

Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River – Power Cable Works) Notice 2018

Notifiable instrument NI2018–682

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 21, Cotter River – Power Cable Works) Notice 2018*.

2 Conditional Environmental Significance Opinion

- (1) On 23 November 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 21, Division of Cotter River, of the removal of overhead power cables, underground cable trenching and minor works around an existing power pole.

- (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
4 December 2018

Schedule
(see section 2(2))

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 Michael Smith, Environmental Scientist, Icon Water Limited.

LOCATION

Within Namadgi National Park immediately downstream of Bendora Dam Wall, Block 21 District of Cotter River.

DEVELOPMENT PROPOSAL

The project involves the removal of an overhead low voltage power cable and the installation of approximately 60m of underground cable by way of trenching downstream of Bendora Dam, and minor works around an existing power pole. The works are required for Occupational Health and Safety reasons when operating the existing crane at the site.

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.

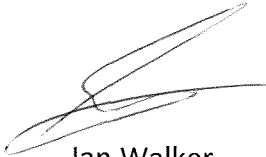
OPINION

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 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;
- The import of any road base material for the hardstand area is to be in accordance with the prior approval of the Parks and Conservation Service (Manager, Namadgi National Park). Note that the use of blue stone material will not be approved;
- The Manager, Namadgi National Park, must be provided with five working days notice prior to the commencement of work; and
- Any areas left bare after construction to be covered with stockpiled topsoil and mulch material from the original excavation from the trenching activities.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

23 November 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,

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

Icon Water is proposing to remove an existing overhead power line below the Bendora Dam wall and install approximately 60m of underground electrical conduit. The power line is associated with an existing mini-hydro generator, or when this is unavailable, a temporary generator. The power line is near an existing pad for the crane that is used to remove mechanical devices from the dam to allow repair and replacement of the devices. The overhead cable is a safety risk to the crane operator and other personnel in the vicinity, and restricts the range of motion for the crane.

Associated works include the installation of bollards and levelling with gravel hardstand around an existing power pole located between intersecting roads near the dam wall. The gravel hardstand will be used for the parking of the generator

Documentation Submitted

- Environmental Assessment Report, Minor Power Line Realignment: Bendora Dam (Icon Water 23 September 2018)
- 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.

The proposed trench traverses an Icon Water access track and around an existing concrete pad and is in an area previously heavily disturbed. The separate power pole subject to the works has vegetation around the base, but is located within a vegetation island surrounded by converging vehicle tracks.

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.

A site inspection of the crane pad site was undertaken on 13 January 2014 by suitably qualified ecologists prior to previous works in the area. The ecologists found that the vegetation around the crane pad 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 Cotter River is known to support the Macquarie Perch (endangered under the *Environment Protection and Biodiversity Conservation Act 1999* and the *Nature Conservation Act 2014* (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. No clearing is required to facilitate the works.

Potentially Significant Environmental Impacts

The works are located on areas of disturbed ground therefore the potential for significant impacts on the fauna and flora of the area is minimal.

The works are unlikely to impact on the water quality within the Cotter River so that 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 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.