



**Australian Government**  
**National Capital Authority**

File Nos. 04/451, 02/401

Ms Vivienne Courto  
Inquiry Secretary  
Parliamentary Standing Committee on Public Works  
Parliament House  
CANBERRA ACT 2600

Dear Ms Courto

**AUSTRALIAN WAR MEMORIAL: CONSTRUCTION OF EAST BUILDING**

I refer to your letter of 5 July 2004 regarding the inquiry by the Parliamentary Standing Committee on Public Works into the above proposal at Section 39, Campbell, ACT. The Authority is pleased to provide a written submission advising the Committee of the Authority's interest in the matter.

The submission provides the legislative background and discusses the relevant provisions of the National Capital Plan (NCP) as it applies to the subject site and the proposed development. It also sets out the Authority's current position regarding the assessment of the proposal.

The Authority generally supports the proposal subject to the detailed comments in the attached submission and will facilitate the implementation of the works in accordance with the provisions of the NCP. On the basis of the consultations held to date, the Authority does not anticipate any undue difficulties in resolving the issues raised in the submission.

Authority representatives will be happy to attend the public hearing on Friday 13 August 2004 in Canberra if required by the Committee. Should you need any further advice on the matter, please do not hesitate to contact me on 6271 2840.

Yours sincerely

**David Wright**  
**Director**  
**National Capital Plan**

23 July 2004

*Building the National Capital in the hearts of all Australians*

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T 02 6271 2888 | F 02 6273 4427 | [www.nationalcapital.gov.au](http://www.nationalcapital.gov.au) | email [natcap@natcap.gov.au](mailto:natcap@natcap.gov.au)

Couriers & deliveries: Treasury Building, Newlands Street, Parkes ACT 2600 | Mailing: GPO Box 373 Canberra ACT 2601

ABN 75 149 374 427

**NATIONAL CAPITAL AUTHORITY  
SUBMISSION  
PARLIAMENTARY STANDING COMMITTEE ON PUBLIC WORKS**

**AUSTRALIAN WAR MEMORIAL: CONSTRUCTION OF EAST BUILDING**

**1. Introduction**

The National Capital Authority (the Authority) has prepared this submission in response to the Parliamentary Standing Committee on Public Works (PWC) inquiry into the proposed construction of East Building of the Australian War Memorial, Campbell, ACT.

This submission provides the relevant background information on the Authority's role in planning and development in the ACT and the Authority's involvement in the site and its development. It sets out the provisions of the National Capital Plan that apply to the subject site and outlines the Authority's current position regarding the assessment of the proposal.

**2. Legislative Background**

The National Capital Planning Authority was established in 1989 as part of the introduction of self-government in the ACT, with a view to securing the Federal Government's continuing interest in the planning and development of Canberra as Australia's National Capital. The name was changed to National Capital Authority on 4 June 1996.

The functions of the Authority are set out in the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). A key function of the Authority as set out in the Act is to prepare and administer the National Capital Plan (the Plan). Section 9 of the Act sets out the object of the Plan as follows:

***Object of the Plan***

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

The Act at section 11(2) outlines the effect of the National Capital Plan on Commonwealth agencies as follows:

***Effect of Plan***

- 11. (2) The Commonwealth, a Commonwealth authority, the Territory or a Territory authority shall not do any act that is inconsistent with the Plan.*

The National Capital Plan has been prepared in accordance with the Act and is being administered by the Authority. Provisions of the Plan relevant to the proposed East Building at the Australian War Memorial site are set out below.

### **3. Relevant National Capital Plan Provisions**

The Act makes provision for the Plan to identify “Designated Areas” which are areas of land that have the special characteristics of the National Capital [Section 10(1)]. Within Designated Areas the National Capital Authority is the responsible planning authority and all “works” in Designated Areas require the approval of the Authority in writing [Section 12(1)(g)].

The Australian War Memorial is within a Designated Area of the National Capital Plan. Accordingly, the works associated with the East Building project require works approval from the Authority. To date the Authority has been consulted on the concept design. The Authority has not yet received an application for Works Approval.

#### **3.1 Land Use Policies**

The General Policy Plan for Metropolitan Canberra in the National Capital Plan identifies the Australian War Memorial as being located within the land use category of “Urban Areas”. The Australian War Memorial is located within The Central National Area (Anzac Parade and Constitution Avenue) and the specific use permitted is “National Land Use”. The range and nature of uses, both existing and proposed, fall within the definition of “National Use”.

