

*Heritage*Guardians

2019/8574 Australian War Memorial Redevelopment:

Comment under section 74(3) of the *Environment Protection and Biodiversity Conservation Act 1999*

Contents

Summary.....	1
Significant impacts of the proposal on matters protected by Part 3 of the EPBC Act.....	2
New Southern Entrance (Referral para 2.2).....	2
Anzac Hall (Referral para 2.2).....	2
Glazed Courtyard (Referral para 2.2).....	4
Parliament House Vista (Referral para 2.2).....	5
Whole of environment impact (Referral para 2.11.1).....	5
Other issues not covered by the Referral.....	6
Misleading or incorrect information in the Referral.....	7
The Memorial’s references to the project’s Detailed Business Case (DBC) are misleading and inconsistent with other public references to the DBC; the DBC should have been an attachment to the Referral.....	7
The Memorial’s characterisation of its role does not reflect the wording of its Act.....	9
The Memorial’s analysis makes the consultation it undertook on the project seem more substantial than it really was.....	10
Conclusion.....	11

Summary

The proposal should be subject to rigorous assessment by the Department as a controlled action under the EPBC Act.

National Heritage values and Commonwealth Heritage values are at risk of significant impact from the proposal as it relates to the New Southern Entrance, Anzac Hall, the Glazed Courtyard, and the Parliament House Vista.

There are whole of environment impacts also.

The Referral does not cover significant aspects of the project, contributing to 'salami slicing' of the project to an extent that amounts to gaming of the approvals process.

The Referral contains misleading or incorrect information in relation to the project's Detailed Business Case, the basis for project costings, the Memorial's description of its role, and the amount of consultation the Memorial has undertaken on the project.

Significant impacts of the proposal on matters protected by Part 3 of the EPBC Act New Southern Entrance (Referral para 2.2)

1. It is difficult to see how changing the sense of arrival to the Memorial, altering the front view of the original building, removing forecourt stairs and plinths, and producing risks to structural integrity, will not degrade or damage National Heritage and Commonwealth Heritage values. The Referral is vague also on the relationships between the New Southern Entrance and the existing entry – what counts as a ceremonial event? – and between the New Southern Entrance, the vast new underground space, and the rest of the Memorial. Finally, what are the engineering challenges arising from working underneath the existing building, particularly given movement issues during previous work?
2. The Referral's failure to include plans for the New Southern Entrance or even rudimentary sketches of it adds to the difficulty of gauging the impact of this part of the proposal. These deficiencies in turn raise the question why the Referral is being made while plans are still being developed. (For more on this, see paras 27-29 below.)
3. The mitigation measures summarised at Referral para 2.2 and set out more fully in Section 4 and Attachment F are no more than would be expected from competent architects, builders and project managers, and the words 'as far as practicable' and 'where practicable' provide ample wriggle room.
- 4. National Heritage values and Commonwealth Heritage values are at risk of significant impact in relation to plans for the New Southern Entrance.**

Anzac Hall (Referral para 2.2)

5. The destruction of Anzac Hall will indeed, as the Referral admits, result in 'significant impact' on National Heritage and Commonwealth Heritage values. Yet, the Referral's

statement of this impact is so understated as to be risible: ‘This is because the heritage values associated with [the] existing building would be removed and there will be changes to the setting and landscape of the Memorial as a result of the new Anzac Hall’.

6. The Heritage values of Anzac Hall are not being ‘removed’; they are being trashed as the result of an award-winning, 18-year-old building being destroyed. ‘Anzac Hall is not some undistinguished, ordinary building’, [former Director of the Memorial, Steve Gower, wrote recently](#). ‘It was the result of a centenary of Federation grant and winner of the prestigious Sir Zelman Cowen award for the best major public building of its year.’
7. There are issues also with the design of the new Anzac Hall (as that design was foreshadowed in 2018) which were canvassed at length in [a paper prepared by former senior officer at the Memorial, Richard Llewellyn](#).

The preferred option (Option 1) of replacing Anzac Hall with a two-level structure (of which one level would be substantially if not completely underground) is an extremely poor idea. It is costly, cumbersome and fraught with unnecessary risk factors to do with the heaviness of Large Technology Objects, difficulties in manoeuvring them, the need for multiple access points, drainage, and other factors.

