

Planning and Development (Conditional Environmental Significance Opinion—Coree Block 225, Paddy’s River Block 365, Paddy’s River Block 213, Cotter River Block 20—Cotter Dam Access Upgrades) Notice 2022

Notifiable instrument NI2022–588

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 – Coree Block 225, Paddy’s River Block 365, Paddy’s River Block 213, Cotter River Block 20 – Cotter Dam Access Upgrades) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 31 October 2022, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction and upgrades, on Coree Block 225, Paddy’s River Block 365, Paddy’s River Block 213, Cotter River Block 20, to the main access road to the Cotter Dam Wall and the repair of existing site drainage on arterial roads.

(2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

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

Craig Weller
Delegate of the planning and land authority
21 November 2022

Schedule

See section 3(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

Icon Water, as represented by Mr Michael Smith, Environmental Scientist.

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 upgrades at the Cotter Dam, including sections of the main access road to the Cotter Dam Wall and the repair of existing site drainage on arterial roads, as described in the submission.

LOCATION

The proposed works are located at the following sites:

- Coree Block 225
- Paddy's River Block 365
- Paddy's River Block 213
- Cotter River Block 20

These blocks are situated within Tidbnbilla Nature Reserve.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting

application for an ESO, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act:

1. Prior to commencement of works a Construction Environmental Management Plan (CEMP) is to be endorsed by the Conservator of Flora and Fauna
2. All recommendations listed in part 7.2 of the ESO report are to be implemented.
3. All works are to be undertaken in accordance with the endorsed CEMP
4. No works are to be undertaken on days of Total Fire Bans.
5. All hot works and works which could emit a spark must cease on days when the Fire Behaviour Index (FBI) exceeds 25. This includes cutting, grinding, welding, laying bitumen, and excavation of rock.
6. Augmentation of the track drainage structures should be designed to allow runoff at sufficiently slow velocity to not be a point source erosion trigger.
7. Cross-sections should be reshaped to fall outwards (to the south-east) away from the dam impoundment to reduce the possibility of hydrocarbon drainage into the dam. Hydrocarbons from bitumen are known to be highly toxic to sensitive aquatic fauna.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

31 October 2022

**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;

Two critically endangered ecological communities known to be present in the vicinity of the proposed sites are the Natural temperate grassland of the south eastern highlands and White box-Yellow box-Blakely's red gum grassy woodland and derived native grassland.

Twelve species listed as threatened under the *Nature Conservation Act 2014* have been recorded or are likely to appear within the area of proposed works:

- Greater Glider (*Petauroides Volans*)
- Rosenberg’s Monitor (*Varanus rosenbergi*)
- Gang-Gang Cockatoo (*Callocephalon fimbriatum*)
- White-throated Needletail (*Hirundapus caudacutus*)
- White-Winged Triller (*Lalage sueurii*)
- Scarlet Robin (*Petroica boodang*)
- Satin Flycatcher (*Myiagra cyanoleuca*)
- Murray Cod (*Maccullochella peelii peelii*)
- Macquarie Perch (*Macquaria australasica*)
- Murray River Crayfish (*Euastacus armatus*)
- Hoary Sunray (*Leucochrysum albicans subsp. Tricolor*)
- Pale Pomaderris (*Pomaderris Pallida*)

Part 4.3, item 3 proposal for development in a reserve;

The proposed construction is within the following blocks which have National Park or Special Purpose Reserve overlays:

Block	District	Overlay Zone
20	Cotter River	Pb: National Park; Pg: Protection of water supply; Pd: Special Purpose Reserve.
365	Paddy’s River	Pg: Protection of water supply; Pd: Special Purpose Reserve.

225	Coree	Pb: National Park; Pg: Protection of water supply; Pc: Nature Reserve Pd: Special Purpose Reserve.
213	Paddys River	Pd: Special Purpose Reserve.

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 Cotter Dam enlargement project was constructed and finished in 2013 to provide water security to the Canberra community, following the Millennium drought during the 2000s. It has almost been 10 years since the construction of the enlarged dam wall, which has required tracks to be cut into the adjacent areas to allow access to an assortment of different assets at the dam. The existing tracks to the Cotter dam and surrounding infrastructure are currently compacted dirt trails. Over time these trails

have eroded and degraded from heavy vehicle movement and general environmental conditions such as storms.

Icon Water is proposing to upgrade certain sections of the main access road to the Cotter Dam Wall and repair/upgrade existing site drainage on arterial roads (centred mainly on the two saddle dams present). This will involve installing a bitumen seal on the existing access track to the dam wall over the two saddle dams present to the west of the Cotter Dam. This will be approximately 600m of bituminous seal to ensure ongoing stability of the saddle dam roads.

