



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO202400031 (2)
Heritage Reference: Gungahlin- B820
Contact Officer: DB
Received by Council: 17 June, 25
September and
3 October 2024

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

Block:	Section:	Division / District:	Heritage Places:
820	-	Gungahlin	Registered heritage place: Well Station Homestead Precinct Aboriginal places: EGS CT 001, OWSRIF1, OWSRIF2 and OWSRPAD1

Status of Place: Registered Heritage Place and Aboriginal Places
Description of Works: Road Upgrade Works
Report Details: “*Old Well Station Road Upgrade Cultural Heritage Assessment and Statement of Heritage Effects*” (Past Traces, September 2024)
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 impact, subject to conditions** described below.

Background:

On 17 June 2024, the Territory Planning Authority referred an application for an Environmental Significance Opinion (ESO) to the ACT Heritage Council (the Council) for advice (ESO202400031).

ESO202400031 relates to the proposed upgrade of a section of Old Well Station Road (OWSR). The proposal includes a full gravel resurfacing of the original alignment, with the installation of new culverts and road drainage channels to manage water runoff in the Sullivan’s Creek catchment area. The subject section of Old Well Station Road is located between Well Station Drive and Morriset Road, and within Block 820, 848, 739, and 440 Gungahlin.

The upgraded Old Well Station Road is proposed to become a key recreation route linking Harrison and the future suburb of Kenny with Exhibition Park in Canberra (EPIC) and to

provide a crucial management trail for ACT Parks and Conservation Service (PCS) and emergency services vehicles.

A section of the proposed works occurs within the registered heritage place 'Well Station Homestead Precinct'. Significant features of this Precinct includes a northern section of Old Well Station Road and its adjacent Eucalypt trees.

To conserve the heritage significance of the place, heritage guidelines have been declared under Part 5 of the *Heritage Act 2004*, and include the following:

- Conservation Objective 5.2 is to: “*Ensure new development is sympathetic to the rural character of the built and landscape elements of the place*”;
- Specific Requirement 5.2(e): “*The design, size, scale, colour, material of any new buildings or new structures shall be sympathetic to the character of the existing structures in their immediate proximity and in areas remote from existing buildings or structures*”;
- Specific Requirement 5.2(e): “*Roads.....shall remain unsealed*”; and
- Specific Requirement 3.1(a): “*The landscape setting of the homestead shall be conserved with avenues of trees, individual trees, woodland and grassland paddock areas*”.

The referral included the “*Old Well Station Road Upgrade Cultural Heritage Assessment and Statement of Heritage Effects*” (Past Traces, March 2024) (the SHE report); which was also submitted to the Council under Section 61G of the *Heritage Act 2004* on 30 May 2024. Key findings and recommendations of the SHE include:

- Cultural heritage survey of the development area was conducted in December 2023, by Past Traces and available Representative Aboriginal Organisations;
- The survey identified two Aboriginal places consisting of two isolated artefacts (OWSRIF1 and OWSRIF2) and an adjacent area of potential archaeological deposit (OWSRPAD1);
- OWSRIF1 and OWSRIF2 are located within the area of proposed works and are at risk of direct impact. As impacts are unavoidable a program of surface collection (salvage) of the sites and a Return to Country outcome is recommended;
- OWSRPAD1 will not be directly impacted by works, but there is potential for accidental impact to occur. Protective barrier fencing consisting of high visibility flagging and star pickets must be installed around the boundary in the vicinity of works with a buffer of 10m to prevent any accidental impacts. The site fencing will be demarcated by the heritage team (including RAOs) and installed by the heritage team or under their guidance; and
- A section of the Old Well Station Road is included in the ACT Heritage Register listing for Well Station Homestead Precinct. This section of road is located at the northern end of the proposed upgrade, immediately south of Well Station Road and to the east of the East Gungahlin High School. This road alignment must be conserved in its alignment and current form, and the old growth eucalypts that line the road retained and prevented from any harm.

Previous Council advice issued on 29 July 2024, in response to the initial ESO, identified potential significant adverse heritage impacts to the Well Station Homestead Precinct resulting from the project, including impacts to trees lining the Old Well Station Road alignment, and works to alter the historic character of the Old Well Station Road. The presence of an additional Aboriginal place recorded as ‘EGS CT 001’ in the vicinity of works was also noted.

