



ACT
Government

Environment, Planning and
Sustainable Development

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**VARIATION TO THE TERRITORY PLAN No. 360
Molonglo River Reserve: changes to public land reserve overlay
boundaries and minor zone adjustment**

FEBRUARY 2020

Mr Mick Gentleman MLA
Minister for Planning and Land Management

Australian Capital Territory

Planning and Development (Plan Variation No 360) Approval 2020

Notifiable instrument NI2020-

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Plan Variation No 360) Approval 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Approval of draft plan variation

(1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the draft plan variation No 360 to the Territory Plan.

(2) In this section:

draft plan variation No 360 to the Territory Plan means the draft plan variation in the schedule.


Mick Gentleman MLC
Minister for Planning and Land Management

4/2/2020

Schedule

(see s 3 (2))



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

Variation to the Territory Plan 360

Molonglo River Reserve – changes to
public land reserve overlay boundaries
and minor zone adjustment

January 2020

Final variation prepared under s76 of the
Planning and Development Act 2007

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1. EXPLANATORY STATEMENT

1.1 Background

The Molonglo River Reserve (the Reserve) is a new reserve that follows the Molonglo River from Scrivener Dam downstream to the intersection with the Murrumbidgee River Corridor Reserve. It includes three current reserves – Kama Nature Reserve, Lower Molonglo River Corridor Nature Reserve and Molonglo River Special Purpose Reserve, and brings them together with some new areas to create the Molonglo River Reserve. The Molonglo River Park in East Molonglo is also included in the Reserve.

The Reserve has high conservation value and will also be a central landscape feature and recreation destination for residents of the Molonglo Valley urban development area.

Section 315 of the *Planning and Development Act 2007* (the Act) provides for the reservation of public land for a range of purposes and objectives for management. These public land reserve areas are shown on the Territory Plan Map by way of public land reserve overlays and cover wilderness areas, national parks, nature reserves, and sport and recreation reserves to name a few. The draft Management Plan for the Molonglo River Reserve is a statutory plan required under the Act and defined as a 'reserve management plan' in the *Nature Conservation Act 2014*. Its purpose is to give clear direction on how the biodiversity, land and waters of the Molonglo River Reserve will be used and managed to satisfy both nature conservation and recreation objectives.

The Molonglo River Reserve Draft Reserve Management Plan (the Plan) was released for public consultation from 8 February 2018 until 23 March 2018. All submissions were considered and the Plan was revised in response to the comments received.

Draft Variation to the Territory Plan 360 (DV360) has been prepared in response to a request by the Conservator of Flora and Fauna to amend the Molonglo River Reserve public land reserve overlay boundaries for the area of the reserve. The changes to the type and location of the public land reserve overlay boundaries on the Territory Plan map are to ensure they align with the requirements in the Plan for the particular uses assigned to the land within the reserve corridor.

The change to the boundaries also reflects the outcomes of the Molonglo Valley Strategic Assessment for the Molonglo River Reserve which was undertaken by the ACT Government in 2010.

The NES Plan details the ACT Government's commitments to protect matters of national significance within the strategic assessment area.

The Plan provides for the Molonglo River Reserve to be predominantly nature reserve, with two areas of special purpose reserve where recreational activities will be located. This is to ensure that areas of high conservation value are protected into the future in accordance with the NES Plan.

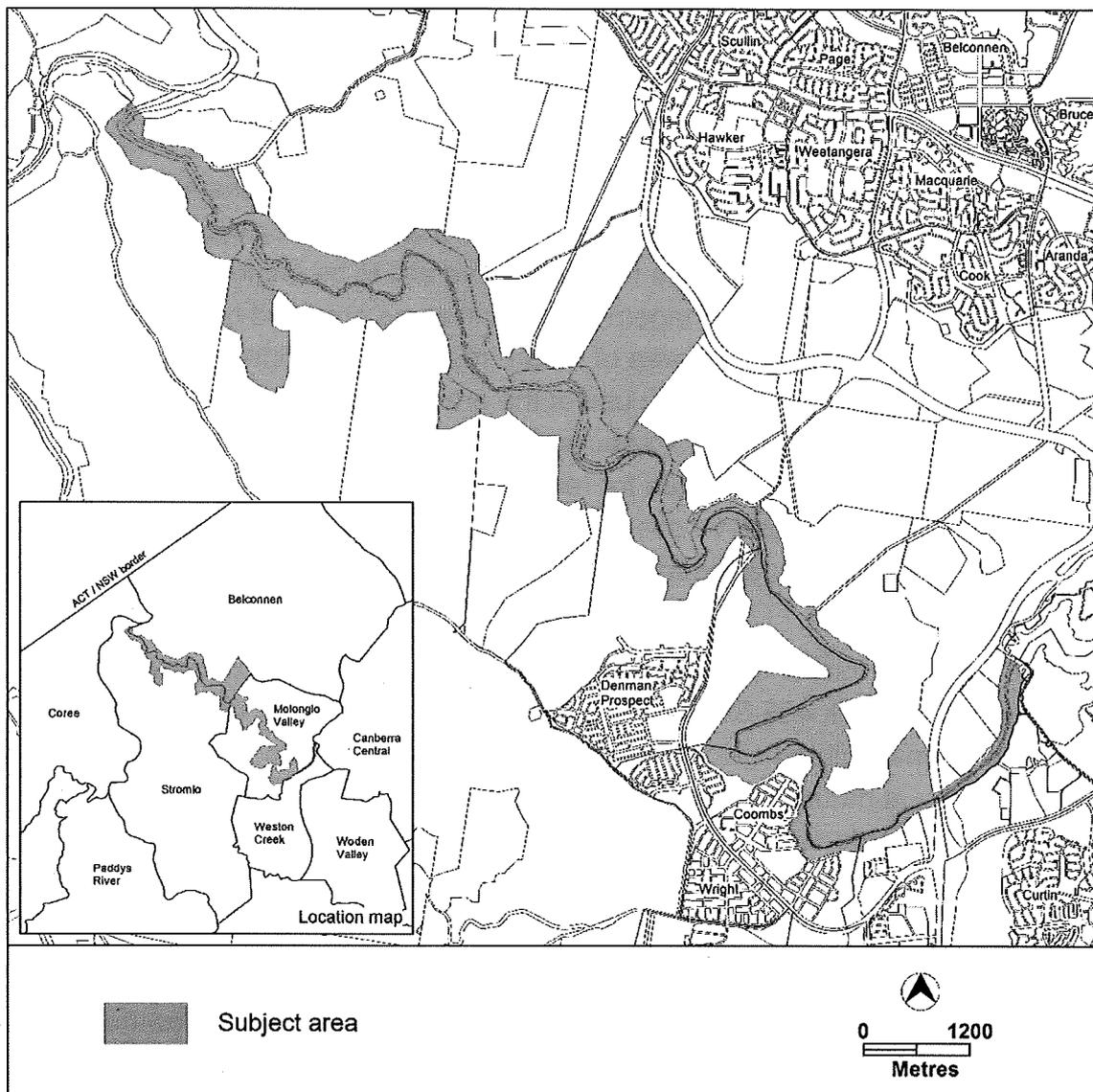
In order to finalise the Plan, the public land reserve overlay provisions need to be amended to comply with the legislative requirement that the Plan describes how the planning and development objectives for the reserve are to be implemented or promoted in the reserve. The management objectives as provided by the *Planning and Development Act 2007* for an area of nature reserve is to conserve the natural environment, and to provide for public use of the area for recreation, education and research, whereas the objectives for special purpose reserve are to provide for public and community use of the area for recreation and education. The corresponding public land reserve overlays shown on the Territory Plan Map for these areas are 'Pc – a nature reserve' and 'Pd – a special purpose reserve' respectively.

The Conservator of Flora and Fauna has also requested that the proposed changes incorporate part of Block 485 Stromlo into the reserve system as it contains an important Aboriginal cultural site. It is proposed to include the block under the public land reserve 'Pc – a nature reserve' overlay on the Territory Plan Map so that it can be managed in accordance with the Plan that covers the area. The Conservator has also requested that the subject land be rezoned from non-urban zone NUZ2 Rural zone to NUZ4 River Corridor zone in this location to better reflect the management of the area as part of the Molonglo River Reserve.

The changes proposed in this draft variation will fulfil the requirements for the Plan to be finalised and take effect.

1.2 Summary of the Proposal

This draft variation proposes to make changes to the public land reserve overlay boundaries and a minor zone adjustment on the Territory Plan Map for the area of the Molonglo River Reserve. These amendments are necessary in order to align the Territory Plan Map with the provisions in the Molonglo River Reserve – Reserve Management Plan. The changes will fulfil the requirements for the Reserve Management Plan to be finalised and take effect.



Location Plan

1.3 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the National Capital Plan defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Current Territory Plan Provisions

The current Territory Plan map shows the existing zones and public land overlays applying to the land subject to this draft variation.

