



**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

## Exhibit

### Inquiry into ACT's heritage arrangements

**Exhibit Number: 016**

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## **Geoff Ashley's Oral Evidence to ACT Heritage Inquiry — 16 May 2023**

Good afternoon.

I was born in and grew up in Canberra and received degree in Architecture there before moving to Sydney in 1981. Since 1984 I have worked as a heritage specialist: firstly, with the NSW Heritage Office, then NSW NPWS and since the mid-1990s as a private consultant, with GML in Sydney, then as Director of Context in Melbourne and for the last seven years as Principal of my own practice in Sydney. I am a member of Australia ICOMOS.

I have extensive heritage consultancy experience in the ACT, undertaking more than dozen projects on National, Commonwealth and ACT listed places: the AWM, Lake Burley Griffin, Weston Park, OPH Gardens, the Ainslie Arts Centre and John Andrew's Callam Offices.

I believe that governance related issues that emerged in two of my recent ACT projects are of relevance to the *Terms of Reference* of this Inquiry. In both cases it seemed to me as though the ACT Heritage Unit, even if with the best intentions, acted as 'gatekeeper' in front of the Heritage Council and effectively prevented a review by the Heritage Council on matters that were relevant to it. To me the Unit was overly focussed on currently listed places and approvals rather than working with ACT agencies and promoting heritage conservation in the ACT more generally. I believe that a lack of staff resources and relevant skills did not help this situation with long delays in reviews and approvals.

The examples that prompted my written response raise four broad issues and opportunities.

### **Firstly, increased engagement with the community**

Beyond the ACT, my overall concern in relation to heritage conservation in Australia is that the community's understanding of, and support for, heritage is being lost in the mire of planning controls and processes for listed heritage places.

I believe this was compounded in the ACT via a Self-Government process that drew heavily on existing Commonwealth departments and resulted in a 'top down' approach to heritage management. In other States it has come from a 'bottom up' process via the community to local government and then State governments.

A result of the 'top down' is a sense that engaging with and promoting heritage values in the community appears to be missing while there is a preoccupation with listed places.

There is a need to provide a stronger connection with the ACT community in relation to the identification and communication of heritage values beyond already listed places. This is particularly important as the unique modern aspects of Canberra's heritage require additional effort to communicate that heritage is 'not always old'.

### **Secondly, amendments to the Heritage Act 2004**

To me recent reviews of heritage legislation such as the EPBC Act and the NSW Heritage Act indicate that it is not the acts themselves that are the issue, more of their implementation via clarity on who-does-what-when. Nevertheless, I agree with other submissions that more

can be done in relation to Indigenous heritage and also in requiring an assessment of the impacts on heritage items from development proposed on adjoining properties.

### **Thirdly, Governance**

I believe that it is essential that the review reinforces the role of the Heritage Council as the primary mechanism to advise the Minister on heritage matters in the ACT and that the role of ACT Heritage Unit is to support the Heritage Council in providing that role. Put bluntly, the primary governance path to the Minister should be from the Heritage Unit via the Heritage Council and not from the Heritage Unit via the EPSDD.

To support the Heritage Council's connection to the ACT community and other ACT agencies and organisations resources should be provided to the ACT Heritage Unit so that its staff skills cover all potential attributes of heritage values – including built heritage items.

### **Finally, Approvals, Skills and Advice**

Policy should be developed (with changes in the Act if required) to focus on the need, or indeed requirement, for regular maintenance free from approvals and for the undertaking of minor works provided advice has been received from specialist heritage advisors in a network supported by the Government.

Additionally, increase the provision of heritage skills directly within ACT Government agencies, which would assist an over-stretched ACT Heritage Unit and allow for the heritage aspects of the broader landscape values and responsibilities of the agency to be addressed.

Thank you

### **Text for discussion on my two examples**

I recommended via my role on a National Capital Design Review Panel that the Heritage Council undertake a heritage assessment of a multi-level office building in Civic that would be demolished for a new development. The ACT Heritage Unit did not, in my view, assist in passing that recommendation on, indeed said that no action would be taken until a nomination was received. It seemed happy that all that was needed was DA with a heritage impact assessment done by the proponent who has already made it clear via their heritage consultant that it's not listed therefore there would be no heritage impact.

In the second example, a heritage expert engaged by the ACT Gov (who is now the interim chair of the HC) recommended that two huts in Namadgi NP destroyed in the Jan 2020 bushfire be reconstructed based on heritage values. This was initially opposed in advice from the then Chair of the HC who said all heritage values were lost in the fire. Since then, I have worked with ACT PCS and ACT Heritage Unit resulting in the ACT Government project now supported in public consultation where the archaeological values of the original sites will be retained as well as providing for hut reconstruction nearby to retain the community social heritage values that were not lost in the fire.

My concern here is that the Chair of ACT Heritage Council Chair provided or signed off on advice that may not have reflected consideration by the Heritage Council and was counter to the advice of the heritage expert engaged by the ACT Government to advise on the matter

and therefore, in my opinion, it should have been reviewed by the full Heritage Council. Also, the Chair's advice did not, in my view, fully address the relevant heritage values, (including community social values), or the broader heritage role and specific operational policy of the ACT Government agency within whose operations the listed place was being addressed.

**Additional Text added 17 May 2023**

As a PS to the question asked this morning [when I was providing evidence on 16 May] on heritage grants, I suggested that both grants and some sort of discretionary heritage funding that can go to ACT HC projects and ACT Gov agencies such as ACT PCS would be good. Although I was not involved in the project, the Kosciuszko Huts Association told me of examples where they were put in a difficult position in a contractual and management sense at times on 'grants' made to them that were for ACT PCS places. KHA made a submission to this inquiry and made reference to this, and their President Simon Buckpitt can be contacted for information on [REDACTED].