



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ENVIRONMENT, CLIMATE CHANGE AND BIODIVERSITY
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Submission Cover Sheet

Inquiry into ACT's heritage arrangements

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Standing Committee on Environment, Climate Change
and Biodiversity

By email: LACommitteeECCB@parliament.act.gov.au

Dear Chair

Inquiry into the ACT's heritage arrangements

We appreciate the opportunity to provide our feedback to consultation on the Inquiry into the ACT's heritage arrangements.

About Icon Water

Icon Water supplies quality drinking water and wastewater services to the ACT and region. We own and operate assets and manage land across the ACT, comprising the dams, water treatment plants, sewage treatment plants, reservoirs, water and sewage pumping stations, mains and other related infrastructure. We consistently deliver safe drinking water and reliable sewerage services to a community of over 440,000 people. Icon Water sources water from four major dams to ensure secure drinking water for the communities of Canberra, Queanbeyan and Googong.

Icon Water has been proudly serving our community for over 100 years. We are committed to continuing to service our growing community in a way that is sustainable, adaptive to the challenges of climate change, collaborative with the development community and responsive to the needs of our broad customer base.

Icon Water protects heritage by ensuring that infrastructure delivery, operations and maintenance activities are properly planned for. If we identify actual or potential heritage matters, we take appropriate steps to avoid impact as reasonably practicable whilst maintaining essential water and wastewater services for the community in accordance with the *Heritage Act 2004* (ACT) and *Utilities Act 2000* (ACT).

We provide training to our staff on heritage protection, including awareness of our heritage assets such as the Cotter Pump Station, the Main Outfall Sewer and pillar fire hydrants in heritage precincts.

a. The effectiveness and adequacy of the operations under the *Heritage Act 2004* including First Nations heritage and approvals provided under the Act.

The change from annual to triennial heritage reporting has been effective administrative outcome while maintaining assurance for protection.

Under the current arrangements, Icon Water is not enabled to manage heritage proactively with live operation and maintenance of extensive assets across Canberra. Similar to arrangements in place with the ACT Environmental Protection Authority for ACT Contaminated Site Data, Icon Water would like to establish full

heritage data access under a data sharing agreement to enable self-management protecting heritage while delivering timely water and wastewater services as a Territory-owned Corporation complimenting powers under the *Utilities Act 2000 (ACT)* and *Heritage Act 2004 (ACT)*. Icon Water would appreciate ACT Heritage's support with establishing this agreement, for mutual benefit. This is because the timeframe for continuity of essential utility services in emergency and reactive situations is typically immediate or as soon as practical, given service restoration obligations and potential harm to life, property and the environment (as per Table 1 below).

Table 1. Indicative response timeframes for work types for continuity of essential utility services

Work type	Event examples	Response timeframe (indicative)
Emergency and reactive	Burst water main Sewer overflow	Immediate or as soon as practicable, given service restoration obligations and potential harm to life, property and the environment (ASAP)
Planned	Sewer maintenance Valve replacement	Variability and discretion in timing for internal maintenance activities (~14 days)

b. The effectiveness of the structure, administration, and operation of the ACT Heritage Council, including the governance arrangements between the ACT Heritage Council and ACT Heritage Unit.

Historically, Icon Water's Environment and Sustainability Branch has sought advice and support from the ACT Heritage Unit on upcoming and current projects, Heritage Conservation Management Plans, periodic heritage reporting and other heritage values, such as heritage precinct pillar hydrants. However, in recent times, ACT Heritage Unit's responsiveness has diminished to the point of limited responsiveness outside of formal development application (DA) submissions, where some matters have been delayed indefinitely. For instance, no return to country for artefacts for two infrastructure sites despite Representative Aboriginal Organisation (RAO) satisfaction with our approach. Another example was no advice pertaining to ongoing pillar hydrant management in heritage precincts, including demarcation for ACT Fire and Rescue to prevent use of decommissioned assets in an emergency response that could have serious public safety and property implications.

Icon Water are fulfilling our obligations to the extent possible without ACT Heritage Unit response. The status of information requests to ACT Heritage Unit is uncertain with no acknowledgment of receipt, long delays, no response for several months or if at all – over the last year, the Unit has only responded to statutory DA / Environmental Significance Opinion (ESO) process with our submissions stating, '*no response received*'. Where potential heritage impacts are present on sites for planned activities requiring DA approval, heritage typically becomes the critical pathway and source of extensive delays. Where ACT Heritage Unit advice has been sought for matters outside of the formal DA process and not responded to, there is a need to proceed with utility activities to deliver essential water and wastewater services for the community, missing the potential for informing approaches to protect heritage matters. Icon Water is now addressing this by notifying ACT Heritage of its intent and compliance with the project Construction Environmental Management Plan (CEMP) and Unexpected Finds Protocols (UFP).

c. The adequacy of resourcing for the ACT Heritage unit.

The ACT Heritage Unit personnel are generally helpful and reasonable, if we are able to establish contact and they follow through on commitment to respond. However, there is some uncertainty regarding the current team members, the delegate for decision-making and the appropriate contact for follow-up and escalation other than the generic email address. Access Canberra are also unable to provide phone connection successfully in our experience. A Unit personnel contact list and pathway for escalation to resolve unreasonable delays would assist with heritage management, similar to the approach for urban tree protection with Transport Canberra City Services Directorate, given the extent of interactions between our heritage and utility assets. There may be potential for Conservator Liaison to coordinate and sort out heritage aspects in the planning pathway like occurs with biodiversity and contamination matters.

f. Any other related matters with respect to the ACT's heritage arrangements.

The ACTmapi heritage layer coarsely and effectively shows what registered matters are present for entire blocks/sections, providing a Heritage ID reference. In attempting to self-source available heritage matter information, the ACT Heritage website is outdated on a former Environment, Planning and Sustainable Development Directorate platform and lacks relevant information – only major, mostly European listings in ACT Heritage Register without cross-referencing with Heritage IDs which impedes data interrogation. Due to the limited ability to communicate with the ACT Heritage Unit, understanding the nature of the protected matter and inform optioneering and activity planning ahead of the DA submission, can result in delays, refusal and rework at the eventual expense of our customers. The newly published utility infrastructure layer on ACTmapi is a good example of what might be possible in sharing asset data to enable improve awareness and management, noting this is public with a broader dataset available within the ACT Government for use.

It is also recommended to reconsider and clearly specify the people and organisations authorised to conduct physical relocation of heritage assets, potentially including Ngannawal people, ACT Heritage Officer, ACT public land manager, RAOs or heritage consultants and tradespeople, to prevent unnecessary administrative burden and constraints with the current approach, understood only verbally and inconsistently.

Thank you for this opportunity, and please do not hesitate to contact me if you have any further queries.

Yours sincerely

Benjamin Bryant
Manager, Environment and Sustainability