

**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**

DATE: 25 July 2013

VENUE: Executive Meeting Room, Level 3, Dame Pattie Menzies House (South),
Dickson

ATTENDED BY:

Members	Time In	Time Out
Mr Duncan Marshall (Chair)	9.30	12.30
Dr Dianne Firth (Deputy Chair)	9.30	12.30
Dr Michael Pearson	9.30	12.30
Mr John Kemister	9.30	12.30
Dr Warren Nicholls	9.30	12.30
Mr John Miller	9.30	12.30
Ms Pamela O'Neil	9.30	12.30
Dr Lenore Coltheart	9.30	12.30
Ms Sharon Payne	absent	
Chief Planning Executive Ms Dorte Ekelund	absent	
Conservator of Flora and Fauna Ms Penny Farnsworth	absent	

In Attendance: Ms Jennifer O'Connell, Ms Anna Gurnhill, Ms Pamela Hubert,
Ms Fiona Moore, Ms Lisa Solling (part).

Minutes: Mrs Adriana Lulic

OPENING OF THE MEETING

Mr Marshall opened the meeting at 9.35am.

**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**

1.3 Declarations of Personal Interest



As a resident of the nominated Precinct, Dr Firth declared a conflict of interest in item 4.3h - Turner Housing Precinct.



**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**

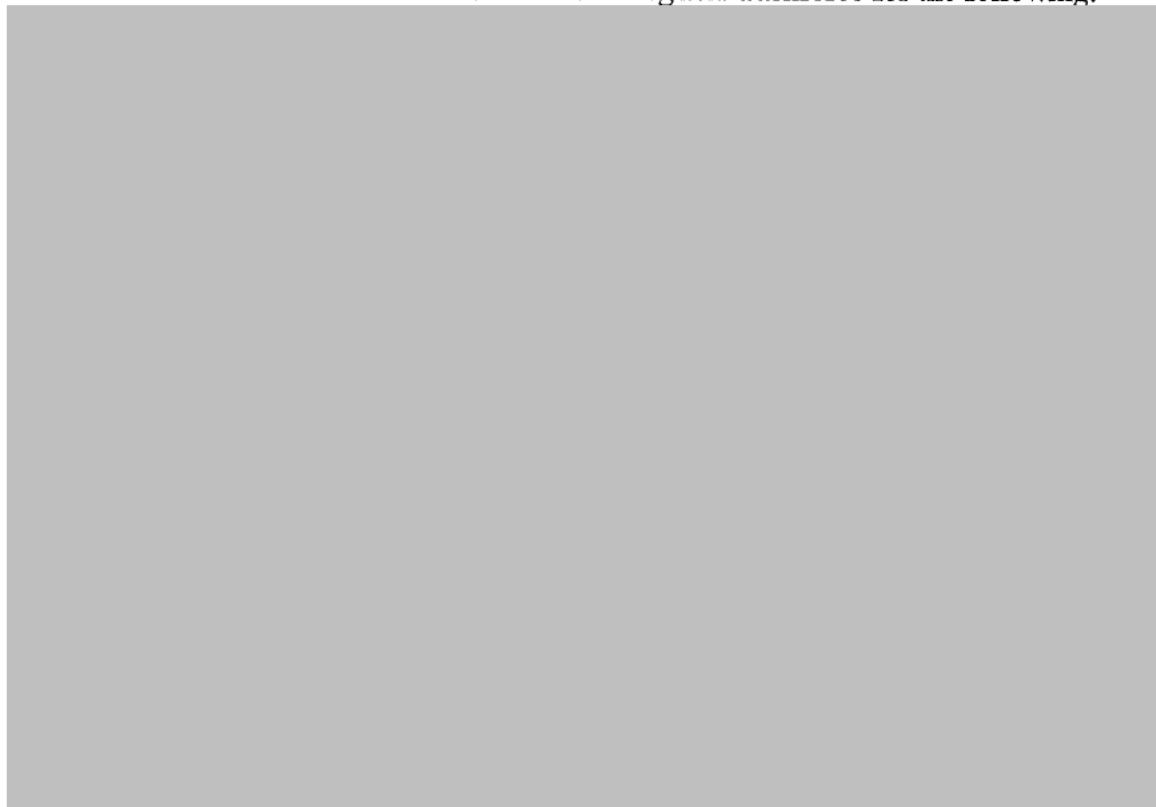


**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**



4.3 Decision on Provisional Registration – Ms Moore

Council considered the recommendations of the Register Taskforce for the following:



4.3h Turner Housing Precinct, Turner

Dr Firth was absent during discussions on the Turner Housing Precinct.

