





Chronology – complaints re: 2 Fitzroy Street, Forrest

1996

Forrest Fire Station Precinct entered into the ACT Heritage Register

2004

Approved works undertaken by a previous owner including carport extension

24 June 2013

Pamela Hubert at HU received telephone complaint from [REDACTED] advising that a member of the Inner South Canberra Community Council was concerned about rendering and other works being undertaken at 2 Fitzroy Street Forrest.

Ms Hubert conducted a site visit to confirm the nature of the works, took photographs from the footpath and spoke with the property owner.

The site visit confirmed that the works were:

- Alterations to a brick planter box (non-original)
- Rendering of brick planter box (non-original)
- Removal of letterbox (non-original)
- Removal of driveway pier (non-original)

The property owner advised that the works had been done some time ago.

Ms Hubert advised the owner that Heritage Council approval should be sought before undertaking any works, and provided a copy of the Heritage Guidelines.

The property owner subsequently emailed Ms Hubert with information about the garden wall render.

26 June 2013

On 25 June 2013, Ms Hubert was out of the office on a training course. On returning to the office on 26 June 2013, had a message to ring [REDACTED] [REDACTED] detailed [REDACTED] complaint about the works being undertaken at 2 Fitzroy Street Forrest.

Ms Hubert sent an email to the DA Taskforce of the Heritage Council advising them of the complaint and asking if they believed the Heritage Guidelines for the Forrest Fire Station Precinct had been breached.

2 July 2013

Heritage Council advice provided to property owner that the works do not contravene the *Heritage Act 2004*.

HC also advised property owner in writing to contact the HU prior to undertaking any works to ensure they do not contravene the Act.

8 July 2013

Heritage Council provided letter to [REDACTED] and [REDACTED] advising that an investigation had been undertaken and no offence had occurred.

10 July 2013

HU received a complaint via email from [REDACTED] in relation to a colorbond fence at the property.

12 July 2013

Ms Hubert submitted a formal complaint form to the planning and land authority to advise that an unapproved black colorbond fence had been constructed on the property boundary at 2 Fitzroy Street.

29 June 2013

[REDACTED] emailed Lesley Cameron in Minister Corbell's office, raising concerns about the rendering. In this email, [REDACTED] also raised concern about driveway paving at the front of the residence, and lighting issues.

1 September 2013

ESDD letter provided to [REDACTED] in response to her email to Ms Cameron, signed Ben Ponton. Advised that neither the paving nor lighting raised concerns in relation to the Heritage Guidelines.

24 November 2013

[REDACTED] emailed Ben Ponton, raising concern that a stained glass window had recently been removed, and asking for further clarification about the heritage registration and elements protected through the registration.

27 November 2013

Ms Hubert visited the property to confirm [REDACTED] latest complaint.

The site visit confirmed that an unsympathetic timber door (intended for internal use) with stained glass panels has been removed from the first floor leading to the terrace above the garage. It was a non-original element and, according to the property owner, has rotted through.

Ms Hubert contacted the owner about this matter. The owner subsequently emailed Ms Hubert information about the removal of the door. Again, this matter does not breach the Heritage Guidelines for the Precinct, but the owner was again reminded to contact the HU prior to undertaking any works.

Heritage Council advice has been provided to the owner, advising that there are no perceived heritage issues with the works.



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2 Fitzroy Street Forrest 2603 - Pictures



[Main](#)



[Lounge](#)



[Dining](#)



[Office](#)



[Master ...](#)



[Bedroom](#)



[Outlook](#)



[Stain g...](#)

Past Sales & Property Information

Property Info: [2 Fitzroy Street](#)

Street Info: [Fitzroy Street](#)

Suburb Info: [Forrest](#)

Postcode Info: [2603](#)

Lounge

Photo 2 of 8 |

[View Map](#) |

[Previous Photo](#) |

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Image added on 11/03/2005



Sold with the help of allhomes on 17/02/2006

Agent Details



Peter Blackshaw Real Estate Manuka

P: 02 6295 2433

F: 02 6239 7705

27 Bougainville Street Manuka ACT 2603

www.peterblackshaw.com.au

Peter Blackshaw Manuka Pty Ltd

Licensed Agent & REIACT Member

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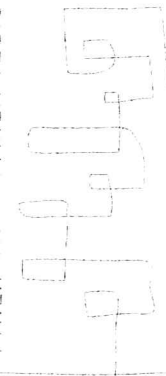


