

Planning and Development (Conditional Environmental Significance Opinion – Block 5 Section 37, Strathnairn – Strathnairn Residents Trail) Notice 2020 (No 3)

Notifiable instrument NI2020–743

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 (Conditional Environmental Significance Opinion – Block 5 Section 37, Strathnairn – Strathnairn Residents Trail) Notice 2020 (No 3)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 6 November 2020, 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 of a walking trail in the Woodstock Nature Reserve and the Ginninderry Conservation Corridor, on Block 5 Section 37, Strathnairn.

(2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note 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.

Brett Phillips
Delegate of the Planning and Land Authority
19 November 2020



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202000015
Heritage Reference: Strathnairn-S37-B1
Contact Officer: JM
Received by Council: 25 September 2020
Due date: 6 November 2020

TO: ACT planning and land authority
Environment, Planning and Sustainable Development Directorate
EPDImpact@act.gov.au

Block:	Section:	Division / District:	Heritage Place:
1	37	Strathnairn	RC8, RC11, RC14, RC40, RC42, RC43, RC44, RC45, RC46, RC47 and RC48

Status of Place: Aboriginal places
Description of Works: Construction of the Strathnairn Residents Trail
Report Details: *“Ginninderry Stage 1 Recreational Track: Strathnairn Residents Trail: Aboriginal Cultural Heritage Assessment and Statement of Heritage Effects”* (Past Traces, August 2020)
Council Advice provided by: Manager (Approvals and Advice)

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 conditions** described below.

Background:

On 25 September 2020, the ACT Heritage Council (the Council) was referred an Environmental Significant Opinion (ESO) application for the proposed construction of the Strathnairn Residents Trail within Block 1 Section 37 Strathnairn (ESO202000015).

The application is supported by a cultural heritage assessment (CHA) report titled *“Ginninderry Stage 1 Recreational Track: Strathnairn Residents Trail: Aboriginal Cultural Heritage Assessment”* (Past Traces, July 2020).

A revised version of this report titled *“Ginninderry Stage 1 Recreational Track: Strathnairn Residents Trail: Aboriginal Cultural Heritage Assessment and Statement of Heritage Effects”* (Past Traces, August 2020) was also directly submitted to the Council on 7 September 2020, which address previous Council comments that were provided on 1 May 2020. The advice on this ESO is based on the Past Traces (August 2020) CHA on the understanding that this report contains the most contemporary information.

The proposal involves the construction of the Stage 1 recreational trail, known as the Strathnairn Residents Trail, of the Track and Trail Master Plan. This trail is located within the Conservation Corridor of the Ginninderry residential development, West Belconnen, and

GPO Box 158 CANBERRA ACT 2601
heritage@act.gov.au

will involve the construction of a pedestrian and cycle trail of approximately 1 m width. An impact corridor of 10 m was assessed along the proposed alignment with an additional 10 m also surveyed to allow for redesign if required. Construction will include excavation to a maximum depth of 30 cm with a small excavator, which can be transported on the back of a light vehicle. No compounds, storage or access trails are required for the project. The proposal includes an option of minimalist above ground construction in sensitive areas if required. This construction method would consist of a gravel walkway being deposited within the path boundary in the defined sensitive areas. The proposal as submitted does not include any detail of sensitive areas, and as such the Council concludes that this method is not proposed for this section of the trail.

The revised CHA sets out the following key findings and recommendations:

- Four previously recorded Aboriginal sites (RC8, RC11, RC14 and RC40) and seven new Aboriginal sites (RC42, RC43, RC44, RC45, RC46, RC47 and RC48) were recorded in the survey area as part of the assessment. Sites types include isolated finds, artefact scatters and a scarred tree;
- No direct heritage impacts from the trail construction are planned to occur. The alignment has been designed to avoid all heritage impacts;
- Four Aboriginal places, RC11, RC40, RC42 and RC46, are located within the 20 m wide survey corridor. To avoid any indirect and accidental impacts during construction the locations of the sites should be marked with barrier mesh fencing;
- Two Aboriginal places, RC8 and RC14, are within the 10 m impact corridor and are at risk of indirect impacts. To avoid any indirect and accidental impacts during construction the locations of the sites should be marked with barrier mesh fencing;
- Placement and installation of protective fencing is to be undertaken under the direction of the Representative Aboriginal Organisations (RAOs) and a heritage professional who will provide a letter confirming the installation to the Council prior to works commencing;
- The remainder of the Aboriginal places are distant to the works and no management actions are required during or after construction as no indirect impacts are likely to occur as a result of the proposed works. This includes RC44, recorded as a scarred tree of high significance which is located 28 m from the proposed trail; and
- Consultation has been undertaken with the RAOs who have no objection to the proposed walking trails. Consultation was also undertaken with members of the Ginninderry Aboriginal Advisory Group (GAAG), who supported the proposal.

Decision and Conditions:

Following review of the application, the Council advises that the proposal is unlikely to have a significant adverse environmental impact, as the proposal will not cause damage to Aboriginal places, subject to conditions described below:

1. Aboriginal places, RC8, RC11, RC14, RC40, RC42 and RC46 must be fenced prior to works commencing as per the recommendations in the CHA.
 - a. Fence locations are to be demarcated by a qualified archaeologist and RAOs, and fencing must be adequate to physically protect each site, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh. Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs; and the Council is

to be notified of the completion of this action and Council endorsement provided on this step prior to the commencement of other works on the site.

2. The Unexpected Finds Protocol included as Appendix 4 in the CHA must be followed during all ground disturbing works.
3. Should the details of the construction change such that the impact footprint is affected, or the methodology changed, then further Council advice should be sought prior to the commencement of the affected works.
4. The CHA discusses future interpretative signage along the trail route. Any heritage interpretation strategies must be developed in consultation with RAOs and submitted to the Council for advice. A heritage interpretation strategy for the Conservation Corridor should also form part of the Conservation Management Plan currently being prepared for the Conservation Corridor.

The Council understands that this proposal is a small part of a wider trail network proposed within the Conservation Corridor on the Track and Trail Master Plan. The Council will provide advice on additional sections of trail as they are referred.



Meaghan Russell
Manager (Approvals and Advice)(as delegate for),
ACT Heritage Council

6 November 2020