There were minor changes to the Background document and a paragraph at criterion (h) on page 6.

A majority of Council decided not to provisionally register the Turner Housing Precinct and endorsed the Statement of Reasons as amended.

DECISION:

4.3.1 Council decided not to provisionally register the following places:



Turner Housing Precinct, Turner

**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**

Dr Firth re-joined the meeting and was provided a copy of the Statement of Reasons and Background information for the Turner Housing Precinct by a Council member.



**DRAFT MINUTES OF ACT HERITAGE COUNCIL MEETING 56
25 JULY 2013**



Meeting concluded at 12.30pm.

MINUTES OF ACT HERITAGE COUNCIL MEETING 55 9 JULY 2013

DATE: 9 July 2013

VENUE: Executive Meeting Room, Level 3, Dame Pattie Menzies House (South),
Dickson

ATTENDED BY:

Members	Time In	Time Out
Mr Duncan Marshall (Chair)	9.30	11.25
Dr Dianne Firth (Deputy Chair)	9.37	9.50
Mr John Kemister	9.30	11.25
Dr Warren Nicholls	9.30	11.25
Mr John Miller	9.30	11.25
Ms Pamela O'Neil	9.30	11.25
Ms Sharon Payne	9.30	11.25
Dr Lenore Coltheart	9.30	11.25
Dr Michael Pearson	9.30	11.25
Chief Planning Executive Ms Dorte Ekelund	9.30	11.10
Conservator of Flora and Fauna Ms Penny Farnsworth	absent	

In Attendance: Heather Tomlinson, Fiona Moore, Anna Gurnhill.

A/g Secretary: Jennifer O'Connell

Minutes: Richard Hekimian

OPENING OF THE MEETING

Mr Marshall opened the meeting at 9.35am.

1.0 WELCOME



1.3 Declarations of Personal Interest

- As a resident of the precinct nominated, Dr Firth reminded the Council of her conflict of interest in the Turner Housing Precinct.

MINUTES OF ACT HERITAGE COUNCIL MEETING 55 9 JULY 2013

2.0 PREVIOUS MEETINGS

3.0 REGISTER TASKFORCE

3.1 Minutes of Register Taskforce – Mr Hekimian

The minutes of Register Taskforce meeting held on 4 July 2013 were noted.

3.2 Decision on Provisional Registration – Ms Moore

Dr Firth was absent during any discussion relating to this item.

Council considered the advice of the Register Taskforce for the following:

Turner Housing Precinct - sections 47, 48 (excluding Block 24), 49 and 50, Turner

Mr Marshall thanked the Heritage Unit and the Register Taskforce for their work on the nomination, then proceeded to provide some background information on the nomination, noting that the Council had noted the satisfactory completion of the report by Philip Leeson Architects (PLA) and that the Register Taskforce had agreed to try to progress a draft citation for the Turner Housing Precinct for provisional registration although no consensus was reached in favour of registration.

Council discussed the case for and against proceeding to provisional registration. Arguments focused on the integrity of the precinct and whether it was a sufficiently important variation on Garden City design to warrant another registration of a Garden City precinct. In the light of the Briginshaw judgement raised in the recent mural case, the Council then discussed the need for consideration to be given as to how a decision may affect current owners. The Council discussed proceeding the nomination further, with a majority supporting an in principle decision against registration. However, the Council was unable to finalise its decision before developing a statement of reasons. It was agreed to finalise a decision at the next meeting scheduled for 25 July 2013.