ACT Heritage Advisory Service

The Heritage Advisory Service is supported by the
Heritage Unit Environment ACT

Subject: Neighbour phone enquiry
Contact: Female-no name
Location: 8/35 2 Fitzroy St Forrest
Date: 24.6.13

PHILIPLEESONARCHITECTS



4/9 McKay Street
Turner ACT 2612

T 02 6295 3311
E info@philipleeson.com.au
W www.philipleeson.com.au

Neighbour enquiring into the heritage rules regarding rendering of a low garden wall on the neighbouring fire station house.

David Hobbes advised to send a letter to the Heritage Unit.

Advisor: Philip Leeson, David Hobbes

Distribution: Client Heritage Unit Advisor

Disclaimer: The advice provided as part of the ACT Heritage Advisory Service is not binding on the ACT Heritage Unit and the planning and land authority within the Environment & Sustainable Development Directorate, the ACT Heritage Council or any other government body

Architects Board of the ACT Registration 956 NSW Board of Architects Certificate 6397

Philip Leeson 454466000 David Hobbes 454466000



ACT Heritage Council

Phone: 6205 3195
File ref: Forrest 2-35
Contact Officer: Pamela Hubert

[REDACTED]

cc. [REDACTED]

Inner South Canberra Community Council
PO Box 3310
Manuka ACT 2603

Dear [REDACTED]

Forrest Block 2 Section 35—Wall rendering

I refer to your complaint received 26 June 2013 in regard to works undertaken at Forrest Block 2, Section 35 (2 Fitzroy Street, Forrest). The works you have reported are:

- alterations to the brick planter box on the west side of the driveway,
- rendering of the brick planter box on the west side of the driveway,
- the removal of the letterbox on the west side of the planter box, and
- the removal of the driveway pier and associated garden wall on the east side of the driveway.

These works have been investigated by staff of the Heritage Unit to determine if there are any issues that may constitute a Heritage Offence under the *Heritage Act 2004* or if any other action under the Act is warranted.

The planter box, driveway piers, letterbox and garden wall are not original structures within the Forrest Fire Station Precinct. They are also not part of the dwelling. In view of this, the Heritage Council does not believe that the works contravene the Heritage Guidelines for the Forrest Fire Station Precinct. Under Section 76(2)(i) of the Act, the heritage offence provisions of section 74 of the Act do not apply to work that is in accordance with a heritage guideline. In view of this, a Heritage Offence has not been committed.

The owner of the property has been given a copy of the Heritage Guidelines for the Forrest Fire Station Precinct. The owner has also been advised that for such works, they should seek written confirmation that the Heritage Council has no objection to proposed works prior to commencing work. This applies whether or not the work would require development approval.

You also inquired whether there is any provision to appeal a decision of the Heritage Council. There is no provision in the Act for a member of the public to appeal a decision of this nature by the Heritage Council. Part 12 of the Act has provisions for

civil protection of heritage. Under section 68(b) of the Act a member of the public may make an application for a heritage order to be made to the Supreme Court. However, under Section 68(2) of the Act the Supreme Court may only grant leave for such an application if the Court is satisfied that:

- (a) the person has asked the Council to apply for a heritage order and the Council has failed to do so within a reasonable time; and
- (b) it is in the public interest that the proceeding be brought.

Thank you for your interest in the ACT's Heritage. A copy of the Heritage Council factsheet *How is heritage protection enforced?* is enclosed for your information.

Please contact Pamela Hubert if you wish to discuss this matter further.

Yours sincerely

Jennifer O'Connell
A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL

. . . . July, 2013

Encl.



