

Planning and Development (Conditional Environmental Significance Opinion – Block 21, Cotter River District – Bendora Dam Power Cable Relocation) Notice 2022

Notifiable instrument NI2022–521

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 District – Bendora Dam Power Cable Relocation) Notice 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 23 August 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, Cotter River, of an underground electrical cable.
- (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
17 October 2022

Schedule

See section 3(2)

We have ENVIRONMENTAL SIGNIFICANCE OPINION

In accordance with section 138AB(4) of the *Planning and Development Act 2007* (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 the relocation of existing overhead powerlines underground, including trenching of approximately 60m in length, installation of electrical conduits and associated minor works at Bendora Dam.

LOCATION

The works are located at Block 21, District of Cotter River.

MATTERS TO WHICH THIS OPINION APPLIES

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

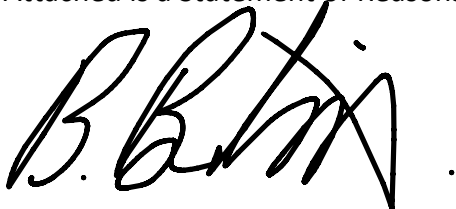
OPINION

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. Icon Water is to undertake a survey prior to commencement of works to identify any *Callistemon sublatus*. If found, and is within 20m of the works area, or any track used to access the works, it must be clearly signed as a “no go zone”. No disturbance of this population is permitted. Clear details and description of the species is to be included in the mitigation measures to aid in identification.
2. There should be no hot works, or works that could emit a spark, on days of elevated fire danger (FDI 25 under the current rating system, which may change under the AFDRS project). This includes cutting, grinding, welding, and excavation of rock.
3. On days of a Total Fire Ban the site should be vacated by all personnel.
4. Access through the site will need to be possible during the fire danger period.
5. The proponent must comply with all relevant work health and safety standards whilst on site and report any serious incidents or damage to PCS within 24 hours.

Attached is a Statement of Reasons for the decision.



Bren Burkevics
Conservator of Flora and Fauna

13 August 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;

All works will be 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

Icon Water is proposing to trench approximately 60m to install electrical conduit at Bendora Dam. This involves replacing overhead cables between three poles with underground cables, and the removal of a pole.

There will be minimal removal of native vegetation (shrubs and saplings <1m tall) and no trees removed. Horizontal Directional Drilling will be used where possible to avoid impacts on vegetation, however, growth in most areas is sparse and works are largely restricted to already disturbed areas.

Documentation Submitted

- Environmental Significance Opinion – Planning Report – Icon Water – CX11282 Bendora Power Cable Relocation (June 2022);
- Additional information in response to a Request for Information;
- Letter of Authorisation;
- ESO Application Form

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.

At least one species of mammal, one species of frog, three species of reptiles and 27 species of birds have been recorded in the immediate vicinity of the proposed works.

Ten animal species listed as threatened have either been recorded or have the potential to occur within the subject area:

- Regent Honeyeater (*Anthochaera phrygia*)
- Gang Gang Cockatoo (*Callocephalon fimbriatum*)
- Scarlet Robin (*Petroica boodang*)
- Trout Cod (*Maccullochella macquariensis*)
- Murray Cod (*Maccullochella peelii*)
- Macquarie perch (*Macquaria australasica*)
- Two-spined Blackfish (*Gadopsis bispinosus*)
- Greater Glider
- Spotted-tailed Quoll
- Smoky Mouse

Additionally, there is a population of *Callistemon subulatus* located very close to the Bendora Dam wall. This is one of only two populations of this plant in the ACT so it is a priority for conservation.

Impact on the Reserve

Environmental assessment of the site has identified that the proposed trenching and electrical conduit installation is minor in nature and, as it follows an existing Icon Water access path, is unlikely to significantly negatively impact flora and fauna.

Due to the small size of the project footprint, the minimal amount of vegetation to be disturbed, and the unlikelihood of these species being encountered, the works are unlikely to have a significant impact on any key species of fauna. In particular, the fish species are unlikely to be impacted due to the nature and location of the works, and the erosion and sediment controls that will be in place.

Potentially Significant Environmental Impacts

Conditions have been included to ensure that works will not increase the likelihood of bushfire or impact the condition of the reserve:

1. Icon Water is to undertake a survey prior to commencement of works to identify any *Callistemon sublatus*. If found, and is within 20m of the works area, or any track used to access the works, it must be clearly signed as a “no go zone”. No disturbance of this population is permitted. Clear details and description of the species is to be included in the mitigation measures to aid in identification.
2. There should be no hot works, or works that could emit a spark, on days of elevated fire danger (FDI 25 under the current rating system, which may change under the AFDRS project). This includes cutting, grinding, welding, and excavation of rock.
3. On days of a Total Fire Ban the site should be vacated by all personnel.
4. Access through the site will need to be possible during the fire danger period.
5. The proponent must comply with all relevant work health and safety standards whilst on site, and report any serious incidents or damage to PCS within 24 hours.

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.