

STANDING COMMITTEE ON PLANNING AND
ENVIRONMENT

**Variation to the Territory Plan No. 281
Molonglo and North Weston**

AUGUST 2008

Committee Membership

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Resolution of Appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing Committees. The Assembly resolved that:

- (1) The following general purpose standing Committees be established and each Committee to inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community: ...
 - (e) a Standing Committee on Planning and Environment to examine matters related to planning, public works and land management, conservation and heritage, transport services, and environment and ecological sustainability.

The Assembly also agreed that if the Assembly is not sitting when the Standing Committee on Planning and Environment had completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Planning and Development Act 2007*¹, the Committee may send its report to the Speaker, or, in the absence of the Speaker to the Deputy Speaker, who is authorised to give directions for its printing, publication and circulation.²

Terms of Reference

Section 73 (2) of the *Planning and Development Act 2007* states:

The Minister may, not later than 20 working days after the day the Minister receives the draft plan variation, refer the draft plan variation documents to an appropriate Committee of the Legislative Assembly together with a request that the Committee report on the draft plan variation to the Legislative Assembly.

¹ The *Planning and Development Act 2007* repealed the *Land (Planning and Environment) Act 1991* and *Planning and Land Act 2001* on 31 March 2008.

² Legislative Assembly of the ACT, *Minutes of Proceedings*, No 2, 7 December 2004, pp12–16.

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RECOMMENDATIONS

RECOMMENDATION 1

2.23 The Committee recommends that the proposed Variation to the Territory Plan No 281 proceed, subject to the recommendations below.

RECOMMENDATION 2

3.8 The Committee recommends that the ACT Government retain and manage remnant pockets of Yellow Box-Red Gum Grassy Woodland in East Molonglo for conservation purposes.

RECOMMENDATION 3

3.17 The Committee recommends that the Kama Nature Reserve be expanded to provide a more significant wildlife corridor.

RECOMMENDATION 4

3.29 The Committee recommends that Central Molonglo be removed in perpetuity from being considered as a future urban area.

RECOMMENDATION 5

3.35 The Committee recommends that that the ACT Government consider implementing a system of conservation leases in the Central Molonglo area.

RECOMMENDATION 6

3.47 The Committee recommends that a comprehensive survey of raptors and woodland birds in Molonglo and North Weston, including nocturnal species, should be conducted over the course of four seasons so as to better inform planning decisions.

RECOMMENDATION 7

3.48 The Committee recommends that the ACT Government consider mitigation measures for loss of habitat, in particular the conservation and restoration of remanent woodland areas.

RECOMMENDATION 8

3.58 The Committee recommends that the ACT Planning and Land Authority assess the impact of development on other uncommon species in Molonglo and North Weston.

RECOMMENDATION 9

3.63 The Committee recommends that cat containment be mandatory for the whole Molonglo and North Weston region.

RECOMMENDATION 10

4.13 The Committee recommends that the lake option not proceed unless it receives community support.

RECOMMENDATION 11

6.10 The Committee recommends that the Critical Management Zone for bushfire protection be located outside the Kama Nature Reserve.

RECOMMENDATION 12

6.14 The Committee recommends that the ACT Planning and Land Authority undertake further assessment of bushfire management and planning risks without a lake.

RECOMMENDATION 13

7.12 The Committee recommends that the Australian Archaeological Survey Consultants 2006 heritage review recommendations for Molonglo and North Weston be adopted.

RECOMMENDATION 14

8.8 The Committee recommends that the requirement to adhere to Australian Standards AS/NZS 1158 (Road Lighting), AS 4282 (Obtrusive Effects of Outdoor Lighting), and AS 2560 (Sports Lighting) be specifically listed in all development controls for all types of development in East Molonglo.

RECOMMENDATION 15

8.17 The Committee recommends that the ACT Government prepare a map of all horse-accessible shared paths throughout the Molonglo and North Weston development area.

RECOMMENDATION 16

8.34 The Committee recommends that the ACT Government take all reasonable steps to maximise solar block orientation for residential development Molonglo and North Weston.

1 INTRODUCTION

- 1.1 Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)³ establishes the National Capital Authority, which prepares and administers the National Capital Plan. The Act also enables the Legislative Assembly to establish a statutory planning authority – now the ACT Planning and Land Authority – to develop and implement the Territory Plan. The *Planning and Development Act 2007* (ACT)⁴ (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object in a way that gives effect to sustainability principles, including policies that contribute to achieving a healthy environment in the ACT.⁵ The object is:

To ensure, in a manner not inconsistent with the National Capital Plan, the planning and development of the ACT provide the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation.⁶

- 1.2 The Plan comprises three written volumes and a map. The written volumes contain a number of parts, including Governance; Strategic Direction; Zone Objectives; Zone Development Tables; Zone Development Codes; Precinct Codes; (Volume 1); General Codes; Overlays; Definitions (Volume 2); and Structure, Concept Plans and Development Codes for Future Urban Areas (Volume 3).
- 1.3 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),

³ Accessible via

<http://www.comlaw.gov.au/ComLaw/legislation/actcompilation1.nsf/browseview?openformandVIEW=currentandORDER=bytitleandCATEGORY=actcompilation-Au>.

⁴ *Planning and Development Act 2007*.

⁵ *Planning and Development Act 2007*, section 49.

⁶ *Planning and Development Act 2007*, section 48.

precincts and overlays. The zone, precinct and overlay requirements are detailed in the written volumes of the Territory Plan.

- 1.4 The Territory Plan is developed and implemented taking account of other strategic ACT Government policy documents such as *The Canberra Plan* and *People Place Prosperity: a Policy for Sustainability in the ACT*.⁷ It also replaces all master plans, neighbourhood plans and guidelines that were listed on the Authority's Register of Planning Guidelines prior to the commencement of this Plan.
- 1.5 Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority (ACTPLA) prepares these for stakeholder comment. There can be a number of versions of a Draft Variation depending on the consultation program.
- 1.6 Under the Act the Minister has the discretion to refer a Draft Variation, within 20 working days of receiving it, to an appropriate Committee of the Assembly for consideration and report. Currently the Standing Committee on Planning and Environment is the appropriate Committee.⁸ If the Draft Variation is referred to the Committee, the Minister is required to have regard to the Committee's recommendations before approving the proposed variation and tabling it in the Assembly (see below), or returning it to the ACT Planning and Land Authority with written directions for further action.⁹
- 1.7 If the Minister does not refer a draft plan variation to an appropriate Committee of the Legislative Assembly, the Committee is not prevented from considering the draft plan variation documents.¹⁰
- 1.8 The Territory, the Executive, a Minister or a Territory authority must not do or approve anything that is inconsistent with the Territory Plan, or the proposed

⁷ Accessible via <http://www.cmd.act.gov.au/canberraplan/> and http://www.tams.act.gov.au/live/sustainability/sustainability_policy_unit/act_sustainability_policy.

⁸ *Planning and Development Act 2007*, section 73.

⁹ *Planning and Development Act 2007*, section 76(3) and (4).

¹⁰ *Planning and Development Act 2007*, section 73(3).

Draft Variation, in relation to land that is subject to a Draft Variation, for the duration of the relevant period specified in the Act.¹¹

- 1.9 Following the Committee's tabling of its report in the Legislative Assembly, the Minister must take the findings of the Committee into account before making his decision in relation to the draft plan variation.¹² If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹³ Unless wholly or partially disallowed by the Assembly on a motion for which notice has been given within five sitting days, the variation will commence on the date nominated by the Minister.¹⁴

¹¹ Planning and Development Act 2007, section 72.

¹² Planning and Development Act 2007, sub-section 76(4)a.

¹³ Planning and Development Act 2007, section 79.

¹⁴ Planning and Development Act 2007, section 83.

2 THE PLANNING VARIATION

- 2.1 The proposed Variation to the Territory Plan aims to enable parts of the Molonglo Valley and North Weston to become urban development areas.
- 2.2 Molonglo and North Weston were identified in *The Canberra Spatial Plan* (2004) as the next major potential 'greenfield' area to accommodate Canberra's urban development over the next 30 years and beyond.¹⁵ Subsequent investigations by ACTPLA, in collaboration with the National Capital Authority (NCA), determined that the area is suitable for urban development and ultimately propose that the area could support a future population of around 73,000 people.¹⁶
- 2.3 A variation to the Territory Plan is required to allow urban development in Molonglo and North Weston to proceed as the majority of the valley is currently zoned as broadacre. The ACTPLA Draft Variation has been jointly released with the NCA Draft Amendment 63 – Molonglo and North Weston, the latter concerning Commonwealth endorsement of the proposal.¹⁷
- 2.4 An Amendment to the National Capital Plan is required before the Draft Variation to the Territory Plan can be implemented.
- 2.5 The Draft Variation substitutes the current Territory Plan map of the area as well as varying three Territory Plan written volumes. In addition, three concept plans are also introduced as part of the variation. Details of the proposed variation to the Territory Plan No 281 are at Appendix C.

¹⁵ ACT Planning and Land Authority and Annand Alcock Design, *Molonglo Valley Structure Plan*, May 2006, p1.

¹⁶ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p1.

¹⁷ National Capital Authority, *Draft Amendment 63 – Molonglo and North Weston*, September 2007, p3.

Consultations by the ACT Planning and Land Authority

- 2.6 ACTPLA released Draft Variation to the Territory Plan No 281– Molonglo and North Weston for public comment for a period of twelve weeks from 31 August 2007 until 26 November 2007. ACTPLA received one hundred and fifty eight (158) written submissions and a further 73 online surveys, of which 36 made comments on the proposal.¹⁸
- 2.7 Representatives of ACTPLA and the NCA also made joint presentations to the Belconnen Community Council on 18 September 2007, Weston Creek Community Council (WCCC) on 26 September 2007, and Woden Valley Community Council on 3 October 2007. Almost 100 people attended each of these meetings.
- 2.8 Additionally, ACTPLA hosted two drop-in information sessions, one at Belconnen Library and another at the Centre for Teaching and Learning in Stirling. ACTPLA staff also attended three similar sessions hosted by the NCA at Regatta Point.¹⁹
- 2.9 The key issues of public concern are summarised below:

TABLE 1: SUMMARY OF ISSUES OF PUBLIC CONCERN²⁰

Key Issues	Comments
Environment	Submissions raised concerns about: - the potential construction of a lake, instead supportive of maintaining the river corridors current form and function; - the development of Central and Western Molonglo and subsequent effects on grassland and woodland habitats; - the proposed boundaries and extent of the Kama Nature Reserve; and - the impact of development on assorted flora and fauna species.

¹⁸ ACT Planning and Land Authority, *Report on Consultation: Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston*, April 2008, p3.

¹⁹ ACT Planning and Land Authority, *Report on Consultation: Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston*, April 2008, p3.

²⁰ ACT Planning and Land Authority, *Report on Consultation: Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston*, April 2008.

Recreation	- cycling and equestrian groups promoted the retention, expansion and connectivity of routes/trails and facilities in the area.
Infrastructure and Planning	- concerns relating to increased traffic, the adequacy of planning and preparedness. - commentary on population projections covered both the need to contain and the potential for inflated projections. - housing supply, affordability and environmentally sensitive building guidelines. - future water supply and bushfire protection.
Specific Issues	- concern regarding the completeness and timing of the DV and the effectiveness of the public consultation process. - there is strong public support for the retention of the Canberra Institute of Technology (CIT) Arboretum. - the Orana School, Sikh and Baha'i communities have submitted that proposed residential area be reduced around their sites. - the aforementioned school and communities also received independent public support.