8. The Referral’s failure to include plans for the new Anzac Hall or even rudimentary sketches of it adds to the difficulty of gauging the impact of this part of the proposal. These deficiencies in turn raise the question why the Referral is being made while plans are still being developed. (For more on this, see paras 27-29 below.)
9. The mitigation measures summarised at Referral para 2.2 and set out more fully in Section 4 and Attachment F are no more than would be expected from competent architects, builders and project managers, and the words ‘as far as practicable’ and ‘where practicable’ provide ample wriggle room. The proposed documentation of what has been destroyed – ‘[t]o retain the memory of the existing Anzac Hall’ – will be seen by those who value our architectural heritage as no more than a sop, and it should be so seen.
10. As for the new Anzac Hall, as far as can be determined from the information provided so far, it will have the appearance of a large box with a constant height through to Treloar Crescent, compared with the existing Anzac Hall, where the roof slopes as it approaches Treloar Crescent. The subtlety and sensitivity of the current design will be lost in the desire to provide increased exhibition space over two levels. This will be an issue with views from

the north, east and west, as well as from the south. In particular, the north elevation of the existing Memorial will disappear behind the new building and glass atrium. The scale of the new northern building and massive glass atrium will challenge the Heritage main building and its significance (and isolation) in the site.

11. Anzac Hall as it exists offers only Medium Tolerance for change to its Heritage values. Destroying it shatters these values, yet nowhere in the documentation supporting this destruction can there be found adequate justification for this action. [Former Memorial Director, Steve Gower concluded](#), 'The decision [to destroy Anzac Hall] is a prize example of philistine vandalism masquerading as progress'.
12. In [the paper prepared by Richard Llewellyn](#) these words appeared: 'Did individual members of the Memorial Council, perhaps the Chairman, have strong views on deleting Anzac Hall? What did other Council members say?' One could further ask, 'Is this a case of destruction on a whim?' Those questions have not been answered. They should be.
- 13. National Heritage values and Commonwealth Heritage values are at risk of significant impact in relation to plans for Anzac Hall.**

Glazed Courtyard (Referral para 2.2)

14. It is difficult to see how a structure of the size of the proposed courtyard or atrium could not have a significant impact on National Heritage and Commonwealth values. Of the atrium, [former Memorial Director, Steve Gower, said](#), 'And what about the proposed glass atrium attached insensitively to the rear of the heritage main building? The concept is grossly inappropriate.'
15. The box-like new Anzac Hall is to be attached to the rear of the main building by this high glass atrium. The design crowds the site and threatens to detract significantly from the appreciation of the original building in the round and the critical sense of isolation of the original building in the site. The impact on the view of the site from Mount Ainslie will be significant. There may be issues with reflections and with cleaning of the glass.
16. Energy consumption for climate control of the atrium is also an issue, as is the potential impact on the conservation of objects displayed in the glass atrium. It is not clear from the rudimentary information provided in the Referral that adequate consideration has been given to the potential for ultraviolet light damage and creation of cloud or fog-like conditions beneath the glazed surface.

17. The Referral's failure to include plans for the Glazed Courtyard or even rudimentary sketches of it adds to the difficulty of gauging the impact of this part of the proposal. These deficiencies in turn raise the question why the Referral is being made while plans are still being developed. (For more on this, see paras 27-29 below.)

18. The mitigation measures summarised at Referral para 2.2 and set out more fully in Section 4 and Attachment F are no more than would be expected from competent architects, builders and project managers, and the words 'as far as practicable' and 'where practicable' provide ample wriggle room.

19. National Heritage values and Commonwealth Heritage values are at risk of significant impact in relation to plans for the Glazed Courtyard.

Parliament House Vista (Referral para 2.2)

20. The Referral claims there will be minor impacts on the Vista, arising from the New Southern Entrance and the Glazed Courtyard. But there will be substantial impacts on the visual setting – the view of the original building 'in the round' – deriving from the new Anzac Hall and the Glazed Courtyard. It is difficult to see how the cumulative impacts of these changes can be other than significant, and there will be issues with the view from all directions, not just the Vista from the south.

21. The Referral's failure to include plans for the Parliament House Vista or even rudimentary sketches of it adds to the difficulty of gauging the impact of this part of the proposal. These deficiencies in turn raise the question why the Referral is being made while plans are still being developed. (For more on this, see paras 27-29 below.)

