

22 December 2017

Ms Leanne Enoch
Minister for the Environment and the Great Barrier Reef
GPO Box 2454
BRISBANE QLD 4001
environment@ministerial.qld.gov.au

Dear Ms Enoch,

Re: Request for a Stop Order under *Queensland Heritage Act, 1992*

The National Trust of Australia (Queensland) requests that you make a Stop Order, under Division 3, Section 154, of the *Queensland Heritage Act, 1992* for two approved development applications at Lutwyche, Brisbane (DA #A004628058 and DA #A004756525). The two Development Applications relate to the property addresses of:

- 32 LAURA ST LUTWYCHE QLD 4030;
- 33 LAURA ST LUTWYCHE QLD 4030;
- 36 LAURA ST LUTWYCHE QLD 4030;
- 36A LAURA ST LUTWYCHE QLD 4030;
- 37 LAURA ST LUTWYCHE QLD 4030;
- 39 LAURA ST LUTWYCHE QLD 4030;
- 30 THALIA CT CORINDA QLD 4075; and
- 39 LOWERSON ST LUTWYCHE QLD 4030.

We request a Stop Order be placed on the development to prohibit work from starting for the stated activity contained in the two Development Applications.

The proposed activity at the site, which is owned by Retire Australia Pty Ltd, comprises an 8-story retirement facility which will have an unacceptable level of impact on the heritage significance of the nearby property Conon.

The National Trust of Australia (Queensland) believes that Brisbane City Council's method of approving this development via code assessable development and involving no notification or public consultation should not have occurred and we recommend that a Stop Order be made by the Minister to allow time for impact assessment, consultation and subsequent sympathetic re-design of the retirement village.



National Trust of Australia (Queensland) is dedicated to the protection, conservation and celebration of environmental, built and cultural heritage.

The following letter sets out the background to the proposed works and the National Trust of Australia (Queensland's) position in more detail.

Significance of Conon

Conon is listed on the following heritage registers:

- Register of the National Trust of Australia (Queensland);
- Schedule 1 (Heritage Register) of the Brisbane City Plan;
- Queensland Heritage Register; and
- The former Register of the National Estate.

The property is one of the earliest surviving houses in Brisbane and is uniquely set within a large garden setting. The Queensland Heritage Register citation for Conon recognises its significance as follows:

Criterion A: The place is important in demonstrating the evolution or pattern of Queensland's history.

Conon is significant historically as **one of the earliest houses in the Lutwyche area (our emphasis)** demonstrating the housing type of that time and of first wave of residential construction in the area. Evidence of later changes and additions to the house are clearly apparent in the surviving fabric.

Criterion B: The place demonstrates rare, uncommon or endangered aspects of Queensland's cultural heritage.

Conon has significance as a rare survivor of an 1860s house with an early garden in Brisbane. **The scale of the garden and the setting of the house within the more recent suburban fabric of Lutwyche adds to that significance(our emphasis).**

Criterion D: The place is important in demonstrating the principal characteristics of a particular class of cultural places.

The early core provides important evidence of mid-19th century masonry construction. In its present form it exemplifies the evolving house, extending from a modest mid-19th century core into a substantial late-19th century residence, with a cohesive and intact front façade. The changes reflect the changing fortunes and expectations of its original and later owners.



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Criterion E: The place is important because of its aesthetic significance.

Conon sits within a substantial garden which makes a major contribution to the aesthetic significance of the place. The site is surrounded by later suburban houses but the house and its garden retain a nineteenth century ambiance. More recent development is not apparent from within the site and outward views are protected (our emphasis).

Criterion H: The place has a special association with the life or work of a particular person, group or organisation of importance in Queensland's history.

Conon is significant for its association for almost 70 years with the McLennan family, who played an important role in the development of Brisbane in the second half of the 19th century and for its later association with Neil O'Sullivan, at one time Federal Attorney General.

Background to the Development

In November 2005, Brisbane City Council released the Draft Lutwyche Road Corridor Neighbour Plan. The provisions within the plan had potential to heavily impact on the heritage significance of Conon. Numerous submissions were made at the time, including (but not limited to):

- The National Trust of Australia Queensland;
- Dr and Mrs Slaughter (owners of Conon);
- Garden History Association; and
- Windsor Historical Association.

