

Planning and Development (Environmental Significance Opinion – Block 221, Coree – Cotter Dam Fence) Notice 2018

Notifiable Instrument NI2018–332

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 221, Coree – Cotter Dam Fence) Notice 2018*.

2 Environmental Significance Opinion

- (1) On 12 June 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 221, District of Coree, of the movement of a gate and associated extension of fencing (10 metres) below the Cotter Dam.

- (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
22 June 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

Icon Water, as represented by Michael Smith, Environmental Officer, Environment and Sustainability Branch.

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 extension of fencing and relocation of a gate below the Cotter Dam Wall to protect the public from rock fall from the Cotter Dam embankments.

LOCATION

Block 221 District of Coree.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

The works 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

12th June 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 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.

The works are within an area of special purpose reserve, Cotter Recreation 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

Minor rock falls have been occurring from the Cotter Dam embankments during high and sustained rainfall events. This requires the existing security fence at the base of

the of the dam to be extended approximately 10.0m to protect the visiting members of the public from the falling rocks. It is proposed to extend the fence along a section of pathway on the northern bank of the Cotter River and relocate the existing gate to exclude the public from the area of highest risk.

Documentation Submitted

- CX11230 Cotter Dam Fence Relocation (Icon Water, May 2018)
- Form 1M.

Natural conservation values present

The works are to be within an area heavily disturbed by the construction of the dam and is currently a concrete path and sealed road.

The site is immediately adjacent to the Cotter River which supports known populations of listed aquatic species including Macquarie Perch (*Macquaria australasica*), Murray Cod (*Maccullochella peelii peelii*) and Murray River Crayfish (*Euastacus armatus*).

Impact on the Reserve

The impact on the reserve is likely to be a positive impact as it will make the area safer for members of the public but will not restrict viewing access of the dam.

No vegetation will be disturbed and the visual impact of the fence will probably be low as it will be an extension of the existing fence. Visitors are unlikely to notice that the fence has been extended.

Potentially Significant Environmental Impacts

The potential for a significant environmental impact is extremely low as the immediate site surrounds are concrete, no vegetation is to be removed and while the Cotter River is adjacent to the works, this section of the river has been heavily disturbed by the construction of the dam and the river banks have been either rock armoured or taken back to bed rock.

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