

# Planning and Development (Environmental Significance Opinion – New Managers Residence – Lanyon – Block 1663 Tuggeranong) Notice 2012 (No 1)

Notifiable instrument NI2012–350

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 (Environmental Significance Opinion – New Managers Residence – Lanyon – Block 1663 Tuggeranong) Notice 2012 (No 1)*.

## 2 Commencement

This instrument commences on the day after notification.

## 3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Heritage Council. .

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

[http://www.actpla.act.gov.au/topics/design\\_build/da\\_assessment/environmental\\_significance\\_opinions](http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_significance_opinions)

## 4 Completion

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

David Papps  
Environment and Sustainable Development Directorate

5 July 2012



ACT Heritage Council

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Adam Hobill  
Director  
Adam Hobill Design Pty Ltd  
PO Box 3235  
Manuka ACT 2603

Dear Mr Hobill

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on your request for an environmental significance opinion for the proposed dwelling at Block 1663 Tuggeranong.

The proposal is not likely to have a significant adverse impact to any place or object Registered under the ACT Heritage Register, established under the *Heritage Act 2004*.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours Sincerely

A handwritten signature in cursive script that reads "JO'Connell".

Jennifer O'Connell  
A/g Secretary  
ACT Heritage Council

15 June 2012

## Environmental Significance Opinion

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following Environmental Significance Opinion for the proposed dwelling at rural Block 1663 Tuggeranong, located within the remnant historic pastoral property of Lanyon.

### Proponent

Adam Hobill, Director of Adam Hobill Design Pty Ltd - appointed by Andrew Geikie (lessee).

### Location

Block 1663, Tuggeranong.

### Development Proposal

The proposal is for a new dwelling for rural management purposes. The proposal includes a new single storey dwelling, detached shed, new driveway access road and services.

The proponent has sought an Environmental Significance Opinion from the Heritage Council. The proponent is of the view that the proposal is not likely to have a significant adverse environmental impact.

### Legislative Context

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an Environmental Significance Opinion that, if successful would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The relevant Schedule 4 items for seeking an Environmental Significance Opinion on this proposal are:

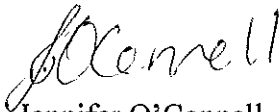
#### Part 4.3 Item 6

Proposal that is likely to have a significant adverse impact on the heritage significance of a place or object registered under the *Heritage Act 2004*, unless the heritage council produces an environmental significance opinion that the proposal is not likely to have a significant adverse impact.

## Opinion

From the documentation provided in the Environmental Significance Opinion and consideration against the Lanyon Conservation Management Plan, the Heritage Council advises that the proposed dwelling is not likely to have a significant adverse impact on the heritage significance of Lanyon. Provided the management recommendations endorsed by the Heritage Council and outlined in the Lanyon Conservation Management Plan are adhered to.

Attached is a Statement of Reasons for the decision.



Jennifer O'Connell  
A/g Secretary  
ACT Heritage Council

15 June 2012

## Statement of Reasons for the Decision

### **Proposed dwelling at Block 1663 Tuggeranong, located within the remnant historic pastoral property of Lanyon.**

The proposed development is a proposal listed in Schedule 4 Part 4.3 of the *Planning and Development Act 2007*- Development proposals requiring an EIS – areas and processes. The proposal triggers the following Schedule 4 item:

#### Item 6:

Proposal that is likely to have a significant adverse impact on the heritage significance of a place or object registered under the *Heritage Act 2004*, unless the heritage council produces an environmental significance opinion that the proposal is not likely to have a significant adverse impact.

### **Issues Considered by the Heritage Council.**

In support of the Environmental Significance Opinion (ESO) the proponent submitted a set of plans, supporting letters and the document titled: *Cultural Heritage Assessment of Proposed Lessee House Site. Lanyon, District of Tuggeranong – Block 1663*. (Aboriginal Archaeologists Australia for Andrew Geikie, November 2011)

The Lanyon Conservation Management Plan (CMP) includes *Policy 57* about *Major New Development*. Outlining that major new development will generally not be permitted with an exception being the possible development of a new house for the rural lessee.

The documentation submitted with the ESO addresses the relevant policies within the CMP including the siting of the dwelling in relation to the Lanyon heritage buildings in a visually unobtrusive position. Letters supporting the proposed location of the new dwelling from the land managers of the Lanyon Heritage Precinct, Shane Breynard, Director of ACT Museums and Galleries and John Armes Assistant Director of ACT Historic Places, were also supplied. The supporting plans show sightlines to the proposed dwelling from the heritage precincts and the potential for landscape screening. Landscape advice for the screen planting was provided by a registered landscape architect.

The discovery of Aboriginal heritage places and mitigation measures for these were also described in the Cultural Heritage Assessment prepared by Aboriginal Archaeologists Australia. However, the ESO pertains only to registered places and objects, and there are no registered Aboriginal objects or places located within the development footprint. Therefore, the discovery of Aboriginal heritage places has been considered in light of requirements under the *Heritage Act 2004*.

Thus, in accordance with the *Heritage Act 2004*, prior to the commencement of any development, the recommendations outlined in Attachment 1 must be carried out in agreement with Heritage Council advice, also outlined in Attachment 1. This will

ensure no damage is caused to the Aboriginal/archaeological deposit recorded in the Cultural Heritage Assessment by Aboriginal Archaeologists Australia.