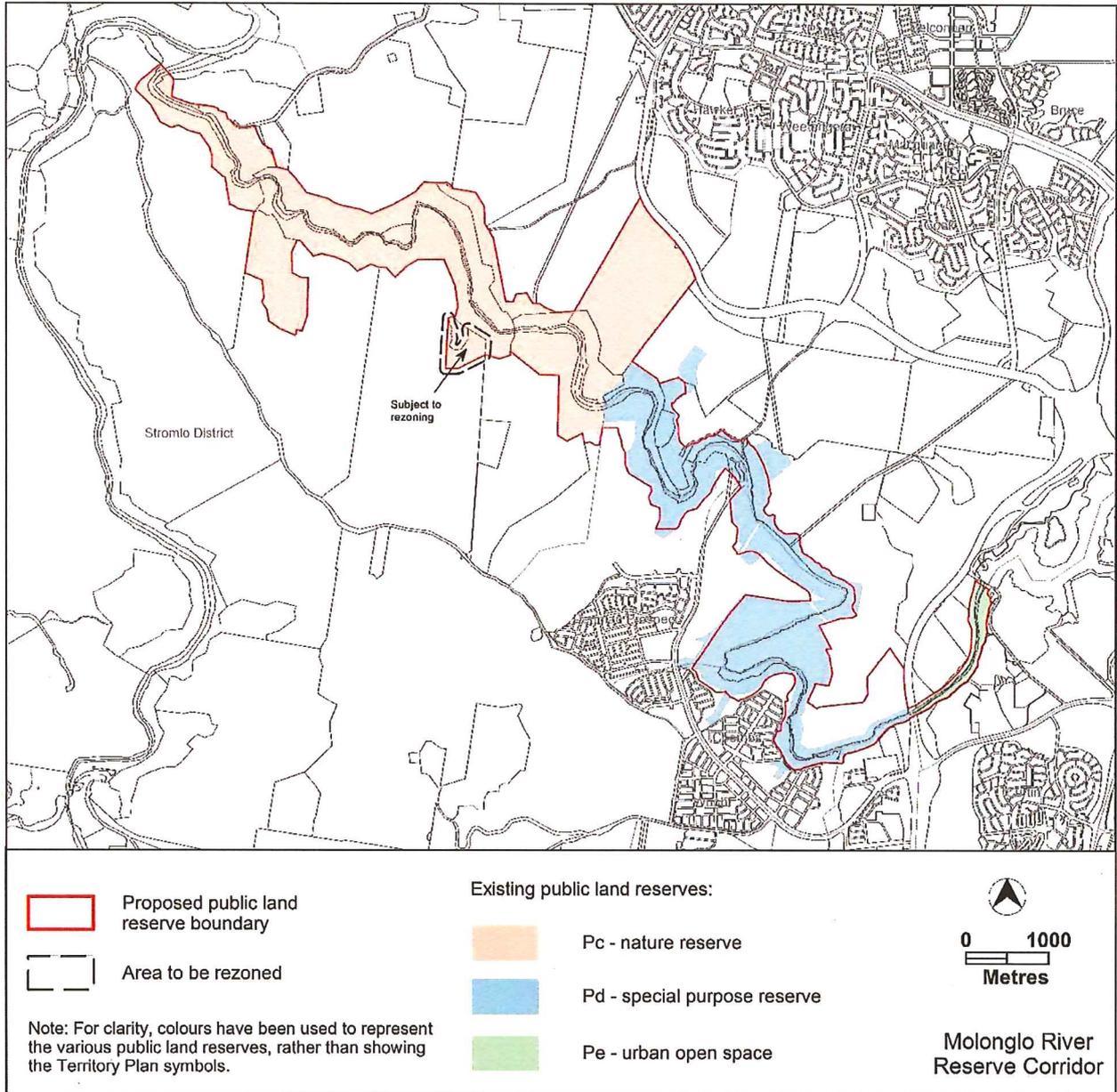


Figure 1 Current Territory Plan Map using colours for information purposes

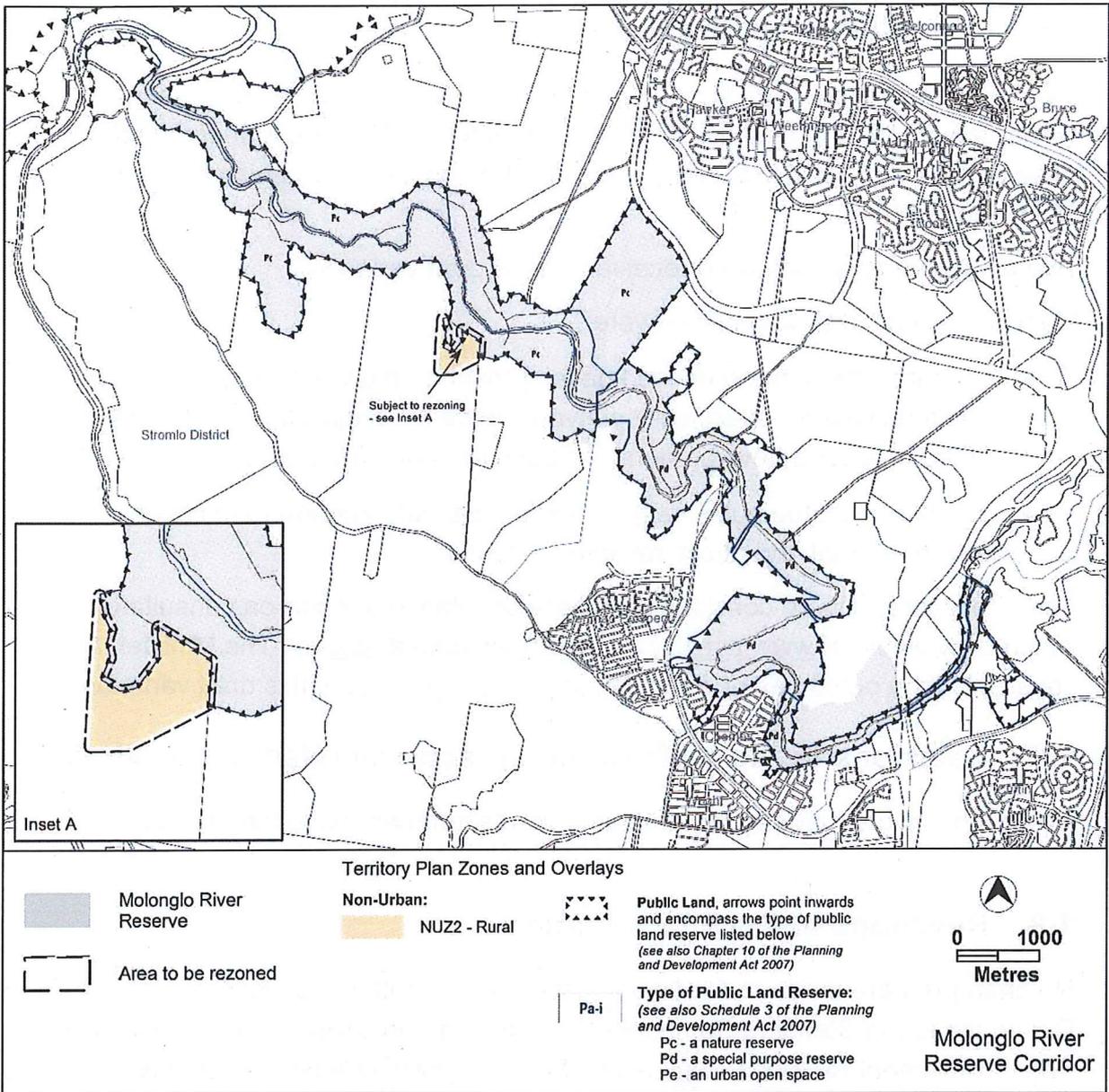


Figure 2 Existing Territory Plan Map using symbols as per Map legend

1.5 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.6 Consultation on the Draft Variation

DV360 was released for public comment between 23 November 2018 and 1 February 2019. A consultation notice under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 23 November 2018.

Two written submissions were received on the draft variation.

Main issues raised by submitters were:

- concerns about the proposed development on the Coombs peninsula and the effect on wildlife, specifically platypus in the Molonglo River, and the location of the proposed development in a bushfire prone area; and
- concerns that the public reserve will not be wide enough to maintain environmental and public reserve functions.

The above issues were considered and are detailed in a report on consultation, which is available at www.act.gov.au/recommendedvariations. The Minister considered the outcomes of consultation prior to approval of this draft variation.

1.7 Revisions to the draft variation recommended to the Minister

No changes were made to the draft variation recommended to the Minister.

1.8 Revisions to the final variation

No changes were made to the final variation as a result of the Government Response to the Standing Committee on Planning and Urban Renewal Report 9. The Government Response was tabled in the Legislative Assembly on the 26 November 2019, and is available on the Standing Committee's webpage for DV360 at:

<https://www.parliament.act.gov.au/in-committees/standing-committees-current-assembly/standing-committee-on-planning-and-urban-renewal/draft-variation-to-the-territory-plan-no-360->

2. DRAFT VARIATION

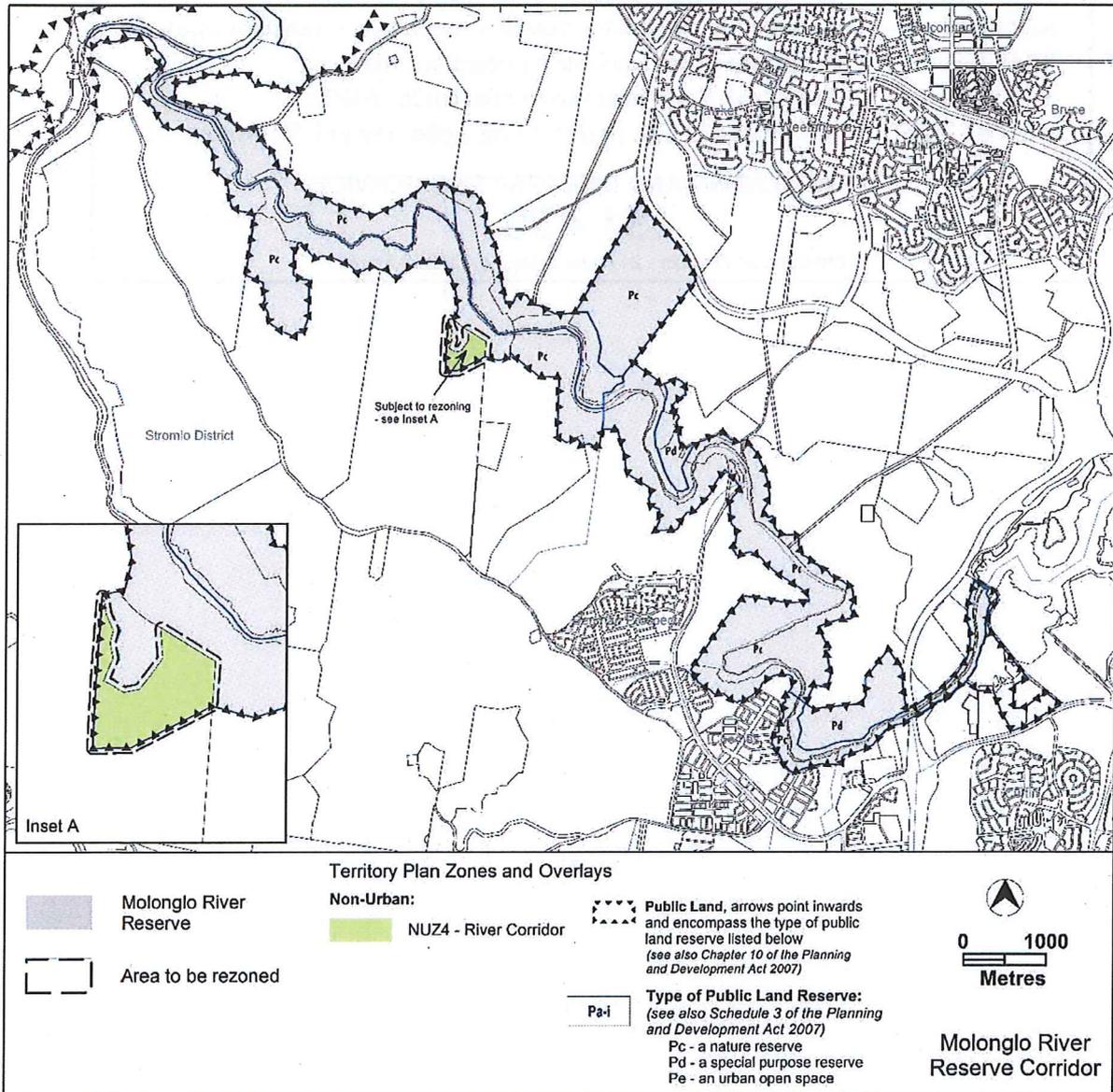
2.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

Variation to the Territory Plan Map

1. Molonglo River Corridor

Substitute



Interpretation service

| | |
|------------|---|
| ENGLISH | If you need interpreting help, telephone: |
| ARABIC | : إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف : |
| CHINESE | 如果你需要传译员的帮助，请打电话： |
| CROATIAN | Ako trebate pomoć tumača telefonirajte: |
| GREEK | Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο |
| ITALIAN | Se avete bisogno di un interprete, telefonate al numero: |
| MALTESE | Jekk għandek bżonn l-għajjnuna t'interpretu, ċempel: |
| PERSIAN | : اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید: |
| PORTUGUESE | Se você precisar da ajuda de um intérprete, telefone: |
| SERBIAN | Ако вам је потребна помоћ преводиоца телефонирајте: |
| SPANISH | Si necesita la asistencia de un intérprete, llame al: |
| TURKISH | Tercümana ihtiyacınız varsa lütfen telefon ediniz: |
| VIETNAMESE | Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại: |

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REPORT ON CONSULTATION

Draft Variation to the
Territory Plan No 360
Molonglo River Reserve: changes to
public land reserve overlay
boundaries and minor zone
adjustment

February 2019

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1. INTRODUCTION

This consultation report was prepared in accordance with s 69 of the *Planning and Development Act 2007* (the P&D Act).

The report describes the consultation undertaken on the draft variation with the public, the National Capital Authority (NCA), the Conservator of Flora and Fauna, the Environment Protection Authority (EPA), the ACT Heritage Council, the relevant land custodian, and responds to the issues raised.

2. COMMENTS FROM THE PUBLIC

2.1 Details

Draft variation No 360 (DV360) Molonglo River Reserve: changes to public land reserve overlay boundaries and minor zone adjustment was released for public consultation on 23 November 2018. The closing date for comments was 1 February 2019. The version of DV360 released for public comments is at **Appendix 1**.

Two written submissions were received during the public consultation period. One submission was from an individual, and one submission was from the National Trust of Australia (ACT) - a national conservation organisation. The comments are addressed in section 2.2 of this report.

The comments from the NCA are dealt with separately under section 3.2 of this report. Comments from the Conservator of Flora and Fauna, Environment Protection Authority, the ACT Heritage Council, and the land custodian were received and assessed prior to release of DV360 and are addressed in sections 3.3 - 3.6 respectively of this report.

Copies of submissions received from the public are provided in **Appendix 2**.

2.2 Issues and responses

The key issues raised are summarised below, and responses provided.

2.2.1 Concern with proposal to develop 60 dwellings on the Coombs peninsula - impact on wildlife and location in bushfire prone area (individual submission)

Platypus have been observed on the peninsula embankment.

The northern and eastern Reserve verges of the Coombs Peninsula should be broadened, especially at the east point where the Reserve corridor is most narrow, to protect platypus home territory and nesting burrow. It would ensure this area of high conservation value is protected into the future and the river corridor is wide enough to sustain existing native wildlife.

Proposed development pushes further into the identified bushfire prone zone.

Concerns with impact of further residential development of the peninsula on the river ecology, specifically the platypus population.

Very minor change noted in the plan in Figure 4 of DV360 compared to current plan. Reserve boundary has been extended, however the proposed development still encroaches over the crest of a small hill, close to the existing service road.

The buffer zone between the river and residential development needs to be broadened to protect the environmental fragility of this important river stretch to reduce the number of properties that will be solely within the bushfire prone zone.

Q1. Is the perception of the extent of the current development plan for the Coombs peninsula correct?

Q2. Was the impact on river ecology considered in the decision making for the current development plan?

Q3. What measures are in place to protect the platypus population in this stretch of the Molonglo River?

Q4. Can the extent of the development of Coombs peninsula be reconsidered, to be scaled back?

Response

R1.

The Coombs peninsula remains zoned on the Territory Plan Map for residential purposes. The area is identified in the ACT Government's Indicative Land Release Program for release in 2020-21. The dwelling numbers will be determined through future subdivision planning and confirmed through a future estate development plan (subdivision) development application.

The final estate layout and boundary will be determined at the detailed design stage.

R2.

The Molonglo Valley development has been the subject of numerous planning assessments under both ACT and Commonwealth legislation, which involved the assessment of environmental values and impacts. This included consideration of the impact on river ecology from surrounding development.

Molonglo planning studies can be found at the following ACT Government website links:

https://www.planning.act.gov.au/topics/current_projects/studies/molonglo_valley_stage_2_planning_project

https://www.planning.act.gov.au/topics/current_projects/studies/molonglo_valley_stage_2_planning_project/molonglo_valley_strategic_assessment

R3.

