



# LEGISLATIVE ASSEMBLY

## FOR THE AUSTRALIAN CAPITAL TERRITORY

### SELECT COMMITTEE ON ESTIMATES 2024-2025

Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),  
Miss Laura Nuttall MLA

### ANSWER TO QUESTION ON NOTICE

Asked by: Ms Nicole Lawder MLA

Addressed to: Minister for Housing and Suburban Development

Redirection: N/A

Reference: ACT Heritage

Hearing Date: 05/08/2024

In relation to: Suburban Land Agency and Fence Replacement - Heritage

Concerns

Question Lodgement Date: 05/08/2024

Date Answer Due: 08/08/2024

1. Can the Minister confirm whether the SLA acknowledges responsibility for replacing the fence between the private land at Elm Grove and the public open space, given that the need for replacement arose due to the SLA's land withdrawal and land use variation for the Jacka Stage 2 development?
2. Will the SLA pay for and erect a new fence to protect the heritage fence, given the need for replacement arose due to the SLA's actions, in full or by half?
3. Does the Minister agree with the claim that the cost of the fence replacement (\$10,000) is reasonable and should be shared by the SLA, especially considering that other rural lessees, such as those at Horse Park, have not been required to cover such costs in similar situations?
4. What steps is the SLA taking to ensure that any new fence construction at Elm Grove complies with ACT Heritage standards and adequately protects the heritage-listed fence from potential damage due to public open space activities?
5. Why has the SLA engaged with ACT Heritage in isolation without including the affected party, despite the fact that they are considered the proponent for the fence replacement? Will the SLA include the owner/lessee in future consultations with ACT Heritage regarding the fence at Elm Grove?
6. Can the Minister explain why the SLA's past actions, such as the destruction of the heritage-listed western boundary fence of Elm Grove in 2020, occurred without consultation with ACT Heritage, and what measures are being taken to avoid similar issues in the future?
7. Given the concerns about the existing fence at Elm Grove not being fit for purpose and at risk of damage, what specific measures will be taken to protect the heritage-listed fence from the impacts of the public open space, including public activities and potential vandalism?
8. How does the Minister justify the differing treatment of rural lessees in terms of fence replacement costs and responsibilities, especially when other lessees, such as those at Horse Park, were provided upgraded boundary fences at no cost?

**Yvette Berry MLA:** The answer to the Member's question is as follows:

1. The Suburban Land Agency (SLA) does not share the view that the fence needs to be replaced. The replacement of the fence is a matter for the lessee and is not a requirement for SLA or Government to fund. The letter of offer for the 99 year lease for Elm Gove included the following statement:  
*Please note that if any boundary fencing fronting public roads, Designated River Corridor, Forestry, National Park/Designated nature Reserve or equestrian trails is a Government improvement, as in accordance with normal practice it is vested in the Lessee at no charge, subject to the Lessee being responsible for the maintenance and continuing provision of same.*
2. It is not SLA's responsibility to replace the existing fence. The Lessee has provided advice that the fence is fit for the purpose for farming. SLA has indicated it would consider a proposal from the Lessee regarding the fence and that any consideration would need to include ACT Heritage endorsement.
3. The former Land Development Agency was the owner of the Horse Park property at the time of adjacent development works. SLA continues to engage with the Lessee to find an appropriate outcome. SLA has agreed to consider a proposal from the Lessee to contribute towards half of the costs of new fencing subject to the Lessee securing the relevant heritage endorsement and demonstration of value for money. Site-specific matters are considered when SLA engages with landholders.
4. SLA made an offer to assist, which was acknowledged by the Lessee, for SLA to liaise with ACT Heritage as to the necessary requirements and processes regarding the fence. To assist the Lessee, SLA provided ACT Heritage's advice to the Lessee as to the likely heritage considerations that may be required.
5. SLA made an offer to assist, which was acknowledged by the Lessee, for SLA to liaise with ACT Heritage as to the necessary requirements and processes regarding the fence. The Lessee has been advised to engage directly with ACT Heritage for a comprehensive understanding of the heritage considerations associated with Elm Grove.
6. Prior to the installation of the Western boundary fence by the SLA there was no fence on the western boundary of the Elm Grove property. The Heritage Listing of Elm Grove is part Block 625, Suburb of Harrison, District of Gungahlin ACT, now described as Block 795 Gungahlin. The fence being referenced was not part of the Elm Grove property and therefore not the subject of the heritage listing. The fence was located on an adjacent block and the lease for this block was withdrawn by the Territory prior to development works proceeding in the area. The Lessee raised the issue of the state of fencing on the western side of Elm Grove and subsequently SLA installed a fence along the unfenced western boundary to assist with delineation and land management activities of Elm Grove and the neighbouring land.
7. SLA does not share the view that the fence needs to be replaced. The Lessee has provided advice that the fence is fit for the purpose for farming. The public open space does not impact the fence as the land use is not intended for farming. Matters of potential vandalism or unauthorised access are no more prevalent in this location than any of the surrounding suburbs. Should any issues arise, these should be reported to the relevant authorities.
8. Site-specific matters are considered when SLA engages with landholders. The former Land Development Agency was the owner of the Horse Park property at the time of adjacent development works.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature:

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned to the right of the 'Signature:' label.

Date: 26/08/24

By the Minister for Housing and Suburban Development, Yvette Berry MLA