ACT Heritage Council

Phone: 6205 3195
File ref: Forrest 2-35
Contact Officer: Pamela Hubert

Tomislav Kasunic
2 Fitzroy Street
Forrest ACT 2603

Dear Mr Kasunic

Forrest Block 2 Section 35—Wall rendering

I refer to the visit to Forrest Block 2 Section 35 (2 Fitzroy Street) by Pamela Hubert on 24 June 2013 and your subsequent email. I clarify that the works that were subject of a complaint to the Heritage Unit include:

- alterations to the brick planter box on the west side of the driveway,
- rendering of the brick planter box on the west side of the driveway,
- the removal of the letterbox on the west side of the planter box, and
- the removal of the driveway pier and associated garden wall on the east side of the driveway.

Our investigation confirms that the planter box, driveway piers, letterbox and garden wall are not original structures within the Forrest Fire Station Precinct. They are also not part of the dwelling. In view of this, the Heritage Council does not believe that the works contravene the Heritage Guidelines for the Forrest Fire Station Precinct. Under Section 76(2)(i) of the Act, the heritage offence provisions of section 74 of the Act do not apply to work that is in accordance with a heritage guideline. In view of this, a Heritage Offence has not been committed.

The Heritage Council notes that Section 1.14 of the Planning and Development Regulation provides the following criteria for exempt development in relation to heritage places.

(1) A development must not contravene—

- (a) the *Heritage Act 2004*; or
- (b) the *Tree Protection Act 2005*; or
- (c) the *Environment Protection Act 1997*.

Note Other applicable laws must also be complied with (see s 1.4).

(2) A development (other than a class 10 building or structure) must not—

- (a) be located at a place or on an object included in the heritage register or under a heritage agreement; or

(b) cause any part of a building or structure (other than a class 10 building or structure) to be located at a place or on an object included in the heritage register or under a heritage agreement.

To ensure that works do not contravene the Act, it is suggested that you provide details of the proposed work to the Heritage Unit. The Heritage Unit can then arrange written advice to confirm whether or not the Heritage Council has any objection to the work.

Please do not hesitate to contact Pamela Hubert at the ACT Heritage Unit if you wish to discuss this matter further.

Yours sincerely

Jennifer O'Connell
A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL

. . . . July, 2013



ACT Heritage Council

Phone: 6205 3195
 File ref: Forrest 2-35
 Contact Officer: Pamela Hubert

Tomislav Kasunic
 2 Fitzroy Street
 Forrest ACT 2603

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- the removal of the driveway pier and associated garden wall on the east side of the driveway.

Our investigation confirms that the planter box, driveway piers, letterbox and garden wall are not original structures within the Forrest Fire Station Precinct. They are also not part of the dwelling. In view of this, the Heritage Council does not believe that the works contravene the Heritage Guidelines for the Forrest Fire Station Precinct. Under Section 76(2)(i) of the Act, the heritage offence provisions of section 74 of the Act do not apply to work that is in accordance with a heritage guideline. In view of this, a Heritage Offence has not been committed.

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To ensure that works do not contravene the Act, it is suggested that you provide details of the proposed work to the Heritage Unit. The Heritage Unit can then arrange written advice to confirm whether or not the Heritage Council has any objection to the work.

Please do not hesitate to contact Pamela Hubert at the ACT Heritage Unit if you wish to discuss this matter further.

Yours sincerely



Jennifer O'Connell
A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL

2 July, 2013



ACT Heritage Council

Phone: 6205 3195
File ref: Forrest 2-35
Contact Officer: Pamela Hubert

[REDACTED]

cc. [REDACTED]

Inner South Canberra Community Council
PO Box 3310
Manuka ACT 2603

Dear [REDACTED]

Forrest Block 2 Section 35—Wall rendering

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- the removal of the driveway pier and associated garden wall on the east side of the driveway.

These works have been investigated by staff of the Heritage Unit to determine if there are any issues that may constitute a Heritage Offence under the *Heritage Act 2004* or if any other action under the Act is warranted.

The planter box, driveway piers, letterbox and garden wall are not original structures within the Forrest Fire Station Precinct. They are also not part of the dwelling. In view of this, the Heritage Council does not believe that the works contravene the Heritage Guidelines for the Forrest Fire Station Precinct. Under Section 76(2)(i) of the Act, the heritage offence provisions of section 74 of the Act do not apply to work that is in accordance with a heritage guideline. In view of this, a Heritage Offence has not been committed.