DECISION: The Council will finalise its decision on provisional registration of Turner Housing Precinct - sections 47, 48 (excluding Block 24), 49 and 50, Turner at Heritage Council meeting 56.

**MINUTES OF ACT HERITAGE COUNCIL MEETING 55
9 JULY 2013**



Meeting concluded at 11.25am.

Kane, Fiona

From: OConnell, Jennifer
Sent: Monday, 17 September 2012 10:30 AM
To: Kane, Fiona
Subject: FW: Section 47. & 48 Turner

Follow Up Flag: Follow up
Flag Status: Completed

From: [REDACTED]
Sent: Monday, 17 September 2012 9:14 AM
To: Heritage
Subject: Fwd: Section 47 & 48 Turner

Fiona,

My apologies, I inadvertently sent the following message without signing off.

As indicated below my [REDACTED] object to the application and wish our objection to be noted by the council. We are presently away on leave and will respond more formally on our return.

By way of a footnote, we lived at [REDACTED] for some years when [REDACTED] and intend to enjoy Turner again in the near future now that [REDACTED] We hope to redevelop the sites and return with [REDACTED]

[REDACTED] loved our time in Turner and intend to return into a higher standard of accommodation than presently resides on our blocks.

I trust this message is received in the spirit it is sent.

Your sincerely

[REDACTED]

From: [REDACTED]
Date: 17 September 2012 9:02:15 AM AEST
To: "heritage@act.gov.au" <heritage@act.gov.au>
Subject: Section 47 & 48 Turner

Attention: Fiona Kane

Dear Ms Kane

I wish to lodge an interim notice of my concern (objection) regarding the application for heritage listing of sections 47 & 48 Turner.

As a long term owner and resident of two properties in [REDACTED] otherwise known as [REDACTED] and having lived for some years in [REDACTED] wish to formally object to the application for listing the area as heritage.

Sent from my iPhone

PLEASE NOTE This email and any attachments may be confidential. If received in error, please delete all copies and advise the sender. The reproduction or dissemination of this email or its attachments is prohibited without the consent of the sender.

WARNING RE VIRUSES: Our computer systems sweep outgoing email to guard against viruses, but no warranty is given that this email or its attachments are virus free. Before opening or using attachments, please check for viruses. Our liability is limited to the re-supply of any affected attachments.

Any views expressed in this message are those of the individual sender, except where the sender expressly, and with authority, states them to be the views of the organisation.



15 Sept 2012

ACT Heritage Council
GPO Box 158
CANBERRA ACT 2601

RE NOMINATION OF SECTS 47, 48 (excluding block 24 49 & 50 TURNER

I received your letter regarding the Turner Progress Association's application to have the above sections listed on the ACT Heritage Register.

I am the owner of [redacted] and wish to make it known that I am not in favour of the Turner Progress Association's application.

I did not vote for it and am of the opinion that there is NOT strong support in the area for it to become a heritage area.

I would also point out that there have been many additions and rebuilds (including one 3-story unit development 19-21 Condamine St and one in Macleay St, also one in Forbes St) and alterations to existing homes that the houses are no longer representative of the past.

Please consider my thoughts when appraising the application.

Regards



OConnell, Jennifer

From: [REDACTED]
Sent: Tuesday, 18 September 2012 8:27 PM
To: Heritage
Cc: [REDACTED]
Subject: Response to a letter from ACT Heritage Council
Importance: High
Sensitivity: Confidential

Jennifer O'Connell
A/g Secretary
ACT Heritage Council
Subject: - Objection to the nomination of Section 47 Turner for the ACT Heritage Register

Dear Jennifer

I refer to your letter dated 11 September re nomination of sections 47, 48, 49 and 50 Turner that was addressed to Turner residents.

I am owner to [REDACTED] which is under [REDACTED]. The property is currently leased. I have received a copy of the letter through another resident of [REDACTED] Turner. Most tenants do not care to open and pass on letters that are generically addressed as Resident. I am puzzled why such an important issue was not addressed to owners by name.

