

Department of Primary Industries, Parks, Water and Environment

Agriculture and Water Division

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Our Ref: D21-175161

Mr Andrew Nugent
PO Box 163
WOODSIDE SA 5244

Dear Mr Nugent

NOTICE OF DECISION - DAM WORKS PERMIT NUMBER 2021010041

In accordance with section 157 of the *Water Management Act 1999* (the Act), I wish to advise that, following the review of the decision in relation to your application and having considered the additional information provided in response to the Notice issued to you on 9 September 2021, the application has been approved and a Permit to Undertake Dam Works in relation to the construction of a 257.4 megalitre (ML) in-stream dam on an unnamed tributary of Templestowe Lagoon at Seymour – Dam Works Permit Number 2021010041 has been granted.

Having considered the application in accordance with section 155 of the Act, I as the Minister's delegate have imposed the following conditions on the Permit in accordance with section 164 of the Act:

“The dam works authorised by this Permit must be carried out in accordance with the Division 3 Permit Dam Works Code 2015 (“the Code” - enclosed)”. This condition is designed to ensure that the authorised dam works achieve appropriate dam safety and environmental management objectives. Accordingly, it is recommended that you read and understand the requirements of the Code.

“In addition to requirements under Condition 1, a soil ameliorant such as gypsum must be applied to any potentially dispersive soil material before it is incorporated into the dam structure; and Compaction effort must be undertaken using a vibratory tamper foot roller with a minimum weight of 10 tonnes.” This condition is designed to ensure that the authorised dam works achieve appropriate dam safety and environmental management objectives, by minimising the risk of a dam piping failure.

“The dam works authorised by this Permit must be carried out in accordance with the “*Sediment Management and Erosion Control Document*”, dated September 2021, prepared by Pinion Advisory, Departmental reference D21-13396”. This condition is designed to minimise the potential of any adverse impacts upon natural values arising from the dam works.

“The dam works authorised by this Permit within the area mapped as low probability of occurrence of acid sulfate soils must not extend below the water table”. This condition seeks to minimise the risk of exposing and activating acid sulfate soils during the dam works.

"The dam works authorised by this Permit must be undertaken generally in accordance with the *Tasmanian Coastal Works Manual 2010*." This condition recognises the importance of the coastal environment and the associated natural and cultural values and ensures that the works are undertaken in a manner that minimises the impact upon these.

"The dam works authorised by this Permit must be carried out in accordance with the Dam Works Code to Clear Vegetation 2015 (enclosed)". This condition is designed to ensure that the authorised dam works meet the required standards for the protection of environmental values, which apply to the clearance of vegetation undertaken as part of dam works authorised under a Division 3 permit.

While not a condition of the permit, it is strongly recommended that the dam works are supervised by a suitably qualified engineer with Class I competency, as set out in the Water Management (Safety of Dams) Regulations 2015 in order to identify if and when mitigation methods should be applied should dispersive soils or acid sulfate soils be encountered during the works.

I would note that the assessment of the application did not identify a high risk of impact on heritage values. However, please be advised that should any relics be identified during the dam works you should follow the Unanticipated Discovery Plan (enclosed) in order to comply with the requirements of the Aboriginal Heritage Act 1975.

Under Part 14 of the Act, you have the right to apply to the Minister to review this decision, this application must be made in writing within 14 days.

Additionally, Under Part 14 of the Act, you have the right of appeal against the decision to the Resource Management and Planning Appeals Tribunal (RMPAT). To exercise this right, you must apply in writing to the RMPAT within fourteen (14) days after the date of this Notice.

Please note that the Dam Works Permit does not take effect until the appeal period has expired and any appeals have been resolved. You will then be advised in writing as to the date the Permit takes effect. If you do not wish to appeal, you may waive your right by writing to the department prior to the 14 days appeal period expiring.

Also, it is important to note that by virtue of s163(2)(b) of the *Water Management Act 1999*, a dam works permit does not authorise the undertaking of the dam works without the consent of the owner of the land on which those works are to be undertaken. This includes any land that may be inundated by water at the dam's full supply level. Accordingly, it is recommended that a formal written agreement is made between the parties prior to commencing any works.

If you wish further information in relation to our requirements or require electronic copies of any of the attached documents, please contact Sallie Bolonja on the number above.

Yours sincerely



Jo Crisp
Acting General Manager
AGRICULTURE AND WATER DIVISION

Enclosures Division 3 Permit Dam Works Code 2015
 Dam Works Code to Clear Vegetation 2015
 Unanticipated Discovery Plan