The owner of the property has been given a copy of the Heritage Guidelines for the Forrest Fire Station Precinct. The owner has also been advised that for such works, they should seek written confirmation that the Heritage Council has no objection to proposed works prior to commencing work. This applies whether or not the work would require development approval.

You also inquired whether there is any provision to appeal a decision of the Heritage Council. There is no provision in the Act for a member of the public to appeal a decision of this nature by the Heritage Council. Part 12 of the Act has provisions for

civil protection of heritage. Under section 68(b) of the Act a member of the public may make an application for a heritage order to be made to the Supreme Court. However, under Section 68(2) of the Act the Supreme Court may only grant leave for such an application if the Court is satisfied that:

- (a) the person has asked the Council to apply for a heritage order and the Council has failed to do so within a reasonable time; and
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Thank you for your interest in the ACT's Heritage. A copy of the Heritage Council factsheet *How is heritage protection enforced?* is enclosed for your information.

Please contact Pamela Hubert if you wish to discuss this matter further.

Yours sincerely



Jennifer O'Connell
A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL

8 July, 2013

Encl.





Planning and Development Act 2007, s425
 Construction Occupations (Licensing) Act 2004, s128
**Controlled Activity/Construction
 Occupations Complaint Form**

This form is to be used should you believe that there has been a breach by a licensee or former licensee under the *Construction Occupations (Licensing) Act 2004* (COLA), or an operational Act; and/or a person is conducting or has conducted a controlled activity under the *Planning and Development Act 2007* (PDA). Fields marked with an (*) must be completed.

Before completing this form please read the fact sheet on Development and Construction Occupation Complaints which provides information about breaches of COLA and Controlled Activities.

All reasonable steps will be taken to investigate your complaint.

Please note:

- You may be required to provide further information as part of the investigation process.
- Complaints are prioritised based on the risk to public safety.
- Investigation and action on your complaint may take a significant amount of time to be completed.
- You will be kept informed of the progress of the investigation.

The completed form can be submitted by email to actplalru@act.gov.au or mailed to ACTPLA Investigation Unit, GPO Box 1908, Canberra City, ACT, 2601.

1. Contact details

*Your Name(s)

*Address

*Contact Number Email:

2. Site details (subject of complaint)

Unit Block Section Suburb

*Street Address

3. * Summary of complaint

Unlawful Development

- Development without Approval
 Development not in accordance with approval

Construction Work

- Building
 Electrical
 Plumbing
 Gas

Breach of Lease

- Unclean Leasehold
 Unlawful Use

Licensee

- Unlicensed
 Licence Breach
 Building Certifier
 Works Assessor

Approved form AF2011-1 approved by Neil Savery Planning and Land Authority on 19 January 2011 under section 425 of the *Planning and Development Act 2007* and David Middlemass Construction Occupations Registrar on 20 January 2011 under section 128 of the *Construction Occupations (Licensing) Act 2004*

4. * Complaint details (full description of the complaint. Attach any technical reports or associated material)

A black colorbond fence approximately 2m high has been constructed on the Manuka Avenue boundary and on the boundary between block 8 and block 7 Section 35 forward of the building line of block 7.

There does not appear to be a development approval for the fence. A development approval is needed for a fence between a privately owned property and unleased territory land such as a street frontage and for a fence located in front of a building line.

The use of black colorbond sheeting is not sympathetic to the character of the heritage precinct. A hedge or simple metal picket fence would be considered appropriate in this context.

A photo of the fence is attached.

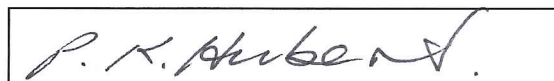
5. Privacy Note

The personal information on this form is being collected to enable processing of your complaint. Collection of personal information is authorised by Part 11 of the *Construction Occupations (Licensing) Act 2004* and Chapter 11 of the *Planning and Development Act 2007*.

6. Acknowledgement

I/we the undersigned acknowledge that I/we have read and understood the details outlined on this form. I/we acknowledge that this complaint, including the personal information provided on this form, may be referred to another ACT Government Agency or ACT Policing for the purposes of investigating the complaint or a breach of another law. I/we declare that all the information given on this form and its attachments is true and correct.

