



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: 008

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Standing Committee on Environment, Climate Change and Biodiversity– Inquiry into ACT Heritage arrangements 2023

Dear Committee Members

3. The Griffith Narrabundah Community Association (GNCA) (ABN [REDACTED]) is a not for profit, voluntary community-based organisation operating in the Griffith Narrabundah area. *“The objects and purposes of the Association are to protect the amenity and interests of the Griffith and Narrabundah communities, particularly in relation to the preservation of community facilities and open space”*. The Association has over 450 members.

2. The GNCA is alarmed at the beautiful streets of old Griffith and Narrabundah being designated areas of “future investigation” (fig 36) in the draft Planning Framework out for consultation now.¹ In these areas new three storey buildings can be constructed, and the old streetscapes planned by Griffin, Sulman and Weston will be destroyed. This threatened developmental vandalism is unconscionable.

3. The GNCA welcomes this inquiry into the ACT’s heritage arrangements because:

- a. Griffith was planned by Walter Burley Griffin in 1918.² It is one of the oldest suburbs in Canberra and is regarded as one of Canberra’s original Garden City suburbs.³
- b. Griffith’s heritage areas are well described in the Griffith Neighbourhood Plan.⁴
- c. John Sulman and Charles Weston contributed to the environment and built heritage of Griffith.
- d. Griffith has many of the oldest residences and buildings in Canberra including several original buildings in the Manuka Group Centre and the enclave of single storey detached residences in the Blandfordia 5 Heritage Housing Precinct immediately southwest of Manuka.⁵
- e. In each decade from the 1930s to the present there have been low density, single storey detached residences built in Griffith streets⁶ and owners have contributed to the garden city heritage of the suburb.

¹ Draft Inner South District Strategy

² *Griffith Neighbourhood Plan* ACTPLA 2005 p.4

³ *Griffith Neighbourhood Plan* ACTPLA 2005 p.5

⁴ *Griffith Neighbourhood Plan* ACTPLA 2005 p.22

⁵ *Griffith Neighbourhood Plan* ACTPLA 2005 p.6

⁶ *Griffith Neighbourhood Plan* ACTPLA 2005 p.7

- f. There are 21 sites in Griffith listed on the Heritage Register and 5 in Narrabundah.
- g. Narrabundah was gazetted as a Division name in September 1928.⁷ It was the last of the inner south suburbs to be developed. Construction began in 1947 after the war.⁸

4. In this submission the GNCA draws on recent experience with the operation of heritage provisions in the *Heritage Act, Planning and Development Act* (PDA) and Territory Plan. The GNCA sought review of a decision to approve a development application (DA) relating to the demolition of a building which has been nominated by the National Trust for heritage protection and the Heritage Council purportedly approved the development.

5. The GNCA recommends that the government acknowledge in the Territory Plan the value of heritage protection and demonstrate their understanding of its value by committing resources and realistic legislation to it. The GNCA notes its economic and social benefits.

6. The GNCA supports heritage protection because of its contribution to the high value characteristics of the suburbs. Our heritage is non-renewable capital that has economic and social benefits⁹ including:

- Helping to build community adaptability, cohesion and identity, strengthening social networks and fostering a strong sense of belonging and attachment to place;
- providing continuity and memory that help with the physical and mental health of individuals and society. Positive health outcomes are associated with enculturation, personal and cultural identity, intergenerational continuity, and civic engagement;
- linking natural and cultural heritage allowing broadening of the discussion of sustainability so we can better reflect on our inheritance and stewardship;
- helping to build resilience and stimulates our minds, including helping older members of society and
- contributing to tourism, job creation, skills development and a range of economic activity including creative industries.