22. The mitigation measures summarised at Referral para 2.2 and set out more fully in Section 4 and Attachment F are no more than would be expected from competent architects, builders and project managers, and the words 'as far as practicable' and 'where practicable' provide ample wriggle room.

23. National Heritage values and Commonwealth Heritage values are at risk of significant impact in relation to plans for the Parliament House Vista.

Whole of environment impact (Referral para 2.11.1)

24. The Referral admits (in roundabout language) that the 'removal' of Anzac Hall will have significant impacts on Heritage values. As set out above, it is submitted that other aspects of the proposal will also have impacts on these values.

Other issues not covered by the Referral

25. Overlooked but very important are the proposed changes to the Parade Ground to make it larger, more rectangular, and with steeper sides. This has the potential to significantly change the view of the Heritage building from the south. The current scale and axial arrangement of the Parade Ground is significant and would be altered by the proposal.

26. The Eastern Precinct and café are also mentioned in [the Memorial's current Heritage Management Plan](#). The character of the Precinct ([another Cowen Award winner](#)) will be significantly altered by the proposed southern extension of the Bean Building and 'shopfront', copying the post and lintel architecture of the café. The proposal also crowds the Eastern Precinct site, which in turn impacts on the sense of isolation of the main building. Finally, the cumulative impact of the new carpark to the east has been ignored.

27. The other elements of the project are mentioned in passing at Referral para 8.0:

The Project design has been developed iteratively by the selected design consultancies, with a focus on the New Southern Entrance, new Anzac Hall and glazed courtyard. Key elements of the Reference Design prepared to support the DBC (GHD, 2018a), such as the C.E.W. Bean Building extension and refurbishment, C.E.W. Bean Research Centre and additional car parking, have not been included in the Project design but are included as part of the wider Project. The other elements of the Project will be brought forward in a future EPBC referral.

28. That paragraph shows clearly how the Memorial is 'salami slicing' the project so that approval of single and successive stages makes the whole project look like a fait accompli. Heritage Guardians put these questions in its [submission to the National Capital Authority on the Memorial's Works Approval application for carparking](#):

- Is the Authority able to assess this part of the project in isolation from the entire project?
- How can approval for this application be taken as other than acceptance of the project as a whole?

29. These questions apply in the case of the Referral, too. 'Salami slicing' is effectively the gaming of approvals processes. It should be recognised as such.

Misleading or incorrect information in the Referral

The Memorial's references to the project's Detailed Business Case (DBC) are misleading and inconsistent with other public references to the DBC; the DBC should have been an attachment to the Referral

30. Referral para 1.2 says the proposal 'is consistent with the Project's Detailed Business Case (DBC) as announced by the Commonwealth Government in November 2018 and funded in the Mid-Year Economic and Fiscal Outlook 2018-19 (ref. MYEFO 18-19 pg 236)'. Referral para 1.15.1 and a 'Reference source' at page 20 of the Referral pdf say the DBC 'was approved by Government during Mid-Year Economic and Fiscal Outlook (MYEFO) 2018-19'.
31. Does this stack up? The Director of the War Memorial [told Senate Estimates in February this year](#) the DBC 'was fully delivered to the government on time **on 21 December last year**' (page 154 of the Official Hansard; emphasis added). MYEFO 2018-19 was [released on 16 December 2018](#) so the DBC could not have been approved 'during' MYEFO or even during its preparation; it was not even 'fully delivered' to government until 21 December, and that was 'on time'. On the other hand, the Director [told Estimates in October 2019](#) that the government considered the DBC 'in **October last year**' (page 99 of the Proof Hansard; emphasis added).
32. As to an announcement in November, that was [the Prime Minister announcing on 1 November](#) that the government had decided to put \$498 million into the project. But there was nothing in this announcement about the DBC.
33. So, we have a detailed business case that was *not approved* when the Referral says it was and *not announced* when the Referral says it was. If the history of the DBC is rather hazy, the Referral suggests the DBC is an important document for the project: the action proposed in the Referral is consistent with the DBC (Referral para 1.2); the DBC has been developed for the redevelopment of the Memorial (Referral para 1.15.1); the DBC demonstrates that the Memorial lacks space to do its job properly; the DBC is supported by other elements of the 'Reference Design' to be brought forward later (Referral para 8.0).
34. There is another important point about the DBC, and it is another point on which the Referral is opaque. According to [the Department of Finance rules in this area](#), the DBC should have included a P80 cost estimate. P80, according to [the Finance manual on calculating cost assurance](#), 'is a cost that will not be exceeded 80% of the time'. So, at P80,

there is a 20 per cent chance that the projected capital cost (\$498.7m) of the project will be exceeded.

