



# Department of Environment, Land, Water & Planning

Our ref: SP476240  
Your ref: JW1624119

9 August 2021

Ms Linda Hardy  
Senior Assessment Officer  
Southern Rural Water

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By email - [srw@srw.com.au](mailto:srw@srw.com.au)

Dear Ms Hardy,

**APPLICATION NUMBER:** JW1624119  
**PROPOSAL:** Alterations to an existing dam including spillway  
**ADDRESS:** 1075 Horseshoe Bend Road, Torquay

Thank you for your correspondence dated and received on 28 May 2021, in respect of the above-described application for Alterations to an existing dam including spillway. I apologise for the delay in response.

The Department of Environment, Land, Water and Planning (DELWP) has considered the above application in accordance with Section 62(5) of the *Water Act 1989*.

## Commentary

DELWP officers have undertaken a desktop assessment of the ecological values and potential issues that may be associated with the application.

The works are required as the dam failed in Oct 2020 resulting in 140 residents being evacuated, so DELWP were aware that repairs would be required done to the dam eventually. It was also reported in local media that the dam was 'leaking' but once again we are not aware of what the end outcome was.

It appears from the limited information provided that the proponents are reducing the holding capacity of the dam. The adjoining subdivision The Sands Development which DELWP has had considerable involvement and input into its layout design as well as mitigating impacts on nearby threatened species, habitat and biodiversity values.

The wetlands/ponds throughout the development are operating as intended and there has been community concern about the dam and its capacity to function properly. DELWP has been contacted by Council and community about the matter, who are unhappy about the impacts on the adjoining Breamlea FFR and Karaaf wetlands. There was also consideration of the agricultural land in this area being part of the urban growth of Torquay, it's known as the NE investigation area.

When the Distinctive Areas Landscape (DAL) team within DELWP considered this area, they were requested to get some expert hydrological advice as our understanding is that the catchup is at capacity and the downstream impacts can't receive any more fresh water.

### Privacy Statement

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Based on the above comments, DELWP's main concerns with the proposal are how or can the water be reused in the adjoining agricultural site, so they are not adding additional pressure on the downstream receiving environment and if they drop the capacity of the dam does that have any impact.

We would appreciate a response to the above queries prior to DELWP providing a final response on the proposal.

If you have any queries regarding this matter, please contact me on telephone 0419 751 557.

Yours sincerely

A handwritten signature in black ink, appearing to read "Scott Elliott". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

**Scott Elliott**  
Planning Approvals Program Officer  
Barwon South West Region