2.10 As amended, the revised Draft Variation remains fundamentally unaltered.

Consultations by the National Capital Authority

2.11 As per the *Planning and Land Management Act 1988* (Cwlth), an Amendment to the National Capital Plan is required before the Draft Variation to the Territory Plan can be implemented. The Territory Plan must not be inconsistent with the National Capital Plan.²¹ The NCA's Draft Amendment 63 - Molonglo and North Weston was therefore released jointly with Draft Variation to the Territory Plan No 281.

2.12 Draft Amendment 63 - Molonglo and North Weston proposes to enable urban development to occur within Molonglo and North Weston. The Draft Amendment is required 'to provide for the continuation of urban development in the Territory, while ensuring adequate protection of the National Capital Open Space System'.²²

²¹ National Capital Authority, *Draft Amendment 63 – Molonglo and North Weston*, September 2007, p3.

²² National Capital Authority, *Draft Amendment 63 – Molonglo and North Weston*, September 2007, p2.

- 2.13 A new Broadacre Area land use policy will also be created by the NCA to recognise existing uses and balance the loss of Broadacre land in North Weston arising from Draft Amendment 63.
- 2.14 Draft Amendment 63 was released for public consultation on 1 September 2007 for a period of three months. During this time the NCA received 67 written submissions of which nine were supportive, 22 indicative of partial support and 36 submissions opposed. Of the 67 submissions received, 43 highlighted environmental concerns with many of these raising concerns about the high conservation value area of Central Molonglo.²³
- 2.15 Following the consultation period, and in light of additional environmental assessments, the NCA has proposed two key changes to DA63, namely:
- The removal of Central Molonglo from urban areas; and
 - The rezoning of a strip of land on the eastern side of North Weston (adjacent to the Tuggeranong Parkway) from urban area to hills, ridges and buffers.²⁴
- 2.16 The NCA informed ACTPLA of these changes on 10 June 2008.²⁵

Consultations by the Standing Committee on Planning and Environment

- 2.17 On 29 April 2008, pursuant to section 73 of the *Planning and Development Act 2007*, the Minister for Planning, Mr Andrew Barr MLA, referred Draft Variation to the Territory Plan No 281 for the Committee's consideration and subsequent report to the ACT Legislative Assembly.²⁶
- 2.18 The Committee considered all the submissions lodged with ACTPLA in response to the Draft Variation and ACTPLA's response.
- 2.19 An invitation for public submissions was advertised in *The Canberra Times* on 24 May 2008 and in *The Chronicle* on 3 June 2008. The Committee also invited a

²³ Mr Todd Rohl, Transcript of Evidence, 15 July 2008, p22.

²⁴ Mr Todd Rohl, Transcript of Evidence, 15 July 2008, p22.

²⁵ Mr Todd Rohl, Transcript of Evidence, 15 July 2008, p23.

²⁶ Letter from the Minister for Planning, Mr Andrew Barr MLA, to the Standing Committee on Planning and Environment, dated 29 April 2008.

wide range of stakeholders to provide written submissions on the proposed Draft Variation by 23 June 2008. Late submissions were accepted up to 8 August 2008. In response, the Committee received 27 submissions from individuals, community groups and interest groups.

- 2.20 ACTPLA provided the Committee with a briefing on the Draft Variation on 8 July 2008 to assist with deliberations.
- 2.21 Furthermore, the Committee conducted three public hearings on 8, 15 and 29 July 2008, hearing evidence from the NCA, the Canberra Ornithologists Group (COG), the Conservation Council of the South East Region and Canberra, the ACT Equestrian Association (ACTEA), the Weston Creek Community Council (WCCC), representatives of the ANU Research School of Astronomy and Astrophysics, the ACT Minister for Planning and ACTPLA officials. A list of submissions received and witnesses attending the hearings are at Appendix A.
- 2.22 The key issues raised in submissions and at hearings are discussed further in this report including:
- environmental considerations;
 - infrastructure and planning considerations;
 - recreational areas; and
 - specific area issues.

RECOMMENDATION 1

- 2.23 **The Committee recommends that the proposed Variation to the Territory Plan No 281 proceed, subject to the recommendations below.**

3 ENVIRONMENTAL CONSIDERATIONS

- 3.1 The majority of submissions to ACTPLA and the Committee concerning the Draft Variation highlighted a number of important environmental considerations that need to be adequately assessed, and mitigated appropriately, prior to residential development taking place in Molonglo and North Weston.²⁷ Many submissions considered that the environmental impacts had not yet been adequately addressed in the Draft Variation.
- 3.2 The Molonglo and North Weston area was severely affected by the 2003 bushfires yet it retains an environmentally significant river corridor and river system. It is also home to a number of rare and threatened flora and fauna species which are discussed further in this report.

Habitat Areas

Yellow Box-Red Gum Grassy Woodland

- 3.3 Yellow Box-Red Gum Grassy Woodland (YBRGGW) is listed as an endangered ecological community under the Commonwealth's *Environment Protection and Biodiversity Act 1999* and also endangered under the *ACT Nature Conservation Act 1980*.
- 3.4 Prior to European settlement, the ACT was home to an estimated 32,000 ha of YBRGGW. This has since been reduced by around 47 per cent or 15,000 ha, with the development of Canberra and as a result of other land uses.²⁸
- 3.5 The figures provided by the Preliminary Assessment point to only 12,100 ha remaining, although this accounts only for partially and moderately modified

²⁷ Submissions 1, 7, 8, 9, 11, 15, 17, 18, 22, 23, 24, 25 and 26; Submissions to ACTPLA 1, 3, 5, 8, 10, 13, 14, 15, 23, 24, 26, 29, 30, 31, 32, 33, 35, 39, 42, 43, 44, 46, 48, 52, 53, 56, 57, 58, 61, 62, 63, 64, 65, 66, 71, 72, 81, 120, 122, 123, 125, 129, 131, 133, 134, 139, 140, 143, 144, 145, 146, 149, 152, 155, 156 and 158

²⁸ Environment ACT, *Threatened Species and Communities of the ACT: Yellow Box-Red Gum Grassy Woodland - an Endangered Ecological Community*, 4 March 2005.

woodland and secondary grasslands, not the substantially and severely modified woodland.²⁹

3.6 Whilst a significant proportion of existent YBRGGW will be protected by the proposed Kama Reserve, ACTPLA has indicated that an expected loss of 5.4 per cent of remaining ACT YBRGGW will occur as a result of the Molonglo and North Weston development.³⁰

3.7 The Committee was advised that the ACT has numerous 5-10 hectare YBRGGW clumps, many in East Molonglo, which are significant considering only 1 per cent of national populations are above 10 hectares in size. The ACT YBRGGW is thus worth preserving and might be retained within the urban open space for conservational value and as an attractive amenity.³¹ Additionally, 420 hectares of regenerating YBRGGW in the former burnt forestry areas remains. The Committee heard that the aforementioned areas of YBRGGW are therefore capable and worthy of ongoing management and regeneration.³²

RECOMMENDATION 2

3.8 **The Committee recommends that the ACT Government retain and manage remnant pockets of Yellow Box-Red Gum Grassy Woodland in East Molonglo for conservation purposes.**

Kama Nature Reserve

3.9 Between Central and East Molonglo, south of William Hovell Drive, the 'Kama' allotment (Section 1419) is currently zoned as NUZ2 – rural area and is used as an agistment area.

²⁹ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, pp71-75.

³⁰ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p131.

³¹ Dr Michael Mulvaney, Transcript of Evidence, 8 July 2008, pp16-18.

³² Dr Michael Mulvaney, Transcript of Evidence, 8 July 2008, pp16-18.

- 3.10 Kama consists chiefly of partially modified YBRGGW and natural temperate grasslands and has been nominated for inclusion in the ACT Heritage Register.³³
- 3.11 The Preliminary Assessment of this Draft Variation and the draft Environmental Impact Statement both recommend that the Kama area should be 'excluded from urban development and retained as an area to promote habitat and wildlife connectivity'.³⁴
- 3.12 The Committee notes that the Draft Variation proposes to designate the area as public land (nature reserve) under NUZ3 – Hills, Ridges and Buffer zoning in response to the above recommendations.
- 3.13 The Committee commends ACTPLA for re-zoning the Kama area as a nature reserve.
- 3.14 However, submissions and witnesses have highlighted concerns that the Kama area is too small to be an effective habitat preservation area on its own and should therefore be considered within a wider conservation area encompassing Central Molonglo.³⁵
- 3.15 Mr Davey, President of COG, similarly maintains that the East Molonglo residential development should not extend further west than Deep Creek to allow for adequate bird foraging areas. The Brown Treecreeper, for example, is not strictly confined to the bounds of Kama, having been seen up to 600m out from the boundary. Kama also serves as a corridor for 9 of the 13 threatened or near threatened bird species.³⁶
- 3.16 Biosis Research supports this notion, recommending that the width of the proposed Kama wildlife corridor should be increased from its current 820 m to at least 1,100 m:

³³ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p75.

³⁴ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p26.

³⁵ Ms Jenny Bounds, Transcript of Evidence, 8 July 2008, p9.

³⁶ Mr Chris Davey, Transcript of Evidence, 29 July 2008, pp74-75.

The corridor should be supported by 200 m wide buffer zone on the western side and at least 50 m on its eastern side and substantial efforts should be made towards the rehabilitation of the woodland and grassland habitats within.³⁷

RECOMMENDATION 3

- 3.17 **The Committee recommends that the Kama Nature Reserve be expanded to provide a more significant wildlife corridor.**

Central Molonglo

- 3.18 Central Molonglo includes a significant area of moderately modified YBRGGW. Submissions to the Committee were therefore particularly concerned that Central Molonglo would be rezoned for residential uses without adequate environmental assessments being undertaken.³⁸
- 3.19 The Committee notes that the development of Central Molonglo will impact a number of areas of 'moderately modified' woodlands that have been seemingly undervalued in terms of ecological significance. 'In terms of size, connectivity, diversity and condition, the ACT yellow box-red gum woodland remnants are exceptional ... with very high regional and national conservation significance'.³⁹
- 3.20 The work undertaken by Biosis Research supports this concern:
- An important distinction between East, West and Central Molonglo Valley is the greater proportion of intact and connected native woodland (albeit most moderately modified) within the Central area. These woodlands (and grasslands) provide better habitat opportunities for rare and threatened species and have

³⁷ Biosis Research, *Final Molonglo Valley Ecological Impact Review*, August 2006, pp5-6.

³⁸ Submissions 1, 6, 15, 18, 22 and 24.