To inform the Council assessment of the application, further information was requested in the form of a Tree Management Plan, design amendments to the section of the Old Well Station Road scheduled for resurfacing, to maintain the historic form and character, and the assessment of potential impacts to Aboriginal place EGS CT 001.

Further information was submitted directly to the Council on 27 September 2024, in the form of a Tree Management Plan and design amendments for the heritage registered section of Old Well Station Road.

An updated version of “*Old Well Station Road Upgrade Cultural Heritage Assessment and Statement of Heritage Effects*” (Past Traces, September 2024) (the SHE report) was also submitted directly to the Council on 3 October 2024.

Assessment:

The Tree Management Plan addresses the concerns about the impact to the trees within the heritage registered area of the Old Well Station Road alignment. Specifically, it states:

- The current design does not propose any excavation to the root system of the heritage listed trees;
- Works are proposed in the Tree Protection Zones (TPZs), largely related to the introduction of fill to upgrade the section of Old Well Station Road;
- While works are largely related to the introduction of fill, controls measures for excavation within the TPZ are outlined to ensure heritage tree health is maintained;
- Protective bunting will be used, and this bunting would be set the furthest distance from the trees (though within the TPZ), to ensure protection outside the works area;
- Recommendations are outlined that all workers for the project undertake a site specific induction into tree protection and retention measures; and
- An additional Hold Point will be added for an arborist to inspect and re-assess any incidental excavation within the TPZ.

The design amendments proposed for the heritage registered section of Old Well Station Road include;

- The use of a lighter, tan coloured and unsealed gravel in keeping with the existing character of the unsealed track, while also maintaining the requirements for an acceptable trafficable surface without impacting heritage values;
- The maximum fill of two layers of compacted gravel will be 390mm. 200mm of this select material will only be required if unsuitable material is encountered but will not add to the overall height of the road; and
- The design amendments will not change the alignment of the heritage listed section of Old Well Station Road.

The updated SHE report states that Aboriginal place EGS CT 001 is located to the west of the OWSR alignment in the adjacent paddock and is currently separated by existing boundary fencing. No impacts are expected to EGS CT 001 due to the presence of the boundary fencing, and no potential for accidental impact is present.

Following review of amended plans and the further information provided, the Council delegate is satisfied on reasonable grounds that:

- The proposed development is unlikely to have significant adverse heritage impacts to the Well Station Homestead Precinct, as works will not significantly alter the historic character of Old Well Station Road, and works will not have significant impacts on the health of its adjacent Eucalypt trees;
- The proposed development will damage two Aboriginal places (OWSRIF1 and OWSRIF2), however, these are not assessed to be significant adverse heritage impacts; as impacts will be limited to the movement of two artefacts currently located within a vehicle access track. At the time of recording in December 2023, Past Traces and Representative Aboriginal Organisations noted that both sites had previously impacted by road grading, water movement and stock impacts, and assessed the artefacts to be in secondary locations as a result of these factors. It is also noted that in their current locations, both artefacts at direct risk of damage from vehicle movement, and their salvage/relocation will minimise this risk of damage; and
- The proposed development will not damage any other Aboriginal place, subject to protective fencing being installed around the boundary of OWSRPAD1, as it occurs in the vicinity of works, with a buffer of 10m to prevent any accidental impacts.

Decision:

For reasons set out above, and as a delegate of the Council, I advise that the proposed development is unlikely to have significant adverse heritage impacts subject to the following conditions:

1. Prior to the commencement of works, Aboriginal objects from OWSRIF1 and OWSRIF2 must be salvaged and returned to Country by Representative Aboriginal Organisations and a heritage specialist; as per SHE recommendations. If the Return to Country (RTC) occurs prior to the commencement of works, protective barrier fencing must be installed around the boundary of the RTC location with a buffer of 10m, and
 - a. Protective fencing must be installed by, or under the supervision of, a heritage specialist and Representative Aboriginal Organisations;
 - b. Following installation of protective fencing, the Council must be notified and evidence of the completed action provided;
2. Prior to the commencement of works, protective fencing must be installed around the boundary of OWSRPAD1, as it occurs in the vicinity of works, with a buffer of 10m; and correspond to the conditions listed above;
3. All works must adhere to the controls outlined in the Tree Management Plan for works within the heritage registered area of Old Well Station Road; and
4. In the event that additional heritage finds are encountered during construction, the project's Unanticipated Discovery Protocol is to be implemented.



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

18 October 2024