*Signature(s)



*Date





ACT
Government

Environment and
Sustainable Development

Ms Pamela Hubert
GPO Box 158
CANBERRA ACT 2601

Dear Ms Pamela Hubert

Block 8 Section 35 FORREST – Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) on 12 July 2013 regarding the above block. Your complaint will be allocated to an inspector of the Investigations Unit to determine whether a person has committed an offence or is undertaking a breach of the laws administered by ESDD.

You will be contacted within 30 working days from the date of this letter to advise you of the progress of the investigation.

Should you require any further information you may contact the Utilities, Land and Lease Regulation Section on 6207 3022 or via email at actplalru@act.gov.au.

Yours sincerely

Investigations Unit

15 July 2013



ACT
Government

Environment and
Sustainable Development

*Amended letter okay
and signed.*

Objective ID: 13-12983

Thanks.

BRIEF

Ben.

SUBJECT: Heritage issues at 2 Fitzroy Street, Forrest

1-9-2013

A/g

DIRECTOR-GENERAL

*Can we please discuss? Please
see comments at end of Brief*

DEPUTY DIRECTOR-GENERAL, POLICY, CORPORATE AND REGULATION

Thanks,

A/G EXECUTIVE DIRECTOR, POLICY

MT 23.1.13

Ben

PURPOSE

26-8-2013

To provide information in response to a complaint about the investigation of heritage issues at 2 Fitzroy Street, Forrest.

BACKGROUND

2 Fitzroy Street, Forrest (Block 8 Section 35) is within the Forrest Fire Station Heritage Precinct (the Precinct). The Precinct was entered in the Heritage Places Register on 27 September 1996. Under the transitional provisions of the *Heritage Act 2004* (the Act), places on the old Heritage Places Register are taken to be registered under the *Heritage Act 2004*. Specific Requirements for those places are also taken to be Heritage Guidelines under the Act.

The Heritage Unit prepares advice on development matters on behalf of the Heritage Council (the Council). The Council includes a number of Taskforces who provide specialist input into a range of matters. The Development Application Taskforce (DA Taskforce) provides input into advice on development matters. The Advice Team of the Heritage Unit consult with the DA Taskforce on matters that are complex, and/or likely to be controversial as well as matters that do not meet applicable Heritage Guidelines.

When preparing development advice on behalf of the Council, a conservation officer of the Heritage Unit will prepare the advice. This is then checked by a second conservation officer and by the Manager prior to being signed by the acting Manager in her role as acting Secretary of the Heritage Council. A clearance form is used to record the relevant officers who have been involved in this process.

Two members of the Heritage Unit, Ms Pamela Hubert and Ms Fiona Moore, completed the Certificate IV in Government Investigations training in April 2013. This training was undertaken to provide them with appropriate skills to investigate compliance with the Act.

Under Section 76 of the Act, the heritage offence provisions of sections 74 and 75 do not apply if the person engages in conduct that diminishes the heritage value of a place or object if that conduct is in accordance with a heritage guideline.

ISSUES

On 24 June 2013 at 2:10 pm [REDACTED] rang Ms Hubert of the Heritage Unit to lodge a complaint about work undertaken at 2 Fitzroy Street, Forrest. A member of the Inner South Canberra Community Council believed the work to be inconsistent with the Heritage Guidelines for the Forrest Fire Station Precinct. The work specifically mentioned by [REDACTED] related to the rendering of walls.

Ms Hubert visited the site that afternoon to investigate the works and observed rendered garden walls. Photos of the rendered walls, the dwelling and of other properties in the Precinct were taken as a record of the visit.

While at the property, Ms Hubert spoke to the owner of the property, Mr Tomislav Kasunic, about the rendering of the garden walls.

Mr Kasunic advised that the garden walls had been rendered approximately six months previously and that he thought that the work was exempt from development approval. He advised that the walls were rendered to address cracking in the single skin brickwork of the walls. Ms Hubert advised that, because the property is in a heritage precinct, the work is not exempt from development approval if it contravenes the *Heritage Act 2004*.

