



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

---

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: 048**

**Date Authorised for Publication: 4 April 2023**



REID RESIDENTS' ASSOCIATION INC.

AO 1247

info@reid.northcanberra.org.au

---

Standing Committee on Environment, Climate Change and Biodiversity  
ACT Legislative Assembly  
GPO Box 1020  
Canberra ACT 2601  
LAcommitteeECCB@parliament.act.gov.au

### **Re: Inquiry into ACT's heritage arrangements**

We thank the Legislative Assembly Standing Committee on Environment, Climate Change and Biodiversity Committee for the opportunity to make comments on the Inquiry into ACT's Heritage Arrangements.

The Reid Housing Precinct (RHP), situated on the flat land at the base of Mount Ainslie, is Canberra's largest [heritage housing precinct](#) with its original Federal Capital Commission, Department of Interior and some dozen houses designed by Kenneth Oliphant built in the late 1920s and early 1930s. These dwellings were placed initially on the Register of the National Estate and were subsequently listed as a precinct as Entry 20023 on the ACT Heritage Register, *ACT Heritage ACT 2004*.

The reasons for placement on both registers is that RHP exemplifies, under Sir John Sulman's influence, the Australian variation on 'Garden City' or 'American Beauty' principles. The RHP still stands as an exemplar of these principles to create healthy working and living environments for urban residents.

The Reid Residents' Association (RRA) archives show that Reid residents, from the very early days, were community minded and, in the decades that followed, residents have been strong advocates for maintaining its heritage values as specified under:

- Features Intrinsic to the Heritage Significance of the Place
  - Statement of Significance
  - Specific Requirements for the Conservation of the Precinct
- (ACT Heritage Register Entry 20023 pp. 3-4; 8)

This advocacy has involved discussions and even disagreements at times with both the National Capital Development Commission and, since self-government, the ACT Government on matters relating to the RHP. We have, still living in the RHP, people who are in their 70s–90s who have long memories of how the suburb was and how inevitably adapting to current ways of living have evolved. However, there is still the need for the Heritage Council and ACT Heritage Unit to be cognisant of the need to conserve the many residual and intrinsic heritage values of the RHP, under the *Heritage Act 2004*.

To this end we would make the following comments in relation to the Terms of Reference:

**a. the effectiveness and adequacy of the operations under the *Heritage Act 2004* including First Nations heritage, and approvals provided under the Act;**

Effectiveness and adequacy of operations and approvals for action specific to the RHP have been irregular over time and this would appear related to the resources allocated to heritage matters and expertise. Unfortunately, the Heritage Council and the ACT Heritage Unit do not have the capacity to place embargos or 'stop work' notices on activities including extensions, alterations, rebuilds, bitumised car parks on verges, encroachment of invasive species on laneways, lack of protection of trees during construction work, replacement of trees of the wrong variety as well as inappropriate tree plantings on verges by some residents.

Further, the effectiveness and adequacy of operations appears constrained by the lack of education and training by government staff and contractors. This may occur because they either do not know what a mandated requirement means in a heritage precinct or perhaps they do not have the necessary equipment or reference tools at hand to see what may or may not be done in such a place. One would hope that it is not because they do not care or that they are under the impression that what they do does not matter.

Awareness and knowledge with regard to the Burra Charter for all parliamentarians, staff and where relevant government officials would be an ideal start, or for some, simply a useful reminder of the importance of the various types of heritage and their fundamental importance to our culture and democracy. These seems even more pressing when considering the deep history of the land on which we live and that on this land, this territory, is the national capital of Australia. Surely, it's time for best practice heritage management.

With regards to First Nations heritage, it appears that representation from the First Nations groups whose land the ACT now occupies excludes groups such as the Ngambri. Please see the following:

The Ngunnawal (Ngunawal) and Ngambri peoples are the indigenous people of the Canberra region and its first inhabitants, having lived in the region for over 20,000 years.  
[archives.anu.edu.au/exhibitions/building-australias-national-university-75-years-australian-national-university-6](http://archives.anu.edu.au/exhibitions/building-australias-national-university-75-years-australian-national-university-6)

**b. the effectiveness of the structure, administration, and operation of the ACT Heritage Council, including the adequacy of governance arrangements between the ACT Heritage Council and ACT Heritage Unit;**

The Heritage Council should not be a vassal but an independent statutory body clearly specified under the Heritage Act with rights to decision making. To improve transparency and accountability the Heritage Council should have the authority publish an independent annual report.

The ACT Heritage Unit should act as a secretariat to the Heritage Council within the limits of a clearly defined remit and should provide 'frank and fearless' advice but not act as an influencer.

To encompass the remit of having the responsibility of managing the ACT Heritage Register, the Heritage Council should include people with the specialist areas of environmental/ecological and multicultural expertise as well as have representation from the First Nations groups whose land the ACT occupies.

The composition of the Council should not include the Chief Planner and/or Director-General of the ACT's Environment, Planning and Sustainable Development Directorate. This has appeared to be an obstacle to genuine and comprehensive heritage decision making. Obviously, decisions made by the Heritage Council would be fully reported to who so ever occupies those roles.