7. The GNCA responds to the terms of reference as follows:

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

8. The GNCA considers it inappropriate to comment on the effectiveness and adequacy of operations under the Act in relation to First Nations heritage except to support the widest possible consultation and proper operations. It defers to submissions

⁷ *Narrabundah Neighbourhood Plan* ACTPLA 2005 p.7

⁸ *Narrabundah Neighbourhood Plan* ACTPLA 2005 p.8

⁹ See e.g. The Federation of Australian Historical Societies *Local Government and History Societies: Maximising the value of local history* 2016 p. 2 for a good description of the benefits of local history.

and oral testimony of First Nations people to the Committee and refers to such submissions and testimony to the 2021 NSW Legislative Assembly Inquiry into the NSW Heritage Act (the NSW Inquiry).¹⁰

9. The GNCA has the following comments about heritage consideration of DAs under the Act.

- a. When the assessor of a DA seeks comments from the Heritage Council under s.148 of the PDA they are seeking expert input for their decision making. The Council must give advice to them in accordance with the *Heritage Act*. Sections 60 and 61 of that Act requires them to consider three main points. First, they must see whether the property is listed. Secondly, they must see if it has been nominated. Finally, they must consider whether the development would affect another listed place. Ideally this process would be done according to policy guidelines that delineate the steps in accordance with the law. It is a process followed in other jurisdictions.¹¹Based on its experience the GNCA is not confident that this process is being followed.
- b. The Heritage Council was suspended in August 2022 and abolished on 6 December 2023. The Heritage Council’s purported advice on the Griffith DA of interest to the GNCA was given on 1 December 2022. It was given under a sub-delegation from the Director-General of EPSDD who, in fact, currently holds the delegations for 56 sections of the Heritage Act.¹² So the head of the agency making the decision on the DA is also the head of the agency of the decision maker giving advice. This is inappropriate.
- c. The Heritage Act should be properly aligned with the PDA and its related subordinate legislation. Similarly, if these laws are changed, the new planning laws should be properly aligned.

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 GNCA recommends:

- The separation of the Heritage Council from the Planning Directorate.
- The Heritage Unit should be located away from the planning policy and decision making agency

c. the adequacy of resourcing for the ACT Heritage Unit

The GNCA recommends sufficient resourcing to fulfil the important functions of the Unit including maintaining the Heritage Register, managing the Heritage Precincts and promoting awareness of the value of heritage.

¹⁰ <https://www.environment.nsw.gov.au/policy-and-law/legislation/nsw-heritage-act-review>

¹¹ See Productivity Commission Report *The Conservation of Australia’s Historic Places* 2006 p.105.

¹² Notifiable Instrument NI 2017-326 gives the Director-General the delegations. It was signed on 15 June 2017. His sub delegation is NI2022-406. It was signed on 22 August 2022 and ended on 31 December 2022.

d. the operation of heritage legislation in other Australian jurisdictions

The GNCA recommends an examination of heritage legislation in other jurisdictions.

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

The GNCA supports the independence of the Heritage Council in giving expert advice to government about the proper protection of the ACT's heritage.

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

The GNCA encourages:

- the promotion of awareness of the value of heritage to the Canberra community, and in particular the Griffith and Narrabundah communities;
- the promotion of awareness of heritage value of the Garden City landscape present in the streets of Griffith and Narrabundah;
- Protection of the streetscape of the existing streets in Griffith and Narrabundah;
- Protection of the open spaces in Griffith and Narrabundah and
- Protection of the parks in Griffith and Narrabundah.

In its submission to the current ACT Planning System Review on the Inner South District Strategy the GNCA has strongly opposed the disregard for the heritage of Griffith and Narrabundah evident in the Strategy. In particular:

- There is insufficient regard to heritage in the drivers, targets and implementation pathways.
- The reference to heritage in the Blue Green Network is tokenistic
- Cultural heritage values are not defined.
- The Heritage Act is not listed although other important ACT legislation and policies are included.
- There is an emphasis on heritage sites rather than the heritage character and streetscape of the Inner South.
- The Inner South District Planning Strategy, with its focus on the importance of built and natural heritage, is largely ignored.

For your consideration. Please don't hesitate to contact us if the Committee requires further information

Regards,

David Denham, President Griffith Narrabundah Community Association

3 March 2023