

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

Notifiable instrument NI2018–680

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 (Environmental Significance Opinion – Block 5, Section 27 Tharwa – Construction of Ancillary Residence) Notice 2018*.

2 Environmental Significance Opinion

- (1) On 23 October 2018, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the **Act**), gave the Applicant an 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:

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)

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (the Act), I provide the following environmental significance opinion:

APPLICANT

Lisa Hogan.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the construction of a residence and farm shed on Block 5 Section 27 Tharwa as ancillary to the primary purpose of agriculture.

LOCATION

Block 5 Section 27 Tharwa.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

Provided the works are undertaken in the manner consistent with the documentation submitted, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

23 October 2018

STATEMENT OF REASONS REASONS FOR THE DECISION

The proposed development is a proposal mentioned in Schedule 4 of the *Planning and Development Act 2007* – Development proposal for an activity requiring an EIS Schedule 4, being:

Part 4.3, item 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

Block 5 Section 27 Tharwa contains Yellow Box – Blakely’s Red Gum Grassy Woodland (Box-Gum Woodland), listed as critically endangered pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and endangered pursuant to the Nature Conservation Act 2014 (NC Act)

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.

Block 5 Section 27 Tharwa is within an area of special purpose reserve known as the Lanyon Landscape Conservation Reserve within the Murrumbidgee River Corridor.

The proponent wants the application for the development approval assessed in the merit track on the grounds that the proposal is not likely to have a significant adverse environmental impact, and has applied to the Conservator of Flora and Fauna to that effect.

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.

It has been determined that the proposal is unlikely to have a significant environmental impact, based on the documentation submitted, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

The construction of a single storey residence with attached carport and a farm shed on Block 5 Section 27 Tharwa as ancillary to the use of the site as an agricultural lease.

It is also proposed to amalgamate both leases held by the lessees Block 5 Section 27 Tharwa (57.9 hectares) and Block 300 Paddy's River (35 hectares) into a single lease and varying the lease purpose clause to include ancillary dwelling.

The documentation submitted includes a site and soil assessment for on-site effluent disposal by way of a septic tank and evapotranspiration absorption bed. The absorption bed is to be 100m from a drainage line.

Documentation Submitted

- Project Information Report;
- Site and Soil Assessment for On-site Effluent Disposal;
- Numerous plans ;
- Supporting emails from the National Capital Authority and Heritage Unit;
- Form 1M.

Natural conservation values present

Block 5 Section 27 Tharwa had been used for agricultural purposes, predominantly grazing, for many years. The block is a mixture of Box-Gum Woodland and exotic grassland. The house site has been chosen to be wholly within the exotic grasslands. No trees will be impacted by the works.

Impact on the Reserve

The area is part of the Lanyon Landscape Conservation Reserve of the Murrumbidgee River Corridor. The Lanyon Landscape Conservation Reserve is a 5,000 hectare special purpose reserve that was originally reserved in 1985 primarily to protect the historic rural landscape of the Lanyon Homestead which is located on the other side of the Murrumbidgee River.

The house site has been well chosen to be well away from the river, and to be below the brow of a hill. While the house will be visible from Lanyon it will not be too intrusive.

The longer term vision for the Murrumbidgee River Corridor is to connect the Murrumbidgee Discovery Trail from Point Hut to Tharwa and the Alps Track at the Namadgi National Park Visitor's Information Centre via a riverside trail. This dwelling proposal will not affect the experience of people using that future track.

It is likely that a permanent presence on the block will provide a deterrent to vandalism of the Tharwa Log Jams (an ecological rehabilitation works within the Murrumbidgee River) and Onhong burial site (an Aboriginal cultural site), as well deter road side rubbish dumping and other illegal activities.

Potentially Significant Environmental Impacts

The site has been well chosen to avoid any more than minor clearance of previously disturbed vegetation. The total disturbance footprint is low.

It has been determined that if the works are undertaken in a manner consistent with the documentation submitted, they are unlikely to cause a significant adverse environmental impact.