
ENVIRONMENTAL SIGNIFICANCE OPINION - BLOCK 21 COTTER RIVER – CORIN DAM MINOR FENCING WORKS

In accordance with section 140 (4) of the *Planning Act 2023* (the Act), I provide the following environmental significance opinion:

APPLICANT

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

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 140 (4) 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 installation of chain-link fencing around solar panels and a protection cage around the seepage weir gauge as described in the submission.

LOCATION

Block 21, Cotter River, Namadgi National Park.

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 condition made under s140 (4)(b) of the Act:

1. The proposed works may be subject to random compliance inspection by Conservation Officers as requested by the Conservator of Flora and Fauna.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a large 'X' drawn over it.

Bren Burkevics
Conservator of Flora and Fauna

6 April 2024

**STATEMENT OF REASONS
REASONS FOR THE DECISION**

The proposed development is a proposal mentioned in Schedule 1 of the *Planning (General) Regulation 2023* – requiring environmental impact statement, being:

Part 1.2, item 18 - proposal for development in a reserve, unless the proposal is for minor public works to be carried out by or for the Territory in accordance with a minor public works code approved by the conservator of flora and fauna under the Nature Conservation Act 2014, section 318A;

The proposed works are within Namadgi National Park.

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

Icon Water owns and operates the Corin Dam for the purposes of water supply for the Canberra community. At the base of the dam there is a small solar array which requires a minimal amount of fencing to be installed around the panels. In addition, a protective cage is to be installed around the seepage weir gauge located 30m to the east of the fence.

Works will involve the installation of a 2.7m high chain link fence around the solar array and a 1.8m cage around the leakage weir gauge in line with Icon Water standards.

Documentation Submitted

- ESO Report;
- Letter(s) of Authorisation
- Form 1M.

Natural conservation values present

The site proposed for the fence and subject to this ESO is an open clearing at the base of Corin dam. The site consists of native mountainous grasses surrounded by thick vegetation including Cassinia bushes, wattle trees, and large mountainous eucalypt species.

The surrounding 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/within a 500m radius of the development site. 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.

Potentially Significant Environmental Impacts

The site proposed for the fence installation is an open clearing around an already existing solar array. The leakage weir is located off an open walking track to the edge of the Cotter River. The area has been previously disturbed and is accessed by an existing track leading to the structures.

Works will be minor in nature with the installation expected to be completed in one day. No significant impacts are expected from the works. The works incorporate a range of important mitigation measures that will reduce the possibility of any impacts to the environment including:

- Ensure any excavation/trenches are not left open overnight or have appropriate fencing to exclude wildlife.
- Avoid disturbance to areas beyond the immediate footprint of proposed works.
- Fire suppression controls need to be onsite if hot works are to be used.
- No work done during total fire ban days.
- All litter / waste to be removed from site by contractors.

- Notify Icon Water environment team in the event of environmental incident.
- Existing tracks to be used during construction activities. An unexpected Finds protocol to be used in the event such items are identified.

A condition has been added to emphasise that compliance activities may occur during the proposed works.

It has been determined that if the works are undertaken in a manner consistent with the above condition 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.