

Planning and Development (Environmental Significance Opinion - Sutton Road, Majura) Notice 2011 (No 2)*

Notifiable instrument NI2011–779

Made under the

Planning and Development Act 2007 s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – Sutton Road, Majura) Notice 2011 (No 2)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Heritage Council.

The text of the opinion is shown at Annexure A.

4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps
Planning and Land Authority

9 December 2011

*Name amended under Legislation Act, s 60



ACT Heritage Council

Kristen Howard
Principle Engineer
AECOM Australia Pty Ltd
PO Box Q410
QVB Post Office
NSW 1230

Dear Ms Howard

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on your request for an environmental significance opinion for the proposed Sutton Road corridor upgrades (Blocks 515, 306, 474, 665, 664, 693 Majura, and Blocks 66, 91, and 40, Kowen).

The proposal is not likely to have a significant adverse impact to any place or object Registered under the ACT Heritage Register, established under the *Heritage Act 2004*.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours Sincerely

Gerhard Zatschler
Secretary
ACT Heritage Council

28 October 2011

Environmental Significance Opinion

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following Environmental Significance Opinion for the proposed Sutton Road corridor upgrade, located within the district of Majura.

Proponent

Kristen Howard, Principle Engineer, AECOM Australia Pty Ltd.

Location

Blocks 515, 306, 474, 665, 664, 693 Majura, and Blocks 66, 91, and 40, Kowen.

Development Proposal

The proposed road works start from the Pialligo Avenue intersection and extend northwards for a distance of four kilometres along Sutton Road. Minor upgrades to the surface of the road and its horizontal alignment are proposed, altering the road pavement, and widening the clear zone that travels the reserve.

The proponent has sought an Environmental Significance Opinion from the Heritage Council. The proponent is of the view that the proposal is not likely to have a significant adverse environmental impact.

Legislative Context

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an Environmental Significance Opinion that, if successful would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The relevant Schedule 4 items for seeking an Environmental Significance Opinion on this proposal are:

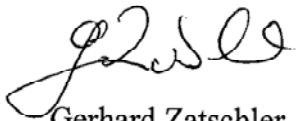
Part 4.3 Item 6

Proposal that is likely to have a significant adverse impact on the heritage significance of a place or object registered under the *Heritage Act 2004*, unless the heritage council produces an environmental significance opinion that the proposal is not likely to have a significant adverse impact.

Opinion

From the heritage assessment and conservation management plan provided in the Environmental Significance Opinion and associated documents, it has been determined that the proposed Sutton Road upgrade is not likely to have an adverse impact on the heritage significance of the two registered Aboriginal places located in vicinity of the proposed development. This is provided the management recommendations endorsed by the Heritage Council and provided in the Conservation Management Plan are adhered to.

Attached is a Statement of Reasons for the decision.



Gerhard Zatschler
Secretary
ACT Heritage Council

28 October 2011

Statement of Reasons for the Decision

Upgrades to the Sutton Road, Blocks 515, 306, 474, 665, 664, 693 Majura, and Blocks 66, 91, and 40, Kowen.

The proposed development is a proposal listed in Schedule 4 Part 4.3 of the *Planning and Development Act 2007*- Development proposals requiring and EIS – areas and processes. The proposal triggers the following Schedule 4 item:

Item 6:

Proposal that is likely to have a significant adverse impact on the heritage significance of a place or object registered under the *Heritage Act 2004*, unless the heritage council produces an environmental significance opinion that the proposal is not likely to have a significant adverse impact.

Issues Considered by the Heritage Council.

In support of the Environmental Significance Opinion (ESO) the proponent submitted the document titled: *Aboriginal Heritage Assessment & Conservation Management Plan, Sutton Road Upgrade* (AECOM, 19 September 2011).

The consultant conducted an assessment at the site of proposed works, and re-assessed two registered Aboriginal heritage places: SR1, and SR2. Mitigation measures were suggested for these two sites (see below).

The conservation management plan also documented the discovery of additional Aboriginal heritage places, and mitigation measures for these were also suggested in the above report. However, the ESO pertains only to registered places and objects, and these additional sites were considered in light of requirements under the *Heritage Act 2004*.

A search was conducted for registered Historic and Natural places and objects, but none were found in the direct locality of the proposed Sutton Road upgrade.

Heritage Impacts

The conservation management plan recommended no direct impacts to registered sites SR1 and SR2 are anticipated as a result of the proposed Sutton Road upgrade. Impacts to non-registered sites will be mitigated under the requirements of the *Heritage Act 2004*.

Mitigation Measures.

The Heritage Council has reviewed mitigation measures recommended by AECOM in the above titled Conservation Management Plan. The Council's responses to these measures for the purposes of this ESO are as follows:

- To mitigate impacts to Aboriginal sites from the proposed works, it is recommended that surface artefacts at Aboriginal sites SUT-IF2-11 and SUT-AS1-11 be collected prior to the commencement of works. The agreement of the ACT Heritage Council must be obtained prior to collection works being undertaken. All collected material should be submitted to the Heritage Unit for archiving. *Support;*
- to avoid potential impacts to Aboriginal sites SR1 and SR2, it is recommended that these sites be fenced prior to commencement of works. Fencing should consist of star pickets with caution netting (mesh) at a radius of at least two meters from the site locations. *Support for site SR1, but note the following for SR2:*
- due to the absence of previously recorded artefacts, and the low-to-nil potential for subsurface cultural and archaeological material, it is not necessarily a requirement of the Heritage Council that registered site SR2 be fenced off prior to construction. Furthermore, the RAOs have not expressed that fencing is necessary for this site, and it will not be directly impacted by the Sutton Road upgrade.
- if unanticipated Aboriginal artefacts are found during construction, work must cease and the site assessed by an archaeologist in consultation with the relevant local Aboriginal stakeholders - *Support;*
- Please contact the Heritage Unit for specific location details for the above mentioned sites.

References

AECOM. *Aboriginal Heritage Assessment & Conservation Management Plan, Sutton Road Upgrade, Canberra, ACT*. ACT Roads. 19 September 2011.