

Planning and Development (Environmental Significance Opinion – New Managers Residence – Lanyon – Block 1663 Tuggeranong) Notice 2012 (No 2)

Notifiable instrument NI2012–351

Made under the

Planning and Development Act 2007, Section 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – New Managers Residence – Lanyon – Block 1663 Tuggeranong) Notice 2012 (No 2)*.

2 Commencement

This instrument commences on the day after notification.

3 Environmental Significance Opinion

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

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

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
Government

Environment and
Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion on the proposed construction of a new residence on Block 1663 District of Tuggeranong, being an area of special purpose reserve.

The proposal is not likely to have a significant adverse environmental impact on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve provided works are in accordance with the conditions provided.

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

Yours sincerely

Alan Traves
A/g Conservator of Flora and Fauna

2 June 2012



ACT
Government

Environment and
Sustainable Development

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 construction of a new residence on Block 1663 District of Tuggeranong, 'Lanyon'.

PROPONENT

Adam Hobill, Director, Adam Hobill Design Pty Ltd

LOCATION OF WORKS

Block 1663 District of Tuggeranong, on the rural property known as 'Lanyon'.

DEVELOPMENT PROPOSAL

The proposed works involves the construction of a new residence for the lessee of the agricultural lease portion of Lanyon. The proposed residence is to be located approximately 200 metres south of the shearer's quarters at Lanyon, overlooking a small dam and the Murrumbidgee River.

The proponent has sought an Environmental Significance Opinion from the Conservator of Flora and Fauna. 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 3

proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

The proposed works are within an area of special purpose reserve, the Lanyon Landscape Conservation Reserve.

OPINION

The location of the proposed residence has a long history of disturbance, is cleared and is now a mixture of native and exotic pasture. As there are no rock outcrops occurring within the area of disturbance it is unlikely to contain habitat of the threatened pink-tailed worm lizard, nor is it potential habitat of any other threatened or regionally important species.

Protection of the water quality in the Murrumbidgee River is of paramount importance, particularly now that it is used as a potable water supply.

From the information provided in the Environmental Significance Opinion application and associated documents, including the Murrumbidgee River Corridor Plan of Management 1998, it has been determined that the proposed works within a special purpose reserve is not likely to have a significant adverse environmental impact provided works are in accordance with the following conditions.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

That:

- The Sewerage disposal system be located at a distance greater than 300m from the Murrumbidgee River, or some such other distance as approved by the Health Protection Services;
- The disposal area is to be fenced to prevent access by livestock;
- The species list for the screen planting be amended to delete *Acacia mearnsii*, and substitute *Acacia rubida* or *Acacia melanoxylon*.
- the species list for the screen planting to include *Eucalyptus blakelyii*, *Eucalyptus bridgesiana* and *Eucalyptus viminalis* with *Callitrus endlicheri* closer to the river.

Attached is a Statement of Reasons for the decision.



Alan Traves
A/g Conservator of Flora and Fauna

8 June 2012

STATEMENT OF REASONS FOR THE DECISION

The Lanyon property is managed by two separate entities:

- the Cultural Facilities Corporation manages the areas classified as unleased Territory Land, including the Homestead Complex and Woolshed Complex;
- the remaining areas (approx 1890 hectares) are leased to Andrew Geikie, the Rural Lessee, for agricultural purposes

The proposed works involves the construction of a new residence for the lessee of the agricultural lease portion of Lanyon. The proposed residence is to be located approximately 200 meters south of the shearer's quarters at Lanyon, overlooking a small dam and the Murrumbidgee River.

Meaning of *significant* adverse environmental impact

An adverse environmental impact is *significant* if—

- (a) the environmental function, system, value or entity that might be adversely impacted by a proposed development is significant; or
- (b) the cumulative or incremental effect of a proposed development might contribute to a substantial adverse impact on an environmental function, system, value or entity.

In deciding whether an adverse environmental impact is *significant*, the following matters must be taken into account:

- (a) the kind, size, frequency, intensity, scope and length of time of the impact;
- (b) the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

ISSUES CONSIDERED BY THE CONSERVATOR

Part 4.3 Item 3

- proposal for development on land reserved under s 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

The proposed works are within the Lanyon Conservation Reserve, an area of special purpose reserve, and the following assessment was made to determine if the Conservator should regard this as a significant adverse environmental impact.

In support of the application for an Environmental Significance Opinion (ESO) the proponent submitted preliminary drawings for the proposal, a report titled *Site and Soil Assessment for On-site Effluent Disposal*, a Cultural Heritage Assessment, the Murrumbidgee River Corridor Management Plan 1988, and other supporting documents.

Ecological Impacts

The site has a long history of disturbance, is cleared and is now a mixture of native and exotic pasture. As there are no rock outcrops occurring within the area of disturbance it is unlikely to contain habitat of the threatened pink-tailed worm lizard, nor is it potential habitat of any other threatened or regionally important species. The land may have once supported endangered Box – Gum woodland and there are some elements of this community still present on the site and surrounding area. The proposed landscaping will enhance these elements and make a minor contribution to the connectivity value of the Murrumbidgee River. The soil report suggests additional plantings of indigenous species over the area of septic discharge and this planting activity is encouraged.

Visual Impacts

The Cultural Heritage Assessment prepared by Aboriginal Archaeologists Australia, and submitted with the application, notes that the proposed residence is to be located on the rural leased land, situated behind a gentle rise to ensure no visual impact on the Homestead Complex and minimum visual impact on the Woolshed Complex

A supporting email and letter from the Cultural Facilities Corporation, which manages the adjoining heritage listed area of Lanyon, states that the proposed site would have minimal impacts on the property, access and connection to services, and that the proposed location does not affect the approach to the historic woolshed group of buildings.