³⁹ Submission 22, p4.

ostensibly better functional value than the woodland fragments of East and West Molonglo Valley development areas.⁴⁰

- 3.21 At present, the proposed Central Molonglo urban area would result in clearing over 600 hectares of remanent YBRGGW.⁴¹ Though in varying conditions, this woodland is able to be restored. In addition, preserving this nationally listed endangered ecological community would mitigate other affects on raptor species.⁴²
- 3.22 ACTPLA advised the Committee that Molonglo and North Weston would be developed in stages and estimate that the area closer to William Hovel Drive and Central Molonglo would only be developed towards the end of the twenty to twenty-five year period.
- 3.23 As such, and in light of public concern, the ACT Government announced on 13 May 2008 that a 20 year moratorium would be placed on the development of Central Molonglo.
- This moratorium will allow better monitoring and evaluation of vulnerable species such as the little eagle and the Brown Tree Creeper and will help future governments to make a more informed decision as whether to proceed with the development of Central Molonglo.⁴³
- 3.24 ACTPLA intends to zone Central Molonglo as an 'area under investigation for future development' in order for the community to be better informed as to its actual zoning and potential for future development.⁴⁴
- 3.25 The Committee notes this change and understands that the moratorium will provide time for additional environmental assessments to be undertaken of the Central Molonglo region, including assessments of protected species habitats and local species populations.

⁴⁰ Biosis Research, *Final Molonglo Valley Ecological Impact Review*, August 2006, p13.

⁴¹ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p131.

⁴² Submission 18.

⁴³ Media Release, Mr Jon Stanhope MLA, *Moratorium on development in Central Molonglo*, 13 May 2008.

⁴⁴ Mr Neil Savery, Transcript of Evidence, 29 July 2008, pp63-64.

- 3.26 The NCA, however, has removed Central Molonglo altogether from Draft Amendment 63 to the National Capital Plan based on the substantial environmental research supporting that action.⁴⁵
- 3.27 The Committee also notes that the Draft Variation has been revised since the version at Appendix C was received by the Committee and commends the ACT Government for implementing the moratorium.
- 3.28 Nonetheless, the Committee believes, based on the numerous environmental studies already undertaken, the position of the National Capital Authority and the high degree of public concern for the future preservation of Central Molonglo, that Central Molonglo should be removed in perpetuity from being considered as a future urban area.

RECOMMENDATION 4

- 3.29 **The Committee recommends that Central Molonglo be removed in perpetuity from being considered as a future urban area.**

Land Management

- 3.30 Anticipating the removal of Central Molonglo as a potential area for residential development and zoning, the Committee also heard about the possibilities for alternate future land management arrangements.
- 3.31 In keeping with the conservation-based intentions of the moratorium, a strategy for regeneration has been proposed.
- 3.32 The Committee heard from Mr Davey that the moratorium should not mandate that the Central Molonglo area be designated as a nature reserve, as per Kama. He suggests that low-impact farming with leaseholds could be used as an alternative, accommodating efforts to actively maintain and improve the area.⁴⁶

⁴⁵ Mr Todd Rohl, Transcript of Evidence, 29 July 2008, p22.

⁴⁶ Mr Christopher Davey, Transcript of Evidence, 29 July 2008, p81.

- 3.33 Similarly, the Conservation Council has called for a new type of ‘conservation lease’ to replace rural leases for those parcels of land with lower conservational value that are worth retaining and regenerating but which do not mandate a nature reserve or national park zoning.⁴⁷
- 3.34 As detailed elsewhere in this report, the Central Molonglo area is of environmental significance although would benefit greatly from active conservation and regeneration. Alternative leaseholds may offer a means to achieve this.

RECOMMENDATION 5

- 3.35 **The Committee recommends that that the ACT Government consider implementing a system of conservation leases in the Central Molonglo area.**

Significant Species

- 3.36 In addition to being an endangered ecological community, YBRGGW provide essential habitat for a number of rare species of fauna in the ACT, particularly birds.

Raptors

- 3.37 Molonglo and North Weston have an unusually high concentration of breeding raptors compared to other parts of the ACT and surrounding region due to the proximity of riparian, woodland and open grassland habitats, the presence of wetlands and the remoteness of river gorges that provide secure nest sites.⁴⁸
- 3.38 Submissions to the Committee expressed concern that development within Molonglo and North Weston will affect this significant raptor community and

⁴⁷ City Chronicle, ‘Managing Molonglo’, 28:31, 5 August 2008.

⁴⁸ Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, pp2-7.

recommended that a number of mitigating measures should be adopted which may benefit the community, within the context of environmental measures more generally.⁴⁹

- 3.39 There are twelve species of raptor in Molonglo and North Weston, of which ten are breeding residents and two others use the area to forage and may also breed.⁵⁰ Impacts from the proposed development to raptors will likely come from the loss of habitat (foraging and/or nesting) and disturbance from people, with the likely effect of reducing the breeding and abundance of some species in Molonglo and North Weston.⁵¹ Table 2 summarises the associated threats to these species.

TABLE 2: IMPACTS ON INDIVIDUAL RAPTOR SPECIES⁵²

Species	Impact
Collared Sparrowhawk	Minimal affect: should remain and breed within suburbia.
Australian Hobby	Minimal affect: should remain and breed within suburbia.
Whistling Kite	Moderate affect: will not be directly impacted as per current planning though non-breeding individuals may still visit the river to forage.
White-bellied Sea-Eagle	Moderate affect: no confirmed nest sites in the Valley though likely to abandon future breeding site establishment attempts if human activity and suburbia encroach on the river, which non-breeding individuals may use for foraging. Species rare in the ACT.
Peregrine Falcon	Moderate affect: likely to abandon nest sites in the Molonglo Valley though may roost and/or breed in urban areas. Individuals are likely to visit suburbs to forage.
Black-shouldered Kite	Significant affect: likely to be reduced with the loss of tall grassland, though forage areas of rank grass within suburbia.
Brown Goshawk	Significant affect: likely to be reduced with the loss of woodland, nearby pairs in adjoining bushland may leave due to increased human activity, individuals may visit well-vegetated suburbs to forage.

⁴⁹ Submissions 1, 18 and 22.

⁵⁰ Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, p2.

⁵¹ Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, p2.

⁵² Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, p8-9.

Wedge-tailed Eagle	Significant affect: likely to be reduced with the loss of woodland, nearby pairs in adjoining bushland may abandon nest sites resulting from increased human activity.
Little Eagle	Most affect: likely to be reduced with the loss of woodland, are likely to retreat from surrounding woodland due to human activity. The nests and territories of the Molonglo Valley represent 67-100per cent of the known population in the ACT.
Nankeen Kestrel	Significant affect: likely to be reduced with the loss of woodland and grassland, individuals may forage in open urban areas and roost on tall structures near foraging sites.
Brown Falcon	Significant affect: likely to be reduced with the loss of woodland, nearby pairs in adjoining bushland may abandon nest sites resulting from increased human activity.
Southern Boobook	Significant affect: likely to be reduced with the loss of woodland, individuals are likely to forage in well-vegetated suburbs.

- 3.40 Dr Debus' study suggests that, at a local level, the impact of proposed development will be significant.⁵³ The Little Eagle in particular, along with the Wedge-Tailed Eagle, Brown Falcon and Brown Goshawk, will be significantly affected by the proposed development. Of the twelve species, the Collared Sparrowhawk and Australian Hobby are capable of breeding in an urban landscape with the Brown Goshawk and Peregrine also able to forage over suburbia. Other species are likely to retreat from suburbia with the decline in prey, foraging habitat and secure nesting sites.⁵⁴
- 3.41 The Little Eagle is of local and regional significance with the ACT Flora and Fauna Committee recently recommending its listing as a vulnerable species.⁵⁵ The Conservation Council contends that development would result in the direct loss of the two breeding pairs in the ACT, this being very significant in regional terms.⁵⁶

⁵³ Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, pp8-9.

⁵⁴ Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, p6.

⁵⁵ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p89.

⁵⁶ Ms Jenny Bounds, Transcript of Evidence, 8 July 2008, p10.

- 3.42 Mr Davey, President of the COG, highlighted to the Committee that studies undertaken to date are inadequate, being too brief, not conducted on a seasonal basis and with limited consideration of nocturnal species.⁵⁷
- 3.43 No studies have been done on nocturnal raptors and Mr Davey speculated that four to five nocturnal species may be present within the study area.⁵⁸ In addition, he advised the Committee that studies to date are not indicative of total population figures for raptors species as a whole and proposed that a more comprehensive survey with considerably more detail is required. Davey suggests that further studies be undertaken over the course of four seasons or, at minimum, two seasons in order to be thorough and to take into account migratory and altitudinal variations in populations.⁵⁹
- 3.44 The Committee notes that raptor studies cited by ACTPLA openly recognise the limits of their studies for the reasons discussed above and also call for a more comprehensive study.⁶⁰
- 3.45 Similarly, the Committee notes that some of the consultants who undertook wildlife studies for ACTPLA were unaware of the potential for a lake to become the preferred water management option. For instance, Dr Debus publicly announced on 13 August 2008 that his studies did not take the possibility of a lake into account and stated 'if I had been told about the dam I would have written a very different report', noting the negative effects a lake would have on eagle and other bird foraging areas.⁶¹

⁵⁷ Chris Davey, Transcript of Evidence, 29 July 2008, pp77-79.

⁵⁸ Chris Davey, Transcript of Evidence, 29 July 2008, pp77-79.

⁵⁹ Chris Davey, Transcript of Evidence, 29 July 2008, p8.

⁶⁰ EASystems, *Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley, ACT*, 2006, pii; Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 10 February 2005, p12.

⁶¹ Canberra Times, *New lake to flood out eagles*, 13 August 2008, p1-2.

3.46 Existing studies⁶² and evidence presented to the Committee⁶³ offer a number of potential mitigation measures that should be considered in development areas. These include:

- undertaking a comprehensive raptor survey of the development area to inform planning decision making;
- maintaining an appropriate foraging area. The preservation of existing trees, for instance their maintenance in East Molonglo and retention and preservation in Central Molonglo, could be supplemented by new plantings;
- re-routing Coulter Drive, taking into account known raptor locations;
- maintaining the widest possible riparian buffer zones and rehabilitation/ maintenance of the river corridor; and
- appropriate timetabling and staging of development and clearing of sites outside of breeding seasons.

RECOMMENDATION 6

3.47 **The Committee recommends that a comprehensive survey of raptors and woodland birds in Molonglo and North Weston, including nocturnal species, should be conducted over the course of four seasons so as to better inform planning decisions.**

RECOMMENDATION 7

3.48 **The Committee recommends that the ACT Government consider mitigation measures for loss of habitat, in particular the conservation and restoration of remanent woodland areas.**

⁶² EASystems, *Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley, ACT*, 2006, p13, Dr Stephen Debus, *Potential Impacts of Proposed Developments on Raptors in the Molonglo Valley*, 2005, p12.

⁶³ Mr Christopher Davey, Transcript of Evidence, 29 July 2008, pp74 and 77-79; Submission 18, pp1-2.