Ms Hubert provided Mr Kasunic with a copy of the Heritage Guidelines for the precinct and advised that, even for work that might be considered exempt from development approval, if that work is being undertaken at a heritage place, he should seek written confirmation from the Heritage Council that there are no objections to new work prior to undertaking such work.

[REDACTED] Ms Hubert on 25 June 2013 while Ms Hubert was out of the office. Ms Hubert returned her call on her return to the office on 26 June 2013 to discuss the issues. The matters [REDACTED] raised included:

- alterations to the brick planter box on the west side of the driveway;
- rendering of the brick planter box on the west side of the driveway;
- the removal of the letterbox on the side of the planter box; and
- the removal of the driveway pier and associated garden wall on the east side of the driveway.

Ms Hubert advised [REDACTED] that she was currently investigating the matter to determine if the work was in accordance with the Heritage Guidelines for the Precinct.

[REDACTED] questioned whether the fixing of new lights on the building would also be investigated. Ms Hubert advised that new lights were not normally something that were referred to the Heritage Council for advice or that the Heritage Council raised an objection to.

██████████ inquired what avenues ██████████ may have to appeal if ██████████ was not happy with the findings of the Heritage Unit's investigation. Ms Hubert advised that she was not sure but would check and provide that information when she advised of the findings of the investigation.

Ms Hubert asked for a contact address for ██████████ so that she could write to ██████████ and advise the findings of the investigation. Ms Hubert assured ██████████ that ██████████ name would not be given to the owner of 2 Fitzroy Street.

Mr Kasunic sent an email to Ms Hubert on 24 June 2013 explaining that the work had been done in February 2013 and provided the structural engineer's report as background to why the work was done.

Ms Hubert obtained additional evidence to use in her consideration of the complaint including:

- photos of the property on *All Homes* website prior to the garden walls being rendered or demolished, and
- photos of the property prior to the construction of the garden walls.

Ms Hubert discussed the complaint with the acting Manager of the Heritage Unit, Ms Jennifer O'Connell, to confirm her opinion that the work did not breach the Heritage Guidelines for the Precinct.

Ms Hubert sent an email to members of DA Taskforce of the Heritage Council to provide background to the issue and to seek their opinion. Three members of DA Taskforce confirmed their agreement that the Heritage Guidelines for the precinct were not sufficient to require removal of the render or any other action. The fourth member of DA Taskforce was on leave at the time.

Ms Hubert prepared letters to ██████████ and to Mr Kasunic advising of the findings. The letters were checked by Ms Moore in her capacity as a compliance officer prior to being signed by Ms O'Connell as acting Secretary of the Heritage Council. The letter to ██████████ was sent on 8 July 2013. The letters are attached to this brief as Attachment 1 and Attachment 2.

██████████ wrote to Ms Lesley Cameron at Minister Corbell's office on 29 June 2013 to raise this issue.

In her email to Ms Cameron, ██████████ also raised the topic of driveway paving at the front of the dwelling. The Heritage Unit is aware of the changes to the driveway and does not believe that this breaches the Heritage Guidelines for the Precinct or causes detrimental heritage impacts.

Since the complaint in relation to rendering and demolition of the walls was investigated, the Heritage Unit has received a complaint about the construction of a colorbond fence on the Manuka Circle boundary of the property. Because the fence is on a street boundary and forward of the front building line of block 7 Section 35, the fence requires development approval. A development application was not lodged for the fence. The Heritage Unit has

referred the complaint to the ESDD Investigations team as the appropriate jurisdiction to investigate the matter. In the referral, the Heritage Unit has advised that they do not support the colorbond fence and would prefer either a hedge or a simple metal picket fence.

POTENTIAL MEDIA IMPLICATIONS

There are no media implications anticipated at this stage.

BUDGET IMPLICATIONS

There are no budget implications as a result of this matter.

CONSULTATION STRATEGY

No external consultation has been undertaken in preparing this brief.

CRITICAL DATE

12 August 2013

RECOMMENDATIONS

That you:

- note the brief;
- note Attachment 1 – letter from Heritage Council to [redacted] re- investigation findings;
- note Attachment 2 – letter from Heritage Council to Mr Kasunic re- investigation findings; and
- sign the letter to [redacted] at Attachment 3.

