

# Planning and Development (Environmental Significance Opinion – Bendora Gravity Main Bifurcation Valve Station Upgrade) Notice 2014 (No 1)

**Notifiable instrument NI2014–327**

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 Gravity Main Bifurcation Valve Station Upgrade) 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](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

3 July 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 proposed upgrade of the Bendora Gravity Main bifurcation valve station located in the Bullen Range Nature Reserve near the Cotter Pump Station.

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

Yours sincerely

Alan Traves  
Conservator of Flora and Fauna

30 June 2014



**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:

### PROPONENT

James Gray, Environmental Assessment Officer, ACTEW Water.

### LOCATION

Block 504 District of Stromlo, within Bullen Range Nature Reserve.

### DEVELOPMENT PROPOSAL

The proposal is to upgrade the Bendora Gravity Main bifurcation valve station located in the Bullen Range Nature Reserve near the Cotter Pump Station.

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. Block 504 District of Stromlo is within the Bullen Range Nature Reserve.

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 works are in accordance with the following conditions:

1. Vehicles and machinery used in construction are to be cleaned prior to arriving on site;
2. Any sand or other construction material imported to the site to be free of weeds;

3. A rehabilitation plan is to be developed and implemented for the site, which leads to the control of weeds and rehabilitation of bare soil through planting or seeding of plant species native to the ACT section of the Murrumbidgee River Corridor; and
4. Erosion and sediment control measures are to be maintained post construction and removed once appropriate vegetation cover is achieved as part of the rehabilitation.

Attached is a Statement of Reasons for the decision.



Alan Traves  
Conservator of Flora and Fauna

30 June 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 (a) schedule 4,

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 located within an area of nature reserve within the Bullen Range Nature Reserve.

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 a site assessment by staff from Parks and Conservation Service.

### **Project description**

The proposal is to upgrade the Bendora Gravity Main bifurcation valve station located in the Bullen Nature Reserve near the Cotter Pump Station. Works include:

- replacement of two actuators;
- the installation of three new actuators;
- installation of a hand rail, two small concrete slabs and some underground cabling;
- Removal of two existing valve pits and replace with the small concrete slabs, 2m x2m in dimension.

Minor soil excavation and soil rehabilitation will be required and all works will be within the easement boundaries of the existing bifurcation valve station.

### **Documentation Submitted**

- Application for an ESO (Form 1M)
- Bendora Gravity Main Bifurcation Valve Station Upgrade Environment Significance Opinion Report (ACTEW Water 20 June 2014)
- Construction Health, Safety, Quality and Environment Plan, Bulk Supply Actuator Replacement Project (AAT Alliance)
- Minutes 19 June 2014 Bendora Gravity Main Bifurcation Valve Station Upgrade

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

The existing bifurcation valve station is within the vicinity of a known occurrence of Pale Pomaderris (*Pomaderris pallida*), which is listed as vulnerable under the provisions of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Other species of significance that occur in close proximity are Gray's Bossiaea (*Bossiaea grayi*), Trout Cod (*Maccullochella macquariensis*), Macquarie Perch (*Macquaria australasica*) and Murray River Crayfish (*Euastacus armatus*). The Murrumbidgee River is approximately 300m from the proposed works.

The vegetation community adjacent to the bifurcation valve station easement is dry sclerophyll forest with the overstorey dominated by Green wattle (*Acacia decurrens*) and Apple box (*Eucalyptus bridgesiana*). A site inspection found no occurrences of any species protected under the EPBC Act or the *Nature Conservation Act 1980*.

Macropod (Kangaroo/wallaby) scats were identified and the presence of the Superb Fairy wren (*Malurus cyaneus*) was observed.

The proposed works are within an area already disturbed and infested with weeds.

***Impact of development on these values (including offsite impacts)***

The ESO Report notes that “the construction footprint will be within the easement boundaries of the bifurcation valve station. There will be no removal of deep rooted vegetation and no anticipated indirect impact to the surrounding native forest. All soil excavation works will be conducted on previously disturbed land. The construction laydown area will be situated off-site at the nearby Cotter Pump Station”.

As the activity is limited and concentrated within an existing disturbed area, it is not likely to have a significant adverse environmental impact. The photographs of the site and the description within the ESO report indicate that bare soil and weed invasion is common across the site. Access to the site will be by existing tracks which are fit-for-purpose.

The potential for offsite impacts will be negated by the conditions of approval and works will be overseen by Parks and Conservation Rangers.

***Has the proponent demonstrated that all reasonable measures have been taken to avoid, minimise and as a last resort offset impact?***

Yes. The greatest threat from the proposed works is the spread of weeds. The threat of weed spread is lessened by the measures contained in the conditions of approval.

**Potentially Significant Environmental Impacts**

Nil. The ESO contains conditions relating to the control of weeds and the rehabilitation of bare soil so there should be a net gain from these works.

**Plan of Management**

The works are not inconsistent with the Murrumbidgee River Corridor Plan of Management 1998.