

Planning and Development (Environmental Significance Opinion - Block 18 District of Cotter River, Bendora Gravity Main 6 Mile ASCV) Notice 2012 (No 1)

Notifiable instrument NI2012–248

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 (Environmental Significance Opinion - Block 18 District of Cotter River, Bendora Gravity Main 6 Mile ASCV) Notice 2012 (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_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
Planning and Land Authority

11 May 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 *David*

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 proposed installation of a 12.0m high galvanised steel pole with a small solar panel and antenna, and associated works, within Block 18 District of Cotter River for the purpose of providing telemetry feedback from the Bendora 6 Mile ASCV for remote monitoring, in an area of national park.

The proposal is not likely to have a significant adverse environmental impact on land reserved under s. 315 for the purpose of wilderness area, national park, nature reserve or special purpose reserve provided works are in accordance with the conditions contained within the opinion.

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

Yours sincerely

Penny Farnsworth
Conservator of Flora and Fauna

23 February 2012



ACT
Government

Environment and
Sustainable Development

ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007*, I provide the following environmental significance opinion for the proposed installation of a telemetry system at Six Mile Bendora Gravity Main Automatic Self Closing Valve site.

PROPONENT

Andrew Hayes, Project Manager, ActewAGL

LOCATION OF WORKS

On the western slopes of Cotter Hill, 10km north of the Bendora Dam wall within Block 18 District of Cotter River.

DEVELOPMENT PROPOSAL

The proposed works involves the erection of a 12.0m high galvanised steel pole with a small solar panel and antenna for the purposes of providing telemetry feedback from the "Bendora 6 Mile ASCV" for remote monitoring of this utility installation. The works also include the installation of a small (<2 sq m) control cabinet on a concrete plinth, attached to the pole, and a new pressure transmitter and enclosure attached to the existing air release valve.

The proposed works also requires the establishment of a temporary site office and portable toilet.

The proponent has sought an Environmental Significance Opinion from the Conservator of Flora and Fauna. The proponent is of the view that the proposal is not likely to have a significant adverse environmental impact.

LEGISLATIVE CONTEXT

Under section 138AA of the *Planning and Development Act 2007*, a proponent may seek an environmental significance opinion that, if successful, would enable a proposal to be assessed in the merit track. Schedule 4 of the *Planning and Development Act 2007* lists items that trigger the requirement for an EIS. The relevant Schedule 4 items for seeking an environmental significance opinion on this proposal are:

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, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

The proposed works are within Namadgi National Park.

OPINION

The location of the proposed works consists of an existing clearing within Namadgi National Park, which is a cutting into the western side of Cotter Hill constructed as part of the installation of the Bendora Bulk Water Supply Gravity Main which delivers water from Bendora Dam to the Cotter Pump Station. The cutting is approximately 10m wide and 50m in length and includes two existing air pressure valve pits at each end of the cutting.

The site has a history of disturbance as a result of the utility installation works, particularly the relatively extensive earthworks undertaken as part of the original installation of the pipeline and valve pits. The area immediately surrounding the site is in a relatively pristine condition, being located within a National Park and having had little to no previous development

From the information and the risk assessment provided in the Environmental Significance Opinion application and associated documents, and a site inspection by Parks and Conservation Service staff, it has been determined that the proposed works within a national park is not likely to have a significant adverse environmental impact.

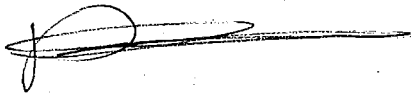
MANNER IN WHICH DEVELOPMENT PROPOSAL MUST BE UNDERTAKEN:

That:

- mitigation measures as documented in the proponent's ESO application report are implemented to limit any potential impacts on flora and fauna;
- the pole is located further away from the existing vegetation that is likely to require pruning. If this is not possible, consideration should be given to removal of the vegetation that would otherwise require ongoing pruning;
- the structure requires no asset protection measures beyond the works described in the application and the removal of that vegetation as referred to in the preceding dot point;

- that the proponent complies with any direction from Parks and Conservation Service to control weeds and pests on the site or to remove any waste material;
- that vehicles visiting the site are washed down and confirmed clean – weed and seed free before accessing Namadgi National Park.

