

Planning and Development (Conditional Environmental Significance Opinion – Blocks 15 and 21 Cotter River, Namadgi National Park) Notice 2017

Notifiable Instrument NI2017–110

Made under the

Planning and Development Act 2007, s 138AD (Requirements in relation to environmental significance opinions)

1 Name of instrument

This instrument is the *Planning and Development (Conditional Environmental Significance Opinion – Blocks 15 and 21 Cotter River, Namadgi National Park) Notice 2017*.

2 Conditional Environmental Significance Opinion

- (1) On 17 February 2017, the Conservator of Flora and Fauna, pursuant to section 138AB(4) of the *Planning and Development Act 2007* (the Act), gave the Applicant a conditional environmental significance opinion in relation to upgrades to the security fencing at Corin Dam and Bendora Dam, Blocks 15 and 21 Cotter River, Namadgi National Park)
- (2) In this section:
Conditional environmental significance opinion means the opinion in the schedule.

Note: under section 138AD(6) of the Act, the conditional environmental significance opinion and this notice expire 18 months after the day this notice is notified.

Dorte Ekelund
Chief Planning Executive
27 February 2017

ENVIRONMENTAL SIGNIFICANCE OPINION

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

APPLICANT

Icon Water, as represented by Benjamin Bryant, Team Leader, Environmental Services.

APPLICATION and DEVELOPMENT PROPOSAL

The applicant has applied under section 138AA of the Act to the Conservator of Flora and Fauna for an environmental significance opinion to the effect that the development proposal set out in the submission is not likely to have a significant adverse environmental impact (the application).

The development proposal is for the replacement of existing security fencing at Corin and Bendora Dams with an additional small section of new fencing near Bendora Dam alongside the existing access road.

LOCATION

Blocks 15 and 21 District of Cotter River, within Namadgi National Park.

MATTERS TO WHICH THIS OPINION APPLIES

This opinion applies only the development proposal as described in the application.

OPINION

Provided the works are undertaken in the manner consistent with the following conditions, they are unlikely to cause a significant adverse environmental impact.

This opinion is granted subject to the following conditions made under s138AB(4) of the Act.

- All vehicles and machinery travelling into Namadgi must be clean and free of mud or plant material;
- disturbance to areas beyond the immediate surrounds of each pole is to be avoided;

- All vehicles are to be kept to the formed track;
- Holes are to be backfilled with locally sourced soil and compacted, with the immediate area of disturbance to be shaped to slow surface runoff velocity and direct runoff to the contours;
- The Bendora Ranger is to be notified prior to the contractors attending on site to ensure there are no changes in conditions to access;
- Vehicles and equipment must be equipped and maintained in order to minimise the risk of igniting a fire, and have the capacity to extinguish a fire either on or caused by the machine;
- All litter to be removed from site by contractors.

Attached is a Statement of Reasons for the decision.



Dr A. Lane
Conservator of Flora and Fauna

17 February 2017

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, being:

Part 4.3, item 3 proposal for 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 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 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, known values of the site, and provided the works and ongoing management are carried out in accordance with the conditions attached to this ESO.

Project description

Icon Water is proposing to upgrade the security fencing at Corin and Bendora Dams to meet the Commonwealth Attorney Generals Department security requirements for critical infrastructure. Approximately 170m linear meters of existing fencing will be replaced, and an additional 22m of new fencing will be installed.

The fencing will be man proof chainwire fencing with three rows of barbed wire at the top, approximately 2.700m high.

Works will not require the removal of native vegetation. Impact will be localised with a maximum of 3m construction corridor either side of the fence. Machinery to install the concrete plinth and lift the poles is expected to stay on the existing hardstand areas but may create some compaction and soil disturbance on the fence-line footprint.

Any holes resulting from the removal of the existing fencing will be filled with soil sourced from the minor onsite excavation for installation of the concrete plinths. These areas will be compacted and resurfaced to ensure there is no subsidence under the trench or weakness for a future erosion point. No soil is expected to be imported for hole filling.

