



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202500008
Heritage Reference: Denman Prospect-
S134-B2
Contact Officer: DB
Received by Council: 3rd February 2025
Due date: 27th February 2025

TO: Territory Planning Authority
Environment, Planning and Sustainable Development Directorate
EPDImpact@act.gov.au

| Block: | Section: | Division / District: | Heritage Place: |
|--------|----------|----------------------|--------------------------------|
| 2 | 134 | Denman Prospect | Lower Molonglo Geological Site |

Status of Place: Registered Heritage Place
Description of Works: Construction of viewing platform, park and associated works
Report Details: *“Denman Prospect 2 Estate – Tree Felling Program – Site MVF1 and Lower Molonglo Geological Site: Statement of Heritage Effect”* (CHMA, May 2020)
“Geology of the Denman North Development: Implications for removal of remnant pines” (Pillans, September 2023)
Council Advice provided by: Director (Approvals and Advice)

Pursuant to Section 140 of the *Planning Act 2023* 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.

Background:

On 3 February 2025, the Territory Planning Authority (TPA) referred an application for an Environmental Significance Opinion (ESO) to the ACT Heritage Council (the Council) for entity advice (ESO202500008).

ESO202500008 relates to a proposal to construct a new park, as part of the Stage 8 Denman Prospect North development, within Block 2 Section 134 Denman Prospect.

The works involve a new above-ground boardwalk, the realignment of a section of fire trail, fire trail rehabilitation, and the removal of seven native trees in the curtilage of registered heritage place the ‘Lower Molonglo Geological Site’ (the Geological Site), which is adjacent to the Denman Prospect North Estate area. The park will be located off John Budby Rise and will provide a recreational and play space at a high point in the landscape. Elements of the recreational and play space are outside the curtilage of the heritage place.

Features intrinsic to the heritage significance of the Geological Site include:

- The outcrops of fossil bearing limestone and shale/siltstone. The just-visible outcrops are manifestations of a continuous feature, and the underground sectors between the outcrops are equally significant; and
- The limestone rocks contain a range of marine fossils, including corals, trilobites, brachiopods, gastropods and ostracods.

The whole of the proposal area was cleared and resurfaced during the remediation works undertaken after the January 2003 bushfires, which destroyed the former *Pinus radiata* plantation. Pine wildlings reestablished in the area following the fires.

The Council has previously issued approvals in relation to the Geological Site relating to pine removals. The location of where pine removals have occurred is broadly where the new park, new fire trail and associated infrastructure is proposed:

- A Statement of Heritage Effect (SHE) approval was issued on 21 September 2021 which included pine felling works in a small section of the Geological Site. The SHE application outlined that the proposed works would not impact the ground surface in or within a 20 m buffer of the Geological Site. The tree clearing in the area of the Geological Site was proposed to be undertaken by hand, with pines hand felled by chainsaw. As a result of these mitigation measures the SHE application considered that the works would not diminish the significance of the Geological Site; and
- An ESO decision (ESO202400034) was issued on 30 July 2024 relating to the pine felling works. The method approved in the SHE was altered in the ESO application, and additional pine removal works were proposed. Council advice set out that the pine felling works, including some machine removal, were unlikely to have a significant adverse environmental impact on the Geological Site, subject to conditions.

The current ESO application is supported by reports that were prepared for the SHE approval and ESO202400034, including “*Geology of the Denman North Development: Implications for removal of remnant pines*” (Pillans, September 2023) (‘the Geological Assessment’).

Assessment:

The Geological Assessment included site visits and ground truthing of the published geological map of the area. The investigation was focussed on proposed pine removals but did note the future concept of a park and lookout. The Geological Assessment identified the area where new park infrastructure and fire trail works are proposed would not impact fossiliferous outcrops. Further, the Geological Assessment considered that the construction of a lookout structure, including footings within this area would have minimal ground disturbance and no impact on the Geological Site.

The Geological Assessment found that the nearest fossiliferous outcrops, or potentially fossiliferous outcrops, are approximately 250 m to the north and 150m to the southeast of the work area.

Additionally, review of recent aerial imagery indicates that the proposed realignment of the fire trail will pass through an area that has been subject to vegetation clearing and some earthworks, likely related to approved pine felling works. The area of the proposed lookout structure is understood to require no regrading of the existing surface and the mineral earth fire trail which connects to the existing track will limit disturbance to the existing gravel extents. Footings will be required for the lookout structure, but these have been assessed to have no impact to deposits associated with the Geological Site.

Decision and Conditions:

Following review, and as a Council delegate, I advise that the proposal is unlikely to have a significant adverse environmental impact, subject to the below conditions:

1. The proposed tree removals within the curtilage of the Geological Site are to be undertaken by hand, using a chainsaw, as proposed in the ESO Report (Planit 2025); and
2. Should Aboriginal places or objects, or suspected fossil deposits associated with the Geological Site, be unexpectedly encountered during works:
 - a. Works at those locations must cease to allow for heritage assessment and management (in accordance with Sections 74 and 75 of the *Heritage Act 2004*); and
 - b. The discovery is to be reported to the Council within five working days (in accordance with Section 51 of the *Heritage Act 2004*): and
 - c. The discovery must then be managed in accordance with any further Council advice.

It is noted that the above proposal appears to vary from what the Council has previously considered as part of the associated DA202038139, which included discussion of a cantilevered platform with no works inside the curtilage of the Geological Site. Interpretation outcomes, as related to the Geological Site, were also identified by Condition 5.c) of the Notice of Decision of DA202038139 to be submitted to and endorsed by the Council prior to any works commencing in this area. These amendments do not preclude this above ESO advice but it is noted that further heritage considerations apply.



Meaghan Russell
Director (Approvals and Advice) (as delegate for),
ACT Heritage Council

27 February 2025