



**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: 012**

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# Speaking Notes – Public Hearing Standing Committee on Environment, Climate Change and Biodiversity Inquiry into ACT Heritage Arrangements

## Governance

The Heritage Unit has an integral role in the determination of development proposals and is appropriately located within the EPSDD. We do not consider a separate Directorate, or location within a different Directorate is appropriate.

As the ACT Government pursues a compact city policy and looks to the established urban areas to meet 70% of growth, heritage considerations are more likely to contrast with planning policy outcomes. This will necessitate a more refined and nuanced consideration of the interplay between planning and heritage outcomes. This necessitates a more detailed consideration of the planning outcomes within the heritage discussions. The benefit from improved urban planning skills through the close interaction between Planning Authority officers and Heritage Unit officers will lead to better heritage outcomes.

## Potential Improvements

The delay in obtaining any information in relation to indigenous heritage is a significant issue for those undertaking due diligence research of sites to determine future development potential.

NSW has an AHIMS (Aboriginal Heritage Information Management System) on-line search system that allows any (registered) user to access basic information on the proximity of indigenous artefacts in the general area. Where artefacts are noted, a further detailed on-line search is required, for a fee. This allows professionals to be aware of heritage issues from the starting point of their research and plan accordingly, usually through more specific specialist field research.

We consider that a comparable system to the NSW AHIMS could be implemented in ACT.

## Modifications to Residential Dwellings in Heritage Precincts

The new 'outcomes -focussed' planning system necessitates a greater reliance on the expertise of the decision-maker to consider matters like neighbourhood character. In a heritage precinct dominated by single dwellings this becomes critical.

At present there is no opportunity for neighbours or other residents to challenge such value judgements about whether modifications or extensions to single dwellings are consistent with neighbourhood (heritage) character. As one dwelling is modified, our members have

advised that the emphasis, at the time of determining the application, seems to be on the changing nature of the heritage precinct, and not so much on retention of the heritage characteristics.

Possibly the opportunity for additional community or neighbour involvement in single dwelling applications could be considered.

### Adequacy of Heritage Act

We do not advocate for a total review of the current Heritage Act, we do consider that there is some opportunity to 'fine tune' some of the provisions. In this regard we suggest a selected review of:

- Provisions that overlap with current (and emerging) Planning Legislation as well as with the current Tree Protection Act (and new Urban Forest legislation).
- Provisions that respond to climate change, such as procedures for modifications to heritage buildings to install solar panels or to facilitate solar passive design.
- Details on the interpretation of the criteria for determining whether a place or object has heritage significance. Many of the criteria (as listed below) relate to consideration of 'importance' and while this must remain a subjective term, some specific guidance on the interpretation of these criteria would assist users of the system.

- (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 important 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.*

**Regulations** - If there is going to be a review of the current Heritage Act 2004 it should investigate opportunities to include day-to-day operational activities as part of the Regulations, rather than in the current Act, or alternatively, implemented as Guidelines or protocols.

Examples: S61 which sets out requirements for Council to give advice on DAs, or Part 10A which sets out requirements for advice on tree damaging activity.