Woodland Birds

- 3.49 The Committee also notes that the proposed Draft Variation area contains suitable habitat for a local population of the Brown Treecreeper. However, the population is chiefly located in what will be rezoned as the Kama nature reserve.
- 3.50 Despite the retention of Kama as a conservation area, detrimental impact to the local population may still occur through woodland loss in Central Molonglo.⁶⁴ In its submission, COG has commented that the development would most likely result in the local extinction of the species. COG also contends that the Preliminary Assessment is inconsistent with the Biosis Research report in these regards.⁶⁵
- 3.51 Molonglo and North Weston provides refuge for four threatened woodland birds, the Brown Treecreeper, Varied Sittella, Superb Parrot and White-winger Triller. Four other uncommon species are believed to be declining in the region, namely the Diamond Firetail, Crested-Shrike-tit, Jacky Winter and Flame Robin. Furthermore, several other birds have become very uncommon and are usually only found in woodlands near river systems.⁶⁶
- 3.52 The report prepared by Biosis Research discusses the potential effects of the development on woodland birds:

It is unlikely that urban development within East Molonglo Valley would alone cause a significant negative impact to the Brown Treecreeper population at any level. However, the combined effects of both East and Central Molonglo Valley developments is likely to result in a significant reduction in both the size and condition of woodland habitat that, despite the allowance of the 'Kama' wildlife corridor, would lead to the decline and probable local extinction of this population.

⁶⁴ Submission 18, pp11-12.

⁶⁵ Submission 18, pp11-12.

⁶⁶ Submission 18, p12.

One way of reducing the impacts on this population of Brown Treecreeper would be to maintain and improve existing woodland connections across the landscape, particularly where other populations of this species are known or suspect to occur.⁶⁷

Pink-Tailed Worm Lizard

- 3.53 The Pink-Tailed Worm Lizard is a small member of the legless lizard family.⁶⁸ Within the ACT significant populations are present within the Molonglo river corridor 'because of its restricted distribution, low abundance, and threats to sites with the lizards, the species has been given formal conservation status in each state or territory in which it occurs'.⁶⁹ The Molonglo Valley thus provides an important habitat for this species which has Special Protection Status under s. 16 of the *Nature Conservation Act 1980* (ACT) to reflect its status. The species is also listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).⁷⁰
- 3.54 The lower Molonglo River corridor, from 250m upstream of Coppins Crossing to the junction with the Murrumbidgee River, is considered to be of national conservation significance given the substantial Pink-Tailed Worm Lizard population that it supports.⁷¹ Based on current mapping data, the development would result in the loss of an estimated 3.6 per cent of the local known habitat and 1.8 per cent of the known ACT habitat, with a further 2.4 per cent loss if the lake option is chosen as a future water management option. A further 18

⁶⁷ Canberra Ornithologists Group, *Molonglo Valley Urban Development – Progress Report*, Gang Gang Newsletter, March 2006, pp6-7 in Biosis Research, *Final Molonglo Valley Ecological Impact Review*, August 2006, pp1–17.

⁶⁸ Territory and Municipal Service, *ACT Aquatic Species and Riparian Zone Conservation Strategy* (Action Plan No. 29), 2007, p155.

⁶⁹ University of Canberra, *Distribution of Pink-Tailed Worm Lizard in the Lower Molonglo Valley, ACT, with Respect to Strategic Land Planning*, December 2004, p1.

⁷⁰ Territory and Municipal Service, *ACT Aquatic Species and Riparian Zone Conservation Strategy* (Action Plan No. 29), 2007, p155.

⁷¹ University of Canberra, *Distribution of Pink-Tailed Worm Lizard in the Lower Molonglo Valley, ACT, with Respect to Strategic Land Planning*, December 2004, p6.

per cent may be indirectly lost through the close proximity of urban areas to some habitat areas.⁷²

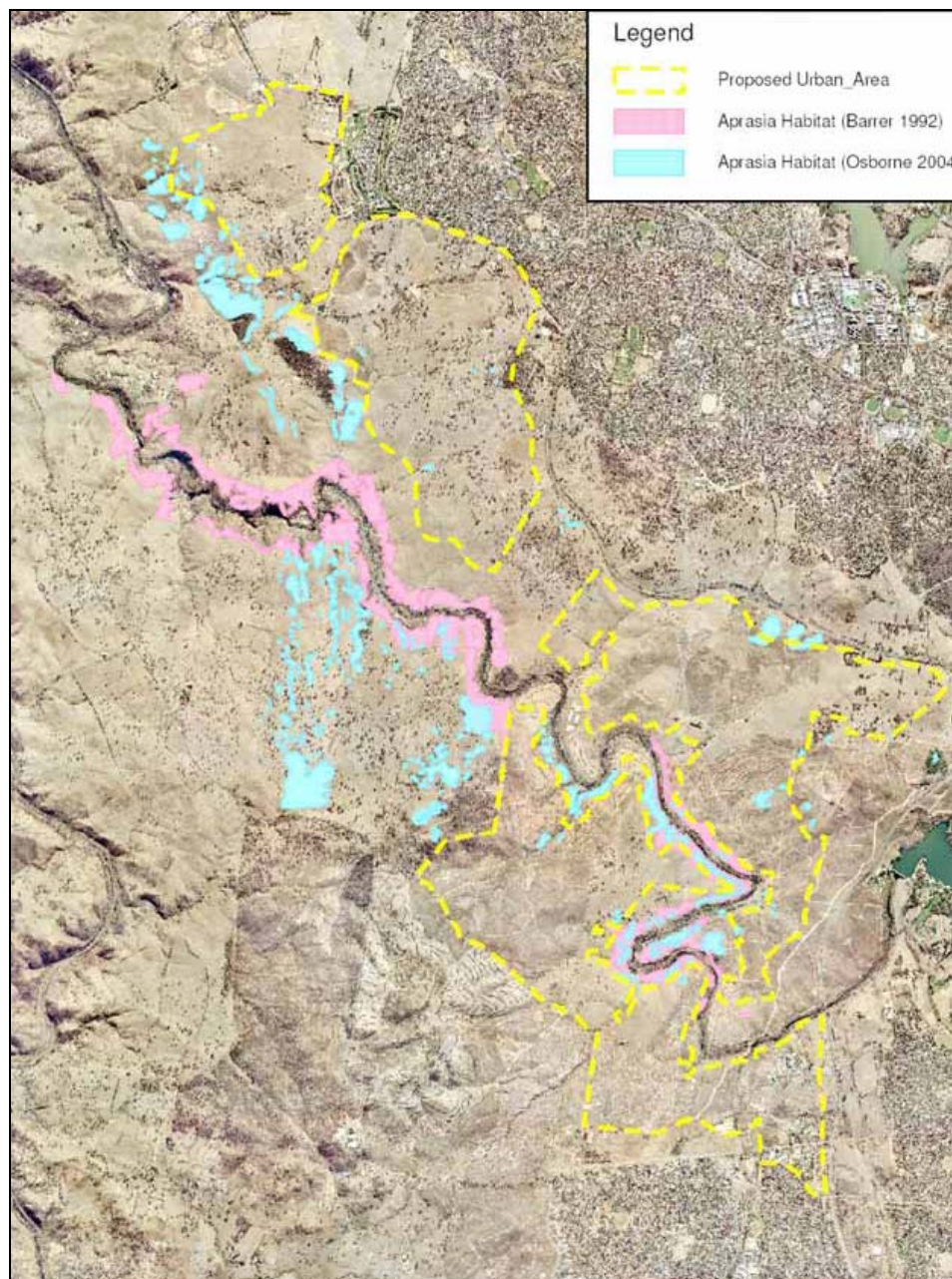
- 3.55 The Pink-Tailed Worm Lizard population within East Molonglo is likely to be significantly affected by urban development of the area. Those populations along the river corridor would be particularly at risk if a lake option is selected for water management.

It is difficult to envisage the long-term survivability of the species upstream of the proposed 'Lake Molonglo' dam wall. It is unknown what impacts this loss would have on the wider population within the lower Molonglo Valley. Mitigation of these impacts will be difficult and would most likely fail over time. Survivorship might be enhanced by maintaining connectivity to other areas of habitat downstream or to the south-west but there is no certainty of this succeeding.⁷³

⁷² ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, pp136-7.

⁷³ Biosis Research, *Final Molonglo Valley Ecological Impact Review*, August 2006, p32.

Figure 1: Known Pink-Tailed Worm Lizard Habitat in the Molonglo Valley⁷⁴



⁷⁴ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p85.

Other Fauna Species

3.56 In addition to the aforementioned species highlighted by ACTPLA, the area is home to a number of uncommon species, namely the:

- Stone gecko;
- Marbled gecko;
- Eastern copper-tailed striped skink;
- Boulenger's skink;
- Nobbi dragon;
- Eastern long necked tortoise;
- Black-headed snake;
- Wallaroo;
- Bush rat; and
- Platypus.⁷⁵

3.57 The Preliminary Assessment does not consider potential impacts to these species. These species are of geographically and regionally rare and, if not as threatened as other species, are important to preserve as an integral part of the Molonglo and North Weston ecosystem.⁷⁶ At present the impacts on such species have not been examined or considered.

RECOMMENDATION 8

3.58 **The Committee recommends that the ACT Planning and Land Authority assess the impact of development on other uncommon species in Molonglo and North Weston.**

⁷⁵ Red-Gum Environmental Consulting, *Molonglo River Corridor Boundary Study*, 2006, p9.

⁷⁶ Red-Gum Environmental Consulting, *Molonglo River Corridor Boundary Study*, 2006, p9.

Management of domestic animals

- 3.59 The Committee also heard that appropriate management of domestic animals within the development area needs to be considered, taking into account the number and variety of protected native species and the large open woodland and rural areas adjacent to the future urban area.⁷⁷
- 3.60 The Committee was advised that, in keeping with the precautionary principle, a cat containment policy would reinforce the Molonglo and North Weston area's high biodiversity value; particularly given the abundance of bird types, lizards and other species in the area.⁷⁸
- 3.61 Under the *Domestic Animals Act 2000* (ACT) the Minister can declare an area where cats have to be confined to premises during stated times (s.81).
- 3.62 The Committee recognises that predation by roaming domestic pets is a serious threat to native biodiversity in the ACT. Cat containment is well justified on available research.⁷⁹

RECOMMENDATION 9

- 3.63 **The Committee recommends that cat containment be mandatory for the whole Molonglo and North Weston region.**

⁷⁷ Submissions 18, 22 and 24; Ms Jenny Bounds, Transcript of Evidence, 8 July 2008, pp2 and 12; Mr Christopher Davey, Transcript of Evidence, 29 July 2008, p80.

⁷⁸ Ms Jenny Bounds, Transcript of Evidence, 8 July 2008, pp2 and 12; Mr Chris Davey, Transcript of Evidence, 29 July 2008, p80.

⁷⁹ Dr Stephen Debus, *Potential Impacts of Proposed Developments on Raptors in the Molonglo Valley*, 2005, p12 and Research citations provided to the Committee in its 2005 report *Wildlife Corridors and DV231 – East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve*.

4 WATER MANAGEMENT

Molonglo River Corridor and Lake

- 4.1 The future form and boundaries of the river corridor intersecting the proposed East Molonglo residential area and the potential water management options for Molonglo and North Weston have also been key areas of concern in submissions and in Committee hearings.
- 4.2 The Committee heard that three main options for storm water management in Molonglo are being considered by ACTPLA, both online and offline. These are a distributed ponds system, a short lake or a long lake.⁸⁰
- 4.3 ACTPLA highlighted to the Committee that whilst Molonglo and North Weston Structure Plan depicts a lake for stormwater management and quality control, reducing bushfire susceptibility and the creation of an attractive amenity, a more thorough environmental impact assessment will be required in the future to consider the feasibility, environmental impacts and costs of a variety stormwater management options.⁸¹ The breadth of that Environmental Impact Statement is currently being scoped by ACTPLA.
- 4.4 ACTPLA reinforced to the Committee that the Draft Variation does not propose the construction of a lake.
- 4.5 Stormwater management options and large-scale infrastructure options remain, however of fundamental importance within the context of the variation particularly where different options may impede on surrounding species and habitats as discussed earlier in this report. The potential effects on the habitat of the Pink Tailed Worm Lizard, for example, are particularly significant.