Letters of reassurance were written to the owners stating that the significance of Conon would be amply provided for in the Plan. These letters were from:

- Graham Quirk, Deputy Mayor Brisbane City Council; and
- Stirling Hinchliffe MP, Minister Infrastructure and Planning (both letters attached).

Mr Stirling Hinchliffe's letter in particular stated that:

All development (other than a house) adjoining the Conon to be **subject to impact assessment.**

The Queensland Heritage Register for Conon was based on the size of the landholding at the time of listing. The owners subsequently purchased an adjoining block, which was originally part of the Conon Estate and contain rare and significant elements of the place (specifically the original grass lawn court).



The new block, part of the original estate and directly adjoining the proposed development, was not included in the Queensland Heritage Register listing as it was not in common ownership at the time of listing in 1992. An attached letter from Fiona Gardiner, Director of Heritage for the Department of Environment and Heritage states that:

If the heritage listing boundary was being considered now it would certainly include the tennis court, as original nineteenth century lawn tennis courts are significant and extremely rare in Queensland.

The Development

Earlier this year, Brisbane City Council approved via Code Assessable Development the proposed 8-storey retirement village on the property adjoining Conon. Unfortunately, heritage provisions were not triggered because the QHR listed boundary is not “adjacent” to the development site (under the Heritage Act, it has to be adjacent for the development to impact assessable). The grass lawn court has an adjoining boundary – but because it was owned by someone else when the QHR listing took place, it was not included in the heritage listed boundary.

Because the development was considered code assessable, there was no public notification of the project and the owners of Conon were not informed, nor were any other adjoining neighbours. There was no Statement of Heritage Impact prepared, thus the development was not designed to be sympathetic to Conon.

The development comprises a very large 8-storey retirement facility (see attached design drawings) with most of the bulk and height on the side adjoining Conon. It will be clearly visible from inside the house and from within the grounds. It will tower behind the main elevation of Conon and significant views within the garden will be lost and overshadowed.

Fiona Gardiner, in her letter (attached) further states that:

The 8-storey height of the proposed retirement facility will have significant detrimental impact on the Conon and every measure should be taken to minimise and mitigate the impact.

The following drawings, prepared by Allom Lovell in 2008, illustrate the visual impact of an 8-storey development adjacent to Conon.





Figure 1: Visual impact of an 8-storey building with an insufficient setback from Conon.



Figure 2: Visual impact of an 8-storey building with an insufficient setback and no steeped design.



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Recommendations

The National Trust of Australia (Queensland) encourages careful development with good design - we showcase the results of this with our annual Heritage Awards. We understand that most developments are balancing a myriad of issues and constraints and we welcome a collaborative approach with developers to assist with refining their designs so that the significance of our heritage is not adversely impacted by development.

We are not opposed to a retirement facility being built on the proposed site. However, we believe that the proposed development should have been impact assessable so that the significance of Conon and its setting is retained and not negatively affected.

We request the Stop Order be prepared with the aims of:

- A thorough and robust Heritage Impact Statement be prepared by a qualified and suitably experienced heritage consultant;
- Community consultation be undertaken;
- A re-design of the project occurs, post Impact Statement, which provides an adequate buffer between the development and Conon and which steps the development back from the common boundary, so that the higher levels are further away from the significant setting and view lines.

We look forward to your response. Please do not hesitate to contact me should you wish to discuss this request in more detail.

Yours sincerely,



Jonathan Fisher
Chief Executive Officer

Cc'd:

- Minister for Planning
- Brisbane City Council Lord Mayor
- Councillor Fiona King, Marchant Ward
- Brisbane City Council Director of Planning 
- Chair - Queensland Heritage Council

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- Director Heritage – Department of Environment and Heritage Protection
- Director – Australian Institute of Architects, QLD Chapter
- President Australia ICOMOS
- Dr and Mrs Slaughter
- President – Royal Historical Society of Queensland

Attachments:

- Letter - Graham Quirk, Deputy Mayor Brisbane City Council;
- Letter - Stirling Hinchliffe MP, Minister Infrastructure and Planning;
- Letter – Fiona Gardiner, Director Heritage, Department of Environment and Planning.



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