### **Heritage Impacts**

Although the development will be partially visible from the Lanyon woolshed precinct the Heritage Council advises that the proposed location of the dwelling best fits the requirements of the Conservation Management Plan mitigating significant adverse impacts on the Lanyon Heritage Precinct.

### **Mitigation Measures.**

All works are to comply with the Lanyon Conservation Management Plan endorsed by the ACT Heritage Council.

The recommendations submitted by Aboriginal Archaeologists Australia in the Cultural Heritage Assessment (summarised in Attachment 1) must be carried out in order for the proponent to comply with legislative obligations under the *Heritage Act 2004*. These must be fulfilled prior to the commencement of any development works.

### **References**

Aboriginal Archaeologists Australia. *Cultural Heritage Assessment of Proposed Lessee House Site. Lanyon, District of Tuggeranong – Block 1663*. November 2011

Duncan Marshall, Australian Archaeological Survey Consultants Pty Ltd, Dr Lenore Coltheart, Context Pty Ltd, Geoff Butler & Associates, John Armes & Associates, Dr Michael Pearson & Ken Taylor. *Lanyon Conservation Management Plan, Volumes 1, 2 and 3*. 2010 - Endorsed: June 2011

Plans of the new residence prepared by Adam Hobill. Job No 1101. May 2012



ACT Heritage Council

**HERITAGE ADVICE**

Contact Officer:  
File Number:  
Date:

Daisy Chaston  
Advice - Tuggeranong  
6 June 2012

**Under Section 76 (2) (iv) of the *Heritage Act 2004***

Approval of a Conservation Management Plan to disturb an Aboriginal Place or Object.

To: Aboriginal Archaeologists Australia  
[davej@iimetro.com.au](mailto:davej@iimetro.com.au)  
[jupurullaarts@yahoo.com.au](mailto:jupurullaarts@yahoo.com.au)

**Location:** Lanyon Block 1663 Tuggeranong  
**Status of Place:** Registered  
**Description of Works:** Dwelling for Rural Lessee  
**Report Name:** Cultural Heritage Assessment of Proposed Lessee House Site, Lanyon  
**Report Date:** November 2011

**Background:** The Lanyon property is managed by two separate entities: the Cultural Facilities Corporation manages the areas classified Territory Land, including the Homestead Complex and Woolshed Complex; the remaining areas are leased under short-term rural lease to Andrew Gelkie, the Rural Lessee, for agricultural purposes.

The Lanyon Conservation Management Plan (2009) highlighted the need to locate a suitable site for the construction of a dwelling for the Rural Lessee. After extensive negotiations, CFC and the Rural Lessee have agreed upon a potential site for construction of a new dwelling. This site is located on rural lease land and is situated behind a gentle rise to ensure no visual impact on the Homestead Complex and minimum visual impact on the Woolshed Complex.

Aboriginal Archaeologists Australia have been engaged to undertake an archaeological and cultural survey of the proposed dwelling site and associated infrastructure. In collaboration with the Registered Aboriginal Organisations, a field investigation has been completed involving a pedestrian transect of the areas impacted by the proposed development. Areas surveyed include the house site and yard, the proposed access track and the underground power line route.

The field survey involved close inspection of the ground surface within and around the proposed house site, access road and underground powerline route. Despite the survey employing a methodology of tight visual inspection, no Aboriginal object, place, structure or feature was located.

The project location, despite the high level of disturbance, does hold the potential for sub-surface archaeological material to be present due to the close location of the Murrumbidgee River. The area would have been an attractive camping area or an area accessed by past Aboriginal people of the area. A small test pitting program within the project area would define the soil stratigraphy and test sub-surface archaeological potential.

The survey located one potential historic archaeological find. In order to ensure that no historic fabric be detrimentally impacted by the proposed development, the Rural Lessee and the Survey Team agreed it would be best to alter the line of the underground power to avoid the remnant concrete flooring. The proposed line has been realigned to intersect with the Expert's Room at a different location, thus avoiding the concrete footings. The realigned portion of the underground power was examined by the Survey Team with no historic fabric located.

**Recommendations:**

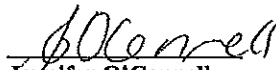
A small scale (shovel excavated and hand sieved), sub-surface test pitting program should be carried out within the proposed project parameters (i.e. house location, new access road and underground power line trench).

In consultation with the ACT Heritage Unit, a methodology for a small scale (shovel excavated and hand sieved), sub-surface test-pitting program should be developed and carried out by a qualified archaeologist and representatives of the four RAO's to test the sub-surface potential. Subsequent salvage or additional excavation requirements would be confirmed with the ACT Heritage Unit.

**Advice:** The Heritage Council endorses the findings and recommendations contained within this report, provided that a methodology for sub-surface test-pitting is submitted for Council endorsement in the form of a Conservation Management Plan. This CMP must also define the physical parameters, morphology, and micro topography of the area of 'potential for sub-surface archaeological material to be present' as mentioned in the above report.

Furthermore, 'Tyrone Bell' is misspelled as 'Tyron Bell,' 'Buru Ngunawal' as 'Burungunawal,' and 'King Brown' as 'King Billy,' on Pages 6 and 32.

The Council is satisfied that appropriate consultation was undertaken with the Representative Aboriginal Organisations during this assessment, but wishes to note that RAO timesheets/sign off sheets must be signed by all participating parties and submitted with all final reports

  
Jennifer O'Connell  
A/g Secretary  
ACT Heritage Council

Date: 6 June 2012