unite the parks, combined with the careful use of exotic and native trees for different topographies;
- use of vegetation in informal drifts in an attempt to integrate with the surrounding informal indigenous landscape character, and thereby to create a distinctly Australian landscape character;
- use of more linear and formal planting on either side of the Land Axis;
- creation of vistas to help structure the spatial composition of the landscape;
- use/provision of water features in the landscape;
- careful use of scale related to use;
- creation of recognisable character in specific areas, achieved through the careful selection of trees;
- development of horticultural interest in Commonwealth Gardens; and
- the dryland woodland contrast of Kings Park compared to Commonwealth Park.

The many artworks and memorials display varying degrees of creative achievement – from modest to high. In many cases the landscape context for the artwork or memorial is important, and/or it makes a contribution to the aesthetic qualities of the parklands.

(Criterion (f))

The Central Parklands has significant social values to the Canberra community. Overall, it is a defining place representing 'nature' in the heart of the city and contributing to Canberra's distinctive sense of being the 'bush capital'. The views to and from the parklands are particularly valued for the combination of the lake and bridges, national monuments on the foreshores and mountains in the distance.

The Central Parklands has a history of long use by and association with the Canberra community. It is highly valued as a venue for recreation, such as cycling and walking, and as an accessible location for watching

sporting events on the lake or foreshore. It is also important for a range of social events, both formal and informal, from Floriade to family picnics.

It is of social value to the Canberra community as a place which is integral to the wider designed landscape of the Parliament House Vista and Lake Burley Griffin. As a part of this landscape, the Central Parklands shares, and contributes to, the social value of the Parliament House Vista and Lake Burley Griffin.

These values are summarised as follows.

- A place which embodies the ideals of Australian values and nationhood, a place which is an icon and landmark marking the heart of Canberra, and contributing to what it means to live in the city.
- A place which is important to the Canberra community as an element in the continuum of Australian history, and which engenders in them feelings of pride and belonging.
- A place which is valued highly for its public accessibility, as a gathering and meeting place for the community, for national commemoration and as a place for all Australians.
- A place which is an iconic focus for Walter Burley Griffin's design for Canberra, an achievement whose realisation continues to be regarded with pride by the Canberra community and contributes to their sense of identity.

Commonwealth Park, the National Carillon and Aspen Island are valued by the Canberra community in their own right and have a long history of use and association.

Commonwealth Park is valued by the Canberra community as:

- a meeting place for friends and family and for the community;
- a place to bring visitors from interstate and overseas;
- an important place, along with the political and cultural institutions (GML 2006, questionnaire respondents, social value); and as
- a location for large public events, eg. Floriade.

The National Carillon is valued by the Canberra community as:

- a local landmark; and is
- of particular value to those Canberrans who attend regular recitals as well as to a wider audience of Carillon Society of Australia members (some of whom are from Canberra).

Aspen Island is valued as:

- a place for social events and gatherings, and it is a popular venue for weddings;
- a tranquil place to think about and mourn loved ones (GML 2006, web questionnaire, social value); and as
- an integral part of the view from the lake's southern shore.

(Criterion (g))

The parklands have significant heritage value for their special associations with a number of landscape designers and planners who are significant in Australia's history, these being Richard Clough, Sylvia Crowe, William Holford and Harry Oakman. In addition, as part of the Parliament House Vista, the parklands have a special association with Walter Burley Griffin and Marion Mahony Griffin.

(Criterion (h))