

Planning and Development (Conditional Environmental Significance Opinion – Block 723, Majura – West Majura Grasslands Unexploded Ordnance) Notice 2023

Notifiable instrument NI2023–8

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 723, Majura – West Majura Grasslands Unexploded Ordnance) Notice 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Conditional environmental significance opinion

- (1) On 16 December 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 remediation of identified anomalies (potential unexploded ordnance) to a depth of 1000mm, on block 723, Majura (West Majura Grasslands).

- (2) In this section:

conditional environmental significance opinion means the opinion in the schedule.

Note Under the Act, s 138AD (6), 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
9 January 2023

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

ACT Parks and Conservation Service, Environment, Planning and Sustainable Development Directorate, as represented by Mr Anthony Hart, Senior Park Ranger.

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 investigation and remediation of identified anomalies (potential unexploded ordnance contamination) within Majura West Grasslands as described in the submission.

LOCATION

The proposed works are located within rural Block 723, District of Majura.

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 condition 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:

- Any controlled detonation of UXO should not take place in grasslands where the curing exceeds 70%, without consultation and express permission from the Fire Management Unit.

Attached is a Statement of Reasons for the decision.

A handwritten signature in black ink, appearing to read 'B. Burkevics', with a large 'X' mark over the top of the signature.

Bren Burkevics
Conservator of Flora and Fauna

16 December 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 1(a) development that may impact on a species or ecological community that is endangered, a species that is vulnerable; protected; or has special protection status;

The area contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT; and
- Yellow Box – Blakely's Red Gum Grassy Woodland (Box Gum Woodland)

Records or habitat for six animal species listed as threatened under the Nature Conservation Act 2014:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Painted Honeyeater (*Grantiella picta*)
- Little Eagle (*Hieraaetus morphnoides*)
- Striped Legless Lizard (*Delma impar*)
- Golden Sun Moth (*Synemon plana*)

Part 4.3, item 3 proposal for development in a reserve;

Part of the proposed works are located within Mount Ainslie 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 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

Majura West Grasslands (Majura Block 723) is located on land formerly used by the Australian Defence Force for live firing practices. Due to the potential for unexploded ordnance (UXO) contamination of the site, ACT Parks and Conservation Service (PCS) are restricted in what land management activities they can undertake.

In 2020 a UXO Geophysical Survey identified 1,693 anomalies requiring further investigation. Additionally, a number of areas totalling approximately 4,900m² were unable to be surveyed using the chosen methodology and instead will need to be remediated using analogue technology.

The contractor will utilise a qualified team of UXO technicians, to conduct investigation and removal of all identified 1693 anomalies and conduct infill clearances. Infill clearances involve areas that could not be accessed utilising the geophysical towed array. These areas will be searched on foot using analogue technology.

Any anomalies located during the 4900m² analogue survey, as well as the 1693 identified anomalies, will be investigated, removed as per Unexploded Ordinance, Explosive Ordnance Waste guidelines and the site remediated as per PCS requirements.

Documentation Submitted

- West Majura Grasslands 100% Unexploded Ordnance Geophysical Survey - dated 1 February 2021
- Proposed Plan Map
- UXO ESO Project Description – undated
- UXO Map for ESO and Procurement – dated 06/10/2022
- Form 1M.

Natural conservation values present

The site contains approximately 100 hectares of open grasslands and is located directly to the east of Mount Ainslie Nature Reserve. The site is primarily a mix of native and exotic pasture, with patches of moderate and high diversity native vegetation along the boundary with the reserve and at its southern end.

The area contains:

Two communities listed as endangered:

- Natural Temperate Grassland of the Southern Tablelands of NSW and the ACT; and
- Yellow Box – Blakely's Red Gum Grassy Woodland (Box Gum Woodland)

At least three species or subspecies of frog, three species of reptiles and over 80 species of birds have been recorded at the site. There are records or habitat for six animal species listed as threatened under the Nature Conservation Act 2014:

- Gang-gang Cockatoo (*Callocephalon fimbriatum*)
- Varied Sitella (*Daphoenositta chrysoptera*)
- Painted Honeyeater (*Grantiella picta*)
- Little Eagle (*Hieraaetus morphnoides*)
- Striped Legless Lizard (*Delma impar*)
- Golden Sun Moth (*Synemon plana*)

Impact on the Reserve

The application demonstrates a range of measures and strategies that will mitigate any significant environmental impacts of the proposed activity.

All identified UXOs will be manually excavated, with 200 x 200mm squares of soil and vegetation being disturbed per UXO. This will result in temporary disturbances across the site. The disturbed areas will be restored by hand seeding with a mixture of local native grasses and forbs that have been proven to colonise and grow quickly.

PCS will have an ecologist on call during operations for any ecological sensitive issues that arise including, disturbing Striped Legless Lizard and Golden Sun Moth habitat,

unexpected fauna and flora finds and checking / clearing an area for species in the event of a “controlled” explosion.

Potentially Significant Environmental Impacts

This proposed activity will likely result in improvement to the environmental outcomes of this area, as it will enable PCS staff to safely undertake a range of activities that are currently unable to be performed. Due to the presence of the UXOs, the following activities are currently restricted:

- No prescribed ecological burning can be undertaken to manage biomass
- No vehicles can go off already cleared tracks and trails within the reserve.
- No digging / chipping / scraping under any circumstances without prior clearance by a qualified UXO technician.
- No monitoring stakes or fencing can be installed under any circumstances without prior clearance by a qualified UXO technician
- No slashing of new trails or conservation slashing /brush cutting to manage biomass can be undertaken without prior clearance by a qualified UXO technician.
- Fumigating / ripping any rabbit warrens.

A condition has been included to ensure that works will not increase the likelihood of bushfire in the area:

- Any controlled detonation of UXO should not take place in grasslands where the curing exceeds 70%, without consultation and express permission from the Fire Management Unit.

It has been determined that if the works are undertaken in a manner consistent with the above condition 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.