

Planning and Development (Conditional Environmental Significance Opinion—Block 741, Gungahlin—Goorooyarroo Aviary) Notice 2021 (No 1)

Notifiable instrument NI2021–746

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 741, Gungahlin—Goorooyarroo Aviary) Notice 2021 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 8 October 2021, 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 741 Gungahlin, of a temporary soft-release aviary for the Bush Stone-curlew (*Burhinus grallarius*) in Goorooyarroo Nature Reserve.

- (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.

George Cilliers
Delegate of the planning and land authority
9 December 2021

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

The ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Mr Simon Stratford.

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 a temporary soft-release aviary for the Bush Stone-curlew (*Burhinus grallarius*) within Goorooyaroo Nature Reserve, as described in the submission.

LOCATION

Goorooyaroo Nature Reserve. Gungahlin Section 0 Block 741.

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 mitigation measures contained in the supporting application for an ESO, they are unlikely to cause a significant adverse environmental impact.

Attached is a Statement of Reasons for the decision.



Ian Walker
Conservator of Flora and Fauna
8 October 2021

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 proposed aviary will be located within the Goorooyarroo Nature Reserve.

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

Since 2004 the ACT Government and the Australian National University (ANU) have collaborated on a major research project entitled 'The Mulligans Flat-Goorooyarroo Woodland Experiment' designed to develop a sound knowledge base for understanding and managing temperate woodlands for improved biodiversity conservation.

The Bush Stone-curlew was reintroduced into Mulligans Flat Nature Reserve in 2014 and have successfully bred. Adult curlews have been found in Goorooyarroo Nature Reserve and are often found foraging in the nearby suburbs at night. While a small population is anchored at Mulligans Flat, there is no anchored population within the Sanctuary in Goorooyarroo Nature Reserve.

The overall objective of the project is to introduce a population of Bush Stone-curlews into the Sanctuary in Goorooyarroo Nature reserve, to compliment the established wild population in Mulligans Flat Nature Reserve.

Building a temporary soft-release aviary is critical to the success of the Bush Stone-curlew introduction. The temporary aviary will assist individual birds to adjust to the host environment. Once the birds have adjusted to the host environment they will be released outside the temporary aviary and will be tracked to establish their movement patterns.

It is anticipated that the temporary aviary will be removed at the end of June 2022.

Documentation Submitted

- Site Assessment of aviary location
- ESO application supporting report
- Application for Environmental Significance Opinion

Natural conservation values present

Goorooyarroo Nature Reserve, part of Canberra Nature Park, is an 829 hectare reserve located in north-east Canberra and borders Mulligans Flat Nature Reserve to the north-west and is separated from Mount Majura Nature Reserve by Horse Park Drive in the south.

Goorooyarroo, together with Mulligans Flat Nature Reserve, protects 1384 hectares of endangered Yellow Box-Red Gum Grassy Woodland which is the largest remaining area of box-gum woodland in the ACT.

Goorooyarroo is a regional stronghold for several threatened or uncommon woodland plant, grasshopper, lizard, bird and mammal species. It provides habitat for the critically endangered Golden Sun Moth (*Synemon plana*) and vulnerable Superb Parrot (*Polytelis swainsonii*).

The proposed aviary at Goorooyarroo will expand and enhance on the conservation work already being undertaken in the reserve, with the establishment and ongoing monitoring of a Bush Stone-curlew population.

Impact on the Reserve

The temporary aviary will be placed in a small clearing in the centre of Goorooyarroo Nature Reserve. The Land Use zone in the Territory Plan is NUZ3: Hills, Ridges and Buffer Zone – Nature Reserve.

The location was chosen because it is:

- central to the reserve allowing the birds the best chance of survival upon their release;
- in high quality habitat for Bush Stone-curlews;
- outside the areas mapped as box-gum woodland and Golden Sun Moth habitat, and away from other threatened species and communities;

- away from trails and visitor infrastructure;
- outside research and monitoring plots; and
- is easily accessible to researchers and managers via an existing vehicle track.

The proposed location is not near the Goorooyarroo site where rare native orchids were recently discovered.

According to the contaminated sites register, Gungahlin Block No. 741 is in an acid sulphate rock bearing zone.

The temporary aviary will have 18 treated pine log uprights buried 50cm deep in the ground. Old eucalypt fence posts and steel strainer posts adjacent to the aviary site have shown no evidence of deterioration due to acid sulphate rocks or soils, nor does there appear to be any erosions near the aviary site.

Potentially Significant Environmental Impacts

The temporary aviary is to be constructed within a clearing, adjacent to, but outside the mapped Box-Gum grassy woodland ecological community and Golden Sun Moth habitat. The site is covered by native *Rytidosperma* tussocks and includes some disturbed soils and vegetation from historic clearing, fence and vehicle track infrastructure. There will be no requirement to remove trees or grass tussocks.

The Bush Stone-curlews will scratch for insects within the aviary and this may disturb the ground layer within the aviary. However, these potential impacts will likely be offset by the exclusion of native grazers (e.g. macropods) and could increase the conservation values of this site.

Vehicle access to the site will be highly limited and access will be via an existing track.

All materials of the temporary aviary (posts, fencing wire, colorbond shelter shed) will be placed in a manner that avoids impact to trees and grass tussocks. Should a threatened species be identified during construction, work will be stopped, confirmation of the identification will be reported to the project manager in the Parks and Conservation Service and appropriate management of the species implemented.

The site will be monitored for erosion and weed infestation and managed appropriately. The minor disturbance and temporary nature of the enclosure is unlikely to have any significant impact on the site. The temporary aviary will have a positive effect on the ecosystem functioning of this critically endangered community and significantly contribute to the restoration of woodlands across Australia through the research undertaken on this species at the reserve.

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