A/g Manager, Heritage Unit
Policy, ESDD


Date: 22 August 2013

~~AGREED/NOT AGREED/NOTED/PLEASE DISCUSS~~

Heather / Jennifer,

A/g DIRECTOR-GENERAL

26 August 2013



Contact Officer: Jennifer O'Connell
Position: Acting Manager
Team: Heritage Unit
Phone: 6207 2179

Date: 22 August 2013

Could we please discuss? We only need 10 minutes. I wonder whether the draft response could be more empathetic. The response as drafted has, I think, a risk of generating further correspondence. Thanks. Jen



ACT Heritage Council

HERITAGE ADVICE
Under Part 10 of the *Heritage Act 2004*

ACT Planning Ref:
Heritage Ref: Forrest 8-35
Contact Officer: Pamela Hubert
Received by Council: 28 Nov 2013
Due date:

TO: ACT Planning Authority
Environment and Sustainable Development Directorate
ESDDcustomerservices@act.gov.au
cc. Tomislav Kasuni

Block:	Section:	Division / District:	Heritage Place:
8	35	Forrest	Forrest Fire Station Precinct

Status of Place: Registered Heritage Place
Description of Works: Residential - single dwelling alts + additions
Council Advice provided by: A/g Secretary / Unit Manager

Pursuant to s.148(1) of the *Planning and Development Act 2007* and part 10 of the *Heritage Act 2004*, the ACT Heritage Council (the Council) advises that:

- there is **insufficient information** supplied with this application and further information is required.
- there are **no perceived heritage issues** with this application and a detailed assessment is not required.
- due to the nature or minor scope of the works / lack of visibility from the street the proposed development is **unlikely to detrimentally impact** upon the heritage values of the place and a detailed assessment is not required.
- the proposed development is **unlikely to detrimentally impact** upon the heritage values of the place on the basis of the attached heritage impact assessment.
- the proposed development **will have a significant adverse impact** under section 124A of the *Planning and Development Act 2007*.

NOTES:

The proposal involves replacement of a non-original door to the terrace over the garage with a new door to match the existing front door and replacement of the steel lintel. The proposed replacement with a new door to match the original front door is consistent with the heritage guidelines for the Forrest Fire Station Precinct, in particular requirement iii)a) that "External alterations and additions to the existing dwellings shall be consistent with the existing landscape and streetscape values and reflect and complement the architectural style of the original dwellings. This includes alterations to external finishes and changes including painting and adding or removing rendering."

The Council does not object to the proposed door replacement subject to the new door matching the existing front door and the opening size not being altered.

Date: ... November 2013

Jennifer O'Connell
A/g Secretary (as delegate for),
ACT Heritage Council



ACT Heritage Council

File ref: Forrest 8-35
Contact Officer: Pamela Hubert
Date Received: 28 Nov 2013
Date Due:

Tomislav Kasunic
[REDACTED]

Dear Mr Kasunic

Heritage Advice – Forrest Section 35 Block 8

Please find attached a copy of advice to the ACT Planning and Land Authority, Environment and Sustainable Development Directorate (ACTPLA), regarding proposed works at Forrest Section 35 Block 8.

The Heritage Council notes that Section 1.14 of the Planning and Development Regulation, that provides the following criteria for exempt development in relation to heritage places.

(1) A development must not contravene—

- (a) the *Heritage Act 2004*; or
- (b) the *Tree Protection Act 2005*; or
- (c) the *Environment Protection Act 1997*.

Note Other applicable laws must also be complied with (see s 1.4).

(2) A development (other than a class 10 building or structure) must not—

- (a) be located at a place or on an object included in the heritage register or under a heritage agreement; or
- (b) cause any part of a building or structure (other than a class 10 building or structure) to be located at a place or on an object included in the heritage register or under a heritage agreement.

It is recommended that you contact ACTPLA for advice on whether a development application will be required for the proposed works.

