

# Planning and Development (Conditional Environmental Significance Opinion – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020 (No 2)\*

Notifiable instrument NI2020–578

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 – Block 1 Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2020 (No 2)*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 31 August 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 the construction, on Block 1 Section 3 Symonston, of a crematorium and memorial park.

- (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  
7 September 2020

\*Name amended under Legislation Act, s 60

# Schedule



ACT Heritage Council

## HERITAGE ADVICE

### *Environmental Significance Opinion*

ACTPLA Reference: 202000010  
Heritage Reference: Symonston-S3-B1  
Contact Officer: MR  
Received by Council: 17 July 2020  
Due date: 31 August 2020

**TO: Impact Team**

Environment, Planning and Sustainable Development Directorate

[EPDImpact@act.gov.au](mailto:EPDImpact@act.gov.au)

Block:	Section:	Division:	Heritage Places:
1	3	Symonston	ML1, ML2, ML3, ML4, ML5, ML6, ML7, Symonston PAD1, Symonston PAD2 and Symonston PAD3

Status of Place: Aboriginal Places

Description of Works: Crematorium and Memorial Park

Report Details: “*Cultural Heritage Assessment. Crematorium and Memorial Park. Block 1 Section 3 Symonston*” (Navin Officer Heritage Consultants, July 2020)

Council Advice provided by: Manager (Registrations)

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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 significant adverse heritage impacts, subject to conditions** described below.

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### Background:

On 17 July 2020, an Environmental Significance Opinion (ESO) application was referred to the ACT Heritage Council (the Council), for a proposed Crematorium and Memorial Park within Block 1 Section 3 Symonston (ESO202000010).

The block is 9.7 hectares in size, and within this, proposed infrastructure includes a funeral home, a shared services facility, roads, carparking areas, landscaped gardens and plantings, a new habitat pond and designed waterways.

In relation to heritage, the application is informed by the “*Cultural Heritage Assessment. Crematorium and Memorial Park. Block 1 Section 3 Symonston*” (Navin Officer Heritage Consultants, 2020); which sets out the following:

- One registered Aboriginal place occurs within the study area, being a small artefact scatter recorded in 2003 as ‘ML1’.

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- Archaeological survey on 15 March 2019 identified an additional six Aboriginal places within the study area, being:
  - Two isolated finds recorded as ‘ML2’ and ‘ML6’;
  - One isolated find associated with a potential archaeological deposit (PAD), recorded as ‘ML5’ and ‘Symonston PAD 2’;
  - Two small artefact scatters recorded as ‘ML3’ and ‘ML7’;
  - One small artefact scatter associated with a PAD recorded as ‘ML4’ and ‘Symonston PAD3’; and
  - One PAD not associated with any surface finds, recorded as ‘Symonston PAD1’.
- Excluding the above, the area is of low archaeological potential, reflecting the land use history of the area and the predictive archaeological model.
- The Concept Plan for the development avoids all known Aboriginal places and PADs, however ML4 and Symonston PAD3 is very close to the planned carpark.
- Detailed design should avoid all identified Aboriginal heritage areas.
- During construction, Aboriginal heritage sites adjacent to work areas should be fenced to ensure no inadvertent impacts occur.
- In the event that additional heritage finds are encountered during construction, the Unanticipated Discovery Protocol set out in Appendix 1 is to be implemented.

The report also sets out that that all Representative Aboriginal Organisations (RAOs) were invited to participate in the heritage assessment and review the draft report, and as a result one RAO (Buru Ngunawal Aboriginal Corporation) attended the physical survey and no comments on the draft report were received.

Following review of the report, and the Draft Master Plan included in the referral, the Council also notes that:

- The report does not describe RAO views about the heritage significance of the locality or the cultural impacts of the proposed development;
- Memorialisation and ash internment areas, and planting of native trees, are proposed within Symonston PAD1, Symonston PAD2 and Symonston PAD3;
- Carpark and road construction is proposed adjacent to ML1 and ML3; and
- The mortuary and shared services building is adjacent to ML6.

The above development activities also have potential to impact Aboriginal places and objects, however, these impacts could be avoided through detailed design or minimised through the adoption of control measures.

### **Decision and Conditions:**

Following review, the Council advises that the proposed development is unlikely to have significant adverse heritage impacts, subject to compliance with the conditions described below:

1. Further efforts must be made to seek RAO views on the heritage significance of the place and the heritage impacts of the proposed development, and this information

must be submitted to the Council prior to making a development application (DA) for the project.

2. Detailed design for the project is to ensure that infrastructure – including buildings, roads, carparking areas, ponds and designed waterways – is not placed within identified Aboriginal places and PADs.
3. Detailed design for the project is to ensure that related ground disturbance works – including planting and ash internment areas – do not occur within identified Aboriginal places.
  - a. Where related ground disturbance works are proposed within PAD areas, measures must be adopted to minimise these impacts, and Council advice must be sought on the adequacy of those measures prior to making a DA for the project. Where required by the Council, archaeological excavation of PAD areas must also to be undertaken prior to making a DA for the project.
4. Prior to the commencement of construction works, protective fencing is to be installed around all Aboriginal places and PADs within Block 1 Section 3 Symonston.
  - a. Protective fence locations are to be demarcated by a qualified archaeologist and RAOs.
  - b. Protective fencing must be adequate to physically protect heritage places, such as star pickets spaced no more than 4m apart and with high visibility barrier mesh.
  - c. Once installed, the location and adequacy of protective fencing is to be visually confirmed by a qualified archaeologist and RAOs.
5. Prior to the commencement of construction works, a report on the installation of protective fencing is to be submitted to the Council, including: MGA coordinates of the fenced areas (all corners), photographs of the installed fences, and a list of heritage and other personnel involved in fencing installation.
6. For the duration of construction works, protective fencing is to be maintained and inspected weekly by project's Construction Manager.
  - a. Where fencing defects are identified, works are to cease within 100 metres of the heritage area; and the defect rectified immediately. Works are not to recommence until the defect is corrected.
7. In the event that additional heritage finds are encountered during construction, the project's Unanticipated Discovery Protocol is to be implemented.



Daisy Chaston  
**Manager (Registrations) (as delegate for),  
ACT Heritage Council**

31 August 2020