

Planning and Development (Conditional Environmental Significance Opinion – Block 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023

Notifiable instrument NI2023–205

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 1, Section 3, Symonston – Symonston Crematorium and Memorial Park) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

(1) On 16 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, 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.

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



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202200039
Heritage Reference: Symonston-S3-B1
Contact Officer: MR
Received by Council: 2 February 2022
Due date: 16 March 2023

TO: ACT planning and land authority
Environment, Planning and Sustainable Development Directorate
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
Council Advice provided by: A/g 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 delegate advises that:

The proposal is **unlikely to have a significant adverse environmental impact, subject to conditions** described below.

Background:

On 2 February 2023, the ACT planning and land authority referred further information on an Environmental Significance Opinion (ESO) application to the ACT Heritage Council (the Council) (ESO202200039).

ESO202200039 relates to a proposed crematorium and memorial park within Block 1 Section 3 Symonston, which would consist of: a chapel and crematorium; an administration building; a reflection pond; a habitat pond; roads; carparking areas; landscaped gardens; and plantings.

Block 1 Section 3 Symonston contains one registered Aboriginal place (ML1) and six recorded Aboriginal places (ML2, ML3, ML4, ML5, ML6, ML7). The block also contains three potential archaeological deposits (PADs), where subsurface Aboriginal places and objects are considered likely to occur, being Symonston PAD 1, Symonston PAD 2 (which is associated with ML5) and Symonston PAD 3 (which is associated with ML4).

ESO202200039 was supported by a Cultural Heritage Assessment (CHA) for the proposed development, prepared by Navin Officer Heritage Consultants (NOHC) in 2022. This was informed by consultation with Representative Aboriginal Organisations (RAOs), reviewed

NOHC (2022) set out that the project would avoid all known heritage sites, and recommended measures to avoid indirect heritage impacts, such as protective fencing during construction. The CHA also set out that as a result of RAO consultation, King Brown Tribal Group and Mirrabee provided verbal endorsement of the report.

However, previous Council assessment of ESO202200039 identified that the proposal would directly impact ML3, part of Symonston PAD 2 and part of Symonston PAD 3. On this basis, previous Council advice of 19 December 2022 set out that design amendments would be required to avoid heritage impacts; or further heritage assessment actions would be required at this stage to adequately evaluate the heritage impacts of the proposal.

In this context, the further information referred on 2 February 2023 includes amended plans which:

- Remove the deck and planting areas from ML-3;
- Remove the ‘future pond’ from Symonston PAD 2; and
- Remove planting areas and infrastructure for the new access road from Symonston PAD 3.

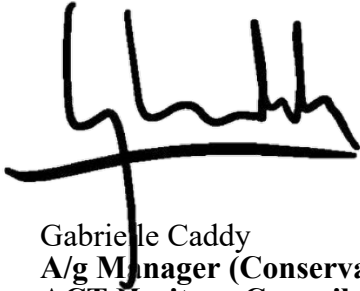
Advice:

Following review of amended plans, and as a delegate of the Council, I advise that the proposed development is unlikely to have significant adverse impacts on heritage places and objects subject to the following conditions, which must also be included in any future notice of approval for development applications for the proposal:

1. Works are to be undertaken in accordance with amended plans, including the ‘*Proposed Site Plan – Masterplan*’ (A-2100 Rev 5) and the ‘*General Arrangement Plan*’ (C10 Rev F);
2. Prior to the commencement of works, protective fencing is to be installed around ML1, ML2, ML3, ML4/Symonston PAD 3, ML5/Symonston PAD 2, ML6, ML7 and Symonston PAD 1. This protective fencing must:
 - a. Be demarcated by a qualified archaeologist and RAOs;
 - b. 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;
3. Prior to the commencement of 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;
4. For the duration of construction works, protective fencing is to be maintained and inspected weekly, and:
 - 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; and
5. In the event that additional heritage finds are encountered during construction, the project’s Unanticipated Discovery Protocol is to be implemented.

Subject to compliance with the above conditions, I also note that *Heritage Act 2004* approvals will not be required prior to the commencement of works. However, should any

amendment to plans be made, further Council advice must be sought on any additional heritage assessment or management requirements that might apply, by emailing amended plans to heritage@act.gov.au.

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

Gabrielle Caddy
**A/g Manager (Conservation Planning and Major Projects) (as delegate for),
ACT Heritage Council**

16 March 2023