

Planning and Development (Environmental Significance Opinion – AFP Gas Main Extension) Notice 2014 (No 1)

Notifiable instrument NI2014–639

made under the

Planning and Development Act 2007, s138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – AFP Gas Main Extension) Notice 2014 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

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

The text of the opinion is shown at Annexure A.

Note: A copy of the opinion may be obtained from the Environment and Planning Directorate website:

http://www.planning.act.gov.au/topics/design-and-build/assessment_of_dev/environmental_assessment/environmental_significance_opinions

4 Completion

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

Dorte Ekelund
Environment and Planning Directorate
6 December 2014



ACT Heritage Council

HERITAGE ADVICE Under Part 10 of the *Heritage Act 2004*

ACTPLA Reference: 201400244
Heritage Reference: Advice-Majura
Contact Officer: Meaghan Russell
Received by Council: 16 September 2014
Due date: 30 October 2014

TO: ZNX
copy to ACT planning and land authority
Environment and Planning Directorate

Rural Block:	Division / District:	Heritage Place:
48	Majura	Nil Registered or Recorded (in works area)
696	Majura	
731	Majura (adjacent to)	
732	Majura (adjacent to)	

Status of Place: Nil Registered or Recorded
Description of Works: Proposed Gas Main Extension, Madigan Street, Hackett to AFP Complex, Pialligo
Council Advice provided by: Secretary / Unit Manager

Pursuant to s.148 (1) of the *Planning and Development Act 2007* and s.60 of the *Heritage Act 2004*, the ACT Heritage Council advises that:

- ☒ There are no perceived heritage issues with the proposed development, which is considered **not likely to have a significant adverse impact** on the heritage values of the place. No additional information is required.

Background:

The AFP Training Complex in Pialligo currently utilises temporary on-site gas storage to supply the facility, although in recent times this has become insufficient to meet demand and a permanent supply solution is proposed via an extension to the gas main in Hackett.

The proposed gas main extension would extend for approximately 3200 metres, from the existing connection adjacent to Madigan Street, Hackett, through the Mount Majura Nature Reserve to the AFP Training Complex on Majura Road. The 100 millimetre diameter pipe would be installed primarily through open trenching (approximately 300 millimetres wide and at least 750 millimetres deep), within a temporary construction zone no greater than six metres wide. Directional case boring would also be utilised where the pipeline crosses Mackenzie Street, the Majura Parkway (which is currently under construction), Majura Road, and the drainage line and wetland area adjacent Majura Road.

The Project proponent, ZNX, is currently seeking a development application (DA) from the ACT planning and land authority for the gas main extension, and is also concurrently seeking a works approval from the National Capital Authority for pipeline areas that fall within Designated and National Areas.

As part of this process, ZNX has sought an Environmental Significance Opinion (ESO) from the ACT Heritage Council (the Council) for an eastern section of the gas pipeline, on the basis that the proposed activity in this area is not likely to have a significant adverse heritage impact. The ESO application was received by the Council on 16 September 2014, informed by a related document, being the “*AFP Gas Main Extension, Application for Environmental Significance Opinion*” (ERM 2014).

On 13 October 2014, ACT Heritage contacted ERM to advise that information provided to support the ESO application was insufficient, and that formal Council advice would be issued to this effect shortly, to describe the additional information required. At this time, ERM advised that a cultural heritage assessment of the gas main extension had recently been undertaken in consultation with Representative Aboriginal Organisations (RAOs), and submitted the “*Gas Main Extension – Madigan Street, Hackett to Australian Federal Police Training Complex, Pialligo. Heritage Assessment*” (ERM, September 2014) to inform Council review of the ESO application.

On 23 October 2014, Council provided advice to ERM on the heritage assessment submitted, advising that additional information was required, specifically being:

- Further information on RAO consultation undertaken to discuss the findings and recommendations of the assessment, and the inclusion of any RAO comments on the impact assessment and management outcomes;
- Further information on the heritage significance of the newly recorded Aboriginal heritage site, ‘Mount Majura Scatter 1’, in relation to the heritage significance criteria described in the *Heritage Act 2004*, as well any information on the cultural significance of the site as identified by RAOs;
- Further information on the location of the ‘Mount Majura Scatter 1’ site in relation to the proposed activity, an assessment of any possible impacts to the site and recommendations on how such impacts would be managed;
- Further information on the heritage values and archaeological potential of the eastern section of the gas main extension, in the vicinity of Woolshed Creek;
- Clarification on recommendations presented to manage possible impacts to heritage values;
- Advice that, where a heritage induction was to be provided to construction personnel on Aboriginal heritage values and places, that RAO representative/s should participate in the induction; and
- Revision of the recommended ‘chance find protocol’ for any suspected Aboriginal objects exposed during future works, to reflect the obligations described in Sections 51 and 75 of the *Heritage Act 2004*.

In response to this advice, the report was revised and re-submitted to the Council on 28 October 2014. This revised report was approved by Council on 30 October 2014, and has informed the following Council advice on the ESO application sought for the Project.

Advice:

From information contained within the “*Gas Main Extension – Madigan Street, Hackett to Australian Federal Police Training Complex, Pialligo. Heritage Constraints Report*” (ERM, October 2014), Council understands that the proposed gas main extension is not likely to have a significant adverse impact on the heritage values of the ESO application area, on the basis that:

- There are no registered heritage places or objects within the ESO application area;

- RAOs participating in the heritage assessment have not identified any places or objects within the ESO area to be of cultural significance; and
- The archaeological potential of the ESO application area has been assessed as low, due to prior disturbance from clearance, ploughing, construction of dams and fencing, and the recent construction of the Majura Parkway. It is also noted that prior archaeological investigations of Aboriginal heritage sites in the local area (MV171 and MV97) concluded that both sites are low density artefact scatters which occur in moderately disturbed landscape areas.

In this context, no further detailed heritage assessment is required; although it is noted that ERM (2104) has recommended the following heritage management outcomes for the Project:

- Within the Mount Majura Nature Reserve and Majura Pine Plantation, all machinery, vehicles and trench spoil will be confined to the existing fire trail and track adjoining the southern edge of the pine plantation, with all other activities confined to the fire trail and track wherever practical;
- Prior to the commencement of works, an appropriately qualified heritage consultant and/or RAO representative/s should deliver an induction to site personnel on the Aboriginal heritage values in the area, including site 'Mount Majura Scatter 1', and the process should any potential heritage objects be found during the works program;
- Identified heritage sites and areas of archaeological potential in the vicinity of the works area are to clearly marked on all construction maps and identified to construction personnel;
- Should any potential heritage objects be found during the works program, the 'chance find protocols' described in ERM (October, 2014) are to be implemented; and
- Should any potential human remains be found during the works program, the protocol described in ERM (October, 2014) is to be implemented.

In addition to these recommendations, Council has also identified the following caveats in the 30 October 2014 approval of the Project's heritage constraints report:

- Where construction personnel are to be provided with a heritage induction relating to Aboriginal heritage values and places, RAO representative/s are to be provided with the opportunity to participate directly in the induction; and
- Where Project works are being undertaken in the vicinity of site 'Mount Majura Scatter 1', all construction activities are to be confined to the fire trail and track.


Anna Gurnhill
 A/g Secretary (as delegate for),
 ACT Heritage Council

30 October 2014