

# Planning and Development (Conditional Environmental Significance Opinion – Blocks 1553, 1613 and 1614, Belconnen – Lower Molonglo Water Quality Control Centre) Notice 2017

Notifiable Instrument NI2017–527

Made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Blocks 1553, 1613 and 1614, Belconnen – Lower Molonglo Water Quality Control Centre) Notice 2017*.

## 2 Conditional Environmental Significance Opinion

(1) On 10 October 2017, the ACT Heritage Council, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Blocks 1553, 1613 and 1614, District of Belconnen, for upgrades to existing fencing, lighting and CCTV cameras.

(2) In this section:

***Conditional environmental significance opinion*** means the opinion in the schedule.

*Note 1:* Under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton  
Chief Planning Executive  
12 October 2017



## ACT Heritage Council

# HERITAGE ADVICE

## *Environmental Significance Opinion*

ACTPLA Reference: 201700034-ESO-01  
Heritage Reference: Belconnen RB 1553  
1613 and part 1614  
Contact Officer: Euroka Gilbert  
Received by Council: 4 September 2017  
Due date: 3 October 2017

**TO:** ACT planning and land authority  
Environment, Planning and Sustainable Development Directorate  
[EPDCustomerServices@act.gov.au](mailto:EPDCustomerServices@act.gov.au)

Location: Belconnen Rural Blocks: 1553, 1613 and part of 1614  
Status of Place: Registered and recorded Aboriginal Places  
Description of Works: Fence removal, upgrade and associated earthworks  
Report Details: “*Lower Molonglo Water Quality Control Centre Fence Upgrade*” (Navin Officer Heritage Consultants 2017)  
Council Advice provided by: Secretary / ACT Heritage Manager

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Pursuant to Section 138AB of the *Planning and Development Act 2007* and Section 60 of the *Heritage Act 2004*, the ACT Heritage Council advises that:

The proposal is **unlikely to have a significant adverse environmental impact**, subject to compliance with the conditions described below.

### **Background:**

On 4 September 2017, an Environmental Significance Opinion (ESO) was referred to the ACT Heritage Council (the Council), for proposed works at the Lower Molonglo Water Quality Control Centre (LMWQCC), including: the removal of existing fences, poles and their footings; the installation of new footings, poles and fencing; and the installation of CCTV and lighting.

To inform the application, IconWater commissioned Navin Officer Heritage Consultants (NOHC) and the Representative Aboriginal Organisations (RAOs) to undertake a cultural heritage assessment (CHA) of proposed work locations, which identified:

- Works would impact two previously registered Aboriginal places, being archaeological sites recorded as ‘LMMQCC Site 1’ and ‘LMMQCC IF 2’; although archaeological survey of both locations in June 2017 did not identify any surface artefacts;
- Archaeological survey recorded one new Aboriginal place, being an archaeological site recorded as ‘LMWQCC Site 3’; which would not be impacted by this project.

The CHA identifies that LMMQCC Site 1 and LMMQCC IF 2 would be damaged by the proposed works, including scraping back of surface vegetation to mineral earth/rock to allow for the installation of above ground plinths. Some machinery will be used as part of this project, to transport materials. On this basis, the CHA proposes the following mitigation measures:

- 1) Install barricading around heritage artefacts as specified in report (10 metres from LMMQCC IF 2 and 20 metres from LMMQCC Site 1) up to edge of construction zone (2m inside of current fence line); with fenced heritage areas identified on all construction maps both on and off site;
- 2) Any construction vehicles essential for fencing outlined below will be driven within northern edge of construction zone (away from artefacts);
- 3) Utilise existing post footings and weld new posts on using welder on back of utility vehicle.
- 4) Cut away vegetation to mineral earth/rock (~50mm deep into ground and 600m wide to key in new 300mm wide plinth and allow for concrete formwork) using 5 tonne rubber track excavator under observation of NOHC and RAOs. Install erosion control measures (coir logs) as necessary in accordance with pollution control plan approved by the ACT Environment Protection Authority. Excavated material retained onsite;
- 5) A program of site inspection of artefact recording and moving will be put in place during the replacement of the fence in the vicinity of sites LMMQCC Site 1 and LMMQCC IF 2. The protocol is included below;
  - Following the removal of the current fence panels and the initial scraping back of surface vegetation, both sites will be inspected by a qualified archaeologist and representatives of the RAOs. A length of 10 metres centring on the recorded location of LMMQCC IF 2 and a length of 20 metres centring on LMMQCC Site 1 will be inspected;
  - If artefacts are encountered a GPS recording will be taken of its location and basic artefact measurements will be taken including size, material type and artefact type; and
  - The artefact will then be moved to a location at least 5 metres away from the fence line into the northern side of the fence line (outside of the LMWQCC) and a GPS recording will be taken of its new location.
- 6) Install temporary concrete formwork boards by hand using temporary pegs;
- 7) Pour concrete via pump truck or wheelbarrow (not via truck pour directly in construction zone given access constraints);
- 8) Remove formwork after concrete curing;
- 9) Carry and install fence rails and wire by hand (fence wire to be rolled out on northern side of construction zone away from protected artefacts);
- 10) Backfill excavated area with excess excavated material against plinth;
- 11) Revegetation; and
- 12) Removal of temporary erosion control measures.


### **Advice and Conditions:**

The ESO application identifies that proposed development will damage Aboriginal places that are subject to *Heritage Act 2004* provisions, on which basis, a formal application has been received under Section 61G of the *Heritage Act 2004*.

The CHA identifies that the Aboriginal places present are low density artefact scatters and isolated artefacts, with limited surface and subsurface potential; and that there are no reasonably practicable alternatives to the proposed work as it is constrained by the current fence alignment. However, the CHA also identifies that the proposed works have been modified to reduce the damage to the Aboriginal places and to minimise the ground disturbance at heritage locations.

On this basis, the Council advises that proposal is unlikely to have a significant adverse environmental impact, subject to the following conditions:

1. Works are not to commence within LMMQCC Site 1 and LMMQCC IF 2 until an Statement of Heritage Effect (SHE) approved by the Council under Section 61H of the *Heritage Act 2004* is in place;
2. That, subject to any conditions identified by the approved SHE, the recommended methodology detailed in "*Lower Molonglo Water Quality Control Centre Fence Upgrade*" (NOHC, August 2017) shall be adhered to;
3. Maps and site details are only to be made available to personnel directly involved with the fencing upgrade;
4. Should any additional heritage places or objects be encountered during works, works at that location are to cease to allow for heritage assessment and management (in accordance with Sections 74 and 75 of the *Heritage Act 2004*) and the discovery is to be reported to the Council within five working days (in accordance with Section 51 of the *Heritage Act 2004*); and
5. No works are to be undertaken beyond the works areas identified in the ESO application without prior advice from the Council.

  
Jennifer O'Connell  
**Secretary (as delegate for),  
ACT Heritage Council**

10 October 2017