The protection of native plants and animals, and the management of the conservation reserve network in the ACT is covered by the *Nature Conservation Act 2014*. The ACT Aquatic and Riparian Conservation Strategy and Action Plans

provide conservation management guidelines for the protection and enhancement of aquatic and riparian areas.

The Molonglo River Reserve Management Plan (the Plan) will set out a clear and agreed set of long term conservation and land management objectives for the reserve and outlines the policy approaches for achieving the objectives. The Plan also gives clear guidance on how the land and waters of the reserve will be managed and used. It is anticipated the Plan will be released before the end of 2019.

R4.

The extent of the development of Coombs and the environmental values and importance and extent of the Molonglo River Reserve have previously been investigated and determined through the Government's environment protection and strategic planning areas.

A bushfire risk assessment will be undertaken as part of the estate development (subdivision) planning for this area, and this will identify the necessary mitigation measures to reduce bushfire risk to the new dwellings. These measures will include an edge road around the development, an inner asset protection zone and requirements for dwellings to be built to standards specific to the Bushfire Attack Level for the individual block/s.

2.2.2 Public reserve not wide enough to maintain environmental and public reserve functions (National Trust submission)

The National Trust is concerned that the public reserve along the Molonglo River may not be wide enough to maintain the sensitive and important natural flora and fauna as well as achieve recreational walking, cycle and public reserve functions.

The organisation would encourage and recommend clearly defined details of all heritage values and an interpretation of the heritage places in the nominated reserve and adjacent area and a conservation statement on how to conserve them. If this requires adjustment to the boundaries then this should occur.

The DV does not detail the high conservation values of the area. National Trust is interested in this information and access to further details about the reserve.

Response

The Draft Variation is the instrument to formalise the public land reserve overlay boundary of the new Molonglo River Reserve as depicted on the Territory Plan Map.

A statutory Reserve Management Plan (the Plan) has been prepared that sets out a clear and agreed set of long term conservation and land management objectives for the reserve and outlines the policy approaches for achieving the objectives. The Plan also gives clear guidance on how the land and waters of the reserve will be managed and used. It is anticipated the Molonglo River Reserve Management Plan will be released before the end of 2019.

The area of the Reserve includes valuable cultural (Aboriginal and European) and natural values and the Plan provides guidance and management objectives for these features.

Management of recreation and urban edge effects will be an important aspect of protecting and interpreting (where appropriate) these values. In 2012 the ACT Government finalised a River Park Concept Plan as a guiding framework for ongoing implementation of conservation, recreation and bushfire management activities in the Molonglo River Corridor.

The Plan underwent public consultation in 2018, detail can be found on the ACT Government Your Say website. <https://www.yoursay.act.gov.au/act-parks/molonglo-river-reserve>

The River Park Concept Plan can be viewed here https://www.planning.act.gov.au/topics/current_projects/studies/molonglo_river_park_concept_plan

3. COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007

3.1 Release for Public Comment (section 63)

DV360 was made available for public comment from 23 November 2018 to 1 February 2019 and a consultation notice under s 63 of the P&D Act was published in the ACT Legislation Register on 23 November 2018.

3.2 National Capital Authority (section 61 (b) (i))

The NCA provided the following comments:

“Thank you for your invitation to make comment on DV360 to establish the Molonglo River Reserve (the reserve). The National Capital Authority (NCA) notes that the draft variation is required to address the inconsistencies between the draft reserve management plan for the reserve and the land uses currently shown on the Territory Plan. It is also noted that part of Block 485 Stromlo is proposed to be included in the reserve as it contains an important Aboriginal cultural site and this will be achieved by rezoning the area from NUZ2 Rural to NUZ4 River Corridor Zone. The draft variation also proposes to include public land overlays with the majority of the reserve having the overlay of nature reserve and two separate areas are proposed as special purpose reserve.

The majority of the new reserve is within the ‘National Capital Open Space System (River Corridor)’ as shown on the ‘General Policy Plan - Metropolitan Canberra’ of the National Capital Plan (the Plan). For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (River Corridor)’ in the Plan. A Nature Conservation Area is a permitted use in River Corridors.

The special purpose reserve located to the west of the Tuggeranong Parkway is located within the ‘National Capital Open Space System (Hills, Ridges and Buffers)’.

For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (Hills, Ridges and Buffers)’.

Permitted uses are outlined in Section 3.2.4.4 of the Plan and include such uses as Outdoor Recreation Facility and Park which support the intent of a special purpose reserve. This land is also located in the Designated Area and detailed planning will be the responsibility of the NCA.

Kama Nature Reserve is located within the ‘National Capital Open Space System (Hills, Ridges and Buffers)’. For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (Hills, Ridges and Buffers)’ in the Plan. A Nature Conservation Area is a permitted use in Hills, Ridges and Buffers.

The small area to be rezoned from rural to river corridor is within ‘Rural Areas’. A Nature Conservation Area is not listed as a permitted use however the NCA supports the intent of the rezoning as it meets the general principles for Rural Areas as described in Section 3.7 of the Plan. The distinctive rural character will

be retained and the use of this land as reserve will not significantly diminish the National Capital landscape values. The NCA therefore has no objection to the proposed Territory Plan variation proceeding.

The NCA's preference is for land use boundaries of the National Capital Plan and the Territory Plan to align as much as possible. The NCA will consider a future amendment to the Plan to achieve this, and to align land use and reserve boundaries."

Response

The National Capital Authority's comments are noted.

3.3 Conservator of Flora and Fauna (section 61 (b) (ii))

The Conservator made the following comments:

"In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 360, Molonglo River Corridor Reserve: Changes to public land overlay boundaries and zones.

The variation is implementing changes to the boundaries of the Molonglo River Reserve, and the overlay provisions, as requested by myself to ensure that the reserve boundaries align with the Plan of Management that will be finalised in the near future. I have no comments to provide other than to note my support."

Response

The Conservator's comment of support is noted.

3.4 Environment Protection Authority (section 61 (b) (iii))

The EPA made the following comments:

"Thank you for the opportunity to review and provide comment on the proposed Draft Variation to the Territory Plan No 360, to change public land overlay boundaries and zones in the Molonglo River Reserve.

Consistent with the approach taken for all areas within the Molonglo 2 and Molonglo 3 development areas where a change of land use is proposed the sites subject to the change of use must be assessed for potential contamination from past and present uses, remediated as required and the finding of the assessment independently audited by an Environment Protection Authority (EPA) approved environmental auditor.

The Auditor's site audit statement and report into the suitability of the site(s) for their proposed and permitted uses must be reviewed and endorsed by the EPA prior to the Territory Plan being varied."

Response

The Environment Protection Authority's comments are noted. The draft variation proposes to amend the public land reserve overlay in line with the reserve management plan to form the new Molonglo River Reserve.

In a number of locations, the extent of the Molonglo river corridor public land reserve overlay boundary has been reduced through this draft variation. Any issues regarding potential contamination of these sites that are now outside of the river corridor have either previously received EPA endorsement of an independent contamination audit or site audit statement and report, or will be addressed prior to any planning changes being made to the land (either by an amendment to the Territory Plan for a future urban area or through the estate development plan assessment process).

Any development proposed within the Molonglo River Reserve will seek EPA endorsement in accordance with due process.

3.5 ACT Heritage Council (section 61 (b) (iv))

The ACT Heritage Council made the following comments:

“DV360 proposes to amend the Territory Plan Map to: increase the area of ‘nature reserve’ within the Molonglo River Corridor Reserve (modifying the Public Land Overlay); and rezone part of Rural Block 485, Stromlo to include this land as part of the Reserve. These amendments are proposed to address inconsistencies between the ‘reserve management plan for the Molonglo River Reserve’ and the land uses currently shown for the subject area on the Territory Map.

A large number of Aboriginal places and objects are located within the Molonglo River Corridor Reserve. The proposed changes to the Public Land Overlays, increasing the area of ‘nature reserve’, would facilitate continued management of these Aboriginal places as part of the Reserve.

Rural Block 485, Stromlo, contains two Aboriginal places known as MOL IF13 and STSTD-001. DV360 proposes to rezone part of this block from NUZ2 Rural to NUZ4 River Corridor. On 22 August 2018, the Council endorsed the proposed boundary realignment.

Advice:

For the reasons outlined above, the Council raises no objection to the proposed amendment of the Territory Plan (DV360).”

Response

The ACT Heritage Council's advice is noted.

3.6 Land Custodian (section 61 (b) (v))

The land custodian for land affected by this draft variation is ACT Parks and Conservation Service (PCS). PCS provided the following comments:

The Parks and Conservation Service support **Draft Variation No. 360 - Changes to overlay boundaries of Molonglo River Reserve** which will formalise the boundaries of the new Molonglo River Reserve.

Formalisation of the boundaries will enable PCS to submit the Molonglo River Reserve final draft Reserve Management Plan to the Minister for approval in accordance with the *Nature Conservation Act 2014* and to meet the requirements of the Molonglo Valley Strategic Assessment (the NES Plan).

Response

The Parks and Conservation Service's comments are noted.

3.7 Notice of Submission to the Minister (section 70)

In accordance with s 70 of the P&D Act, a public availability notice will be placed in the ACT Legislation Register stating that DV360 has been submitted to the Minister and that the documents are available for public inspection.

4. APPENDICES

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APPENDIX 1
Draft variation 360 public release version

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APPENDIX 2
Copies of public comments received on draft variation 360



ACT
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Environment, Planning and
Sustainable Development

Planning and Development Act 2007

**Draft
Variation to the
Territory Plan
No 360**

**Molonglo River Reserve:
Changes to public land reserve overlay
boundaries and a minor zone adjustment**

November 2018

Draft variation for public consultation prepared
under s60 of the *Planning and Development Act 2007*

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1. INTRODUCTION

1.1 Summary of the Proposal

This draft variation proposes to make changes to the public land reserve overlay boundaries and a minor zone adjustment on the Territory Plan Map for the area of the Molonglo River Reserve. These amendments are necessary in order to align the Territory Plan Map with the provisions in the Molonglo River Reserve – Reserve Management Plan. The changes will fulfil the requirements for the Reserve Management Plan to be finalised and take effect.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority which prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment, Planning and Sustainable Development Directorate (EPSDD).

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non-urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD submits a report on consultation and a recommended final variation to the Minister responsible for planning for referral to the Legislative Assembly standing committee responsible for planning.

The Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed.

1.4 Public Consultation

Written comments about the draft variation are invited from the public by Friday 01 February 2019.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPSDD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at the Access Canberra customer service centre in Dickson and may be published on EPSDD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Access Canberra Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The Molonglo River Reserve (the Reserve) is a new reserve that follows the Molonglo River from Scrivener Dam downstream to the intersection with the Murrumbidgee River Corridor Reserve. It includes three current reserves – Kama Nature Reserve, Lower Molonglo River Corridor Nature Reserve and Molonglo River Special Purpose Reserve, and brings them together with some new areas to create the Molonglo River Reserve. The Molonglo River Park in East Molonglo is also included in the Reserve.

The Reserve has high conservation value and will also be a central landscape feature and recreation destination for residents of the Molonglo Valley urban development area.

Section 315 of the *Planning and Development Act 2007* (the Act) provides for the reservation of public land for a range of purposes and objectives for management. These public land reserve areas are shown on the Territory Plan Map by way of public land reserve overlays and cover wilderness areas, national parks, nature reserves, and sport and recreation reserves to name a few. The draft Management Plan for the Molonglo River Reserve is a statutory plan required under the Act and defined as a ‘reserve management plan’ in the *Nature Conservation Act 2014*. Its purpose is to give clear direction on how the biodiversity, land and waters of the Molonglo River Reserve will be used and managed to satisfy both nature conservation and recreation objectives.

The Molonglo River Reserve Draft Reserve Management Plan (the Plan) was released for public consultation from 8 February 2018 until 23 March 2018. All submissions were considered and the Plan was revised in response to the comments received.

Draft Variation to the Territory Plan No. 360 (DV360) has been prepared in response to a request by the Conservator of Flora and Fauna to amend the Molonglo River Reserve public land reserve overlay boundaries for the area of the reserve. The changes to the type and location of the public land reserve overlay boundaries on the Territory Plan map are to ensure they align with the requirements in the Plan for the particular uses assigned to the land within the reserve corridor.