⁸⁰ Mr Neil Savery, Transcript of Evidence, 29 July 2008, p57.

⁸¹ Transcript of Evidence, 29 July 2008, p55; ACT Planning and Land Authority, *Public Consultation – Issues Raised*, April 2008. p1.

- 4.6 The Molonglo River Corridor Boundary Study undertaken for the NCA promotes the maintenance of a river corridor boundary, not inundation.⁸² This study is not a stormwater management assessment, but does consider the effects of a lake on the river corridor, habitats and protected species.
- 4.7 The Conservation Council similarly contends that inundation of the river corridor and creation of a lake would result in the substantial loss of:
- Riparian vegetation;
 - Riverine habitat;
 - Threatened species habitat;
 - Eagle breeding sites; and
 - 3.3 km of high quality riparian zone downstream of Coppins Crossing.⁸³
- 4.8 The Council further reiterates professional advice concerning the construction of a lake, contending that:
- stormwater runoff would contribute to reduced lake and downstream water quality and may lead to cyanobacterial blooms, impacting wildlife, ecological processes and the aesthetics of the amenity;
 - the lake would be deep and contain few shallow areas for the establishment of macrophytes, resulting in less oxygen production and reduced lake functioning; and
 - the ACT and Commonwealth Governments are currently contributing \$17 million to retrofit existing stormwater management systems in ACT lakes.⁸⁴
- 4.9 Additionally, the Committee heard from Professor Ian Falconer who proposed alternative stormwater management options, including bioretention swales and/or artificial wetlands within suburbs which could also function as attractive amenities.⁸⁵

⁸² Red-Gum Environmental Consulting, *Molonglo River Corridor Boundary Study*, 2006.

⁸³ Submission 22, pp9-10.

⁸⁴ Conservation Council – ACT Region, Kama for Molonglo. Accessible at:
http://www.consact.org.au/index.php?option=com_content&task=view&id=161&Itemid=1.

⁸⁵ Prof Ian Falconer Transcript of Evidence, 8 July 2008, pp2-3.

- 4.10 The Committee also heard proposals for the utilisation of sediment basins, and chains of ponds. These alternatives to a lake would seem to be appropriate given the fundamental importance of water management decisions to current environmental considerations.
- 4.11 The Committee notes that environmental studies to date indicate that a lake would have serious detrimental effects on the river corridor environment and associated habitats.⁸⁶
- 4.12 The Committee notes that the selection of a preferred water management option will be undertaken following the EIS process. The Committee also anticipates that ACTPLA will undertake further public consultation following the completion of the EIS regarding water management options.

RECOMMENDATION 10

- 4.13 **The Committee recommends that the lake option not proceed unless it receives community support.**

Future Water Supply and Use

- 4.14 The Committee also heard from ACTPLA that water sensitive urban design would be a key feature of the Molonglo and North Weston development. All suburbs will be required to demonstrate a reduction in mains water use by 40 per cent, in accordance with the government's water sensitive urban design code. Additionally, the Committee was advised that individual buildings will be required to meet that same reduction standard.⁸⁷

⁸⁶ Red-Gum Environmental Consulting, *Molonglo River Corridor Boundary Study*, 2006; Dr Stephen Debus, *Potential Impacts of Proposed Development on Raptors in the Molonglo Valley, ACT*, 2005; EASystems, *Location and Characteristics of Raptor Nesting Sites in the Molonglo Valley, ACT*, 2006, p13, Submission 18; Mr Christopher Davey, Transcript of Evidence, 29 July 2008, p74; University of Canberra, *Distribution of Pink-Tailed Worm Lizard in the Lower Molonglo Valley, ACT, with Respect to Strategic Land Planning*, December 2004.

⁸⁷ Transcript of Evidence, 29 July 2008, p57.

- 4.15 The Committee also notes that stormwater management in the region will take into consideration pollution targets, including treatment of stormwater from parts of North Weston and Woden that are not currently treated. Notably these areas have no gross pollutant traps. ACTPLA advised that there are also proposals to undertake waste water reuse in Molonglo.⁸⁸

⁸⁸ Transcript of Evidence, 29 July 2008, p57.

5 INFRASTRUCTURE

Sustainable Transport

- 5.1 The Committee received a number of submissions reinforcing the need for suitable transport infrastructure to be planned for in Molonglo and North Weston. They highlighted the need for an easily navigable and efficient system of roads, one that is fully capable of sustaining a public transport system and an adequate corridor to be set aside to provide for the possibility of a light railway in future.⁸⁹
- 5.2 ACTPLA advised the Committee that the road reserves in the new development will be designed in such a way that the future installation of a light rail network would be possible. Additionally, this would allow a Belconnen-Woden inter-town link whilst servicing Molonglo as well. Express Molonglo-City Centre routes are also possible.⁹⁰ The reserve may serve as a bus lane until a light rail solution for the whole of the ACT is implemented.⁹¹
- 5.3 NCA have also indicated, from a strategic perspective, where an intertown public transport route would go.⁹²
- 5.4 ACPLA also envisage the Molonglo main transport corridor forming a section of an intertown public transport loop.⁹³ Figure 2 shows the possible orbital public transport network throughout Canberra.

⁸⁹ Submissions 11, 13, 16, 22, 24 and 25; Prof Ian Falconer, Transcript of Evidence, 8 July 2008, pp7-8.

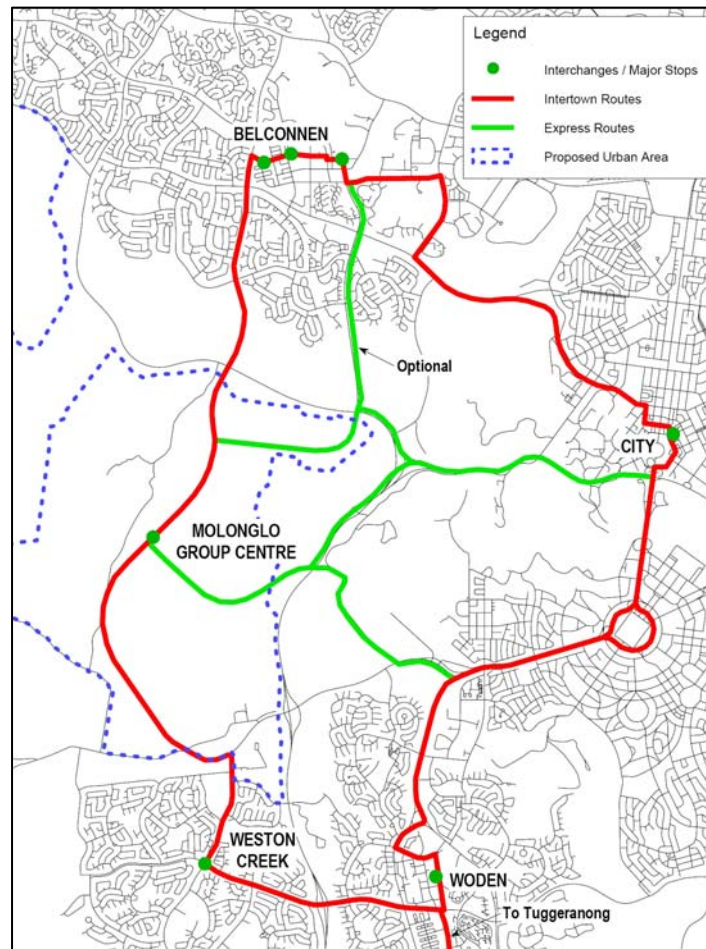
⁹⁰ Mr Neil Savery, Transcript of Evidence, 29 July 2008, pp55-56.

⁹¹ Mr Neil Savery, Transcript of Evidence, 29 July 2008, p69.

⁹² Mr Todd Rohl, Transcript of Evidence, 15 July 08, p28.

⁹³ Mr Neil Savery, Transcript of Evidence, 29 July 2008, pp55-56.

Figure 2: Orbital Public Transport Route(s)⁹⁴



- 5.5 The Committee notes that provisions have been included for a more progressive public transport system to include the Molonglo region. As for the road network, the Committee notes that ACTPLA plans to develop a flexible grid pattern with clear road hierarchy 'so that people are not all channelled onto one road.'⁹⁵

⁹⁴ Presentation to the Standing Committee on Planning and Environment, *Molonglo and North Weston*, 29 July 2008, p24.

⁹⁵ Mr Neil Savery, Transcript of Evidence, 29 July 2008, pp55-56.

6 BUSHFIRE MANAGEMENT

- 6.1 Bushfire protection and mitigation measures are of fundamental importance to the design and planning of Molonglo and North Weston, particularly with the precedent of the 2003 bushfires having destroyed much of the proposed development area.
- 6.2 The two Bushfire Risk Assessments, prepared for ACTPLA by Australian Bushfire Protection Planners, promote the implementation of leading practice bushfire management strategies and measures and have been identified by ACTPLA as key guiding documents.⁹⁶
- 6.3 However, submissions to the Committee raised concerns that some of the recommendations are at odds with key environmental considerations for the Molonglo and North Weston region.
- 6.4 Both the Kama Nature Reserve and other smaller habitat corridors are identified as potential fire hazards. Certainly Kama might act as a fire corridor through to Belconnen whilst smaller habitat corridors within East Molonglo may present a similar means to enter urban areas. Australian Bushfire Protection Planners note that:
- this raises a conflict between the retention of the corridors as habitat corridors and the need to protect the adjoining urban development against the likelihood of damage from fires.⁹⁷
- 6.5 Figure 3 indicates that a large portion of the CMZ falls within the Kama reserve.
- 6.6 The Critical Management Zone (CMZ) around Kama is an issue that submissions consider is not adequately addressed to date, as it is quite clearly not possible to effectively provide for CMZs whilst protecting the integrity of the Kama reserve.

⁹⁶ Australian Bushfire Protection Planners, *Bushfire Risk Assessment (Molonglo Valley)*, 2005, and *Bushfire Risk Assessment Stage 2 (Molonglo Valley)*, 2006.

⁹⁷ Australian Bushfire Protection Planners, *Bushfire Risk Assessment Stage 2 (Molonglo Valley)*, 2006, p52.

- 6.7 The Preliminary Assessment notes that the CMZs are likely to be integrated into the buffer zones separating urban development from the Reserve, subject to further assessment⁹⁸, however allowance for those buffer zones is not evident.
- 6.8 As discussed earlier, the area west of Deep Creek could form this CMZ buffer zone, providing adequate space for a CMZ along the eastern boundary of the Kama reserve as well as serving conservation purposes by expanding the potential habitat area.
- 6.9 Whilst the Committee recommends that the Central Molonglo development not proceed, if it does then a CMZ buffer would need to be allowed for outside of the Kama reserve.

