Australian Capital Territory

Planning and Development (Environmental Significance Opinion – Bendora Dam stairway and walkway system – Block 18 Cotter River) Notice 2012

Notifiable Instrument NI2012–554

Made under the

Planning and Development Act 2007 s138AD (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 – Bendora Dam stairway and walkway system – Block 18 Cotter River) Notice 2012.*

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_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.

David Papps
Environment and Sustainable Development Directorate

29 October 2012

ACT Government
Environment and Sustainable Development

Mr David Papps
Chief Planning Executive
ACT Planning and Land Authority
Dame Pattie Menzies Building
DICKSON ACT 2602

Dear Mr Papps

This is to advise of my decision, under s.138AB(4) of the *Planning and Development Act 2007*, on the request for an environmental significance opinion for the construction of new stairways and walkway system at Bendora Dam to facilitate the inspection of the dams leak detection points.

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

Penny Farnsworth
Conservator of Flora and Fauna

26 October 2012

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 Sam Patmore, Town Planner, CBRE (V) Pty Ltd on behalf of ACTEW Water Division.

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 new set of lightweight pre-fabricated aluminium stairways, to facilitate inspections of the leak detection points located on the western side of the river, immediately downstream of the Bendora Dam wall at the stilling basins. The project also includes the installation of a new section of steel staircase on top of the existing concrete stairs leading to the valve chambers, the installation of new and replacement handrails around the valve chambers and along the paths and stairway to ensure the site meets current Occupational Health & Safety requirements and standards, and the upgrade of the existing pathway by the laying and compaction of crushed gravel to formalise the path.

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 to that effect.

OPINION

The proposal is not likely to have a significant adverse environmental impact provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

- That all works are in accordance with a Construction Environment Management Plan approved by the Environment Protection Authority and the Parks and Conservation Service.
- That all works are in accordance with the Code of Practice – Practical Guidelines and Standards for Co-Operation Between Act Parks and Conservation and ActewAGL 2009.

Attached is a Statement of Reasons for the decision.

Penny Farnsworth
Conservator of Flora and Fauna

20 October 2012

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 install a new stairway and walkway system at Bendora Dam to ensure the site meets current Occupational Health & Safety requirements. The new walkway system, including stairs and platforms, will be made of lightweight prefabricated aluminium and will be installed directly on top of the existing concrete structures that make up Bendora Dam and its ancillary features. The walkway will replace the current stairs and all construction materials will be carried in by hand from a drop off area along the existing road, uphill of the site. The existing pathway from the valve chamber along the scour main pipe will also be upgraded/resurfaced with compacted gravel. Limited earthworks and vegetation removal will be required as part of the construction process. Some minor drilling into the existing substrate for anchoring the stairs is required as well as some minor removal of vegetation (grasses/forbs) that has regrown along the pathway.

The stairway and walkway system includes:

- aluminium stairs from bottom of access road to valve chamber structures;
- gravel pathway that will following the existing DN1066 scour main pipe route from the dam;
- platforms and stairs leading from the end of the new gravel path and along the dam spillway wall; and
- platforms from the bottom of dam spillway wall to the dam leakage inspection and determination points.

The project will require the establishment of a small site works compound and office area. This will be erected at the sharp bend in the track leading from Bendora Road to the bridge crossing.

Documentation Submitted
Reports titled:

- Environmental Significance Report (September 2012) by CBRE Town Planning; and
- Ecological Assessment Report (November 2011) by Eco Logical Australia.

ESO Application Form 1M,
Access to Dam Leakage Location Plan,
Preliminary Design and Detail Drawings.

Natural conservation values present
The Ecological Site Inspection Report correctly states that "The broader surrounds of Bendora dam are likely to represent a wet sclerophyll forest community dominated by *Ribbon Gum – Robertson's Peppermint Moist Open Forest*. The status of the vegetation community is consistent with a mosaic of patchy regrowth that

presumably resulted from an intense fire a decade prior. The overstorey is dominated with *Eucalyptus viminalis* (Ribbon Gum) and *E. robertsonii* (Robertson's Peppermint). The understorey was generally open and varied in height with species including *Acacia melanoxylon* (Blackwood), *A. dealbata* (Silver Wattle), *Cassinia aculeata* (Common Cassinia) and *Pomaderris* sp. amongst others. The groundlayer was dominated by ferns, native grasses and a moderate diversity of forbs."

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 the Bendora Gravity Mains water supply pipeline and associated valve pits. Works are to be primarily located on areas of existing concrete (i.e. concrete staircase and spillway wall) or disturbed ground.

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 upstream of the environmental flows outlet, it is unlikely that these fish species would occur in this particular stretch of the river.

Minor vegetation clearing is proposed along the pathway and includes removal of common grass and forb species as defined in the accompanying ecological assessment report.

Impact of development on these values (including offsite impacts)
Whilst the broader site may contain uncommon, rare or endangered flora and fauna, the specific works area does not support any known rare, threatened or uncommon flora, fauna, communities, landscapes or phenomena. It has been determined that the impact will be very minor and will prevent ongoing erosion occurring on existing gravel and natural paths currently used.

As the new stairs etc are of a lightweight pre-fabricated aluminium construction it is light enough to manually carry in, in sections, rather than requiring earth works to gain machine access. The same benefits occur on the inevitable redundancy of the structure.

It is noted that the works are likely to occur in early mid-summer and, as the location of the works is upstream of the environmental flows outlet, there is unlikely to be any water in the areas of that requires drilling into the existing river bedrock.

There is a cleared, all weather access road to the site and the track widens very significantly where the proposed site compound is to be located. No clearing is required to facilitate the compound.

Potentially Significant Environmental Impacts

The area of the site to be impacted is approximately 350m^2 in total and is primarily located on areas of existing concrete (i.e. concrete staircase and spillway wall) or disturbed ground (i.e. gravel pathway) with the exception of the very base of the staircase at the leak detection points, where the elevated platform will be bolted into the river bedrock.

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 the aluminium ages and re growing vegetation softens the straight lines.

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

The potential for a significant environmental impact is low provided works are in accordance with the conditions as imposed.