**c. the adequacy of resourcing for the ACT Heritage Unit;**

The management of the full range of heritage objects and places, as the criteria are outlined below, requires professional expertise in a broad range of disciplines and requisite resources.

Under the [Heritage Act 2004](#) (the Act) the Council is responsible for keeping a register of places and objects in the ACT which have heritage significance at the Territory level. A place or object must meet at least one of the heritage significance criteria outlined in the Act to be entered in the register. The criteria are:

- a. importance to the course or pattern of the ACT's cultural or natural history;
- b. has uncommon, rare or endangered aspects of the ACT's cultural or natural history;
- c. potential to yield information that will contribute to an understanding of the ACT's cultural or natural history;
- d. importance in demonstrating the principal characteristics of a class of cultural or natural places or objects;
- e. importance in exhibiting particular aesthetic characteristics valued by the ACT community or a cultural group in the ACT;
- f. importance in demonstrating a high degree of creative or technical achievement for a particular period;
- g. has a strong or special association with the ACT community, or a cultural group in the ACT for social, cultural or spiritual reasons;
- h. has a special association with the life or work of a person, or people, important to the history of the ACT.

The Heritage Council and the ACT Heritage Unit require representation that appropriately addresses the management of the Heritage Register and the capacity to seek very specific specialist knowledge when required.

There is obviously a mindset evident with developers, some politicians and government officials regarding the value of heritage in all its forms. This has profound effects on the Heritage Unit and its decisions. To effect attitude change is well recognised as very difficult, particularly when there are lobbyists with deep pockets and the government has so many big-budget commitments such as investment in the light rail. Education and training would appear to be major agents to change attitudes to heritage. Perhaps looking at heritage

through the economic lens of the benefits of heritage tourism may also serve to re-align some doubting Thomases.

The National Trust Australian Heritage Tourism Directions Paper (2018) recommends the following Guiding Principles:

Successful heritage tourism creates an environment where:

- Authenticity and significance of heritage places can be conserved, protected and shared by investing in people and place;
  - Heritage can deepen, drive and strengthen the tourism story;
  - Mutually beneficial partnerships can be fostered and grown;
  - Enjoyable and enriching visitor experiences can be delivered through engaging story telling;
  - Customers are embraced at all levels as our greatest ambassadors;
  - Commercially robust products, services and sustainable business models are established; and
  - Skills and capacity are nurtured and fostered, particularly in regional Australia
- [www.nationaltrust.org.au/wp-content/uploads/2019/07/Australian-Heritage-Tourism-Directions-paper-.pdf](http://www.nationaltrust.org.au/wp-content/uploads/2019/07/Australian-Heritage-Tourism-Directions-paper-.pdf)

Further, the NT points out that ‘When viewed through the lens of the Tourism Australia Activity Segments, cultural and heritage activity segments are experiencing clear growth across both domestic and international markets. This would indicate the need to capitalise on this growth and there are important recommendations for the way forward in Bruce Leaver’s ‘Essay: Delivering the Social and Economic Benefits of Heritage Tourism’

The market positioning must be directed towards providing experiences rather than merely interpreting landscape, buildings and artefacts. These physical elements must be translated into a living story. The aim is to elicit an emotional connection between the heritage and the visitor. This is the hardest part – and it has to differentiate the place from any where else.

[www.dccew.gov.au/sites/default/files/env/pages/f4d5ba7d-e4eb-4ced-9c0e-104471634fbb/files/essay-benefits-leaver.pdf](http://www.dccew.gov.au/sites/default/files/env/pages/f4d5ba7d-e4eb-4ced-9c0e-104471634fbb/files/essay-benefits-leaver.pdf)

ABS statistics show, since the impact of COVID-19 recovery in tourism jobs (by industry) since the December quarter 2019, the cultural service industry has recovered by 87.6%

[www.abs.gov.au/statistics/economy/national-accounts/tourism-satellite-accounts-quarterly-tourism-labour-statistics-australia-experimental-estimates/latest-release#tourism-industry](http://www.abs.gov.au/statistics/economy/national-accounts/tourism-satellite-accounts-quarterly-tourism-labour-statistics-australia-experimental-estimates/latest-release#tourism-industry)

Time seems right for creating ‘living stories’ and strong and integrated government leadership to enable benefits for managing heritage conservation and the heritage industry. It is good to note the theme this year for the ACT Heritage Festival is ‘Sharing Stories’. We would also like to acknowledge the assistance and genuine support we have had with the Heritage Unit’s Heritage Grant management for the projects to revive Inner North’s (Ainlsie, Braddon and Reid) Pebble signposts. These signposts signify many stories of early Canberra.

It is to be noted that in relation to the RHP there are decisions contingent on having a Conservation Management Plan (CMP) authorised by the Heritage Council for the Reid Park Sports Ground. One can only presume lack of resources has been the reason for not having had this completed in the past. The unfortunate result is that we have had trio of proposals of construction that are totally inappropriate, without very careful modification or actual rejection, for locating these on this place. These include fencing for a community zoned Rangers’ depot, a pre-cast pump station and most recently a telecommunications tower. All have been promoted by different strands of ACT bureaucracy.