All existing fencing that is being demolished will be removed from the Park and taken for metal recycling.

Corin Dam works

The existing security fencing on the western side of the dam will be replaced. This fence is located on the dam wall and parallel to the dam spillway. The fencing / gate to be replaced on the eastern side is located at the end of the dam tower bridge.

The laydown for construction materials will be in the existing lower carpark on the eastern side of the dam.

Bendora Dam works

The works will include the removal of the existing security fences, poles and their footings and the installation of new footings, poles and fencing on the same alignment. New fencing will be installed along the access road verge on the western side of the dam wall, and on the eastern side of the Cotter River downstream of the dam wall near the access bridge for the Pipeline Road.

The laydown area for storage of materials will be in the onsite boat shed.

Documentation Submitted

- CX10953 Critical Infrastructure Fencing Replacement at Corin and Bendora Dams Environmental Significance Opinion Report (Icon Water Version 1, 25 January 2017);
- Form 1M.

Natural conservation values present

The hillslope community near the Corin and Bendora Dam walls is Narrow-leaved Peppermint – Ribbon Gum Montane Forest with scattered *Eucalyptus dives* and very occasional *E. dalrympleana* at the range crest. There is a good selection of shrubs including the large-leaved *G. oxyanthera*, *Pomaderris aspera*, *Derwentia derwentiana* and *D. perfoliata*, *C. longifolia*, and *E. stricta*.

Existing fences have been under active vegetation management for asset protection (particularly since the 2003 fires) and are associated with the built dam infrastructure.

The new fences are being installed in areas that are already disturbed for the construction of the infrastructure or the access road to Bendora Dam.

There are no listed species or communities within the area of the works.

The Cotter River is known habitat of Macquarie Perch (*Macquaria australasica*) (endangered under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Nature Conservation Act 1980* (NCA)) and Two-spined Blackfish (*Gadopsis bispinosus*) (vulnerable under the NCA) but due to the low impact of the works no impacts on these species is likely to occur.

Impact on the Reserve

Namadgi National Park is located in the south and west of the ACT and covers 106,095 hectares or approximately 46% of the ACT. The western boundary of the park is the ridgeline of the Brindabella, Bimberri and Scabby Ranges. The south-eastern border of Namadgi follows the ridgeline of Clear Range.

Namadgi protects Canberra's main water supply catchment with Corin and Bendora Dams located within the Park and the expanded Cotter Dam immediately downstream. These works may have a slight visual impact as the fencing is higher than the existing fencing, however it is recognised that the fence was designed and microaligned to minimise adverse environmental impacts while still meeting the Commonwealth's requirements for security and public safety. Thus the fencing work proposed is mostly replacement on the existing footprint with only minor additional fencing required for both security and public safety obligations.

The Cotter River is known to support the Macquarie Perch and Two-spined Blackfish, 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 Bendora Dam. The minor nature of the works means that there is unlikely to be any impact on these species.

Potentially Significant Environmental Impacts

There are no potentially significant impacts with the proposal as the works are minor in nature, focused in areas of existing disturbance, and there are no records of significant species in the vicinity of the works.

Conditions have been included to reduce the likelihood of inadvertent impacts from the works.

- All vehicles and machinery travelling into Namadgi must be clean and free of mud or plant material to reduce the risk of the spread of weeds;
- disturbance to areas beyond the immediate surrounds of each area of fencing is to be avoided;
- All vehicles are to be kept to the formed track;
- Holes are to be backfilled with locally sourced soil and compacted, with the immediate area of disturbance to be shaped to slow surface runoff velocity and direct runoff to the contours;
- The Bendora Ranger is to be notified prior to the contractors attending on site to ensure there are no changes in conditions to access;
- Vehicles and equipment must be equipped and maintained in order to minimise the risk of igniting a fire, and have the capacity to extinguish a fire either on or caused by the machine;
- All litter is to be removed from the site by contractors.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO, they are unlikely to cause a significant adverse environmental impact.