



**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: 027**

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Submission to

*Inquiry into the ACT's Heritage Arrangements*

The Standing Committee on Environment, Climate Change and Biodiversity  
Legislative Assembly for the Australian Capital Territory

The purpose of my submission is not to examine all eight questions laid out in the Terms of Reference for the *Inquiry into the ACT's Heritage Arrangements*, but to compare two different periods of my personal experience with both the ACT Heritage Council and the ACT Heritage Unit, the first before 2012 and the second after 2012. Thus, I am concentrating on the first two questions in the list of six questions guiding the inquiry provided by the Standing Committee on Environment, Climate Change and Biodiversity:

A: the effectiveness and adequacy of the operations under the Heritage Act 2004 including First Nations heritage, and approvals provided under the Act; and

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.

1. Before 2012

On 25 August 2011, my late husband, Dr. Bruce Kent, and I received from Jennifer O'Connell, Acting Secretary of the ACT Heritage Council, a *Decision on Heritage Registration* for our 1937 house at [REDACTED] Deakin (Notifiable Instrument NI [REDACTED]), made under the Heritage Act 2004.

This welcome formal individual heritage approval for our house followed a long and thorough process of research, reporting and nomination on our part, numerous inspections of our house and garden and discussions by the highly motivated and expert members of the ACT Heritage Council, including its then Chair, Dr Michael Pearson, Heritage Architect Eric Martin, Architect Peter Freeman, heritage expert Dr. Lenore Coltheart, and Landscape Architect Dr. Dianne Firth. Working closely with them, and coordinating efficiently between them and us, was the head of the ACT Heritage Unit, Dr. Sandy Blair.

[REDACTED], Deakin, is a Department of Interior pattern book design, type [REDACTED]. It was considered to be 'the only highly intact example

of a Department of Interior (DOI) Type ■ house' and as 'evidence of a type of life that is no longer practiced.' (see *Decision on Heritage Registration*, 2011, p. 3). This 2011 decision of the ACT Heritage Council was a new development in that it marked an acceptance of the smaller government homes of Canberra's post-Depression, pre-War, Art Deco architecture as having unique heritage values, in addition to the earlier period of expansive 1920s architecture in such suburbs as Forrest. It also focussed on the work of the ACT's Chief Architect, Edwin Hubert Henderson.

During this extensive period of decision-making, my husband and I downsized to the Roy Grounds' Townhouses in the heritage area of Forrest. In that initial period, both Sandy Blair and Dianne Firth were also instrumental in ensuring that the remaining plot of bamboos outside the south side of our 1960s townhouse could be retained as an integral part of Roy Grounds' original design and, to prevent damage to the concrete blocks, that the ficus which had been planted subsequently on the walls of adjoining townhouses should not be further extended.

The Townhouses, which feature in Tim Reeves and Alan Roberts, *100 Canberra Houses: A Century of Capital Architecture* (ACT, Halstead Press, 2022, pp. 118-119), are situated in the Blandfordia 4 Forrest heritage precinct, but have not yet been individually listed, despite the renown of their Architect and their importance as a 'particularly fine example of the Post-War Melbourne Regional Style of Architecture', (see Australian Institute of Architects ACT Chapter, *Register of Significant Architecture: Forrest Townhouses* (RO 47, July 2019, p. 1). Built in the early 1960s, the Townhouses were also influenced by Japanese architecture, with interior sliding wooden doors. Likewise, the gardens were Asian-influenced, consisting primarily of lawns, Asian trees and, next to the southern walls and northern courtyard walls, plantings of bamboo. This was a style subsequently repeated in such project homes as the Petit and Sevitt houses built in Canberra in the mid to late 1960s, and similarly influenced by Japanese architecture. In addition, the aim of Sir Roy Grounds and his partners, Romberg and Boyd, was to demonstrate that imaginative housing could be built with plain, simple and inexpensive materials, allowing all, including those with lower incomes, to purchase and enjoy them. Finally, the Townhouses are an early example of the passive heating and cooling of residential buildings. As such, they provide medium density housing that could still be very useful as a 'gentle' model to meet current goals of inner Canberra densification.

In 1990, the Heritage Committee of the ACT Chapter of the Australian Institute of Architects entered the Forrest Townhouses block 4, Section 11 of Forrest, into the Institute's Register of Significant Twentieth Century Architecture. In 1996 the building was given an RAIA ACT

Chapter Twenty Five Year Award. And yet, though the ACT Heritage Register listed the Forrest Townhouses as 'important', the place was still listed in the Register as a nomination, yet to be assessed by the Council.

## 2. After 2012

Our subsequent experience with the Heritage Council and the Heritage Unit in relation to the Roy Grounds' Townhouses was quite different after 2012. Between 2012 and the present, I had reason to contact the ACT Heritage Unit over a number of issues affecting the heritage integrity of the Townhouses. When the trees were removed from the lawns, the Heritage Unit had required that they should be replaced, but the Unit failed to oversee this. The trees were not replaced, and the central grassed area, very visible from the street, deteriorated greatly, with cars and trucks parking on the lawns. No warning came to us from the Heritage Unit. When part of the northern courtyard wall collapsed, and had to be rebuilt, the Heritage Unit ignored the earlier requirement by Sandy Blair that the bamboos by the walls facing Dominion Circuit be maintained as part of the original Grounds' design, but instead ordered an unrelated plant to be put there, ignoring my appeals to plant the environmentally safer clumping bamboos, even though these were the same variety required by Sandy Blair for the southern side of our townhouse. Similarly, when more recent owners of the townhouses, who had not experienced the original garden design, decided by majority vote to build a new garden with no reference to that original design, the ACT Heritage Unit refused to consider my appeal, or that of Roy Grounds' daughter, Victoria, herself a landscape designer. Two owners of the Townhouses also replaced their front doors, a signal feature of Grounds' design, with a door of an entirely different design, with not a comment from the Heritage Unit.

