

# Planning and Development (Conditional Environmental Significance Opinion – Block 14 and Block 21, Cotter River – Bendora Dam Right Abutment and Access Repairs) Notice 2018

Notifiable instrument NI2018–501

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 – Block 14 and Block 21, Cotter River – Bendora Dam Right Abutment and Access Repairs) Notice 2018*.

## 2 Conditional Environmental Significance Opinion

(1) On 21 August 2018, 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 construction, on Block 14 & Block 21, Cotter River, of Bendora Dam Right Abutment and Access Repairs.

(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 the notice is notified.

Ben Ponton  
Chief Planning Executive  
5 September 2018

## Schedule

See section 2(2)

---

### 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 Limited, as represented by Mechelle Swanepoel, Coordinator Approvals and Catchment Protection.

#### 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 an extension to an existing platform, installation of a survey pillar and Survey Prisms on and below the Bendora Dam Wall as described in the submission.

#### LOCATION

Blocks 14 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

As the works are minor in nature they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker  
Conservator of Flora and Fauna

21 August 2018

## 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.

Bendora Dam is located 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**

To facilitate the required surveys of the Bendora Dam wall to monitor wall stability and safety, it is intended to install a new platform on the downstream side of the wall, with an associated survey pillar, that will permit safe access whilst providing the required line of sight to survey markers. The platform will be 1.0m x 1.5m in size, and prefabricated off site.

To complement this work, 31 survey markers will be replaced on the right rock abutment and dam wall using specialist rope access contractors. There will be no environmental impacts with this part of the works.

### **Documentation Submitted**

Report titled:

- Bendora Dam Right Abutment and Access Repairs Environmental Assessment Report Seeking and Environmental Significance Opinion (Icon Water 23 July 2018); and

ESO Application Form 1M.

### ***Natural conservation values present***

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 is species diverse and dominated by *Exocarpus* sp. and *Acacia* sp.

While the broader area of Namadgi National Park has very high natural conservation values, the site has been highly disturbed by the construction of Bendora Dam. 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 below 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.

### **Impact on the Reserve**

As the activity is limited and concentrated on the existing dam wall and abutments, it is not likely to have a significant adverse environmental impact. Vehicular access will be restricted to the existing track and Dam Bridge, and the expected short duration of works will not result in any long term consequences or impacts.

**Potentially Significant Environmental Impacts**

The works will not cause any impacts on water quality within the Cotter River therefore no significant impacts on threatened fish species (such as the Macquarie Perch or Two-spined River Blackfish) are anticipated.

There will be a very minor visual impact with the works.

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

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.