



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

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STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY  
Dr Marisa Paterson MLA (Chair), Ms Jo Clay MLA (Deputy Chair), Mr Ed Cocks MLA

## Submission Cover Sheet

Inquiry into ACT's heritage arrangements

**Submission Number: 037**

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The Secretary  
Standing Committee on Environment, Climate Change  
and Biodiversity  
GPO Box 1020  
CANBERRA ACT 2601

Dear Secretary

### **Submission to the Inquiry into ACT Heritage Arrangements**

I am writing to provide some comments and suggestions aimed at improving the ACT Heritage Arrangements against the background of the recent developments involving the Council and the proposed ACT planning reforms and district strategy plans. Thank you for the opportunity to comment.

As residents of Griffith and Narrabundah have indicated in their submission to this Inquiry, within the Further Investigation Areas in the District Strategy maps of the Inner North and Inner South, there are heritage buildings and natural environments that are located within those investigation and transect analysis areas. The fate of these heritage assets and any future possible heritage applications in those areas seems uncertain and a cause for concern. It suggests a serious imbalance in future between development and heritage, with heritage on the losing side.

I have attended several community consultations and meetings about the proposed planning reforms and read the public submissions. While most residents support the protection of heritage and the natural environment, there is an undercurrent of anti-heritage feeling which seems to be driven by misguided worry about housing affordability or by a development at all costs approach. This undercurrent was evident in one public meeting where advocates who did not live in the suburb criticised residents for wanting to preserve the beauty of their established inner north suburb, saying that there should be no beauty (that is, preservation of heritage and trees) until enough in-fill high density housing was built to meet demand. Another manifestation of this “angst” are submissions calling for the removal of heritage protections in Reid, Braddon and Turner and the replacement of these suburbs in their entirety with high density housing. Both sides of this discussion are tense and anxious, stressed and distressed. The role of government is to achieve a workable balance. Improved, robust heritage arrangements are an important element in achieving this balance now and for the future.

I support the suggestions contained in the Griffith Narrabundah Community Association Submission, in particular the wider separation of the ACT’s planning decision-making machinery from heritage decision-making and assessment. There needs to be a hard consideration of whether the Chief Planning Executive should be a member of the Heritage Council, or whether, as an alternative, the Heritage Council could provide a regular report or briefing to the Chief Planner (a model adopted in the architecture of some other statutory authorities).

It would strengthen public confidence and transparency in the Heritage Council if the disclosure of interests requirements were included in the Heritage Act as opposed to regulations and guidelines. The Queensland Heritage Act does this.

I also support the suggestions in the ACT Commissioner of Sustainability and the Environment's submission, in particular, around First Nations Heritage and the widening and sharpening the definition of 'natural heritage' in the Heritage Act 2004. I would like to see the definition of natural heritage widened so that it does not restrict the application of the definition to native flora only. The history of ACT flora and Marion Griffin, Charles Weston and his successors is an extraordinary story. Sadly, in my own suburb new residents haven't had quite the knowledge or appreciation of some of Weston's plantings as other residents, and because the flora is obviously not 'native', it has been "vigorously pruned" from time to time for the view. The EPA has had to step in on several occasions but that soaks up their time and resources from other tasks.

I also seek an indulgence and perhaps this following request is not in line with the terms of reference. It relates to the heritage protection of gardens. I know there are no such protections, and a local resident knew there was no such protection when she spoke to me just before she went to hospital and passed away. She knew that her house eventually would be demolished. The resident said that while she was a bit sad that her mid-century modern architect designed house would be demolished, it was the garden that she wanted saved. Despite the passage of years, and while the house fell into disrepair, the backyard garden which she and an architect had designed became more clearly what it was intended to be, a formal, traditional Chinese scholar's garden with each of the required elements and a changing colour palette for each of the four seasons. It was anything but native, but it was unquestionably beautiful.

Eventually as an exempt development and with no protections, the excavator arrived one morning and by lunchtime the garden was gone; the tens of Japanese maples reduced to matchsticks; the twisted, aged trees snapped; the sky-reflecting pond smashed, mountain-top views gone. I realise it would be hard to provide heritage protection to gardens but as time has moved on, history has reappraised her career and she is emerging as a fierce intellect and trailblazer in her field. Yet as she left for hospital, she said that her best life achievement was her garden.

There was no law or process to protect it. But now, on behalf of this complex and capable woman who lived in the inner north for over thirty years, who was part of the story of post war migration, building the ANU as a leading research university, and Australia's bridge to Asia, I am asking for consideration be given to the heritage protection of gardens.

Thank you for the opportunity to comment.

Yours sincerely

Margaret Henderson