If there had been a CMP perhaps the general and unfortunate shabbiness of the Reid Park Sports Ground would also have evolved.

The RHP should also have had a CMP and management of the precinct would be better if such a guiding document was made easily accessible to all government agencies. No doubt the same would apply with other heritage precincts in Canberra.

**d. the operation of heritage legislation in other Australian jurisdictions;**

We support the comprehensive assessment and recommendations made by Professor Roz Hansen AO in her submission to this Inquiry and would urge adjustments be made to the operation of ACT Heritage legislation in line with her suggestions.

We would also highly recommend that when an Entry on the Heritage Register states mandatory requirements, the Heritage Council has the capacity and capability of enforcing these in the full meaning of the word 'mandatory'. It is in the enforcement of heritage requirements that the Government demonstrates that it values heritage.

There are delays and mistakes in decision making. These have related to Mr Fluffy (lethal loose-fill asbestos insulation) rebuilds in the RHP which appear not to have taken into consideration heritage requirements regarding streetscapes. This can undermine the relative intactness and harmony of the suburban and housing design of the RHP and has done so undoubtedly in other heritage-listed Canberra precincts. These seemingly small mistakes nibble away at the cohesiveness of the suburb.

Some years ago, one block's development applications were rejected three times by the then Heritage Council, no doubt being very familiar with Entry 20023, for not meeting various objectives and requirements of the RHP. Ultimately the approval for the rebuild was passed to officials reviewing Major Projects who authorised the rebuild. Consequently, the rebuild stands out as not complying with the following Objectives:

**2.0 CONSERVING LANDSCAPE AND STREETSCAPE VALUES**

**Mandatory Requirements**

2.1b Additions to dwellings or the construction of new dwellings, buildings or structures shall not be permitted closer to a front boundary than the original building line, irrespective of existing encroachments.

2.1d Site coverage of built development (including the area of any dwelling, garage, carport, outbuilding or other roofed area but excluding driveways and unroofed paved areas) on a residential block shall not exceed 27.5% of the area of the block. 2.1e Not less than 40% of the area of a residential block shall be retained as planting area. Planting area means an area of land within a block that is not covered by buildings, vehicle parking and manoeuvring areas of any other form of impermeable surface and that is available for landscape planting.

**3.0 CONSERVING THE UNITY OF BUILT FORM WITHIN THE STREETSCAPE**

**Objective 3.1 - Unity of Built Form for all Dwellings:**

To conserve the unity of built form within the streetscape by ensuring that additions to existing dwellings and new dwellings that are visible from the street or adjacent public domain, reflect and complement the scale, form, and materials of the identified original dwellings in the street.

One of the more recent Mr Fluffy rebuilds has been very successful but only after residents and RRA took action. Perhaps the earlier, unfortunate decision to allow an unsuitable

rebuild influenced a later Council, who passed a development application for a house that would have been totally fine placed in some of the newer suburbs of Canberra. Residents thought otherwise and the matter was made plain to the then owners of that block. Ultimately the block was sold to new owners who engaged a very proficient architect who was able to 'riff' brilliantly on the former FCC dwelling with the result that there was an elegant and appropriate addition to the streetscape.

Consultation should involve resident associations not just immediate neighbours. Many residents have multiple decades of lived experience and understanding of, in this case, the streetscapes of Reid. They have spent many hours dedicating themselves to preserving ACT heritage for the benefit of future communities of the ACT. There is also a very detailed reference Shibu Dutta's *Reid Streetscape Study* funded by a heritage grant from the ACT Government and published by the National Trust Australia (ACT) that should be available for reference to the Council and the Heritage Unit.

**e. how the ACT's heritage arrangements might be improved to guarantee the ACT Heritage Council achieves its statutory functions; and**

Accessing the current legislation relating to heritage matters scattered throughout many documents is a cumbersome process. These need refining and consolidating as does ensuring that the Heritage Council does have statutory status and the resources to engage fully with its functions.

We concur with the two approval system as described in submission to the Inquiry by Professor Roz Hansen AM and her other recommendations:

- Exempt works and pre-lodgement meetings
- Heritage agreements
- Heritage Guidelines
- Conservation Management Plans
- Statement of Heritage Effects
- Hearings
- Notification and Review of Decisions
- Penalties and Offences
- Enforcement
- Interim Preservation Orders
- Stop Orders
- A Heritage Fund

And we concur with her conclusion.

**f. any other related matters with respect to the ACT's heritage arrangements.**

The Government's attitude towards heritage is demonstrated by its commitment to preserving the heritage of Canberra for future generations – its built environment, social and cultural history, parks, gardens and grasslands, stories, green spaces and vistas. There is value in Canberrans, Australians and our international visitors truly understanding how this city, our national city, evolved.

It helps explains why we are here, how others managed, and provides for a more interesting, cohesive and understanding of our society.

Marianne Albury-Colless  
President  
Reid Residents' Association Inc.



**RRA Committee**



President: Marianne Albury-Colless, Secretary: Robyn Bergin  
Treasurer & Public Officer: Roy Jordan  
Committee: Sue Byrne, John Henderson, Amanda Reynolds