

Planning and Development (Conditional Environmental Significance Opinion – Blocks 199, 237, 340 and 353 Paddys River and Block 4, Section 12 Tharwa – Crown Lease Subdivision) Notice 2019

Notifiable instrument NI2019–643

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 – Blocks 199, 237, 340 and 353 Paddys River and Block 4, Section 12 Tharwa – Crown Lease Subdivision) Notice 2019*.

2 Conditional Environmental Significance Opinion

- (1) On 18 September 2019, 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 the crown lease subdivision for multiple blocks across Paddys River and Tharwa.
- (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.

George Cilliers
Delegate of the planning and land authority
24 September 2019



ACT Heritage Council

HERITAGE ADVICE

Environmental Significance Opinion

ACTPLA Reference: ESO201900034
Heritage Reference: Paddys-B340
Contact Officer: KH
Received by Council: 21 August 2019
Due date: 2 October 2019

TO: ACT planning and land authority
Environment, Planning and Sustainable Development Directorate
EPDCustomer.Services@act.gov.au

Block:	Section:	Division / District:	Heritage Place:
199	-	Paddys River	CR11
237	-	Paddys River	MRC64
340	-	Paddys River	Cuppacumbalong Woolshed Complex
353	-	Paddys River	MRC73
4	12	Tharwa	Nil registered or recorded

Status of Place: Registered Aboriginal Places, Registered Heritage Place and Adjacent to Registered Heritage Place

Description of Works: Subdivision

Report Details: “Blocks 199, 237, 340, 353 Paddys River and Block 4 Section 12 Tharwa – Application for an Environmental Significance Opinion” (Purdon Planning, July 2019)

Council Advice provided by: Manager (Approvals and Advice)

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.

Background:

On 21 August 2019, the ACT Heritage Council (the Council) was referred an Environmental Significance Opinion (ESO) application for the subdivision of Blocks 199, 237, 340, 353 Paddys River and Block 4 Section 12 Tharwa.

The application was accompanied by a report titled “*Blocks 199, 237, 340, 353 Paddys River and Block 4 Section 12 Tharwa – Application for an Environmental Significance Opinion*” (Purdon Planning, July 2019) (the ESO report). The ESO report identifies heritage places on the subject and adjacent blocks and includes an assessment of the effect the proposed subdivision is likely to have on these places. The findings of the report are summarised below:

- Four registered heritage places are located on the subject blocks, being: three Aboriginal places identified as ‘MRC64’, ‘MRC73’ and ‘CR11’; and the ‘Cuppacumbalong Woolshed Complex’;
- ‘MRC64’ is an artefact scatter located on Block 237, Tharwa, west of the Naas Road along south bank of Sawyers Gully; ‘MRC73’ is an artefact scatter named ‘Standing Tooth Camp’ located on Block 353, Tharwa, in the first paddock to the west of the confluence of the Gudgenby and Murrumbidgee rivers; and ‘CR11’ is an isolated artefact located on Block 199, on the edge of a track within a 20m wide transmission corridor;
- Block 4, Section 12 Tharwa is adjacent to Blocks 5 and 7, Section 12 Tharwa, which contain ‘De Salis Cemetery’, a registered heritage place; and
- The proposed development comprises separation of the three blocks and consolidation of two other, which are presently under a single Crown Lease. The existing lease permits a maximum of 2 dwellings across the 5 blocks. The proposed lease variation (submitted as a concurrent DA for consideration) seeks to increase the number of dwellings permitted across the blocks to a total of 4; and
- The proposed subdivision boundaries do not intersect any heritage place or objects, and future proposals for dwelling-houses on the blocks will avoid Aboriginal places and objects; and the Cuppacumbalong Woolshed Complex.

The Council appreciates that the subdivision will facilitate additional development on the subject blocks including an additional 2 dwellings, associated landscaping and fencing. In principal the proposed subdivision will not have any direct impact to heritage places or objects, and does not constitute a significant environmental impact to cultural heritage. However, future development facilitated by the subdivision has potential to cause damage to Aboriginal heritage places and objects, and registered heritage places.

Decision and Conditions:

The proposed development is unlikely to cause significance adverse environmental impact subject to the following condition:

- Advice from the ACT Heritage Council is to be sought prior to the commencement of any works on the blocks (including erection of fencing along the block boundaries). Heritage management measures and/or *Heritage Act 2004* approvals may be required for these works.



Meaghan Russell
Manager (Approvals and Advice) (as delegate for),
ACT Heritage Council

18 September 2019