Plan of Management

Chapter 11 of the Murrumbidgee River Corridor Plan of Management 1998, relates specifically to the management of the Lanyon Landscape Conservation Reserve. The document states:

The Reserve will be managed to conserve its integrity, primarily as an historic rural landscape. The relevant objectives outlined elsewhere in this plan for the Corridor as a whole are adopted as objectives within the Lanyon Landscape Conservation Reserve. In addition it is proposed:

- to conserve the cultural significance of the Reserve, including that of the buildings, component places and their contents and the collections within it;

- to retain the nineteenth century rural elements of the Reserve landscape and its surrounds, as well as the later elements resulting from continued rural development; and
- to ensure that conservation objectives are paramount to interpretation.

11.2 .1 Conservation Polices states:

No new buildings will be constructed unless they are essential to the operation of the property.

The existing manager's cottage was withdrawn from the rural lease in 2010 and a new residence for the manager's use is seen to be essential to the ongoing management of the rural lease. The property is approximately 1890 hectares of grazing land with a carrying capacity of 4000 DSE (dry sheep equivalent) and having an onsite manager is crucial to the efficient running of such a large property.

Water Quality Protection for the Murrumbidgee River

Due to the proximity to the Murrumbidgee River of the proposed residence, advice was sought from ActewAGL and the Environment Protection Authority.

ActewAGL, Source Water Protection Unit:

The development proposal is within a drinking water catchment of the ACT's water supply. It is important for adequate risk management to have an understanding of all point and diffuse sources of potential contamination. To this end ActewAGL conduct a sanitary survey each three years which includes an assessment of the risk posed by onsite sewage management systems. The current survey (in preparation at time of writing) has considered all systems located within 200 meters of a drainage line to be worthy of a risk assessment. Our experience working closely with a NSW local government shows that a lack of maintenance to the system (irrespective of its type and age) is a primary culprit for malfunction closely followed by damage to the irrigation area (most commonly caused by livestock access).

Human infectious pathogens are readily transferred between livestock and humans. The proposed disposal area is in proximity to an intermittent drainage and a farm dam. Assuming the applicant is utilising the dam for livestock watering this distance may not be sufficient to prevent contamination of the dam. ActewAGL are not expert in this aspect but have identified it as a potential risk.

It is unclear if the existing dwelling is to be demolished or retained. Retaining the dwelling allows for the continued use of the existing onsite system. This would double the pathogen loading in the vicinity. Applying the precautionary principle a red dot case in Victoria established that one system

per 40ha was a sufficient distribution to minimise risk within a water supply catchment.

The difficulty posed in the management of onsite systems in the ACT, in contrast to NSW, is the absence of a routine monitoring program conducted by a regulatory body whose recurrence interval is defined on a risk basis. As such in the ACT these systems are approved once in a set and forget scenario. Within the existing regulatory framework ActewAGL consider it necessary to apply a higher level of stringency at the approval stage for any system located within a drinking water catchment.

For the protection of the drinking water catchment ActewAGL provide the following recommendations:

1. The entire disposal system be located at a distance greater than 200m from the Murrumbidgee River.
2. The disposal area is to be fenced to prevent access by livestock
3. If the current septic system is going to remain, it is advised to have it assessed for operational condition

The existing residence is the Managers Cottage that is part of the Lanyon Conservation Area along with the original homestead and outbuildings. The Cultural Facilities Corporation withdrew the cottage from the rural lease and will be managing it for its historic values. The new residence is approximately 1750m downstream from the Lanyon Homestead and outbuildings and located on Block 1663 Tuggeranong which is 72.06ha. The adjoining Block 1658 District of Tuggeranong which also forms part of the rural land holdings is 574.9 ha and does not contain a residence.

Environment Protection Authority

The Environment Protection Authority's Water Quality Environment Protection Policy states septic/sub-soil sewage disposal systems must be located at minimum distances from watercourses as follows:

- Not closer than 50 metres to the bank full discharge level of any surface waters nor closer than 300 metres, if such surface waters are a source of potable water supply.

The Murrumbidgee River is now used as a potable water supply and as such the EPA does not support the installation of septic tanks that do not comply with the policy.

Mitigation Measures

While the location of the residence has been chosen to reduce any potential visual impacts, the proponent has submitted a landscape plan showing screen planting to further reduce any potential visual impacts to the woolshed precinct. The planting includes a minimum of three rows of endemic species to be planted on the north side of the ridge crest near the woolshed complex, with the outer two rows being *Eucalyptus polyanthemos* (Red Box) and/or *Eucalyptus melliodora* (Yellow Box), and the inner row being *Acacia dealbata* (Silver Wattle) and/or *Acacia mearnsii* (Black Wattle). The supporting documentation also states that the precise location of the clumps of trees within the plantation will be determined on site from key points along the entry road and at the woolshed complex.

The provision of screen planting is supported and will ensure that any visual impact is reduced. However, *Acacia mearnsii*, as listed in the screen planting species list, should be avoided. It is strongly advised that *Acacia rubida* or *Acacia melanoxylon* be substituted as *Acacia mearnsii* is a prolific seeder, verging on invasive.

Since the proposal is in former Yellow Box Red Gum woodland and near or in current Box Gum Woodland, the species list should look to include *Eucalyptus blakelyii* (Blakely's Red Gum), *Eucalyptus bridgesiana* (Apple Box) and *Eucalyptus viminalis* (Manna or River Gum) with some *Callitrus endlicheri* (Black Cyprus Pine) closer to the river.

Conclusion

Provided works are in accordance with the conditions of the ESO, then the construction of a new residence is unlikely to cause significant environmental harm.