RECOMMENDATION 11

- 6.10 **The Committee recommends that the Critical Management Zone for bushfire protection be located outside the Kama Nature Reserve.**
- 6.11 Similarly, the second bushfire risk assessment report advises that the creation of a lake would be the preferred stormwater management option from a fire management perspective. Effectively forming a barrier against fire over-run, a large water body in the river corridor would significantly reduce the ability of fire burning uphill, aided by predominant north-west winds, to enter a corridor of retained vegetation, bordered by urban areas.⁹⁹
- 6.12 The Committee notes that, whilst a lake is proposed in these studies as the preferred option for fire mitigation purposes, it again represents a severe compromise between mitigation measures and habitat preservation.

⁹⁸ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p112.

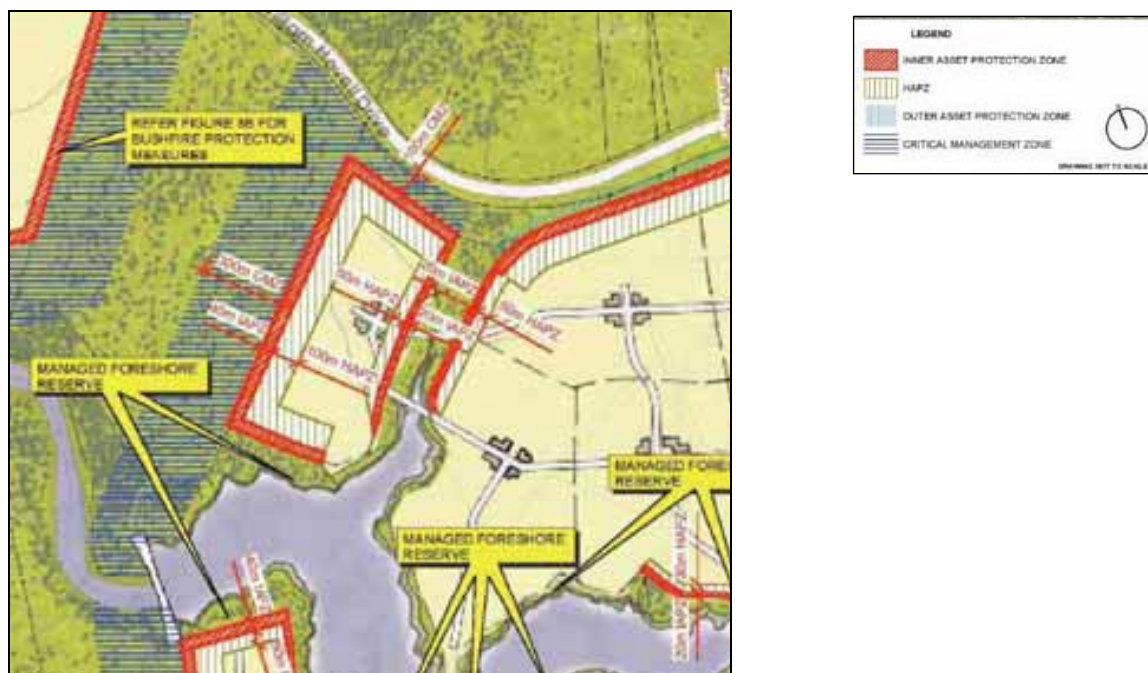
⁹⁹ Australian Bushfire Protection Planners, *Bushfire Risk Assessment Stage 2 (Molonglo Valley)*, 2006.

- 6.13 Alternatives to an inundated corridor are not discussed in the studies and the Committee believes fire management should be re-considered within the context of other water management options which maintain the river corridor rather than creating a lake.

RECOMMENDATION 12

- 6.14 The Committee recommends that the ACT Planning and Land Authority undertake further assessment of bushfire management and planning risks without a lake.

Figure 3: Critical Management Zones and Bushfire Management Measures: East Molonglo and North Weston¹⁰⁰



¹⁰⁰ Australian Bushfire Protection Planners, *Bushfire Risk Assessment Stage 2 (Molonglo Valley)*, 2006, p79.

7 HERITAGE

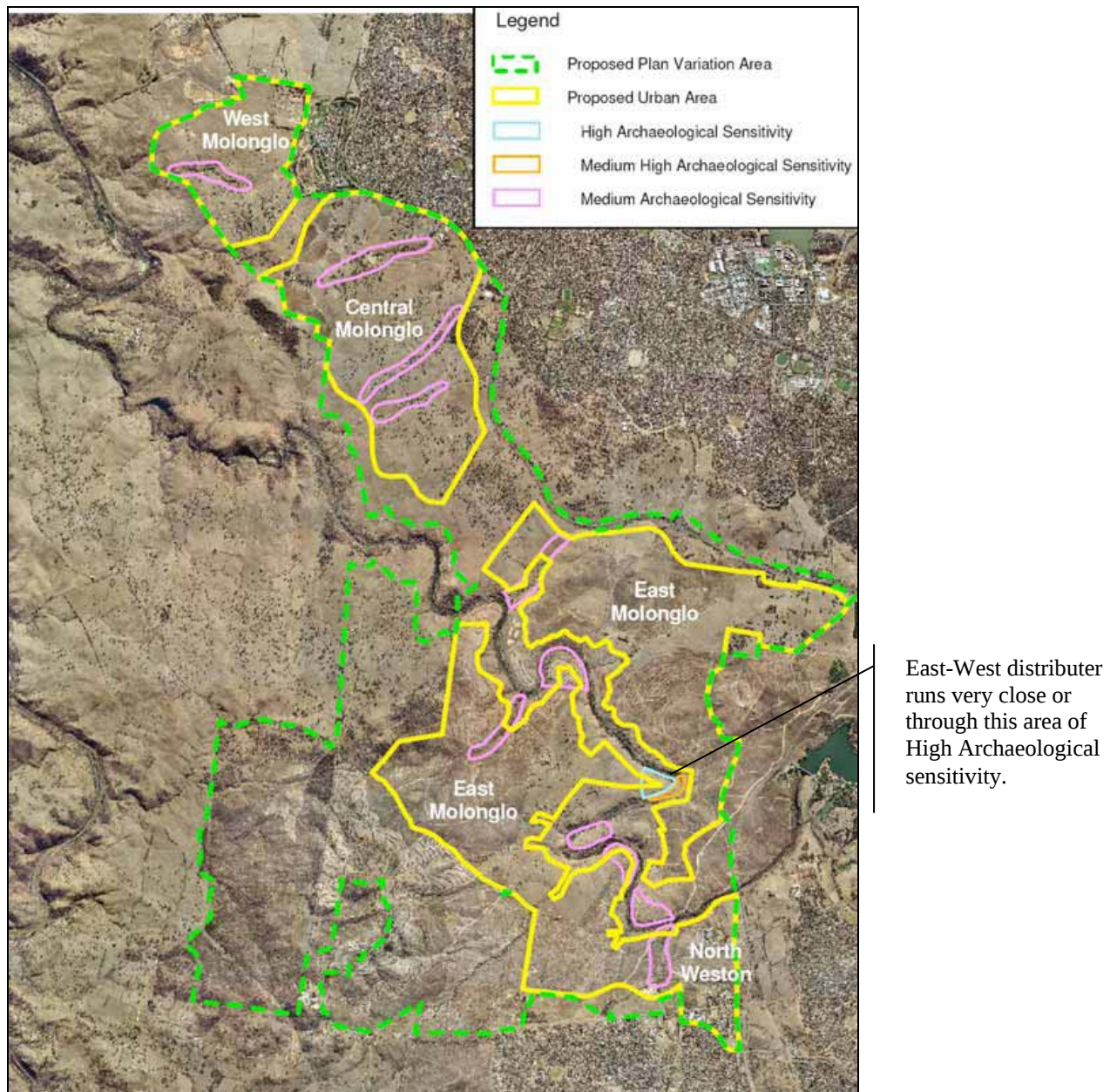
- 7.1 In April 2006, Australian Archaeological Survey Consultants (AASC) delivered its report, the Molonglo Valley Heritage Review; having been commissioned by ACTPLA to conduct a review of Molonglo and North Weston within the context of proposed future urban development.¹⁰¹ A review of relevant maps, reports and data bases held by the ACT Heritage Unit resulted in the identification of 79 previously recorded Aboriginal heritage sites and 27 Non-Aboriginal (early European) heritage sites. These are located within, or immediately adjacent to, the Molonglo and North Weston area.¹⁰²
- 7.2 The report details a number of recommended strategies and the scope for further investigation and consideration. It is important to consider how heritage concerns will be negotiated at an early stage. At present the Preliminary Assessment notes the broad location and number of heritage-sensitive areas though does not acknowledge strategies promoted by the report or put forward considered management options.¹⁰³
- 7.3 Of note, the proposed 'East-West Distributor' road seems to pass directly through an area of high archaeological sensitivity and will potentially have an effect on a number of medium-high archaeological sensitivity (indicated in Figure 4). Whilst a number of these areas may be salvaged, this is not the case in all circumstances.

¹⁰¹ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006.

¹⁰² Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p4.

¹⁰³ ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, pp64-67.

Figure 4: Archaeological Landscape Sensitivity Analysis¹⁰⁴



¹⁰⁴ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006 in ACT Planning and Land Authority, *Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with Urban Development at Molonglo and North Weston*, August 2007, p65.

7.4 Four different site types have been identified within Molonglo and North Weston, with ascending levels of general archaeological importance and significance, namely:

- Open artefact scatters;
- Isolated finds;
- Rock shelters; and
- Scarred trees.¹⁰⁵

Aboriginal Heritage Sites

7.5 The majority of Aboriginal heritage sites within the study area are classified as either isolated artefacts (35 sites) or artefact scatters (42 sites). Of the remaining two sites, one is classified as a scarred tree and the other as a rock shelter with an associated artefact scatter.¹⁰⁶

7.6 The 35 isolated finds have all been considered as being of low conservation value, as such a detailed salvage collection should be undertaken prior to the commencement of proposed development work.¹⁰⁷ Of the 42 artefact scatters, 30 sites are considered to be of low and 12 of medium archaeological significance. Again a detailed salvage collection should be undertaken prior to the commencement of proposed development work. In each of the aforementioned instances it is advised that work be carried out by qualified archaeologists, in tandem with representatives from Registered Aboriginal Organisations.¹⁰⁸

7.7 The one registered scarred tree has been assessed as being of high conservation value. Salvage of the tree is possible though should be considered only on the advice of a detailed Management Plan clearly defining options for the long term conservation of the tree.¹⁰⁹ Similarly the one registered rock shelter has been assessed as being of high conservation value. AASC explains:

¹⁰⁵ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, pp5-8.

¹⁰⁶ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p30.

¹⁰⁷ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p47.

¹⁰⁸ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p37-48.

¹⁰⁹ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p50.

Actions that propose impact upon their identified heritage values will be considered on a case by case basis by the Heritage Council in consultation with the relevant Aboriginal organisations, and with reference to the applicable Conservation and Management Plan or Research Plan, if prepared. Generally, the conservation objective for this site is to record, retain and actively conserve.¹¹⁰

Non-Aboriginal (European) Heritage Sites

7.8 27 previously recorded non-Aboriginal heritage sites have been recorded within, or immediately adjacent to, the development area.¹¹¹ The report notes that, whilst the Weetangera Cemetery and Former Church site is located outside of the development, increased development may adversely impact the longer term conservation of the area.¹¹²

7.9 Within the development area itself, seven of the recorded sites have been destroyed by the 2003 bushfires; one is inhabited and of those remaining little is known of their present status or condition. As such, AASC promotes the following:

Detailed written and photographic records should be taken for each site. These should be compiled into a report, which should be submitted to the ACT Heritage Unit and the Heritage Council for review and comment. The report should also be used to update the ACT Heritage Unit site data base records for these sites. A Heritage Management Plan which presents a detailed outline of the proposed management measures for these sites should also be submitted to the Heritage Council for endorsement.¹¹³

7.10 The Committee notes that the report recommends a further detailed and systematic field survey be carried out prior to development work commencing in Molonglo and North Weston.