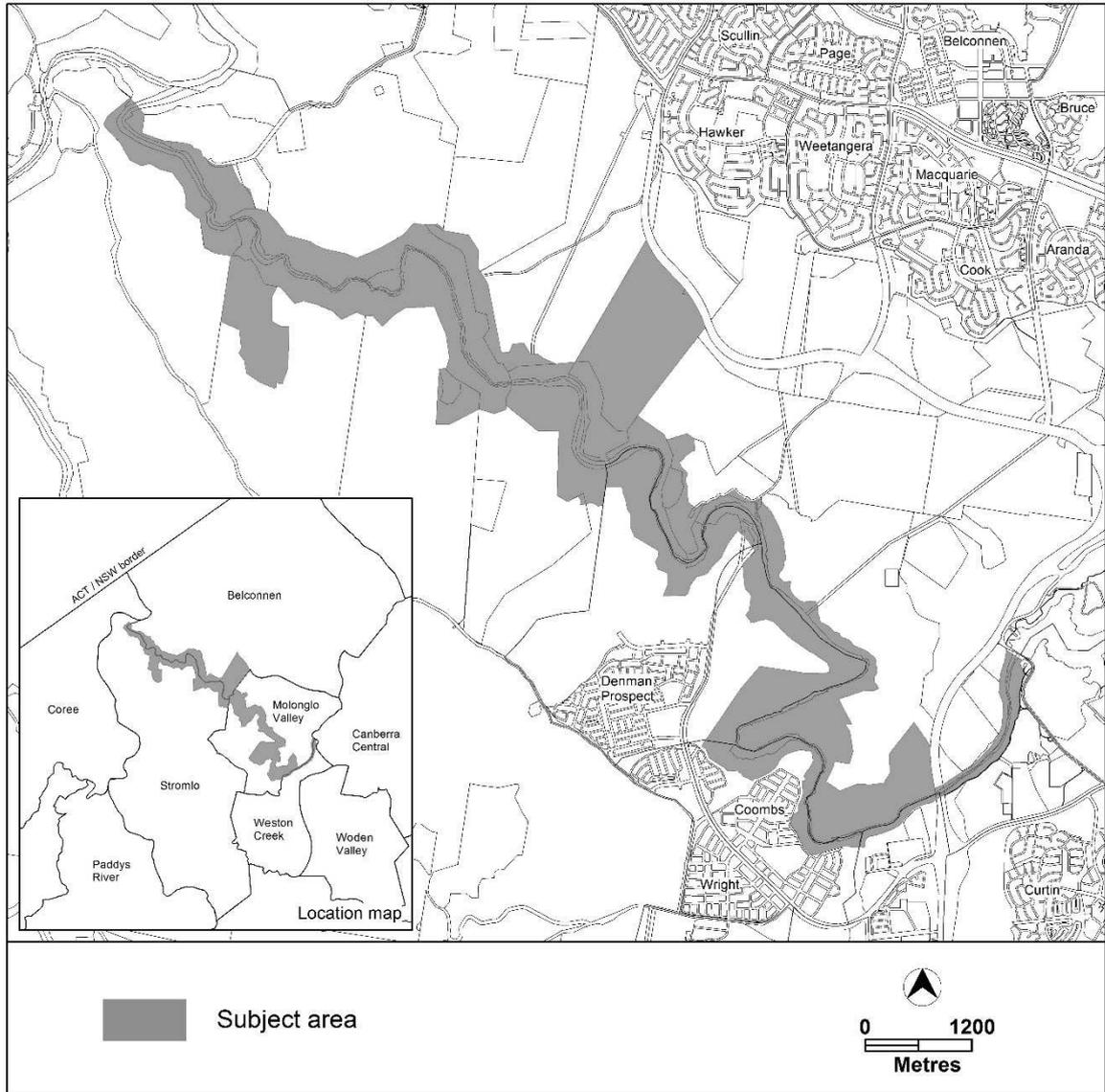
The change to the boundaries also reflects the outcomes of the Molonglo Valley Strategic Assessment for the Molonglo River Reserve which was undertaken by the ACT Government in 2010. The assessment process resulted in the approval of the Molonglo Valley Plan for the Protection of Matters of National Environmental Significance (NES Plan) in December 2011 by the Commonwealth Minister for the Environment. The NES Plan details the ACT Government's commitments to protect matters of national significance within the strategic assessment area.

The Plan provides for the Molonglo River Reserve to be predominantly nature reserve, with two areas of special purpose reserve where recreational activities will be located. This is to ensure that areas of high conservation value are protected into the future in accordance with the NES Plan.

In order to finalise the Plan, the public land reserve overlay provisions need to be amended to comply with the legislative requirement that the Plan describes how the planning and development objectives for the reserve are to be implemented or promoted in the reserve. The management objectives as provided by the *Planning and Development Act 2007* for an area of nature reserve is to conserve the natural environment, and to provide for public use of the area for recreation, education and research, whereas the objectives for special purpose reserve are to provide for public and community use of the area for recreation and education. The corresponding public land reserve overlays shown on the Territory Plan Map for these areas are 'Pc – a nature reserve' and 'Pd – a special purpose reserve' respectively.

The Conservator of Flora and Fauna has also requested that the proposed changes incorporate part of Block 485 Stromlo into the reserve system as it contains an important Aboriginal cultural site. It is proposed to include the block under the public land reserve 'Pc – a nature reserve' overlay on the Territory Plan Map so that it can be managed in accordance with the Plan that covers the area. The Conservator has also requested that the subject land be rezoned from non-urban zone NUZ2 Rural zone to NUZ4 River Corridor zone in this location to better reflect the management of the area as part of the Molonglo River Reserve.

The changes proposed in this draft variation will fulfil the requirements for the Plan to be finalised and take effect.



Location Plan

2.2 Current Territory Plan Map

The current Territory Plan map shows the existing zones and public land overlays applying to the land subject to this draft variation.

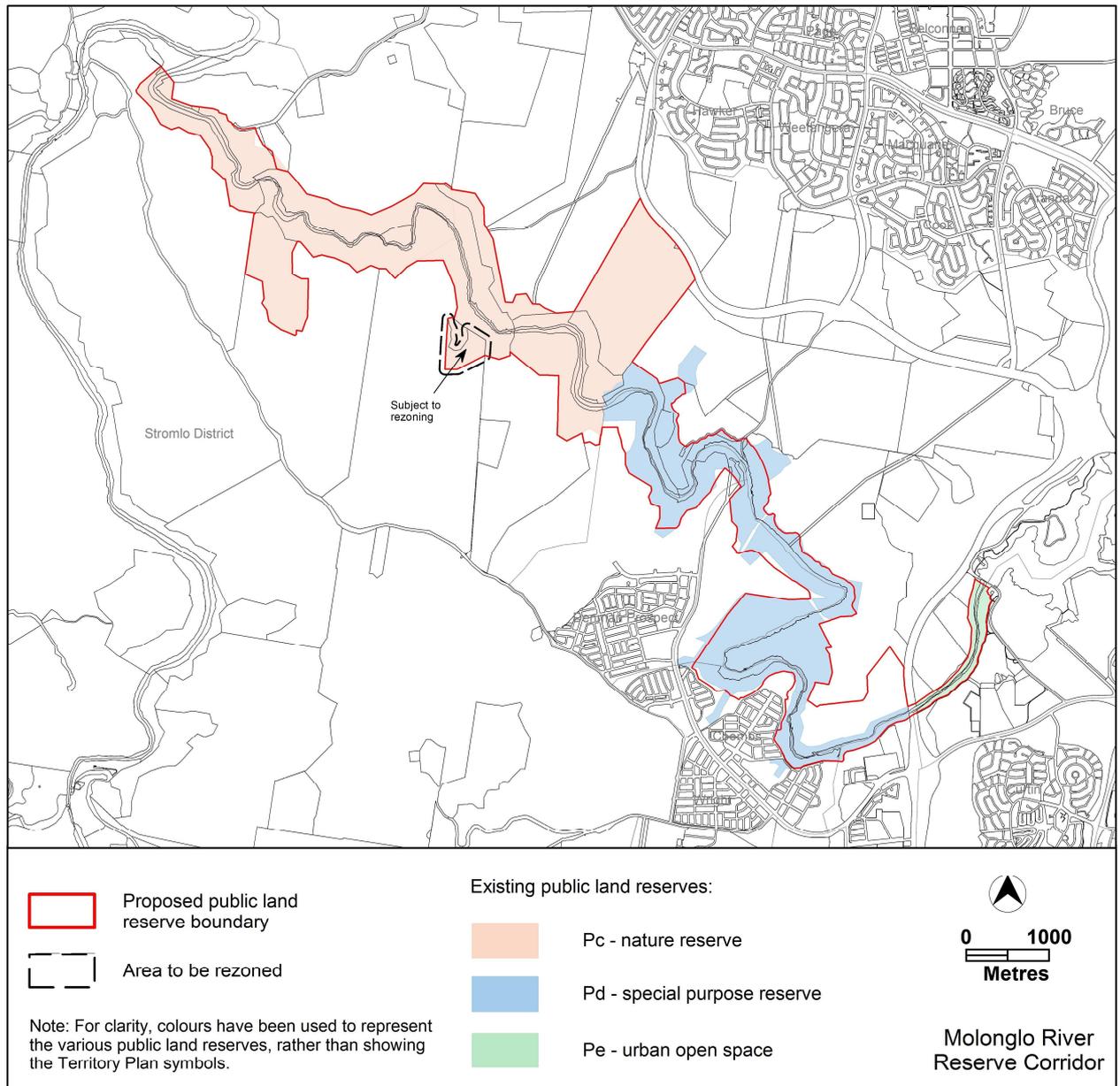


Figure 1 Current Territory Plan Map using colours for information purposes

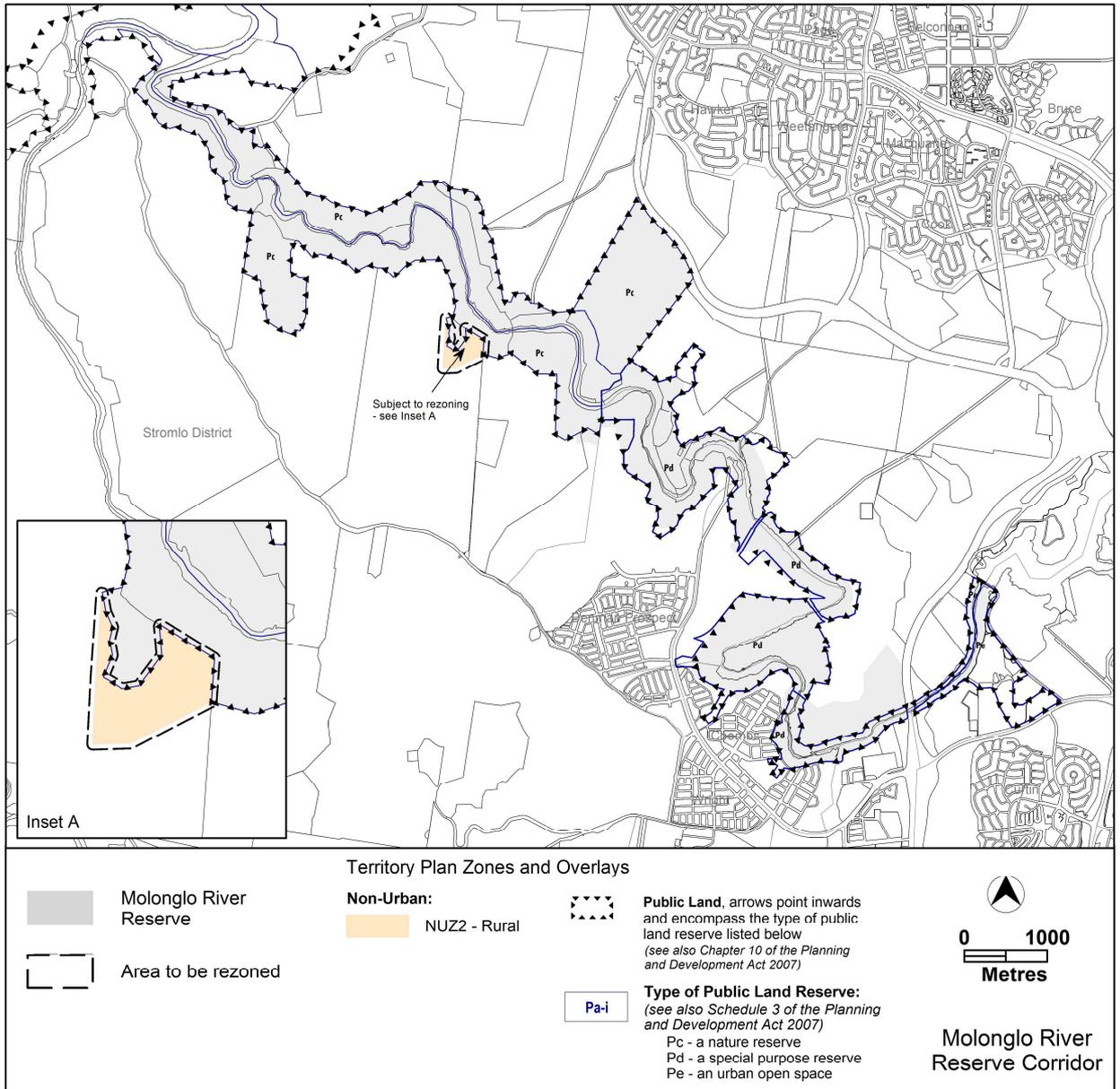


Figure 2 Existing Territory Plan Map using symbols as per Map legend

2.3 Proposed Changes to the Territory Plan Map

DV360 proposes to amend the Territory Plan Map as follows:

