

# Planning and Development (Environmental Significance Opinion - Block 18, Bendora – Bendora Leakage Measurement Weirs) Notice 2014 (No 1)

**Notifiable Instrument NI2014–481**

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 (Environmental Significance Opinion – Block 18, Bendora – Bendora Leakage Measurement Weirs) Notice 2014 (No 1)*.\*

## **2 Commencement**

This instrument commences on the day after notification.

## **3 Environmental Significance Opinion**

An Environmental Significance Opinion has been prepared by the Conservator of Flora and Fauna.

The text of the opinion is shown at Annexure A.

A copy of the opinion may be obtained from ACTPLA's website:

[http://www.actpla.act.gov.au/topics/design\\_build/da\\_assessment/environmental\\_assessment/environmental\\_significance\\_opinions](http://www.actpla.act.gov.au/topics/design_build/da_assessment/environmental_assessment/environmental_significance_opinions)

## **4 Completion**

The environmental significance opinion and the notice including the text of the opinion expire 18 months after the day the notice is notified.

Dorte Ekelund  
Chief Planning Executive

2 October 2014

\*Name amended under Legislation Act, s 60



**ACT**  
Government

Environment and Planning

Ms Dorte Ekelund  
Chief Planning Executive  
ACT Planning and Land Authority  
Dame Pattie Menzies Building  
DICKSON ACT 2602

Dear Ms Ekelund

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on your request for an environmental significance opinion for the construction of two leakage measuring weirs at Bendora Dam.

The proposal is not likely to have a significant adverse environmental impact on a land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

Please find attached the Environmental Significance Opinion and a Statement of Reasons for the decision.

Yours sincerely

Ann Lyons Wright  
Conservator of Flora and Fauna

15 September 2014

## **ENVIRONMENTAL SIGNIFICANCE OPINION**

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion:

### **PROPONENT**

Mr James Gray, Environmental Assessment Officer, ACTEW Water.

### **LOCATION**

Within Namadgi National Park immediately downstream of Bendora Dam Wall, Block 18 District of Cotter River.

### **DEVELOPMENT PROPOSAL**

The project involves the construction of a two new leakage measuring weirs to complement the existing leakage measuring weirs on the downstream side of Bendora Dam.

The proponent wants the application for the development approval assessed for an environmental significance opinion 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.

### **OPINION**

The proposal is not likely to have a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ann Lyons Wright  
Conservator of Flora and Fauna

15 September 2014

## 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,

The development proposal is mentioned in Schedule 4, part 4.3, item 3, being development on land reserved under s. 315 for the purpose of a wilderness area, national park, nature reserve or special purpose reserve.

The proposed works are within an area reserved as public land national park within the 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 for an environmental significance opinion (ESO) 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 and known values of the sites.

**Project description**

ACTEW Water is proposing to construct two new leakage measuring weirs on the downstream side of the Bendora Dam wall. These will complement the existing leakage measuring weirs to help the dam managers understand the rate of leakage to inform their understanding of the integrity of the dam wall structure.

The location of the works is on the lower left abutment at the interface between the foundation bed rock area and the stilling basin and works will include minor formwork and concreting, as well as installation of short lengths of 40mm galvanized steel pipe. The dimensions of the weirs will be no more than 500mm wide by 180mm high.

Works will involve minor sediment removal to ensure a clean rock face then timber formwork will be installed, including the steel discharge pipes to direct leakage flow. Concreting will be mixed onsite and transported and poured by hand by way of the existing staircase. All works will be conducted by hand and no heavy machinery will be required.

The construction laydown area will be situated on an existing concrete pad at close proximity to the work site. No fill is required to be imported.

**Documentation Submitted**

Report titled:

- Bendora Leakage Measuring Wirs Environmental Significance Report (25 August 2014) by ACTEW Water; and

ESO Application Form 1M.

***Natural conservation values present***

The Environmental Significance Report states that “An isolated fern community exists in the gully between the dam and the abutment, where the two proposed leakage measurement weirs will be located. The dam leakage points and mist from the spillway creates a humid microclimate and allows for the ferns to thrive. Some common weeds were also present.

The fern community consists of *Dicksonia antarctica* in association with smaller growing ferns, with the ground layer dominated by *Blechnum minus*. The fern community occurs in the absence of overstorey vegetation and is isolated from riparian vegetation occurring some distance downstream. Appendix 2 details a complete flora list.



No flora species protected under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)* or vulnerable or endangered species under the ACT *Nature Conservation Act 1980 (ACT)* were observed during the survey. However, most fern species are protected plants in the ACT and provisions to protect them will be made for the proposed project."

A faunal survey was not undertaken.

***Impact of development on these values (including offsite impacts)***

The strategic placement of coir logs and implementation of a Construction Environment Management Plan, including a site induction, will help protect the ferns at the site. Coir logs will also be installed to prevent any disturbed sediment materials entering the Cotter River during works.

While the broader area of Namadgi National Park has very high natural conservation values, the site of the proposed installation has been highly disturbed by the construction of Bendora Dam and works are to be located on areas of previously disturbed ground. It is likely that the leakage weir pools will create suitable habitat for aquatic insects and frogs

There is a cleared, all weather access road to the dam and no clearing is required to facilitate the works.

The Cotter River is known to support the Macquarie Perch (endangered under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Nature Conservation Act 1980 (NCA)*) and Two-spined Blackfish (vulnerable under the NCA), however the area of the river where the works are to occur has been significantly modified through the construction of the dam, spillways and stilling basins, as well as modification of the natural flow regime through the disruption of normal flows by the dam. As these works are immediately below the dam wall, it is unlikely that these fish species would occur in this particular stretch of the river.

**Potentially Significant Environmental Impacts**

The implementation of a Construction Environmental Management Plan will mitigate impacts on water quality within the Cotter River so that no significant impacts on water quality or threatened fish species (such as the Macquarie Perch or Two-spined River Blackfish) are anticipated.

There will be a very minor visual impact which will diminish as time goes on.

As maintenance requirements are minimal, there is unlikely to be any ongoing detrimental impacts from the works.

It has been determined that the potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed.