

Planning and Development (Conditional Environmental Significance Opinion – Multiple Blocks, Fyshwick and Pialligo – EvoEnergy – 11kV Cable Installation) Notice 2023 (No 2)*

Notifiable instrument NI2023–208

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 – Multiple Blocks, Fyshwick and Pialligo – EvoEnergy – 11kV Cable Installation) Notice 2023 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 15 March 2023, the ACT Heritage Council, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the Act), gave the Applicant a conditional environmental significance opinion in relation to construction, across multiple Blocks in Fyshwick and Pialligo, of underground high voltage electrical (11kV) and communications cables between the Eastlake zone substation and Fairbairn.

- (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.

Craig Weller
Delegate of the planning and land authority
19 April 2023

*Name amended under Legislation Act, s 60



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202200034
Heritage Reference: ActewAGL & Evoenergy EG
Contact Officer: EG
Received by Council: 31 January 2023
Due date: 15 March 2023

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

Block and Section:	Division:	Heritage Places:
11, 59; 12, 59; 3, 52; 3, 62; 1, 72; 1, 80	Fyshwick	DRS1, DRS1 PAD, PN1, PMG1, Goldenholm Dairy
2, 38; 32, 2; 2, 30	Pialligo	

Status of Place: Aboriginal Places, Registered Heritage Place
Description of Works: Underground electrical infrastructure
Report Details: *“Pialligo to Dairy Road Substation Cabling Alignment: Cultural Heritage Assessment”* (Past Traces, January 2023)
Council Advice provided by: A/g Director, 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.
- ☒ A ***Heritage Act 2004* approval may be required** prior to the commencement of works, as set out below, and works are to comply with the conditions of that approval.

Background:

On 4 October 2022, the ACT planning and land authority referred an application for an Environmental Significance Opinion (ESO) to the ACT Heritage Council (the Council) for a decision (ESO202200034). A delegate for the Council requested further information which was supplied on 31 January 2023.

ESO202200034 relates to a proposal to install approximately 8km of underground electrical infrastructure consisting of new trenches which would be up to 3.4m wide, and approximately 1.4m deep, for electrical conduits, junction pits and under boring break out spaces.

In relation to heritage, the application is informed by the *“Pialligo to Dairy Road Substation Cabling Alignment: Cultural Heritage Assessment”* (Past Traces, January 2023) (the CHA), which has been prepared in consultation with the Representative Aboriginal Organisations (RAOs).

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The CHA sets out that:

- One recorded Aboriginal place (DRS1) and one Potential Archaeological Deposit (DRS1 PAD) are adjacent to the works area, as the alignment has been altered to avoid these places;
- Two registered Aboriginal places (PN1 and PMG1) are located within 100m of works but will not be directly impacted;
- Works will occur in the curtilage of the registered heritage place, Goldenholm Dairy. However, works are not anticipated to diminish the significance of this place;
- The Aboriginal heritage values of the proposed trenching area have been assessed through consultation with RAOs, archaeological survey in June 2022, and review of past studies of the area;
- The CHA notes that DRS1 contains two Aboriginal objects and may be a further extension of site PN1 and PMG1;
- The CHA notes that the cable will be under-bored beneath any archaeological stratigraphic layers;
- Approximately 88m of this cable will be under-bored beneath an area of archaeological sensitivity that occurs to the east of DRS1. No ground disturbance works are proposed in this area, but should a cable joint pit be required, a methodology for heritage monitoring has been prepared;
- The CHA recommends fencing be demarcated and have its boundaries installed with the RAOs and heritage consultant to ensure impacts do not occur to DRS1 and DRS1 PAD; and
- In the event that additional Aboriginal places and objects are encountered during construction works, the Unanticipated Discovery Plan set out in Appendix 2 is to be implemented.

The CHA also sets out that all RAOs were consulted about the proposal and the draft CHA, and invited to participate in the June 2022 archaeological survey of the proposed project footprint. As a result, King Brown Tribal Group, Mirrabee and Ngarigu Currawong Clan participated in the inspection and discussed management recommendations on site. Buru Ngunnawal Aboriginal Corporation was unable to attend the survey. Two versions of the draft CHA (to allow consultation on the change to the alignment and underboring) have been provided to RAOs for comment. No comments have been received to date.

The project footprint has been modified so that works are located to the east of DRS1 PAD, and are therefore considered unlikely to cause damage or disturbance to this place.

Decision and Conditions:

Following review of the application, the Council advises that the proposed development is unlikely to have a significant adverse environmental impact, subject to the below conditions:

1. The proposed fencing to protect DRS1 PAD from potential indirect impacts, shall be placed in collaboration with the RAOs and the project archaeologist, and imagery of its placement and details of its location provided to the Council prior to works commencing in the Pialligo area; and
2. The identified area of archaeological sensitivity is partially located on Territory Land and partially location on National Land. The methodology for monitoring of excavation Joint Pits, if required, at Section 5.3.3 of the CHA is broadly supported for those parts located on Territory Land, however a Statement of Heritage Effect application under the Section 61G of *Heritage Act 2004* would need to be received and approved by the Council prior to the methodology's enactment. This should be undertaken as a matter of priority to prevent potential delays to the proposed works. The proponent should seek advice from the relevant Commonwealth agency regarding any necessary approvals required for monitoring, if required, on National Land.

A handwritten signature in black ink, appearing to read 'MRussell', is positioned at the top left of the page.

Meaghan Russell
**A/g Director, Approvals and Advice (as delegate for),
ACT Heritage Council**

15 March 2023