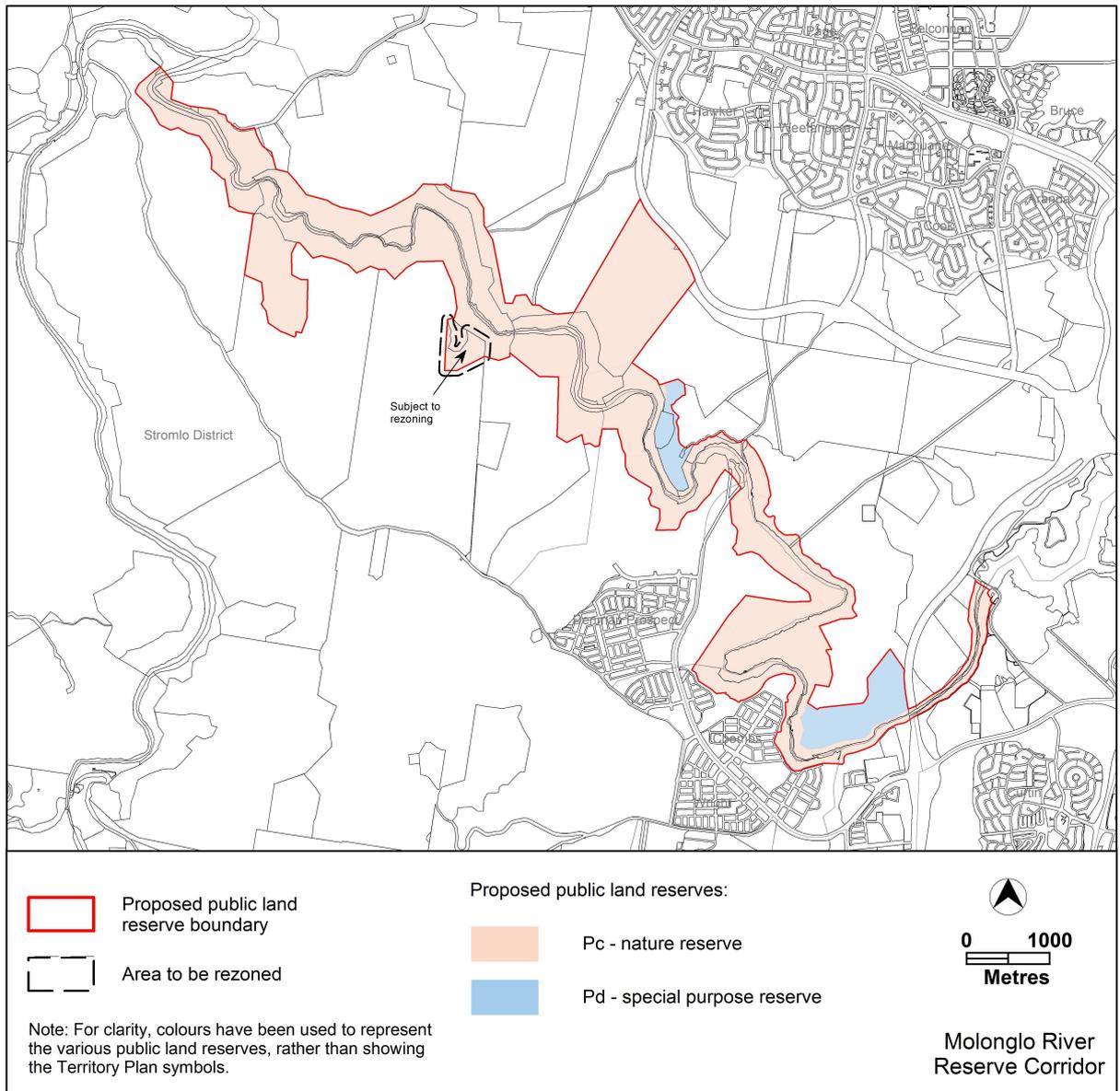


Figure 3 Proposed Territory Plan Map changes using colours for information purposes

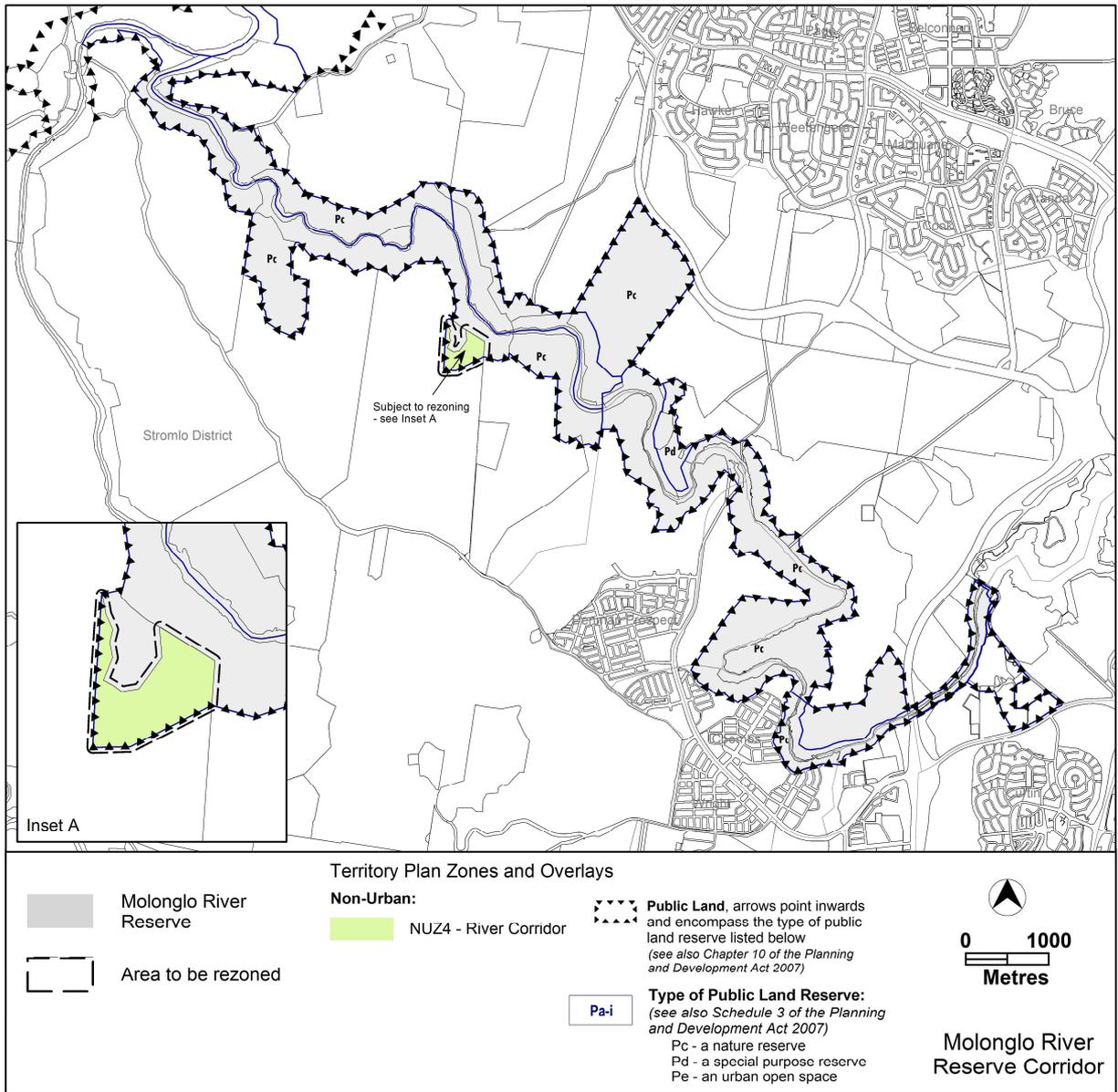


Figure 4 Proposed Territory Plan Map using symbols as per Map legend

2.4 Reasons for the Proposed Draft Variation

The reasons for the draft variation are as follows:

- To align the public land reserve overlay boundaries and zones on the Territory Plan Map with the boundaries for the Molonglo River Reserve (the Reserve) that are subject to the Management Plan (the Plan) for the Reserve.
- To ensure that by changing the public land reserve overlays and zone adjustment in line with the boundaries of the Reserve, the Plan meets the management objectives for the areas of nature reserve and special purpose reserve as required under the *Planning and Development Act 2007*.
- To apply interim effect to the public land reserve overlay and zone changes so that the Plan can be finalised and take effect.

2.5 Planning Context

2.5.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also required that the Territory Plan is not inconsistent with the NCP.

2.5.2 ACT Planning Framework

Statement of Strategic Directions

The Statement of Strategic Directions sets out the principles for giving effect to the main objective of the Territory Plan as required by the *Planning and Development Act 2007*. The proposal is consistent with the following Territory Plan - Statement of Strategic Directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles:

1. Principles for Sustainable Development

General Principles

- 1.3 Economic, social and environmental objectives will be pursued in a balanced and integrated way, having regard to both short-term and long-term factors, such that present needs can be met without prejudicing the

welfare of future generations, and without serious or irreversible loss of life-supporting natural resources or damage to the environment.

Environmental Sustainability

- 1.5 Planning policies will seek to ensure the efficient use of all resources and to reduce consumption of non-renewable resources. Waste minimisation, reuse and recycling will be encouraged, whilst energy-rating and conservation measures will be applied wherever appropriate, particularly in transport, subdivision planning, and building design and construction.
- 1.6 The pattern of development is to reflect land capability constraints resulting from topography, soils, geotechnical factors, drainage, natural hazards, microclimate and the sensitivity of ecosystems. Particular attention will be given to the need to conserve soil, water and vegetation; maintain biological diversity; safeguard important ecosystems and ecological processes; and provide and protect wildlife corridors.
- 1.7 Land and water resources will be planned in accordance with the principles of integrated catchment management and water sensitive urban design. Policies will seek to protect identified environmental values, whilst focusing on opportunities for multi-purpose use of resources. Special attention is to be given to protecting sources of the Territory's water supply and to maintaining environmental flows in rivers and streams.
- 1.8 Planning policies will provide for the sustainable management of rural areas, ensuring that rural lands nominated for future urban development or other purposes can be retained in productive use and properly managed for the time being. Appropriate activities to reduce net greenhouse gas emissions will be encouraged.
- 1.9 Urban expansion will be contained in order to minimise impacts on valuable natural and rural areas.

Social Sustainability

- 1.25 Heritage and cultural values will be safeguarded, including in particular those of the Territory's Aboriginal peoples and those derived from both its rural history and urban development as the National Capital.

The distinctive qualities of residential areas and other places, as well as elements of community heritage, will also be recognised and their conservation promoted.
- 1.26 Identified places of heritage significance will be protected in accordance with requirements for their conservation contained in the Heritage Register and any relevant heritage guidelines under the Heritage Act 2004. Special provisions are included in the Heritage Act for the recognition, registration and conservation of Aboriginal heritage.

2. Spatial Planning and Urban Design Principles

Non-urban Areas

2.11 Planning policies will protect the landscape and environmental qualities of the hills and ridges surrounding urban areas, the Murrumbidgee and other river corridors, the mountains and forests west of the Murrumbidgee River, and productive rural landscapes.

ACT Planning Strategy 2012

The draft variation is also consistent with the ACT Planning Strategy 2012 Strategy 8 to “Value the land and natural resources of the region by working collaboratively to manage urban growth, ensure connectivity and continuity in the natural systems and conserve, where appropriate, agriculturally productive land.”

2.6 Interim Effect

Section 65 of the *Planning and Development Act 2007* applies to the draft variation. This means that the provisions of Draft Variation No 360 have interim effect, and apply to the subject area from 23 November 2018.

During the period of interim effect the ACT Government must not do or approve anything that would be inconsistent with the Territory Plan as if it were amended by the draft variation. Where there is an inconsistency between provisions in the current Territory Plan and provisions in the draft variation, then the draft variation takes precedence for the extent of the inconsistency.

Interim effect will end on the day the earliest of the following happens:

- i. the day the public availability notice under section 70 for the draft variation being recommended to the Minister is notified in accordance with the Legislation Act
- ii. the day the draft variation, or the corresponding variation, is withdrawn under section 68 (1)(b) or section 76 (3)(b)(v)
- iii. 1 year after the date of the consultation notice.

2.7 Consultation with Government Agencies

EPSDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council

- the Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected.

National Capital Authority

The National Capital Authority provided the following comments on 01 November 2018:

“Thank you for your invitation to make comment on DV360 to establish the Molonglo River Reserve (the reserve). The National Capital Authority (NCA) notes that the draft variation is required to address the inconsistencies between the draft reserve management plan for the reserve and the land uses currently shown on the Territory Plan. It is also noted that part of Block 485 Stromlo is proposed to be included in the reserve as it contains an important Aboriginal cultural site and this will be achieved by rezoning the area from NUZ2 Rural to NUZ4 River Corridor Zone. The draft variation also proposes to include public land overlays with the majority of the reserve having the overlay of nature reserve and two separate areas are proposed as special purpose reserve.

The majority of the new reserve is within the ‘National Capital Open Space System (River Corridor)’ as shown on the ‘General Policy Plan - Metropolitan Canberra’ of the National Capital Plan (the Plan). For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (River Corridor)’ in the Plan. A Nature Conservation Area is a permitted use in River Corridors.

The special purpose reserve located to the west of the Tuggeranong Parkway is located within the ‘National Capital Open Space System (Hills, Ridges and Buffers).

For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (Hills, Ridges and Buffers)’.

Permitted uses are outlined in Section 3.2.4.4 of the Plan and include such uses as Outdoor Recreation Facility and Park which support the intent of a special purpose reserve. This land is also located in the Designated Area and detailed planning will be the responsibility of the NCA.

Kama Nature Reserve is located within the ‘National Capital Open Space System (Hills, Ridges and Buffers). For this land, the proposed variations appear to be not inconsistent with the ‘Land Use’ for ‘National Capital Open Space System (Hills, Ridges and Buffers)’ in the Plan. A Nature Conservation Area is a permitted use in Hills, Ridges and Buffers.

The small area to be rezoned from rural to river corridor is within 'Rural Areas'. A Nature Conservation Area is not listed as a permitted use however the NCA supports the intent of the rezoning as it meets the general principles for Rural Areas as described in Section 3.7 of the Plan. The distinctive rural character will be retained and the use of this land as reserve will not significantly diminish the National Capital landscape values. The NCA therefore has no objection to the proposed Territory Plan variation proceeding.

The NCA's preference is for land use boundaries of the National Capital Plan and the Territory Plan to align as much as possible. The NCA will consider a future amendment to the Plan to achieve this, and to align land use and reserve boundaries."

Response

The National Capital Authority's comments are noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 23 October 2018:

"In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 360, Molonglo River Corridor Reserve: Changes to public land overlay boundaries and zones.

The variation is implementing changes to the boundaries of the Molonglo River Reserve, and the overlay provisions, as requested by myself to ensure that the reserve boundaries align with the Plan of Management that will be finalised in the near future. I have no comments to provide other than to note my support."

Response

The Conservator's comment of support is noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 6 November 2018:

"Thank you for the opportunity to review and provide comment on the proposed Draft Variation to the Territory Plan No 360, to change public land overlay boundaries and zones in the Molonglo River Reserve.

Consistent with the approach taken for all areas within the Molonglo 2 and Molonglo 3 development areas where a change of land use is proposed the sites subject to the change of use must be assessed for potential contamination from past and present uses, remediated as required and the finding of the assessment independently audited by an Environment Protection Authority (EPA) approved environmental auditor.

The Auditor's site audit statement and report into the suitability of the site(s) for their proposed and permitted uses must be reviewed and endorsed by the EPA prior to the Territory Plan being varied."

Response

The Environment Protection Authority's comments are noted. The draft variation proposes to amend the public land reserve overlay in line with the reserve management plan to form the new Molonglo River Reserve.

In a number of locations, the extent of the Molonglo river corridor public land reserve overlay boundary has been reduced through this draft variation. Any issues regarding potential contamination of these sites that are now outside of the river corridor have either previously received EPA endorsement of an independent contamination audit or site audit statement and report, or will be addressed prior to any planning changes being made to the land (either by an amendment to the Territory Plan for a future urban area or through the estate development plan assessment process).

Any development proposed within the Molonglo River Reserve will seek EPA endorsement in accordance with due process.

ACT Heritage Council

The ACT Heritage Council provided the following comments on 23 October 2018:

"DV360 proposes to amend the Territory Plan Map to: increase the area of 'nature reserve' within the Molonglo River Corridor Reserve (modifying the Public Land Overlay); and rezone part of Rural Block 485, Stromlo to include this land as part of the Reserve. These amendments are proposed to address inconsistencies between the 'reserve management plan for the Molonglo River Reserve' and the land uses currently shown for the subject area on the Territory Map.

A large number of Aboriginal places and objects are located within the Molonglo River Corridor Reserve. The proposed changes to the Public Land Overlays, increasing the area of 'nature reserve', would facilitate continued management of these Aboriginal places as part of the Reserve.

Rural Block 485, Stromlo, contains two Aboriginal places known as MOL IF13 and STSTD-001. DV360 proposes to rezone part of this block from NUZ2 Rural to NUZ4 River Corridor. On 22 August 2018, the Council endorsed the proposed boundary realignment.

Advice:

For the reasons outlined above, the Council raises no objection to the proposed amendment of the Territory Plan (DV360).”

Response

The ACT Heritage Council’s advice is noted.

Land Custodian (Parks and Conservation Service)

The land custodian for land affected by this draft variation is ACT Parks and Conservation Service (PCS). PCS provided the following comments on 6 November 2018:

The Parks and Conservation Service support **Draft Variation No. 360 - Changes to overlay boundaries of Molonglo River Reserve** which will formalise the boundaries of the new Molonglo River Reserve.

Formalisation of the boundaries will enable PCS to submit the Molonglo River Reserve final draft Reserve Management Plan to the Minister for approval in accordance with the *Nature Conservation Act 2014* and to meet the requirements of the Molonglo Valley Strategic Assessment (the NES Plan).

Response

The Parks and Conservation Service’s comments are noted.

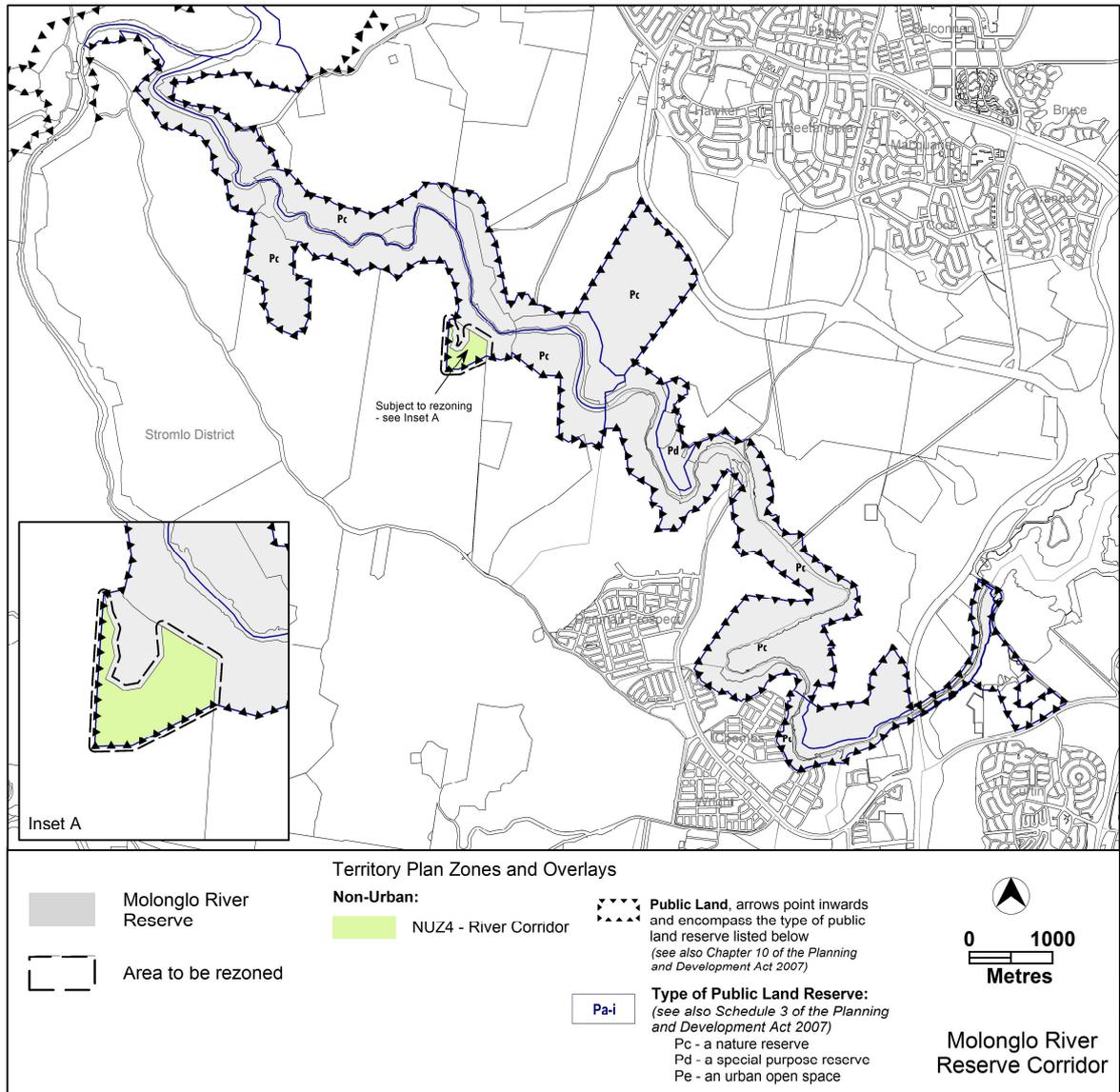
3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan Map is varied in all of the following ways:

Variation to the Territory Plan Map

Substitute



Interpretation service

| | |
|------------|---|
| ENGLISH | If you need interpreting help, telephone: |
| ARABIC | إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف : |
| CHINESE | 如果你需要传译员的帮助，请打电话： |
| CROATIAN | Ako trebate pomoć tumača telefonirajte: |
| GREEK | Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο |
| ITALIAN | Se avete bisogno di un interprete, telefonate al numero: |
| MALTESE | Jekk għandek bżonn l-għajjuna t'interpretu, ċempel: |
| PERSIAN | اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید: |
| PORTUGUESE | Se você precisar da ajuda de um intérprete, telefone: |
| SERBIAN | Ако вам је потребна помоћ преводиоца телефонирајте: |
| SPANISH | Si necesita la asistencia de un intérprete, llame al: |
| TURKISH | Tercümana ihtiyacınız varsa lütfen telefon ediniz: |
| VIETNAMESE | Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại: |

TRANSLATING AND INTERPRETING SERVICE
131 450
Canberra and District - 24 hours a day, seven days a week

PRIVATE RESPONSE TO: Draft Variation to the Territory Plan No 360 - Molonglo River Reserve: Changes to public land reserve overlay boundaries and a minor zone adjustment November 2018

KAREN COLLINS, Coombs resident

For Lodgement: Suburban Land Agency 07.12.2018

I am writing this submission, in my capacity as a Coombs resident, living adjacent to the Molonglo River Reserve, along the upper section of Annabelle View. I wish to ensure the outcome of any development on the Coombs Peninsula has been thoroughly assessed in regard of environmental and bushfire risk.

The location of our home has afforded us the opportunity to utilize the reserve area on very regular basis over the last 10 months and also to observe others using the reserve. It also means we enjoy a unique opportunity to observe the wildlife that inhabit the area. I note the Reserve is highly patronised individually and in groups for a range of recreation activities, not just walking.

My specific concern relates to the 'Coombs Peninsula' and the continued proposal to develop 60 dwellings on this site - vacant land that borders the end of Fred Daly Ave, Edgeworth Pde and Annabelle View. This area is shown in the Indicative Land Release Program for 2020-2021. See Diagrams 1, 2 & 3 below. This development will bring around 200 residents to the peninsula and their pets. The potential impact by dogs on the native species is great.

Our family regularly sights wombats, echidna and of course kangaroos in this area. I have observed the black yellow-tailed cockatoos that roost in the pine trees here. Also, very recently and for the first time, we have seen a rather dark wallaby near the river. From the end of the peninsula, where the river broadens to a wider, deeper pond, we have noted water dragon, lizards and a variety of parrots and water birds. Fisherman that we have encountered, tell us that while there are mostly carp, golden perch and river cod are found in the river.

It is with absolute assurance that I can inform you, that platypus can be observed in the above section of the Molonglo River. I doubt if there are many other areas of larger Australian cities that can lay claim to this most unique, elusive resident in their suburban rivers. On one occasion I have been within a metre of an adult size platypus resting on the peninsula embankment. The most recent sighting was of a much smaller platypus spotted in the company of a larger platypus. This suggests either a breeding pair, or young and parent platypus (more likely); the nesting burrow of which must be somewhat close by, within a few hundred metres. Given this pond area does not rise and fall as quickly or as much as more narrow parts of the river, it is possible there is a main burrow in the immediate pond vicinity itself. The river either side of the pond, up to around 2km, possibly more, will encompass these platypuses home territory. For this reason, the northern and eastern Reserve verges of the Coombs Peninsula should be broadened, especially at the eastern point where the Reserve corridor is most narrow.