¹¹⁰ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, pp51-52.

¹¹¹ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p53.

¹¹² Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p54.

¹¹³ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p56.

- 7.11 The report suggests that field survey investigations should mainly be focused within those areas identified as medium to high archaeological sensitivity; existing data is insufficient in this sense. Furthermore, a Heritage Management Plan for the area ought to be adopted with the approval of the Heritage Council and representatives of Registered Aboriginal Organisations and local Aboriginal community representatives.¹¹⁴

RECOMMENDATION 13

- 7.12 **The Committee recommends that the Australian Archaeological Survey Consultants 2006 heritage review recommendations for Molonglo and North Weston be adopted.**

¹¹⁴ Australian Archaeological Survey Consultants, *Molonglo Valley Heritage Review*, April 2006, p5-6.

8 OTHER SPECIFIC ISSUES

Mt Stromlo Observatory

- 8.1 Light-pollution has long been considered a concern for the ongoing operation of the Mt Stromlo Observatory. The expansion of urban boundaries, with associated light emissions, has become increasingly detrimental to the functioning of the sites various telescopic facilities.¹¹⁵
- 8.2 Following the 2003 bushfires, which destroyed all of the research optical telescopes on the observatory, ANU subsequently took the opportunity to relocate much of its light-sensitive dark-sky equipment away from Canberra to Siding Springs, near Coonabarabran. The equipment that was destroyed has not been replaced although the Committee heard that a number of small, domestic-scale demonstration telescopes remain and there is a possibility of research telescopes being reinstated on Mt Stromlo.¹¹⁶ New equipment has been installed with the knowledge that conditions will not markedly improve, though ideally will not worsen, into the future. A proposal may also be put forward to rehabilitate the original Oddie telescope for the ACT centenary in 2013.¹¹⁷
- 8.3 In its submission to ACTPLA and evidence presented to the Committee, the ANU, whilst accepting that urban development is necessary as the population of Canberra expands and that the effect of light-pollution will continue, submits a number of points regarding its desire to work cooperatively with Government to achieve a mutually beneficial outcome. Namely, these are:
- ANU promotes an adherence to the non-development of the area north of Cotter Road, and west and south of Uriarra Road and thus calls for future urban development to be restricted by these boundaries.

¹¹⁵ Mr Chris Neil, Transcript of Evidence, 15 July 2008, pp40-41; Vision Design, *Molonglo Valley Light Impact Study*, 2006, p6.

¹¹⁶ Mr Chris Neil, Transcript of Evidence, 15 July 2008, p41.

¹¹⁷ Mr Chris Neil, Transcript of Evidence, 15 July 2008, p41.

- ANU requests that any development in the light limitation zone be compliant with Standards Australia AS/NZS 1158 (Road Lighting), AS 4282 (Obtrusive Effects of Outdoor Lighting), and AS 2560 (Sports Lighting) and that those standards be considered and mentioned in any development application process so that people are aware of the effects of this lighting.¹¹⁸
- ANU notes the development of Stromlo Forest Park as a worthwhile public amenity and the value it provides as a buffer between urban areas and the Mt Stromlo site.¹¹⁹

8.4 In general terms the University calls for a number of low-light emissions principles to be adopted for the Molonglo development to ensure the future viability of the site.

8.5 The ANU emphasised to the Committee the need for their 'unusual requirements' of light pollution be reminded to people when developments occur:

We would like to have, if possible, caveats included which restrict the installation of obtrusive lighting by house owners. Most of the documents relate to commercial and public use space when talking about lighting, flood lighting, sports lighting and arena lighting. House owners themselves can also affect light pollution by having floodlights around their house, or somebody might put a tennis court in their backyard and then put huge floodlights on the tennis court, which can have an effect.¹²⁰

8.6 The ANU highlighted, however, that the current Draft Variation and Concept Plans for Combs and Wright, do not include the specific policies and Australian Standards on light pollution.

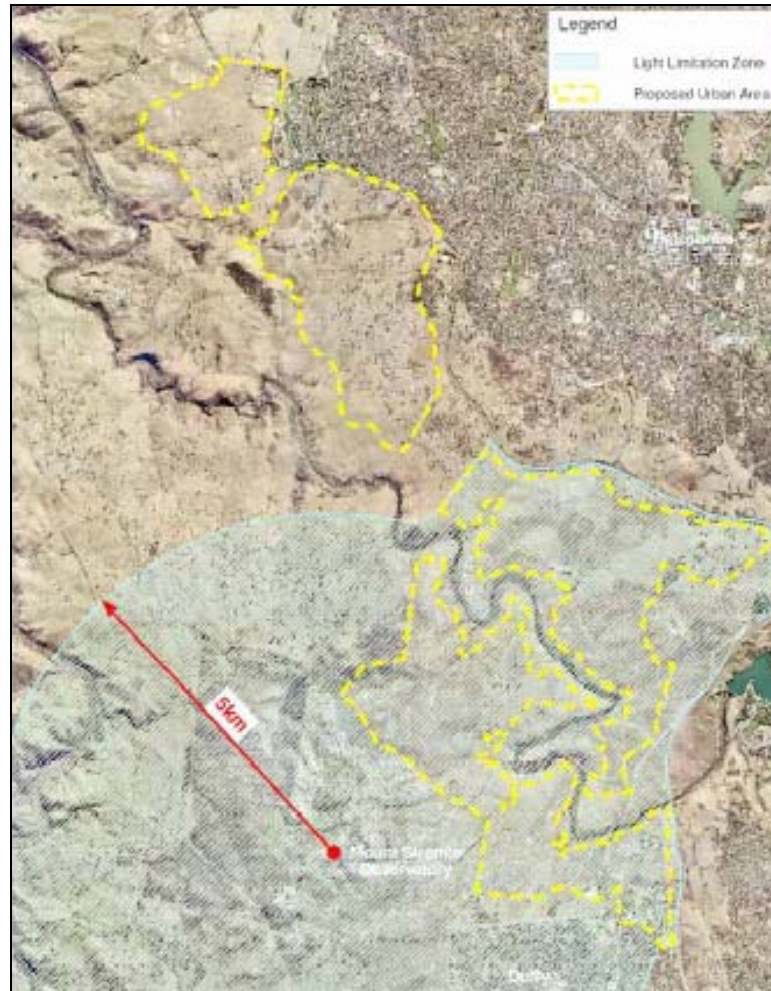
¹¹⁸ Mr Chris Neil, Transcript of Evidence, 15 July 2008, p41.

¹¹⁹ Submission to ACTPLA (No. 142) from ANU, 27 November 2007, p2.

¹²⁰ Mr Chris Neil, Transcript of Evidence, 15 July 2008, p42.

If possible, we would like to see the actual standards specified by number rather than just using a vague reference to relevant standards.¹²¹

Figure 5: Mt Stromlo Observatory - Light limitation Zone¹²²



- 8.7 In addition to the ANU submission, the Light Impact Study (Vision Design, 2006), commissioned by ACTPLA, puts forward a number of best-practice urban design strategies concerning lighting and related planning measures.¹²³ Expanding on the broad practices promoted by ANU, the study details a variety of specific strategies that may be adopted to minimise upward spill of urban lighting.

¹²¹ Mr Chris Neil, Transcript of Evidence, 15 July 2008, pp42-43.

¹²² Vision Design, *Molonglo Valley Light Impact Study*, 2006, p122.

¹²³ Vision Design, *Molonglo Valley Light Impact Study*, 2006.

RECOMMENDATION 14

- 8.8 **The Committee recommends that the requirement to adhere to Australian Standards AS/NZS 1158 (Road Lighting), AS 4282 (Obtrusive Effects of Outdoor Lighting), and AS 2560 (Sports Lighting) be specifically listed in all development controls for all types of development in East Molonglo.**

Recreation

- 8.9 Horse riding, cycling and walking are common recreational pursuits in the Molonglo and North Weston area that should be encouraged and facilitated through related planning strategies.
- 8.10 Submissions to the Committee discussed the need for planning and development within the Molonglo-North Weston to be mindful of the future provision of, and access to, recreational facilities. Some submissions particularly questioned the suitability of currently planning open spaces for a range of recreational uses and general open space connectivity.
- 8.11 The Committee heard from the ACT Equestrian Association (ACTEA) that horse riders will potentially be affected by the proposed urban development because it would disrupt their continued access to trails and facilities. The Bicentennial National Trail (BNT), for example, is planned to be rerouted and other informal trails in the vicinity may be lost altogether.
- 8.12 The ACTEA called for the concept planning to be mindful and supportive of Molonglo and North Weston's continued viability as an equestrian-friendly area¹²⁴ and ensure that:
- connectivity between surrounding paddocks and facilities be maintained; and
 - planning accounts for safe access and usage for horse riders and other users of such trails.¹²⁵

¹²⁴ Ms Christine Lawrence, Transcript of Evidence, 15 July 2008, p30.

8.13 In its representations to the Committee, ACTPLA made it known that the BNT would be realigned to 'use open space corridors'.¹²⁶ However, ACTEA maintains that:

- A planned retrofit along the Cotter Road is not ideal and raises a number of safety concerns;
- Horse riders will ultimately need an underpass to cross the north-south arterial road and reaching the site identified by ACTPLA may itself be problematic; and
- The use of open space corridors through future suburbs is questionable given that they are seemingly not interconnected with existing routes. Many pass straight through new suburbs including proposed sportsgrounds and between suburban street fronts ¹²⁷;

8.14 The Committee notes that horse riders and other recreational users are willing to use shared trails through the open space, providing those trails are of reasonable width to allow for multiple types of users.

8.15 The Committee is aware the ACTPLA staff met with ACTEA representatives on 2 July 2008 and later provided them with a copy of the proposed National Bicentennial Trail - Molonglo Route Option (Figure 6), showing the route via the Stromlo Forest Park and the first suburbs of Wright and Coombs including cross sections of various areas, including purpose built underpasses.¹²⁸

¹²⁵ Ms Christine Lawrence, Transcript of Evidence, 15 July 2008, pp30-31.