Yours sincerely

Jennifer O'Connell
A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL

. . . . November, 2013



ACT Heritage Council

HERITAGE ADVICE
Under Part 10 of the Heritage Act 2004

ACT Planning Ref:
Heritage Ref: Forrest 8-35
Contact Officer: Pamela Hubert
Received by Council: 28 Nov 2013
Due date:

TO: ACT Planning Authority
Environment and Sustainable Development Directorate
ESDDcustomerservices@act.gov.au
cc. Tomislav Kasuni

Table with 4 columns: Block, Section, Division / District, Heritage Place. Row 1: 8, 35, Forrest, Forrest Fire Station Precinct

Status of Place: Registered Heritage Place
Description of Works: Residential - single dwelling alts + additions
Council Advice provided by: A/g Secretary / Unit Manager

Pursuant to s.148(1) of the Planning and Development Act 2007 and part 10 of the Heritage Act 2004, the ACT Heritage Council (the Council) advises that:

- Checkboxes for heritage impact assessment options: insufficient information, no perceived heritage issues, unlikely to detrimentally impact, and significant adverse impact.

NOTES:

The proposal involves replacement of a non-original door to the terrace over the garage with a new door to match the existing front door and replacement of the steel lintel. The proposed replacement with a new door to match the original front door is consistent with the heritage guidelines for the Forrest Fire Station Precinct, in particular requirement iii)a) that "External alterations and additions to the existing dwellings shall be consistent with the existing landscape and streetscape values and reflect and complement the architectural style of the original dwellings. This includes alterations to external finishes and changes including painting and adding or removing rendering."

The Council does not object to the proposed door replacement subject to the new door matching the existing front door and the opening size not being altered.

Signature of Jennifer O'Connell
Jennifer O'Connell
A/g Secretary (as delegate for),
ACT Heritage Council

Date: 29 November 2013



ACT Heritage Council

File ref: Forrest 8-35
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Date Received: 28 Nov 2013
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Yours sincerely

Jennifer O'Connell

**A/g Secretary (as delegate for)
ACT HERITAGE COUNCIL**

29. November, 2013



ACT
Government

Environment and
Sustainable Development



Dear 

2 Fitzroy Street Forrest Block 8 Section 35

Thank you for your email dated 24 November 2013 regarding concerns about works at the abovementioned place.

2 Fitzroy Street was assessed as part of the broader precinct of the Forrest Fire Station. Please find attached a copy of the assessment (Heritage Register entry) for the precinct. An individual assessment of 2 Fitzroy Street was not undertaken.

The Forrest Fire Station Precinct was entered in the ACT Heritage Register in 1996 for its heritage significance in relation to the architectural design and composition of the precinct, and the landmark status of the fire station. The specific requirements outlined in the Register entry provide further guidance on the conservation of the precinct, namely those aspects which must be retained, and guidance on acceptable alterations, additions and other works.

Under the *Heritage Act 2004*, approval must be obtained for any works that are likely to diminish the heritage significance of a registered place. This can include both original and non-original elements, depending on the heritage values identified for a particular place, and depending on the effect of the works proposed.

To determine whether or not proposed works are likely to diminish the heritage significance of a place, the ACT Heritage Council encourages owners to contact the Heritage Unit for advice, prior to undertaking any works.

In the case of 2 Fitzroy Street, Forrest, the removal and alterations of non-original elements you have referred to in your email do not comprise a heritage offence as they do not detract from the significant features of the precinct. The Heritage Council has provided advice to this effect to the owner in relation to both the replacement of a door to the terrace over the garage, and alterations to the garden retaining wall.

In particular, the Council has noted that the owner intends to replace the non-original door with a new door to match the original front door. This is consistent with the heritage guidelines for the Forrest Fire Station Precinct, in particular requirement iii)a) that 'external alterations and additions to the existing dwellings shall be consistent with the existing landscape and streetscape values and reflect and complement the architectural style of the original dwellings'.

In response to your other queries, where unsympathetic alterations have been undertaken at a registered place, the Council encourages that, where opportunity arises through future works, a more sympathetic character be restored.

I hope this assists in clarifying the effects of registration. Thank you for your concern regarding the continued protection of the ACT's heritage.

Yours sincerely

Mr Alan Traves
Executive Director, Policy