Diagram 1 [Fig 2 of DVA 360, Nov 2018]

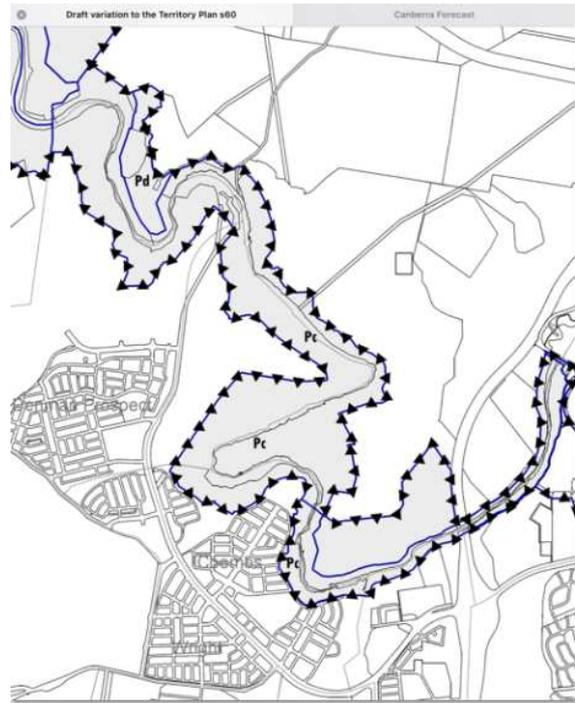


Diagram 2 [Fig 4 of DVA 360, Nov 2018]

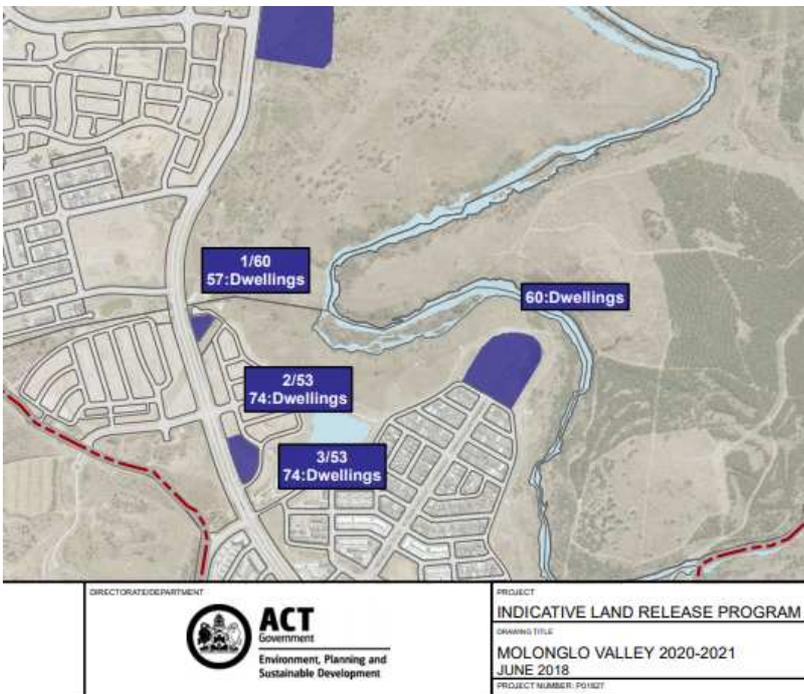


Diagram 3: Site for 60 dwellings on Coombs Peninsula

Source: https://www.planning.act.gov.au/_data/assets/pdf_file/0018/1207305/2020-2021-Indicative-Land-Release-Program-Map.pdf @4/12/2018

An extension to the Reserve area at Coombs Peninsula (therefore partially restricting proposed residential development) is cognisant with the ACT Government's environmental commitments. It would ensure this area of high conservation value is protected into the future and the River corridor is wide enough to sustain existing native wildlife. Recent land degradation of pink-tailed worm lizard habitat, highlights the importance of planning control. WHEN IT'S GONE, IT'S GONE! Aside from an ecological perspective, it is at odds that development downward of the peninsula towards the river is proposed. This development pushes further into the 'red' identified 'bushfire prone' zone illustrated below, noting proposed development on the slope uphill of the river (enhanced fire risk), and with reserve opposite, reduces the firebreak distance. We have been reminded of the vulnerability of our suburban fringe most recently with the Pierce's Ck fire reaching less than 7km from Canberra – Is the decision to place so many homes concentrated in the bushfire prone zone, well informed?



Diagram 4: Bushfire Prone areas

Source: <http://app.actmapi.act.gov.au/actmapi/index.html?viewer=esa> @2/12/2018

Much effort has been made to return the river corridor to its natural state with native plantings, erosion control, weed & feral pine eradication, along with track markings and observation areas for recreation. What impact will further residential development of the peninsula have on the river ecology, specifically the platypus population?

Unleashed domestic dogs, domestic/car noise, soil run off, litter, habitat loss etc all impact on the river to increase weed, deplete oxygen, increase turbidity and more, that in turn deter and reduce native species diversity. My family has moved from Isaacs and I can assure you that walking/access tracks that back close to residential properties along Isaacs Ridge are not pleasant with rubbish, weeds, barking dogs that encroach. Privacy and security can also be issues for the residents.

I note there appears to be a very minor change in the plan as expressed in Figure 4 of the DVA 360 document, compared to the current plan as per Figure 2 of that document. The Reserve boundary has been extended to Edgeworth Pde along the north and further along the top end of Annabelle View. This is to be commended, however the proposed development still encroaches over the crest of the small hill, close to

the existing service road. I acknowledge the value of this land to the SLA on behalf of ACT Government and understand the need for monetary return. Ideally, my preference is for no development at all, but, I ask SLA to reconsider the extent of this development to its proposed furthest point. **The buffer zone between the river and residential development needs to be broadened to protect the environmental fragility of this important river stretch and reduce the number of properties that will be solely within the bushfire prone 'red' zone.**

An alternative proposal is to restrict development as per the green line in the diagram 5 below, which coincides closely with bushfire zoning in the above bushfire map.

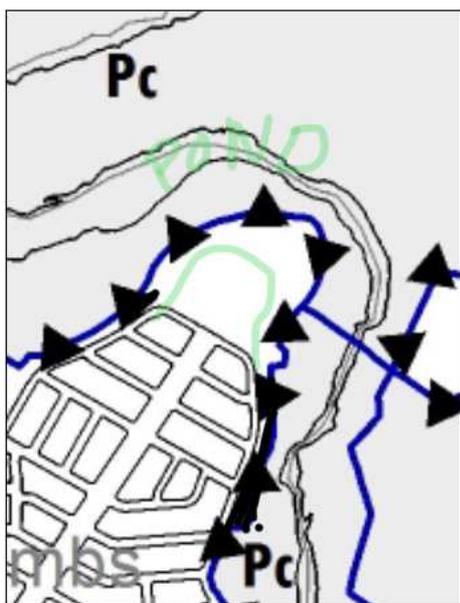


Diagram 5: Alternative development proposal – Coombs Peninsula

It is with a scientific and data background that my comments are made objectively and with due reason. I therefore am seeking answers to the following questions

- i Is my perception of the extent of the current development plan for the Coombs Peninsula correct? [ie the difference between diagrams 1 & 2]
- ii Was the impact on river ecology considered in the decision making for the current development plan?
- iii What measures are in place to protect the platypus population in this stretch of the Molonglo River?
- iv Can the extent of the development of Coombs Peninsula be reconsidered, to be scaled back.

Lastly, there is a resident platypus population, alongside suburbia – Molonglo River Reserve is therefore an ideal opportunity for a natural environment, to provide for public recreation use and wildlife observation (official & volunteer), that can potentially contribute to platypus and other species research.

Thank you for your consideration. I am happy to be contacted by phone, to further elaborate or discuss the contents of this submission.

Yours Sincerely

Karen Collins



NATIONAL TRUST of AUSTRALIA (AUSTRALIAN CAPITAL TERRITORY)
ABN 50 797 949 955



NATIONAL TRUST

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CIVIC SQUARE ACT 2608

EMAIL: info@nationaltrustact.org.au
WEB: www.nationaltrustact.org.au

T: 02 6230 0533

PATRON: The Hon Margaret Reid AO

7 February 2019

Territory Plan Section
Environment Planning and Sustainable Directorate
GPO Box 158
CANBERRA ACT 2601

Att: epdcustomerservices@act.gov.au

DV 360 MOLONGLO RIVER RESERVE

We apologise for the late submission but the National Trust Heritage Committee met for the first time this year on 5 February 2019 and endorsed this submission.

The National Trust commends the proposal to establish a public reserve along the Molonglo River but is concerned that it may not be wide enough to maintain the sensitive and important natural flora and fauna as well as achieve recreational walking, cycle and public reserve functions.

We encourage clearly defined details of all heritage values (cultural, natural and indigenous) in the nominated reserve and adjacent to the area and a conservation statement on how to conserve them. If this requires adjustment to boundaries then this should occur.

We also strongly recommend an interpretation of the heritage places such as the Canberra Track signs.

We trust that arrangements will be put in place to maintain the reserve and its heritage values in the long term.

It would appear from the information in the DV that the area has high conservation value but all the details are not known to the National Trust and we are interested in these.

The Nation Trust conducts many walks through the ACT's Heritage Places and would welcome including some through this reserve in the future. We would appreciate access to further details about the reserve.

Yours faithfully

Eric Martin, AM



ACT
Government

2019

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON
PLANNING AND URBAN RENEWAL REPORT 9 - Draft Variation to the
Territory Plan No 360 Molonglo River Reserve changes to the public
land reserve overlay boundaries and minor zone adjustment**

**Presented by
Mick Gentleman MLA
Minister for Planning and Land Management**

Introduction

The Government thanks the Standing Committee on Planning and Urban Renewal for the recommendations put forward in Report 9 regarding *Draft Variation to the Territory Plan No 360 - Molonglo River Reserve: changes to public land reserve overlay boundaries and minor zone adjustment* (DV360).

DV360 was prepared by the ACT Government in response to a request by the Conservator of Flora and Fauna to amend the reserve overlay boundaries on the Territory Plan Map for the area of the new Molonglo River Reserve. The Conservator also requested the inclusion of part of Block 485 Stromlo into the reserve system as it contains an important Aboriginal cultural site.

In summary, the changes to the reserve boundaries on the Territory Plan Map proposed in DV360:

- align the Territory Plan Map with the boundaries of the new Molonglo River Reserve that resulted from the strategic assessment of the greater Molonglo Valley; and
- enable the finalisation of the Molonglo River Reserve Management Plan (the MRRMP) so that it may take effect.

The new reserve follows the Molonglo River from Scrivener Dam downstream to the intersection with the Murrumbidgee River Corridor Reserve. It includes three current reserves – Kama Nature Reserve, Lower Molonglo River Corridor Nature Reserve and Molonglo River Special Purpose Reserve and brings them together with some new areas to create the Molonglo River Reserve. The Molonglo River Park in East Molonglo is also included in the Reserve.

DV360 also proposes to rezone part of Block 485 Stromlo from non-urban NUZ2 rural zone to NUZ4 river corridor zone as this zoning better reflects the management of the area as part of the Molonglo River Reserve.

The preparation of the MRRMP is a statutory requirement arising from the establishment of the reserve. The plan is required by the *Planning and Development Act 2007* and defined as a 'reserve management plan' in the *Nature Conservation Act 2014*.

The purpose of the MRRP is to give clear direction on how the biodiversity, land and waters of the reserve will be used and managed to satisfy both nature conservation and recreation objectives.

Figure 1 shows the current Territory Plan public land reserve overlays, using colours to represent the various public land reserves, rather than showing the Territory Plan symbols, to assist with clarity.

Figure 2 shows the changes to the Territory Plan Map as proposed by DV360, again with colours used to assist with clarity.