But the ultimate failure, in this case that of the ACT Heritage Council, was painfully apparent after July 2019, the year in which the Heritage Committee of the Australian Institute of Architects (ACT Chapter), including [REDACTED], revised its original citation and renominated the Roy Grounds Townhouses for individual heritage listing. In his covering letter, Philip Leeson, President of the ACT Chapter, wrote: 'I would be grateful if the now revised citation could be used to progress the assessment and listing of the Forrest Townhouses to become separately registered with its own heritage guidelines'(AIAA [ACT Chapter], *Register of Significant Architecture*).

Since that July 2019 date, not a word has been heard from the ACT Heritage Council about the fate of the nomination. Moreover, to my knowledge, not a single member of the ACT Heritage Council has made

an official visit to the Townhouses. In my view, such neglect represents not only ignorance of one of Australia's great Architects and an outstanding piece of Canberra architecture, but also insults the judgement of the Heritage Committee of the Australian Institute of Architects (ACT Chapter).

In addition, my experience with the ACT Heritage Council in relation to the heritage Deakin house, although now indirect, has been no less painful. In 2018 and in 2022, I received from the ACT government copies of 2 DAs in respect of properties adjoining the Deakin house. The first was by an owner-builder of a former Mr Fluffy House, who applied to build two houses, one with double storeys, on a formerly single house block (See DA [REDACTED], Deakin, ACT 2600, [REDACTED] 2018). The second applicant provided an Architect's plans for another flat-roofed two-storey house which filled most of the original block (See DA [REDACTED], Deakin, Canberra ACT 2600, [REDACTED] 2022). This involved the removal of a house which had been the retirement home of renowned Canberra architect, Ken Oliphant. Both designs were contrary to the then rules of this special Deakin precinct, which required that any new houses replacing original houses which had had pitched roofs should be rebuilt as houses with pitched roofs, as befitting the older Section of Deakin, which still contained a number of single 1937 houses, all with pitched terracotta-tiled roofs (See ACT Government Environment and Sustainable Development, *Deakin Precinct Map and Code*, 12 December 2017, p. 6).

My submissions pointing out the lack of compliance with the rules that these 2 DAs reflected was summarily dismissed by the government planners and by the ACT Heritage Council. A submission on the second DA by the Deakin Residents' Association was also dismissed. Both DAs were swiftly approved. The sole support for me was offered by Access Canberra, when the builder of the replacements to the original Mr Fluffy house insisted that I pull down, at my own expense, the hedge between our two blocks which was the only protection [REDACTED] [REDACTED] had against the intrusive oversight of his two new houses. His claim was that I could not ignore his request, as the ACT government was on his side. Fortunately, Access Canberra did not support this request.

## Conclusion

A. My radically different experience of the effectiveness and adequacy of operations under Heritage Act 2004 and the approvals provided under the ACT in the pre-2012 and the post-2012 periods suggests that the most significant cause of problems in the heritage sector lies not in the

2004 Heritage Act per se, which is common to both periods, but in other causes, such as the quality and application of the members of the ACT Heritage Council and Heritage Unit staff, an increased workload without a compensating increase in budget or resources and the fluctuating degree of support for Heritage issues within the ACT political system at any one time (See also Claire Fenwicke, 'Heavily Redacted Council Reviews Released, Warns of Imminent Risk to ACT Sites', quoting independent report, *Riotact*, 22 March 2023). Likewise, the degree of cooperation between the Heritage Council and the Heritage Unit appeared outstanding before 2012, whereas after that date it steadily weakened. That is, the causes of weakness in the heritage sector appear more circumstantial than structural.

B. Likewise, my experience of the effectiveness of the structure, administration and operation of the ACT Heritage Council differed greatly between the two separate periods. In the pre-2012 period, the Council was extraordinarily effective, helpful and efficient and the cooperation between the Council and the Heritage Unit, excellent, whereas, in the post-2012 period, the ACT Heritage Council, and by extension, the Heritage Unit, were, in my experience, apathetic almost to the point of invisibility, with a profoundly negative impact on our city's heritage.

By the same token, my conclusion that the causes of weakness in the heritage sector are more circumstantial than structural suggests that the pre-2012 period of strong Heritage Council activity and good cooperation between Council and the Heritage Unit could yet be revived. Given the appointment of new and experienced heritage architects as members of the Heritage Council and trained heritage experts to the Heritage Unit, together with necessary increases in budget and resources and a new determination on the part of the ACT Government to resume taking heritage issues seriously, there should be few barriers to the effort to continue conserving and celebrating the built and environmental heritage of our beautiful city.

Dr Ann Kent

[REDACTED]

[REDACTED]

26 March 2023

[REDACTED]

I have no objection to the publication of my submission and of my name by the Legislative Assembly as part of this important Inquiry.

Sent from my Galaxy