

Planning and Development (Conditional Environmental Significance Opinion – Block 5, Section 27 Tharwa – Construction of Ancillary Residence) Notice 2018

Notifiable instrument NI2018–681

Made under the

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

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 5, Section 27 Tharwa – Construction of Ancillary Residence) Notice 2018*.

2 Conditional Environmental Significance Opinion

- (1) On 1 November 2018, the ACT Heritage Council, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 5, Section 27 Tharwa, of an ancillary residence with attached carport and detached metal shed.

- (2) In this section:

Conditional Environmental significance opinion means the opinion in the schedule.

Note Under section 138AD(6) of the Act, the environmental significance opinion and this notice expire 18 months after the day the notice is notified.

Ben Ponton
Chief Planning Executive
30 November 2018

Schedule

see section 2(2)



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO-201800051
Heritage Reference: Tharwa-S27-B5
Contact Officer: MR
Received by Council: 18 October 2018
Due date: 29 November 2018

TO: ACT planning and land authority
Environment, Planning and Sustainable Development Directorate
[EPDCustomer Services@act.gov.au](mailto:EPDCustomerServices@act.gov.au)

Block:	Section:	Division / District:	Heritage Place:
5	27	Tharwa	Travelling Stock Route
300		Paddys River	Nil

Status of Place: Nominated Heritage Place
Description of Works: Ancillary residence, carport and farm shed
Council Advice provided by: Secretary / ACT Heritage Associate Manager

Pursuant to Section 138AB of the *Planning and Development Act 2007* 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 compliance with the conditions described below.
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Background:

On 18 October 2018, the ACT planning and land authority referred an Environmental Significance Opinion (ESO) application to the ACT Heritage Council (the Council) for entity advice.

The application relates to the construction of an ancillary residence, carport and farm shed on Block 5, Section 27, Tharwa; and also includes an amalgamation of the block with Block 300 Paddys River.

Block 5, Section 27, Tharwa is part of the 'Travelling Stock Route' (TSR) nomination to the ACT Heritage Register; as it contains a former Village Common once used as a TSR. However, this nomination relates only a 14 hectare area within the block, which is well removed and will not be impacted by the proposed development.

Block 5, Section 27, Tharwa is not part of the 'Lanyon' ACT Heritage Register entry, which is located to the east of the Murrumbidgee River. The Council understands that the property does form part of the 'Lanyon Bowl' area identified in the National Capital Plan, which is considered a significant landscape for its visual character and successive phases of nineteenth and twentieth century rural development. The Council also understands that the National Capital Authority has reviewed the development proposal and has no objection; and the Council supports this view.

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No Aboriginal places and objects are known within Block 5, Section 27, Tharwa and Block 300, Paddys River; although it is considered likely that unrecorded archaeological sites may occur on both blocks. However, the proposed development is small in scale and is not located in landforms of high archaeological potential; on which basis it is considered unlikely to damage unrecorded Aboriginal places and objects.

Advice and Conditions:

The Council advises that the proposed development is unlikely to have a significant adverse environmental impact, subject to compliance with the following condition:

- In the event that any Aboriginal places and objects are encountered during works, works at that location are to cease to allow for heritage assessment and management (in accordance with Section 57 of the *Heritage Act 2004*) and the discovery is to be reported to the Council within five working days (in accordance with Section 51 of the *Heritage Act 2004*).



Jennifer O'Connell
**ACT Heritage Associate Manager (as delegate for),
ACT Heritage Council**

1 November 2018