Figure 3 is a location map indicating the location of the Coombs peninsula

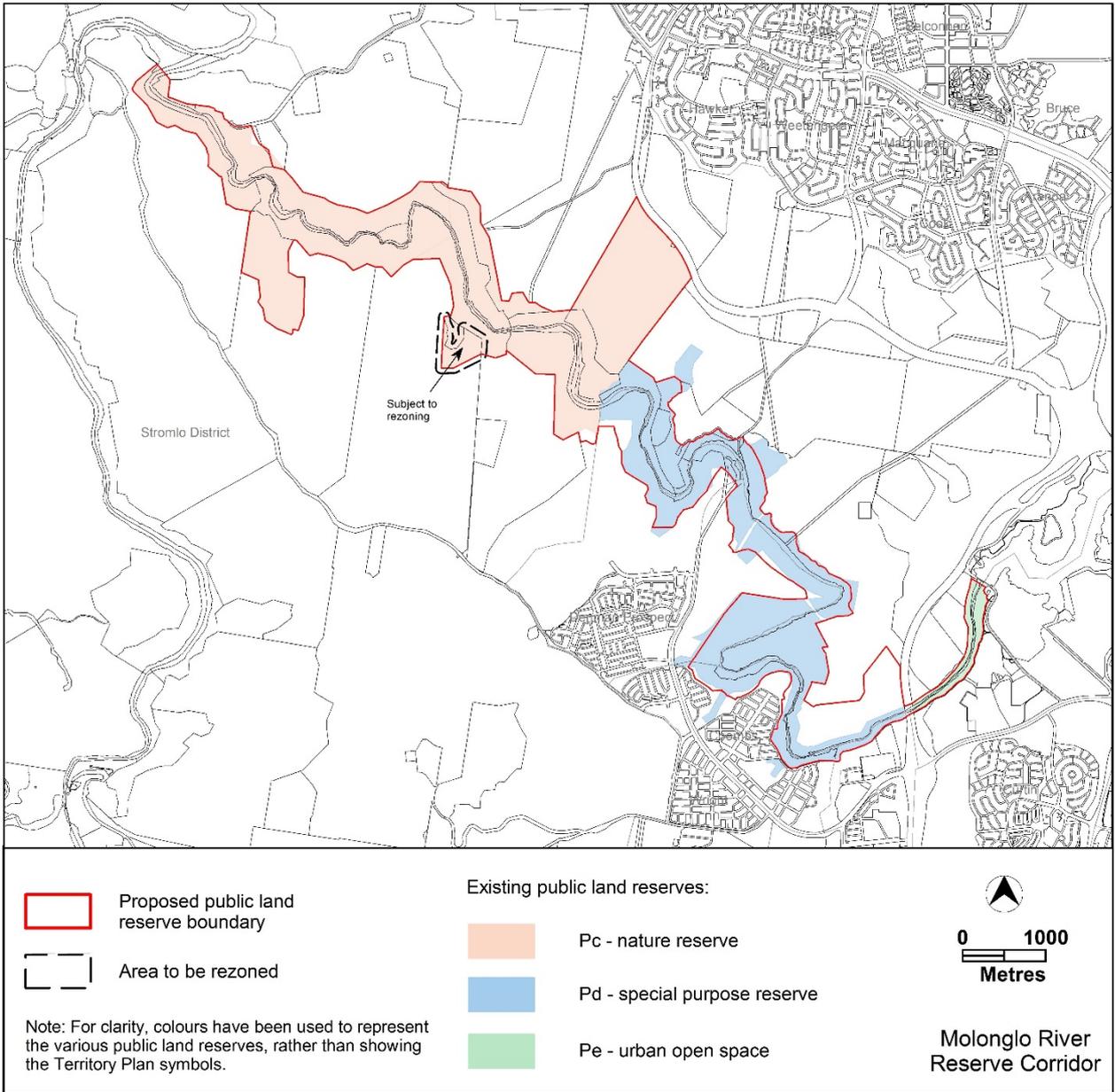


Figure 1 Current Territory Plan Map using colours for information purposes

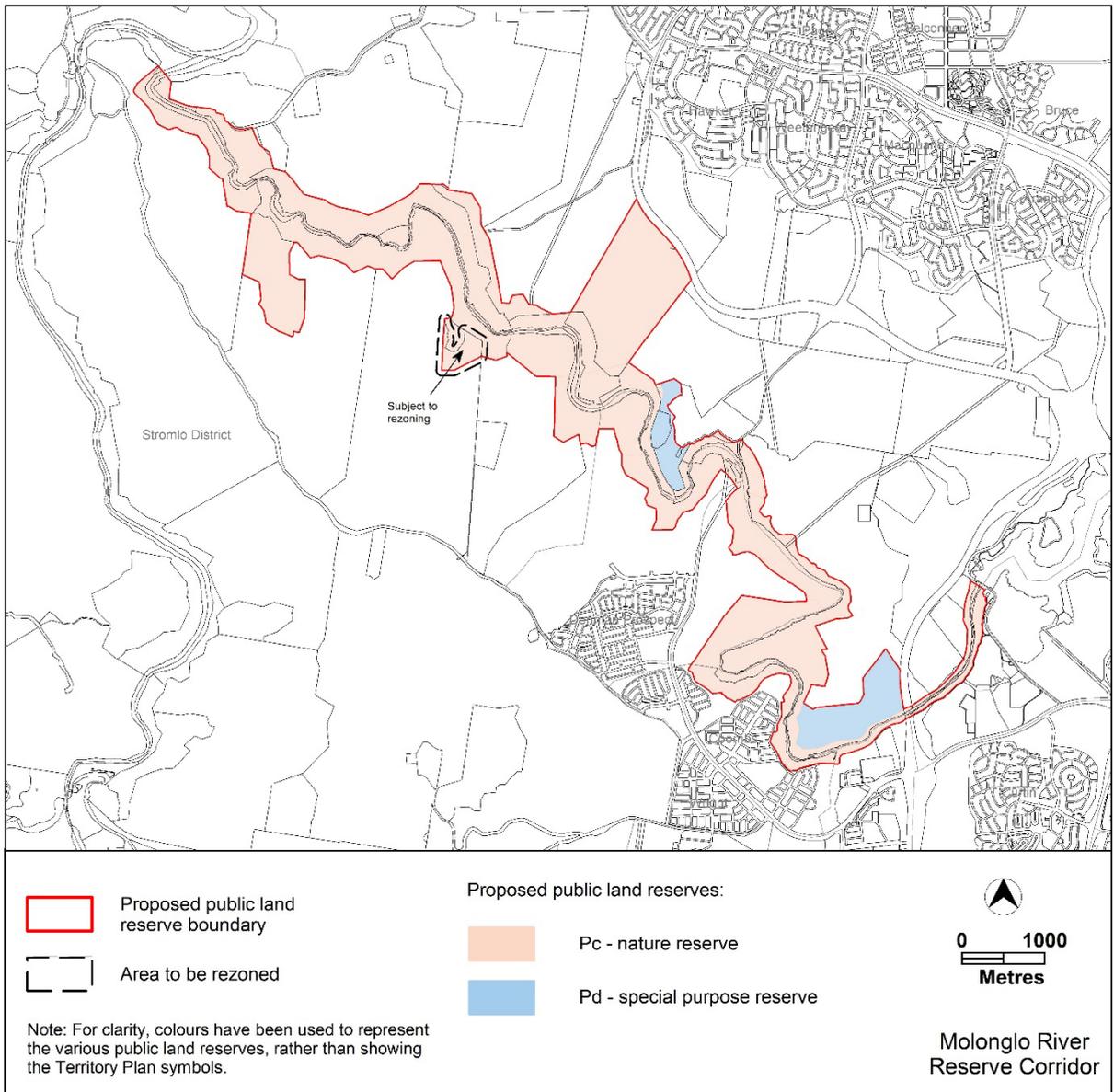


Figure 2 Proposed Territory Plan Map changes using colours for information purposes

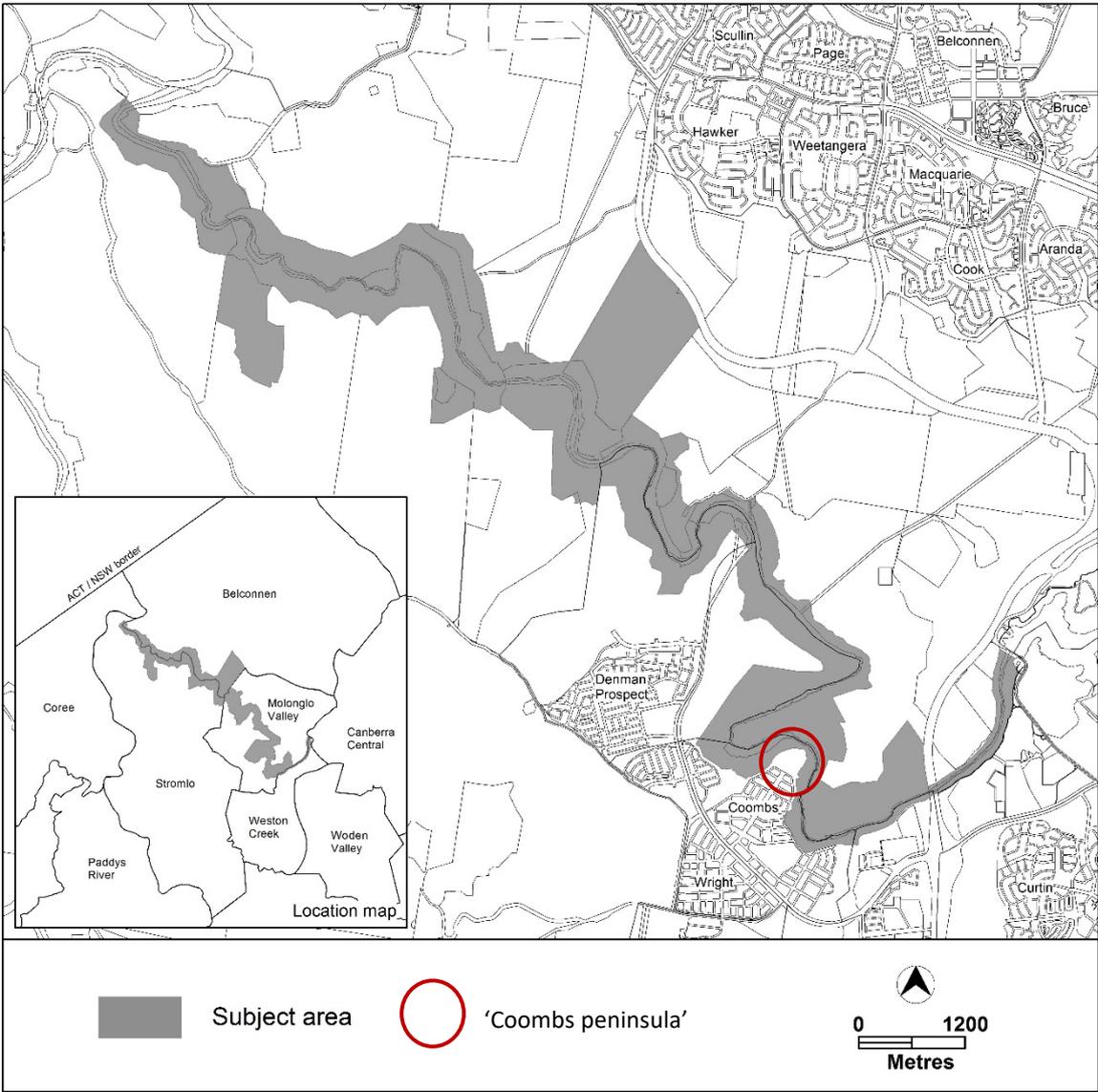


Figure 3 Location Map indicating the location of Coombs peninsula

Recommendations

| No. | Recommendations |
|------------------|--|
| Recommendation 1 | The Committee recommends that, subject to the following recommendations, Draft Variation 360 Molonglo River Reserve: Changes to public land reserve overlay boundaries be approved. |
| Recommendation 2 | The Committee recommends that the Coombs Peninsula be considered for environmental and recreational purposes. |
| Recommendation 3 | The Committee recommends that the Coombs Peninsula is withdrawn from the land release program while this consideration is completed. |
| Recommendation 4 | The Committee recommends that Variation 360 rezones the bulk of the Coombs Peninsula to NUZ3 Hills, Ridges and Buffer Zone and the Future Urban Area Overlay is removed from the rezoned area. |

ACT Government Response to the Standing Committee on Planning and Urban Renewal Report No. 9 - Draft Variation to the Territory Plan No 360 Molonglo River Reserve: Changes to public land reserve overlay boundaries and minor zone adjustment

Recommendation 1

The Committee recommends that, subject to the following recommendations, Draft Variation 360 Molonglo River Reserve: Changes to public land reserve overlay boundaries be approved.

Response

NOTED.

Recommendation 2

The Committee recommends that the Coombs Peninsula be considered for environmental and recreational purposes.

Response

NOT AGREED.

This site was originally zoned for urban development in 2008 through Variation to the Territory Plan No. 281 (Molonglo and North Weston) and Amendment to the National Capital Plan No. 63 (Molonglo Valley).

Future development of the Molonglo Valley has been the subject of numerous environmental and planning assessments under both ACT and Commonwealth legislation. Regarding the environmental quality of the Coombs peninsula, the impacts of its past land use as a commercial pine plantation has left the peninsula with low environmental value, with patches of Pink-tailed worm-lizard habitat of low quality. The peninsula is dominated by a mix of exotic and native grasses and therefore would require a significant effort to restore it to native grassland or Box-gum grassy woodland.

To finalise the use of the Coombs peninsula an Estate Development Plan (EDP) Development Application will need to be prepared and submitted to the planning and land authority for assessment. The EDP will set out the proposed development of the land, including the proposed zoning and associated land uses, subdivision pattern, number of residential dwellings, road layout, bushfire risk assessment and mitigation measures.

An EDP for the Coombs peninsula will also take into consideration the requirements of the Territory Plan including the Coombs and Wright concept plan, environmental values, tree assessment, slope, heritage, stormwater management and bushfire impacts when determining the most appropriate use for the land on the Coombs peninsula.

Given the environmental studies that have been undertaken that included the Coombs peninsula, it is unlikely that an EDP would seek this area to be zoned for possible environmental and recreational purposes for the peninsula.

Recommendation 3

The Committee recommends that the Coombs Peninsula is withdrawn from the land release program while this consideration is completed.

Response

NOT AGREED.

The land has been previously assessed through various Commonwealth and ACT environmental approval processes as being suitable for urban development.

In relation to these environmental approvals, approval for the development of the Coombs peninsula was granted in 2009 under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* and remains valid.

Given the environmental studies that have been undertaken that included the Coombs peninsula, it is unlikely that an EDP would seek this area to be zoned for possible environmental and recreational purposes for the peninsula. As such, it is not considered necessary to withdraw the Coombs peninsula from the land release program which proposes the release of the peninsula in 2020-21.

Recommendation 4

The Committee recommends that Variation 360 rezones the bulk of the Coombs Peninsula to NUZ3 Hills, Ridges and Buffer Zone and the Future Urban Area Overlay is removed from the rezoned area.

Response

NOT AGREED.

The Government does not agree with the Committee's recommendation that the variation rezones the Coombs Peninsula to the non-urban NUZ3 Hills, Ridges and Buffer Zone and the future urban area (FUA) overlay be removed.

Draft Variation 360 was prepared to adjust the reserve boundaries on the Territory Plan Map in line with the management plan for the new Molonglo River Reserve. It was not prepared to finalise the zoning of any land under a future urban area overlay in the Territory Plan and therefore such a change was not part of public consultation on the draft variation. The appropriate way to remove a future urban area overlay and confirm the final zoning for land is through the EDP assessment process, in accordance with the *Planning and Development Act 2007*.