Additionally, roads adjacent to the saddle dams that shoot off the main access track and down to Icon Water infrastructure are accessed regularly. These roads are steep and eroding quite heavily. Icon Water is proposing to remediate the erosion with a regrade of the road and addition of erosion structures (rock crossings and rock beaches) to push flows of water off the track and into heavily vegetated areas or pre-existing culverts. This will require some earthworks to occur to install concrete footings and rock beaching, with some minor vegetation removal adjacent to the saddle dam tracks. The overall project will occur at four locations at the Cotter Dam where access trails and erosion points are in need of repair.

Works will be conducted on access trails associated with the operation of the Cotter Dam. All sites are within pre-existing areas of construction of roads for the Cotter Dam.

Documentation Submitted

- CX11047 – ESO Report- Cotter Dam Access and Erosion Upgrades (dated 18 August 2022)
- Application Form 1M
- Letters of Authorisation

Natural conservation values present

The proposed works will be conducted within the Lower Cotter Catchment area. The sites for works were found to be typically devoid of vegetation as they are roads and erosion structures being upgraded or maintained. However, the overall floristic diversity at the sites is generally low to moderately diverse.

The sites generally lack mature native trees, and no hollow-bearing trees were identified. Some weed species were present adjacent to road sides; typically being broad leaf weeds such as Blackberry (*Rubus fruticosus*) and Great Mullein (*Verbascum thapsus*). The native species present were typically the shrub layer. Such species present in abundance were Green Wattle (*Acacia decurrens*) in semi-juvenile stages and Red Stemmed Wattle (*Acacia myrtifolia*).

Two critically endangered ecological communities known to be present in the vicinity of the proposed sites are the Natural temperate grassland of the south-eastern highlands and White box-Yellow box-Blakely's red gum grassy woodland and derived native grassland. These communities were not identified within the area of proposed works.

At least nine species of mammals, five species or subspecies of frog, over 14 species of reptiles, and over 70 species of birds have been recorded in the vicinity of the works. Twelve species listed as threatened under the *Nature Conservation Act 2014* have been recorded or are likely to appear within the area of proposed works:

- Greater Glider (*Petauroides Volans*)
- Rosenberg's Monitor (*Varanus rosenbergi*)
- Gang-Gang Cockatoo (*Callocephalon fimbriatum*)
- White-throated Needletail (*Hirundapus caudacutus*)
- White-Winged Triller (*Lalage sueurii*)
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- Hoary Sunray (*Leucochrysum albicans* subsp. *Tricolor*)
- Pale Pomaderris (*Pomaderris Pallida*)

Impact on the Reserve

The works to be undertaken are mostly maintenance in nature and will be restricted to the existing access roads and buffer zones around them. The sites proposed for repairs and maintenance are already heavily disturbed, being already utilised access tracks and roads. The project is minor in nature and will only involve small excavations and minor tree/shrub removal (juvenile Acacias only).

A Construction Environmental Management Plan will be developed which will further identify any environmental risks of the proposed activities and will ensure environmental values are protected throughout construction.

Potentially Significant Environmental Impacts

It has been deemed unlikely that there will be any significant environmental impacts from the proposed works, due to the site locations being already heavily disturbed, and within the footprint of already existing infrastructure.

Conditions have been included to ensure that the proposed activities do not present a fire danger, and that the design of any track augmentation is such that they do not

create additional erosion risks, and to protect the dam and waterways from any hydrocarbon drainage, which is known to be highly toxic to sensitive aquatic fauna:

8. Prior to commencement of works a Construction Environmental Management Plan (CEMP) is to be endorsed by the Conservator of Flora and Fauna
9. All recommendations listed in part 7.2 of the ESO report are to be implemented.
10. All works are to be undertaken in accordance with the endorsed CEMP
11. No works are to be undertaken on days of Total Fire Bans.
12. All hot works and works which could emit a spark must cease on days when the Fire Behaviour Index (FBI) exceeds 25. This includes cutting, grinding, welding, laying bitumen, and excavation of rock.
13. Augmentation of the track drainage structures should be designed to allow runoff at sufficiently slow velocity to not be a point source erosion trigger.
14. Cross-sections should be reshaped to fall outwards (to the south-east) away from the dam impoundment to reduce the possibility of hydrocarbon drainage into the dam. Hydrocarbons from bitumen are known to be highly toxic to sensitive aquatic fauna.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.