Attached is a Statement of Reasons for the decision.



Penny Farnsworth
Conservator of Flora and Fauna

23 February 2012

STATEMENT OF REASONS FOR THE DECISION

The proposed works are located within Block 18 Cotter River, on the western slopes of Cotter Hill, 10km north of the Bendora Dam wall within Namadgi National Park. The works are upgrade works at the Six Mile Bendora Gravity Main Automatic Self Closing Valve and involves the erection of a circa 12m high galvanised steel pole with ancillary infrastructure including a small solar panel and antenna, a small (<2sq m) control cabinet, and a new pressure transmitter and enclosure attached to the existing air release valve.

The works are required for the purposes of providing telemetry feedback from the "Bendora 6 Mile ASCV" for remote monitoring of this utility installation.

Temporary works includes the establishment of a temporary site office and portable toilet.

The proposed development is a proposal listed in Schedule 4 Part 4.3 of the *Planning and Development Act 2007* – Development proposals requiring an EIS – areas and processes. The proposal triggers the following Schedule 4 item:

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, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

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.

ISSUES CONSIDERED BY THE CONSERVATOR

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, unless the conservator of flora and fauna produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact.

The proposed works are within Namadgi National Park and the following assessment was made to determine if the Conservator should regard this as a significant adverse environmental impact.

In support of the application for an Environmental Significance Opinion (ESO) the proponent submitted preliminary drawings for the proposal, a report titled *Proposed Works for Six Mile Bendora Gravity Main (Part Block 18 Cotter River District)*, and an ecological assessment prepared by Ecological Australia.

The ESO report included a preliminary risk assessment that determined the risk rating for potential environmental impacts. These risks were determined to be between negligible and low.

Ecological Impacts

The study site consists of an existing clearing which is a cutting into the western side of Cotter Hill for the installation of the Bendora Bulk Water Supply Gravity Main which delivers water from Bendora Dam to the Cotter Pump Station. The cutting is approximately 10m wide and 50m in length and includes two existing air pressure valve pits at each end of the cutting.

The site has a history of disturbance as a result of the utility installation works, particularly the relatively extensive earthworks undertaken as part of the original installation of the pipeline and valve pits. The area immediately surrounding the site is in a relatively pristine condition, being located within a National Park and having had little to no previous development.

Access to the site is by way of the Pipeline Road, an existing management track in good condition that is used for access to the Bendora pipeline and as a fire trail / management track.

In making this determination, the Conservator of Flora and Fauna (the Conservator) considers that the proposal is unlikely to have a significant environmental impact

provided that no additional fire asset protection measures are required to be undertaken in surrounding vegetated areas.

Visual Impacts

The proposal includes a statement that the proposal “will not substantially increase the visual prominence of the telecommunications pole”. This does not appear to be an accurate statement as the proposal is for the erection of a 12 m concrete tower, with solar panel and antennae. Nevertheless, the location is one of only very low visitor usage and is not prominent from any major viewing point. While the tower will be above the surrounding tree level, it will be only a minor intrusion and not a significant visual impact

Mitigation Measures

The proponent’s ESO application report proposes mitigation measures to limit any potential impacts on flora and fauna.

The mitigation measures in the document appear to be reasonably comprehensive. However, the proposal to prune trees to 5 m high surrounding the tower is a maintenance activity that will be frequently required and is likely to lead to an overall greater impact than just a one-off removal of the 5 trees below 200 mm circumference in the vicinity of the structure. The preferred approach to keeping vegetation clear of the solar panels would be to locate the pole further away from the existing vegetation that is likely to require pruning. If this is not possible, consideration should be given to removal of the vegetation that would otherwise require ongoing pruning.

To ensure that environmental impacts are kept to a minimum the conditions of the ESO include that:

- the structure requires no asset protection measures beyond the works described in the application;
- the proponent will be required to control any weeds within the area of disturbance; and
- that the proponent must comply with any direction from Parks and Conservation Service to control weeds and pests on the site or to remove any waste material
- that vehicles visiting the site to be washed down and confirmed clean – weed and seed free before accessing Namadgi National Park.