The definition of “National Use” is:

*Any of the following uses as herein defined:*

- a) Diplomatic Missions;*
- b) Parliamentary Use; or*
- c) National Capital Use.*

National Capital Use is defined as:

*The use of any land, building or structure for the purpose of a work of special status and national interest. This includes the National Library, the National Gallery, the High Court, the National Archives Headquarters, the Museum of Australia, the Australian War Memorial, the Prime Minister's Residence, the Governor-General's Residence, the Australian National University, the Australian National Botanic Gardens, Commonwealth Offices needing prestigious locations, national memorials, National Association Offices as herein defined, a hospitality house or a Commonwealth Government conference centre and the like.*

#### 4. Land Management

Section 27(2) of the Act provides for the declaration of National Land, being land that “*is, or is intended to be, used by the Commonwealth*”. The Australian War Memorial is located on National Land.

Section 4(1) of the National Land Ordinance 1989 provides for the Authority “*to manage National Land designated in writing by the Minister as land required for the special purposes of the National Capital*”. The Australian War Memorial site has been designated as National Land and accordingly the Authority is responsible for the land management at the Australian War Memorial.

A Memorandum of Understanding was signed by the Authority and the Australian War Memorial in November 1998 this sets out the respective roles, responsibilities and relationships between the two parties regarding planning, design, development, management and maintenance of the Australian War Memorial site.

The Australian War Memorial and its surrounds are entered in the Commonwealth Heritage List and the Register of the National Estate. The Plan requires the Authority to “... *give due protection to any natural or cultural heritage place in the ACT included on the Register of the National Estate ...*”

#### Site Master Plan

In May 1999 the Authority updated the Site Master Plan for the Australian War Memorial. This document (**Attachment A**) provides the site design and building development principles and is referred to in paragraph 29 of the Australian War Memorial’s submission.

#### 5. AUTHORITY ASSESSMENT OF PROPOSAL

The Australian War Memorial and its consultants have consulted with representatives of the Authority and the former Australian Heritage Commission on the design concept for the proposed East Building.

The Authority’s most recent views on the design concept are expressed in its letter of 13 December 2002 on the East Building Design Concept (**Attachment B**), which includes comment from the former Australian Heritage Commission. A number of design matters were raised in this letter for the Australian War Memorial to address.

The Authority has reviewed the Australian War Memorial's 'Statement of Evidence to the Parliamentary Standing Committee on Public Works' for the proposed construction of the East Building and notes that it addresses a number of the matters raised by the Authority in its letter of 13 December 2002. These include:

- The location of the building 35m from the main Memorial building, on the axis of the Administration Building, and 41.6 metres in width (Australian War Memorial submission, paragraphs 16, and 33 to 38);
- The use of pigmented pre-cast concrete linear external wall 'planks' finely jointed, with horizontal coursing at similar spacing to the Memorial building (Australian War Memorial submission, paragraphs 22, 59 and 60);
- Building parapet height to be kept at or below RL 599.970 (Australian War Memorial submission, paragraphs 23 and 36);
- Landscaping design to retain the informal native Eucalypt woodland (Australian War Memorial submission, second paragraph 158);
- Location of the service area on the eastern side of the East Building (Australian War Memorial submission, paragraphs 18, 55 and 56);
- The visibility of the underground tunnel and its impact on the Memorial building (Australian War Memorial submission, paragraphs 18, 54 and 84);

### **Matters to be addressed**

The following matters remain outstanding in relation to the Authority's advice on its assessment of the design concept and are subject to the Authority receiving additional information to its satisfaction. These include:

- Provision of an example of the pigmented pre-cast linear 'planks' for the external walling to match the colour of ANZAC Hall;
- Provision of an example of the proposed roof fabric and possible consideration of a higher quality fabric than metal deck to ensure that buildings in the Parliament House Vista are constructed of fabric that reflects the national significance of Canberra as the National Capital;
- Details of the location of mechanical plant, and the need for exhaust/vents;
- Further investigation and consideration of a more articulated western elevation, possibly with a window giving light into the eastern end of the tunnel;
- Details of the continuous mesh cover around the façade perimeter;
- More detailed information about the trees to be removed and the proposed landscaping;
- Details of the intended treatment of the service area and northern car park; and
- Details of future bus and car parking requirements particularly with respect to the removal of the temporary car park accessed off Fairbairn Avenue.

The Authority envisages that all the above issues can be satisfactorily resolved during the design development and works approval process.