

Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River – Bendora Dam Access Track Stabilisation) Notice 2022

Notifiable instrument NI2022–294

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 – Bendora Dam Access Track Stabilisation) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 12 May 2022, the Conservator of Flora and Fauna, pursuant to section 138AB (4) (b) of the *Planning and Development Act 2007* (the *Act*), gave the Applicant a conditional environmental significance opinion in relation to construction, on Block 21 of Cotter River, for maintenance of and improvements to access tracks below Bendora Dam. The development proposal will also provide rockfall protection points on some of the steeper slopes in the area.

- (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.

Craig Weller
Delegate of the planning and land authority
27 May 2022

Schedule

See section 3(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, as represented by Mr Henry Grogan, Senior Environmental Scientist.

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 maintenance of and improvements to access tracks below Bendora Dam. It will also provide rockfall protection points on some of the steeper slopes in the area, which have experienced rockfall events in the past, as described in the submission.

LOCATION

Block 21, Cotter River. This application is restricted to tracks and slopes at the base of the Bendora Dam wall. Bendora Dam is situated within Namadgi National Park.

MATTERS TO WHICH THIS OPINION APPLIES

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

OPINION

Provided the works are undertaken in a manner consistent with the following conditions in addition to the mitigation measures contained in the supporting application for an ESO, 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:

1. Works will be restricted to those areas shown in the Proposed Works and Site Plan.
2. A Construction Environmental Management Plan (CEMP) must be prepared providing mitigation measures for tree protection, erosion and sediment control, waste management, air quality and noise management, and unexpected finds.
3. The CEMP must be approved by the Conservator of Flora and Fauna prior to construction commencing.
4. All trees above 2m in height must be retained.
5. Disturbed ground will be rehabilitated using native grass seed.
6. All vehicles are to be washed down prior to entering Namadgi National Park.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna

12th May 2022

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 in a reserve;

The works are wholly 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

Bendora Dam situated within the Namadgi National Park, was constructed in the 1960s to secure water supply for the Canberra community. Water from the dam is piped through gravity fed water mains to the Stromlo Water Treatment Plant, where

it is treated and distributed to reservoirs as drinking water for Canberra. At the base of Bendora Dam are trails which allow access to valves and infrastructure to control the dam. These access trails are in poor condition and require some general maintenance and upgrade works to ensure that vehicles can enter safely.

There are multiple, discreet items / areas of concern which need to be addressed as a part of this project. The works will look to repair access roads in poor condition which are currently actively eroding and impeding access to operations and maintenance personnel. If not addressed, the access routes will continue to degrade and may become inaccessible entirely.

The project will also install new rock fall protection points on steep slopes where previous rock fall events have occurred. Rock fall events pose a serious risk to operators in the area, with the potential to cause severe injuries and damage to infrastructure.

The project scope includes construction work for the following tasks:

- Installation of drainage infrastructure such as concrete drains, culverts, and water energy dissipation devices along the tracks to manage water flows and prevent further slope saturation and consequently further erosion and ensuing rock falls.
- Reinforce and strengthen the track above the crane pad at Treatment Zone 2 and below the crane pad at Zone 3 to ensure the track can be continually used for safe and reliable access for vehicle and machinery.
- Installation of rock fall barriers on the left abutment slope downstream of the dam wall (in the middle of the slope) next to the maintenance track and above the stilling basin (at the lower end of the slope) next to the maintenance track to protect personnel from falling rocks.
- Installation of embankment stabilisation structures at actively eroding track embankment sections.
- Installation of measures to prevent undermining of power pole 5 and the adjacent fence.

Documentation Submitted

- Application for an environmental significance opinion.
- Signed letter of authorisation
- Technical drawings of proposed works.

Natural conservation values present

Fauna

The Cotter River downstream of Bendora dam supports populations of threatened fish species, Trout Cod (*Maccullochella macquariensis*), Two-spined Blackfish (*Gadopsis bispinosus*) and Murray Cod (*Maccullochella peelii*).

The surrounding areas may also provide habitat for the threatened terrestrial species, Greater Glider (*Petauroides volans*), Smokey Mouse (*Pseudomys fumeus*), Gang-gang Cockatoo (*Callocephalon fimbriatum*) and Spotted-tail Quoll (*Dasyurus maculatus*).

Flora

The vegetation of the surrounding landscape comprises both dry and wet sclerophyll open forest. The predominant tree species include Ribbon gum (*E. viminalis*), Narrow-leaved peppermint (*E. radiata*), and Snow gum (*E. pauciflora*). Other tree species include Scribbly gum (*E. rossii*), Red Stringybark (*E. macrorhyncha*), and Broad-leaved peppermint (*E. dives*).

The understory is made up of a mix of shrubs including *Acacia* sp. and *Cassinia* sp., and tussock grasses including Snow grass (*Poa sieberiana*) Red-anthered wallaby grass (*Rytidosperma pallidum*), and rhizomatous herb *Lomandra longifolia*.

No endangered ecological vegetation communities occur on site.

Impact on the Reserve

The works have the potential to impact fauna within the Cotter River through deposition of sediment or pollution from chemical spills. To mitigate these risks the proponent will:

- Implement erosion control measures including sediment fences, straw bale check dams, and stabilized access points,
- spill kits are to be kept on site and personnel trained in their use.

The whole site was extensively disturbed during the construction of Bendora Dam (in the 1960's) which resulted in the removal of many habitat components for terrestrial species, such as hollow bearing trees and rocky outcrops. To reduce further impacts on this habitat, the proponent will:

- Ensure no trees above 2m in height are removed,

- ensure vehicles are washed down and free of soil or seeds prior to entering Namadgi National Park.
- rehabilitate all disturbed areas with a native grass seed mix.

A Construction Environmental Management Plan (CEMP) will be developed to provide guidance on how to implement these mitigations measures.

Potentially Significant Environmental Impacts

The proposed works will not result in any significant impacts because:

- The area supports low biodiversity values due to previous disturbance,
- the area of disturbance is very small in relation to the home ranges of the threatened species that may use the site,
- all trees will be retained,
- native ground cover will be re-established, reducing the risk of weed incursion,
- sediment and erosion and pollution control measures will mitigate the risk of instream impacts.

Conditions have been included to ensure that works will not significantly impact on in-stream or terrestrial habitat. The conditions are:

1. Works will be restricted to those areas shown in the Proposed Works and Site Plan.
2. A CEMP must be prepared providing mitigation measures for tree protection, erosion and sediment control, waste management, air quality and noise management, and unexpected finds.
3. The CEMP must be approved by the Conservator of Flora and Fauna prior to construction commencing.
4. All trees above 2m in height must be retained.
5. Disturbed ground will be rehabilitated using native grass seed.
6. All vehicles are to be washed down prior to entering Namadgi National Park.

It has been determined that if the works are undertaken in a manner consistent with the above conditions attached to the ESO in addition to the mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.