

Planning and Development (Conditional Environmental Significance Opinion – Block 5 and part Block 7 Section 47, Franklin – Budjan Galindji Nature Reserve) Notice 2023 (No 2)*

Notifiable instrument NI2023–520

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 and part Block 7 Section 47, Franklin – Budjan Galindji Nature Reserve) Notice 2023 (No 2)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 1 August 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 proposed landscape remediation and enhancement works at the Budjan Galindji Nature Reserve, Block 5 and part Block 7 Section 47, Franklin.

(2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under the Act, s 138AD (6) 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
28 August 2023

*Name amended under Legislation Act, s 60



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202300015
Heritage Reference: Franklin – S47-B5
Contact Officer: DB
Received by Council: 12 July 2023
Due date: 23 August 2023

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

Block:	Section:	Division / District:	Heritage Place:
5, 7	47	Franklin	FWPAD1 and FW1

Status of Place: Nil registered or recorded in project footprint
Description of Works: Landscape remediation and enhancement works
Report Details: “*Budjan Galinji – Franklin Grasslands: Excavation Results and Statement of Heritage Effects*” (CHMA, June 2023)
Council Advice provided by: Manager, Conservation Planning and Major Projects

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**.

Background:

On 12 July 2023, the ACT Heritage Council (the Council) received a direct submission containing further information in relation to Environmental Significance Opinion application (ESO202300015). The ACT planning and land authority then referred this report as further information on 28 July 2023.

The ESO concerns the proposed remediation and enhancement works associated with improving Golden Sun Moth (GSM) habitat and Natural Temperate Grassland (NTG) community, as well as the construction of key visitor infrastructure at Budjan Galindji Nature Reserve (Franklin Block 5, Section 47, and part Block 7, Section 47).

The Parks and Conservation Service (PCS) propose to enhance the site and encourage public visitation in an effort to promote interest in and engagement with the grassland ecosystems.

The subject blocks contain an area of potential archaeological deposit ‘FWPAD1’ and a probable culturally modified tree ‘FW1’. The Council approved an Excavation Permit on 19 May 2023, to undertake subsurface archaeological investigations within that portion of the identified FW PAD1 for which impacts were proposed.

On 4 July 2023 the Council provided advice on ESO202300015 which requested further information relating to the testing results from FWPAD1 to demonstrate that significant adverse heritage impacts were unlikely to result from the proposed development.

On 12 July 2023, the Council received the report titled “*Budjan Galinji – Franklin Grasslands: Excavation Results and Statement of Heritage Effects*” (CHMA, June 2023), which demonstrated that no significant adverse heritage impacts are likely from the proposed landscape remediation and enhancement works at Block 5 and part Block 7 Section 47 Franklin, as no Aboriginal artefacts or cultural materials were identified during the subsurface testing program.

Advice

Following review, the Council advises that the proposal is unlikely to have a significant adverse environmental impact, as no Aboriginal places or objects or heritage places or objects will be impacted by the proposed works within the Budjan Galindji Nature Reserve, subject to the below conditions:

1. The “*Budjan Galinji – Franklin Grasslands: Excavation Results and Statement of Heritage Effects*” (CHMA, June 2023) should be finalised to include consultation with Representative Aboriginal Organisations and be submitted directly to the Council for endorsement;
2. Works must not impact that part of FWPAD1 which has not been subject to subsurface test investigations;
3. The recommendations from CHMA (2023) in relation to FW1 should be adhered to including:
 - a. Site FW1 should be assessed by a qualified arborist to confirm age and health of the tree and to assist in establishing a management plan for the tree;
 - b. Removal of the tag hammered into the side of FW1 in response to the outcomes of Representative Aboriginal Organisations consultation;
 - c. FW1 must not be impacted by the proposed works. High visibility construction fencing is to be installed around the tree during proposed works, with a suitable buffer determined by the arborist on the basis of protecting the health of the tree. Alternatively, a buffer of 5m radius from the drip line of the tree is considered appropriate. Construction fencing is to be removed upon conclusion of works; and
4. Should Aboriginal objects or places be unexpectedly encountered, works at those locations must cease to allow for heritage assessment and management (in accordance with Section 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*). The discovery must then be managed in accordance with any Council advice.

Note: If the project footprint is altered and impacts are proposed to FWI or the part of FWPADI which has not been subject to heritage investigations, then further Council advice will be required.

A handwritten signature in black ink, appearing to read 'G. Caddy', with a horizontal line drawn across the middle of the signature.

Gabriele Caddy
**Manager Conservation Planning and Major Projects (as delegate for),
ACT Heritage Council**

1 August 2023