35. The cost assurance question is of particular interest in this context because the Minutes of the Interdepartmental Committee that worked on the Memorial project [are unclear on whether P80 was ever reached](#). The Minutes do say, however, that the Chair of the Memorial Council, Kerry Stokes, gave a 'personal guarantee' to the Prime Minister (then Turnbull) 'that the Memorial would only seek \$500 million' ([Minutes of IDC meeting of 21 August 2018, p. 2](#)).
36. [In Estimates in October this year](#), Senator Steele-John asked Director Nelson about this personal guarantee. Here is the exchange in full:

Senator STEELE-JOHN: Mr Stokes has given the Prime Minister, according to a letter sourced through FOI processes, a personal guarantee to the PM in relation to the \$500 million amount that the memorial is meant to cost. Can we take it from this that, should the project overrun, Mr Stokes intends to cover the overrun cost? What is the nature of this highly unusual personal guarantee to the PM?

Dr Nelson: I'd firstly say, Senator, that I've met a lot of people in my life – I've dealt with a lot of people, as you have – and I regard Kerry Stokes as one of the greatest Australians. I've seen extraordinary acts of philanthropy by this man that no-one will ever know. When he said what he said to – in fact, to correct you – the Treasurer, what he was putting behind that commitment was over 40 years of development, major building and construction in both the public and private sectors. He's overseen major projects not only at the Australian War Memorial but at the National Gallery of Australia and other places, and what he was saying was, "In all of my experience and all of my expertise and my commercial acumen, I can guarantee you this is not going to cost more than \$50 million [sic, Dr Nelson meant to say \$500 million]". He was also expressing his confidence in the quantity surveyors and those who'd done all the costings around the project itself. He wasn't in any way suggesting there was something questionable about the basis of the costings, nor indeed was he suggesting that he would personally underwrite anything that went over the projected budget for the project (Proof Hansard, pp. 104-05).

37. Assuming that everything in Dr Nelson's impromptu encomium for Mr Stokes is true, but noting that the DBC has not been made public, a question remains: is the costing of the project at \$500 million (actually \$498.7 million) based on cost assurance methodology put out by the Department of Finance *or, on the other hand*, is it based on Mr Stokes' experience, expertise and commercial acumen – as conveyed, some time during 2018, to the Prime Minister (or perhaps the Treasurer)?
38. [The paper prepared by Richard Llewellyn](#) showed (see paras 86-88 of the paper) that the \$500 million estimate was public knowledge as far back as early April 2018, so one wonders how many 'quantity surveyors and those who'd done all the costings' had been involved at that point. In the absence of better evidence, the \$500 million looks rather like a figure plucked from the air, a figure which was latter underpinned by concepts and plans – and a tick from the Prime Minister in November 2018. That process of underpinning continues, though it is not much advanced by the information in the Referral.
39. For the avoidance of doubt, the DBC should be made publicly available. The DBC should have been included as an attachment to the Referral; in its absence, the Department should request a copy of it. It is at least as important as, if not more important than the attachments included with the Referral and its non-release is unacceptable.

The Memorial's characterisation of its role does not reflect the wording of its Act

40. Referral para 1.2 has a reference to the Memorial's 'role of telling the story of Australian's [sic] experience in conflicts, peacekeeping and humanitarian operations'. Referral para 1.12 says, 'The AWM Act sets out the purpose, functions and operations of the Memorial'.
41. There is a discrepancy between the two references. Referral para 1.2 picks up the language in [the Memorial's Corporate Plan](#), particularly the words (in its latest revision) under 'Mission', 'Leading remembrance and understanding of **Australia's wartime experience**' (emphasis added).
42. Referral para 1.12, on the other hand, takes us to relevant sections of the [Australian War Memorial Act 1980](#), especially section 5, 'Functions of Memorial', as clarified by section 3, 'Interpretation'. These sections make it clear that Australians' experience is subordinate to the circumstances where it is gained. Thus, Australians have been in 'active service' *in a 'war or warlike operation'* (sections 3 and 5(a)(ii)) and 'Australian military history' is defined as the history of:

- (a) wars and warlike operations **in which** Australians have been on active service, including the events leading up to, and the aftermath of, such wars and warlike operations; and
- (b) the Defence Force (section 3) (emphasis added).

