

# Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River – Corin Dam Toilet) Notice 2021

Notifiable instrument NI2021–53

made under the

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

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## 1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River – Corin Dam Toilet) Notice 2021*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Conditional environmental significance opinion

- (1) On 15 January 2021, 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 the decommissioning of the existing septic system at Corin Dam and installation of a new sealed pump-out style system, on Block 21, District of Cotter River.

- (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.

Brett Phillips  
Delegate of the Planning and Land Authority  
2 February 2021

## Schedule

See section 3(2)

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### 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

The ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, ACT Government, as represented by Deklyn Townsend, Ranger.

#### 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 decommission of existing septic system at Corin Dam and installation of new sealed pump-out style system as described in the submission.

#### LOCATION

Block 21, Cotter River within the Namadgi National Park. The site is located at the carpark at the base of the Stockyard Spur Walking Trail.

#### 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. Removal of shrubs will be minimised.
2. No mature trees will be removed.
3. Vegetation will be replanted around the development and areas disturbed by the development.
4. Materials and finishes will be complementary to the local environment to reduce the visual impacts of the development.
5. Sediment and erosion controls will be installed to prevent sediment escaping the development area.

Attached is a Statement of Reasons for the decision.

A handwritten signature in dark ink, appearing to read 'Ian Walker', with a long horizontal flourish extending to the right.

Ian Walker  
Conservator of Flora and Fauna

15<sup>th</sup> January 2021

## 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 in a 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

Namadgi National Park is located in the south and west of the ACT and covers 106,095 hectares or approximately 46% of the ACT. The western boundary of the park is the ridgeline of the Brindabella, Bimberi and Scabby Ranges. The south-eastern border of Namadgi follows the ridgeline of Clear Range.

Namadgi protects Canberra's main water supply catchment with Corin and Bendora Dams located within the Park and the expanded Cotter Dam immediately downstream.

This project is for the decommission of existing septic system at Corin Dam and installation of new sealed pump-out style system as described in the submission.

**Documentation Submitted**

- Adaptive Reuse Works Plan
- Toilet Construction Risk Assessment
- Satellite image of the site
- Project Brief
- Conservation Values assessment
- ACT Health application to install or alter a septic tank, chemical toilet or sewage treatment plant
- ESO application report
- Preliminary Designs
- Form 1M.

***Natural conservation values present***

Namadgi National Park conserves a wide variety of ecosystems and contributes to regional ecological connectivity through its links to reserves within NSW. The ecosystems include:

- low open woodland covering much of the park with Snow Gum woodland in the high mountain areas;
- open grasslands and frost hollows on the eastern side of the park in the Orroral and Boboyan valleys;
- tall wet forests with Alpine Ash and fern gullies in sheltered locations, especially on the western side of the park;
- wetlands including sedge fens in the valleys and sphagnum moss bogs on the peaks that are important for water catchment and as habitat for the endangered Northern Corroboree Frog (*Pseudophryne pengilleyi*), and
- sub-alpine peaks and alpine communities above 1600m.

At least 35 species of mammals, 14 species or subspecies of frog, over 41 species of reptiles, four native fish species and over 130 species of birds have been recorded in Namadgi National park. There are 12 animal species listed as threatened under the *Nature Conservation Act 2014*:

- Northern Corroboree Frog (*Pseudophryne pengilleyi*)
- Two-Spined Blackfish (*Gadopsis bispinosus*)
- Trout Cod (*Maccullochella macquariensis*)
- Macquarie Perch (*Macquaria australasica*)
- Murray River Crayfish (*Euastacus armatus*)
- Hooded Robin (*Melanodryas cucullate*)
- Brown Treecreeper (*Climacteris picumnus*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Little Eagle (*Hieraaetus morphnoides*)

- White-Winged Triller (*Lalage sueurii*)
- Smoky Mouse (*Pseudomys fumeus*)
- Spotted-Tailed Quoll (*Dasyurus maculates*)

Three vegetation communities in Namadgi have been identified as requiring special protection and management. These are:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT
- Montane and Subalpine Bog (forming a significant component of the Commonwealth listed *Alpine Sphagnum Bogs and Associated Fens*)
- Black Cypress Pine Tableland Open Forest.

Several rare and unusual species occur in Namadgi, but only two plant species are formally recognised as threatened: *Gentiana baeuerlenii* (a sub-alpine herb) and *Corunastylis ectopa* (Brindabella Midge Orchid). Both are declared threatened under ACT and Commonwealth legislation.

### **Impact on the Reserve**

The proposed development is within Namadgi National Park and the site selected for the development is in a disturbed area close to Corin dam.

The proposed construction would impact some minor shrubs (Cassinia and bottlebrush) and may impact some small planted eucalypts.

Measures used to mitigate any environmental impacts caused are:

- Removal of shrubs will be minimised.
- No mature trees will be removed.
- Vegetation will be replanted around the development and areas disturbed by the development.
- Materials and finishes will be complementary to the local environment to reduce the visual impacts of the development.
- Sediment and erosion controls will be installed to prevent sediment escaping the development area.

### **Potentially Significant Environmental Impacts**

The site has been well chosen to avoid any more than minor clearance of disturbed/planted vegetation. There is a very low likelihood of the proposal impacting on protected matters or other rare plant species.

Conditions have been included to make sure the development will not impact the broader landscape:

1. Removal of shrubs will be minimised.
2. No mature trees will be removed.

3. Vegetation will be replanted around the development and areas disturbed by the development.
4. Materials and finishes will be complementary to the local environment to reduce the visual impacts of the development.
5. Sediment and erosion controls will be installed to prevent sediment escaping the development area.

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