

Planning and Development (Environmental Significance Opinion – Bendora Dam crane pad installation and road refurbishment – Block 18 Cotter River) Notice 2014 (No 1)

Notifiable instrument NI2014–71

made under the

Planning and Development Act 2007, s138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Environmental Significance Opinion – Bendora Dam crane pad installation and road refurbishment – Block 18 Cotter River) 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

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

Environment and Sustainable Development Directorate

27 February 2014



ACT
Government

Environment and
Sustainable Development

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 the request for an environmental significance opinion for the construction of a concrete crane support pad and associated road refurbishment at Bendora Dam.

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

Yours sincerely

Alan Traves
Conservator of Flora and Fauna

20 February 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 Alastair Smith, Environmental Projects 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 concrete pad of approximately 9m x 8m x 1m on an existing road located on the left abutment immediately below Bendora Dam and to refurbish approximately 700m of the access road to the site. The works are essential for safety reasons as minor subsidence occurred during the operation of a 40 tonne mobile crane whilst servicing the main valve infrastructure down slope.

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 provided that works are undertaken in accordance with the conditions listed below.

MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

- That the Gristle Fern (*Blechnum cartilagineum*) recorded near the activity area is not impacted by the works;
- The total footprint of disturbance for the concrete pad and its construction does not exceed 120m²;
- Vegetation clearance, additional to that at the pad site, is restricted to that vegetation that has encroached on the existing access road to the pad site;
- 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;
- Machinery and vehicles associated with the works are cleaned of any mud or organic material prior to entering Namadgi National Park;
- Any mulch or fill utilised as part of the construction or restoration must be free of any significant weeds and sourced from within Namadgi National Park if possible. The import of any road base material (if required) to be only in accordance with the prior approval of the Parks and Conservation Service (Bendora Ranger). Note that the use of blue stone material will not be approved; and
- Any areas left bare after construction to be covered with stockpiled topsoil from the original excavation and mulch material from the clearing activities

Attached is a Statement of Reasons for the decision.



Alan Traves
Conservator of Flora and Fauna

20 February 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 install a concrete pad of approximately 9m x 8m x 1m on an existing road on the left abutment immediately below Bendora Dam and to refurbish approximately 700m of the access road to the site. The pad will provide a safe foundation to operate a 40 tonne mobile crane while servicing the main valve infrastructure located down-slope.

Approximately 100m² of previously undisturbed land will be impacted for the installation of the concrete pad. The works to widen the road will require removal of vegetation to restore the original width of the road. No trees of with a trunk circumference greater than 10cm will be cleared.

The foundation of the pad will incorporate two steel-reinforced concrete transfer beams running laterally to the road and anchored into the rock exposed by the cutting. These will be covered by a level concrete pad for the crane and a ramp at one end to give access to the end of the road. A rockfall protection slab will be included on the anchor side.

The project will use a small site works compound that was used as a site compound for previous works on the dam. This is located at the sharp bend in the track leading from Bendora Road to the bridge crossing.

Documentation Submitted

Reports titled:

- Bendora Dam Crane Pad Installation and Road Refurbishment Environmental Significance Report (24 January 2014) by ACTEW Water; and
- Bendora Crane Pad Geotechnical Investigation Report by ACT Geotechnical Engineers Pty Ltd.

ESO Application Form 1M,
Crane Support Summary,
Crane Support Platform Structural Details Drawings,

Natural conservation values present

The Environmental Significance Report states that "The vegetation community around Bendora dam is dry sclerophyll forest with the overstorey dominated by Narrow-Leaved Peppermint (*Eucalyptus radiata*) and Mountain Gum (*Eucalyptus dalrympleana*). The middle forest stratum was species diverse and dominated by *Exocarpus* sp. and *Acacia* sp."

A site inspection of the crane pad site itself, the proposed laydown area, and the verges of the roadways was held on 13 January 2014 by suitably qualified ecologists.

The ecologists found that the vegetation around the proposed crane pad site to have been modified as there were few upper and middle storey trees forming only a scattered canopy structure. This has allowed a dense shrub cover to develop, which provides few opportunities for grasses and other small plants to colonise the understorey.

The Report notes “the observation of raptors (probably Peregrine Falcons, *Falco peregrinus*) and many small bird and insect species indicated that the local forest was valuable habitat supporting high faunal biodiversity. No indications of mammal or reptile fauna presence was observed on the road and verges.

An extensive faunal survey was not undertaken as it was deemed to be outside the scope of this assessment. The proposed development will not directly impact any core fauna habitat, only the vegetation regrowth encroachment immediately adjacent to the road and crane pad site. Indirect impacts to surrounding habitat such as runoff, sedimentation and noise/vibration disturbance will be addressed by the EIA and avoided/minimised through implementation of the mitigation measures via the CEMP.”

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 primarily located on areas of 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 in the vicinity of the environmental flows outlet, it is unlikely that these fish species would occur in this particular stretch of the river.

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.

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.

Gristle Fern (*Blechnum cartilagineum*) was recorded in the species list. This fern has only been recorded 5 other times in the ACT at a total of 4 locations with only low numbers at least 2 of these locations. The ferns were identified at the road verge in an area where widening is not required, and therefore will not be impacted by the works. It is recognised that the species list provided in Appendix 2 is a total list of all species identified in the general project area, not just the areas which will be directly impacted

The species list also records a *Grevillea*, *Pimelea* and *Pomaderris* as present within the area of proposed works but does not give an identification to species level. *Grevillea diminuta*, *Pimelea ligustriana* and *Pomaderris intermedia* are considered rare in the ACT and have previously been recorded in the vicinity of Bendora Dam.

The works will not necessarily impact all plants listed in the species list. The *Grevillea* identified was probably *victoriae* but was not in flower so was unable to be identified for certain. The *Pimelea* was definitely not *ligustriana*. The *Pomaderris* may have been *intermedia* or *elliptica* but again, was not in flower and cannot be identified for certain until next spring. In the event that plants of these Genus's are encroaching the road, they will be flagged and impact to them will be avoided by pruning them back instead of clearing, as far as possible.

Potentially Significant Environmental Impacts

The area of the site to be impacted is approximately 100m² in total and is primarily located on areas of disturbed ground therefore the potential for significant impacts on the fauna and flora of the area is minimal.

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 regrowing vegetation softens the disturbed areas.

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.