43. The comparison shows that the Memorial has come to target a narrower range of matters than is set out in its Act: the Memorial now focusses on *Australians' experience* rather than on wars and warlike operations *which Australians have experienced*. A proper study of wars and warlike operations in which Australians were on active service would look at the causes of these wars, the experience in them of people other than Australians, and the effects of them on all the nations and peoples involved, not just Australians. ([More on this argument: a 2014 article](#), when the Memorial's Corporate Plan read slightly differently but the same argument applied.)
44. Since its opening in 1941, the Memorial has done very little on this broader canvas. The publicity for the proposed development suggests the Memorial's future concerns will not be very different: it will address what we Australians have done and how well we have done it, not why we did it and whether it was worth it. 'Stories of our heroes are important', [said Memorial Director Brendan Nelson last April](#), 'and must be told as a means of seeking to inspire us to be people who might run into danger for others rather than from it'. This is Boy Scout philosophy masquerading as justification for massive public expenditure.

The Memorial's analysis makes the consultation it undertook on the project seem more substantial than it really was

45. Referral para 1.13 and Attachment D (by consultants The Communication Link) provide detailed analysis of 'stakeholder engagement and consultation' on the project. Attachment D is analytical overkill on steroids, but also misleading; it takes 48 pages to slice and dice the methodology used and the information gathered (going as far as screenshots of Facebook posts) but only mentions in passing – on pages 3 and 11 – that feedback was received from just 134 individuals. This was despite social media reach of 130 000 impressions, targeted promotion to 20 000 individuals, other exercises in mass communication, and forums in Canberra and centres with 'high Defence populations' (Attachment D, pages 3, 8, 9, 14).

46. The Attachment suggests the low response rate could be due to ‘generally low levels of concern around the project ... the existing relationships the Memorial maintains or ... the general positive sentiment that was seen throughout the consultation’ (Attachment D, page 35). It may also have been due, however, to the tight control the Memorial exercised over the process and the impression those taking part gained that they were witnessing a roadshow about a project that was happening regardless, rather than one where their input was genuinely sought. ([Distinguished Australian historian, Douglas Newton, provided input](#) but received no direct personal response to his submission, merely a copy of the consultation summary report at the end of the process.)
47. Only 2.2 per cent of feedback received from those 134 individuals was against the redevelopment (Attachment D, page 4). By contrast with that 134, [the Heritage Guardians Change.org petition against the project received 1236 signatures](#) – and it ran for just two weeks, compared with the Memorial’s eight week consultation program.

Conclusion

48. National Heritage values and Commonwealth Heritage values are at risk of significant impact from the proposal, as set out above. The proposal should be subject to rigorous assessment by the Department as a controlled action under the EPBC Act.
49. Statutory approval processes matter, even when projects are made to seem inevitable, in advance of approvals, because of the political commitments already made to them. Heritage Guardians makes this submission with a belief in the integrity of the process and looks forward to a robust, evidence-based outcome.
50. Heritage legislation is meaningless if it cannot stand against projects that are driven as much by the proponents’ yearning for a legacy and by emotive anecdotes, as by credible evidence of need. Such legislation should also permit the making of firm statements against the ‘salami slicing’ of proposals, where proponents hope that approval for part of a complex project will make the whole project look like a *fait accompli*. Gaming of approval processes in this way reflects well on neither proposal proponents nor approval agencies.

Heritage Guardians

1 December 2019

Contact: Dr David Stephens admin@honesthistory.net.au; 0413 867 972

Heritage Guardians is a small committee coordinating a community campaign against the proposed War Memorial expansion. [The Heritage Guardians campaign diary](#) includes material from [the open letter in March from 83 distinguished Australians](#) opposed to the expansion down to most recently [an op ed from architecture critic, Elizabeth Farrelly](#).

The Australian War Memorial's \$498 million extensions should not proceed. They cannot be justified, they show the Memorial is being given preference over other national institutions, and the money could be better spent. (Open letter)

This is no mere hangar for guns and poppies. This building will represent who we are now, at the intersection of one of the most important songlines in the country (Mt Ainslie to the parliament) with perhaps the most critical moment in history. Can we recreate Bean's uncolossal gem? Or is dull, wasteful, overblown and smug the best Australia we can find? (Elizabeth Farrelly)