I am appalled to note that the "Turner Resident Association" has submitted an application seeking an urgent decision by the ACT Heritage Council for the nomination of the blocks under above section to the ACT Heritage Register. I am afraid that a very small number of members of this association (tightly held group) make decisions on behalf of the other residents. This is done without any consultation process with other members who do not get involved or receive any information.

I consider that an attempt for listing under the heritage register is unjust and unreasonable for the reasons as follows.

- 1 A decision was made by ACT Heritage Council on 9 July 2001 rejecting a similar application for inclusion to an interim heritage register.
- 2 The section 47 and blocks have no heritage value.
- 3 A number of houses in the area have already incorporated changes to the interior and exterior of the building incorporation extensive upgrades.
- 4 Design and aesthetic quality of most houses in the sections involved is not valued by most residents.
- 5 I bought property in 2009 with an understanding that the property can be redeveloped.
- 6 A decision to move the listed properties in the ACT Heritage Register will seriously jeopardise my plans for redevelopment as well as plans of other owners who are also considering redevelopment.
- 7 I am afraid that such an unfavourable decision will upset many residents and it may be a serious subject of opposition and joint litigation by several owners.

I sincerely appeal to the ACT Heritage Council to reject the application by TRA.

I look forward to hear from you soon.

Regards



Kane, Fiona

From: [REDACTED]
Sent: Wednesday, 19 September 2012 12:22 PM
To: Kane, Fiona; Heritage
Cc: CORBELL
Subject: Heritage Nomination of Sections 47, 48, 49 and 50 Turner

Follow Up Flag: Follow up
Flag Status: Flagged

To: Heritage Council – Attention Fiona Kane

Copy also to the Minister for the Environment and Sustainable Development

RE: Nominations of Sections 47,48 (excluding Block 24), 49 and 50, Turner to the ACT Heritage Register

Fiona

Thank you for your earlier phone conversation today.

I am representing a client [REDACTED]

I note that Section 47, Blocks 1 to 24 have previously been rejected from inclusion in the Provisional Register by the Heritage Council. This is confirmed by its current R1 status noted on the Register.

[REDACTED]

We assume that the heritage council have either erroneously accepted the nomination for Section 47, Blocks 1 to 24 or that they received information that provides new grounds for registration.

We are unaware of any new circumstance that could give rise to provisional registration of Section 47, Blocks 1 to 24. As this could impact significantly upon my client we are very keen for you to provide us with whatever new information you have or an explanation as to why Section 47, Blocks 1 to 24 should be reconsidered for registration. Such a reconsideration creates uncertainty and anxiety within a redevelopment area that appears unwarranted based on previous decisions of the Heritage Council.

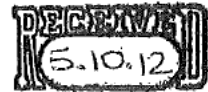
In the interest of transparency can you please provide us with the new reasons why the provisional registration of Section 47, Blocks 1 to 24 was accepted and not dismissed under S30(1)(b) by the Heritage Council?

My client wishes to strongly voice opposition to the reconsideration of Section 47, Blocks 1 to 24 for provisional registration on the grounds that they have previously been assessed and rejected as not having sufficient heritage significance to warrant registration.

A prompt reply would be appreciated.

Regards

[REDACTED]



5 October 2012

Jennifer O'Connell
ACT Heritage Council
GPO Box 158
Canberra ACT 2601

heritage@act.gov.au

Dear Jennifer

Nomination of Sections 47, 48, 49 & 50 Division: Turner

I would like to object to the above sections being considered for heritage nominations, as follows:

1. The sections have been rejected by heritage some time ago – so what has changed?
2. The sections are under RZ3 zoning as detailed in the Territory Plan.
3. I have purchased the property as a potential development site and paid a premium for the same. Should the nomination be considered, I will obtain legal advice to determine my compensation options.
4. The streetscape of these sections have been altered significantly. They do not reflect any heritage period and in any case, these sections should have been considered for heritage well before the territory plan land use changed to RZ3.

Please let me know the outcome as soon as possible, so I can consider my legal options.

Yours faithfully,