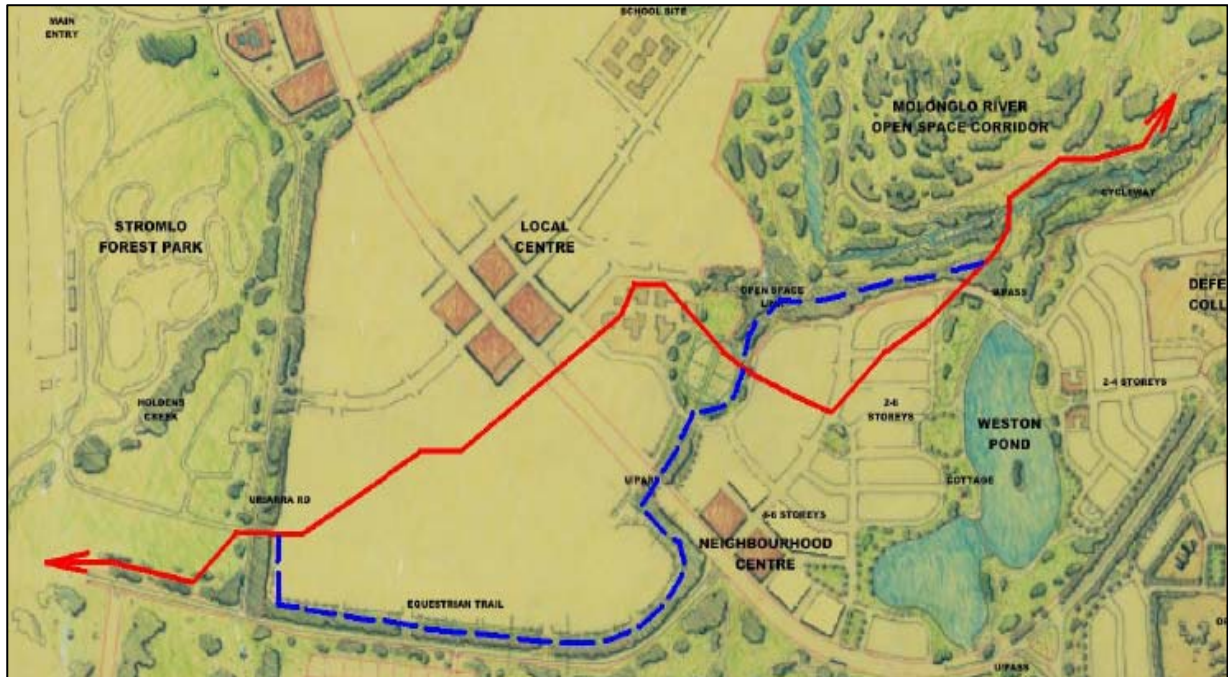
¹²⁶ Presentation to the Standing Committee on Planning and Environment, *Molonglo and North Weston*, 29 July 2008, p40.

¹²⁷ Ms Christine Lawrence, Transcript of Evidence, 15 July 2008, p31.

¹²⁸ Mr Neil Savery, Transcript of Evidence, 15 July 2008, p40.

Figure 6: Proposed Realignment of the National Bicentennial Trail¹²⁹

Current National Bicentennial Trail (red) proposed to be realigned to use open space corridors (blue).



- 8.16 The Committee also notes that ACTPLA is continuing to liaise with riding groups to establish a workable solution at the concept planning level.

RECOMMENDATION 15

- 8.17 The Committee recommends that the ACT Government prepare a map of all horse-accessible shared paths throughout the Molonglo and North Weston development area.

¹²⁹ Presentation to the Standing Committee on Planning and Environment, *Molonglo and North Weston*, 29 July 2008.

Open Space System

- 8.18 ACTPLA advised the Committee that within the Molonglo and North Weston region 'there are over 2,500 hectares of open space within a three-kilometre radius, for use by Molonglo residents for a raft of purposes'.¹³⁰ These open spaces also act as buffer zones between existing residential areas and the Molonglo development area, running along natural creek lines.
- 8.19 The Committee notes the level of attention being paid to open space provision in the Molonglo and North Weston and that these links will act, not only as recreational areas, but also as wildlife corridors.

Baha'i and Sikh Properties

- 8.20 In independent and joint submissions, the Baha'i and Sikh communities have highlighted to the Committee concerns directly pertaining to their location in North Weston and surrounding areas. They request that adequate buffer zones be maintained between their existing properties and any residential development, in order to preserve the current level of privacy and seclusion.
- 8.21 They propose as solutions:
- rezoning blocks to the east of the Baha'i Centre and Orana School (including Block 3 section 83) as 'open space';
 - direct sale of Block 13, Section 83 to the Baha'i community; and
 - rezoning of Block 14, Section 83 as 'hills, ridges and buffer spaces' or urban open space.¹³¹
- 8.22 At present, the Draft Variation and North Weston Concept Plan include a thin strip of residential land on the north side of the Sikh community centre block.

¹³⁰ Mr Neil Savery, Transcript of Evidence, 15 July 2008, p56.

¹³¹ Submission 3 and 14.

This would provide for relatively few new housing premises and, as is foreseen by both the Sikh community and independent members of the public, may lead to future noise disruptions, in addition to the loss of privacy and seclusion for the Sikh community.

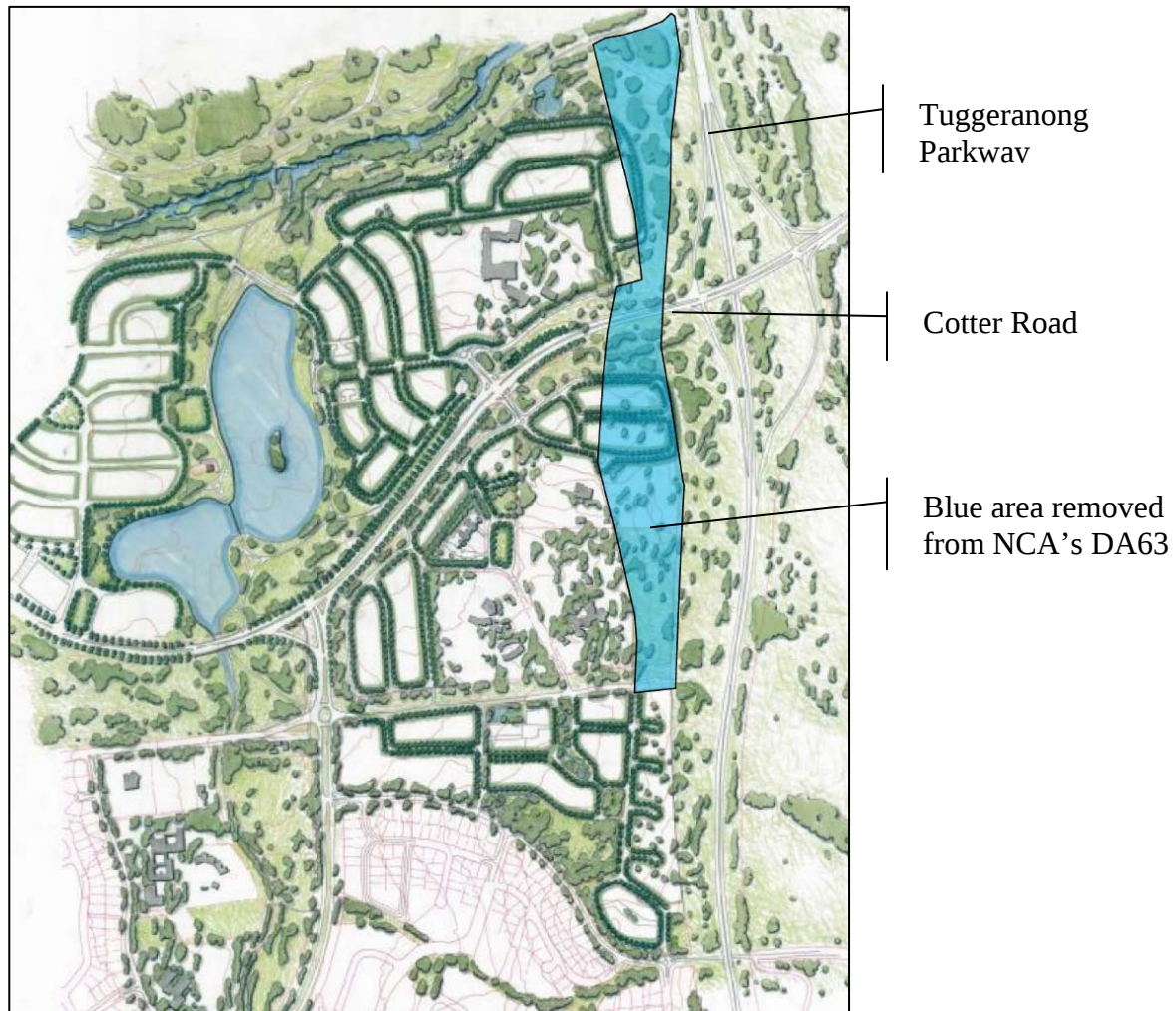
- 8.23 Furthermore, it is noteworthy that the thin strip of residential land to the north of the Sikh/Baha'i site has been reported to contain specimens of Pink-Tailed Worm Lizard.¹³²
- 8.24 A number of submissions write in support of these aims, pointing to the somewhat racial sentiment that had previously denied the Sikh community the ability to build in more public space in Mawson.¹³³
- 8.25 The Committee notes that following meetings with, and visits by, the Minister for Planning and Chief Minister, the concerns of the Baha'i, Sikh and Orana School communities have been somewhat addressed.
- 8.26 As a result of those discussions, the following concessions have been made with the introduction of new concept plans:
- The removal of residential areas bordering/in close proximity to the Sikh and Baha'i sites;
 - The zoning of open space to the east of North Weston, in the form of 'hills, ridges and buffers'; and
 - Doubling the buffer space with regard to the Orana School buffer zone.¹³⁴

¹³² University of Canberra, *Distribution of Pink-Tailed Worm Lizard in the Lower Molonglo Valley, ACT, with Respect to Strategic Land Planning*, December 2004, p6.

¹³³ Submissions 3, 7, 8, 13 and 14.

¹³⁴ Mr Neil Savery, Transcript of Evidence, 29 July 2008, p60.

Figure 7: North Weston Concept Plan¹³⁵



8.27 The Committee is pleased to see these concerns have been addressed by the NCA and ACTPLA. The Committee also notes that ACTPLA is continuing to liaise with the Weston Creek Community Council and the Sikh and Baha'i communities to establish a workable solution at the concept planning level.

¹³⁵ Presentation to the Standing Committee on Planning and Environment, *Molonglo and North Weston*, 29 July 2008.

CIT Arboreta

- 8.28 Released in August 2007, the initial Draft Variation zones the CIT Arboreta, south-east of the CIT School of Horticulture, as an area for residential development.¹³⁶ Following public comment and its re-release in April 2008 the area is still zoned for future residential development, though it is noted:

The CIT eucalypt arboretum south of Unwin Place will be further assessed. If it is found that all or part of the arboretum should remain in situ, a plan of management shall be developed.¹³⁷

- 8.29 Strong community support exists for the retention of the CIT arboretum as urban open space with submissions received by the Committee indicative of this.¹³⁸
- 8.30 It is within this context that the Committee welcomes the announcement by the Minister for Planning, on 5 May 2008, that the CIT arboretum is to be retained.¹³⁹

Solar Orientation

- 8.31 Submissions to the Committee also raised the need for appropriate street and block design to achieve passive solar block orientation.¹⁴⁰
- 8.32 ACTPLA advised the Committee that the street layout in Molonglo will endeavour to achieve connectivity and to maximise the opportunity for solar

¹³⁶ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston*, August 2007, p53.

¹³⁷ ACT Planning and Land Authority, *Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston – North Weston Concept Plan*, April 2008, p53.

¹³⁸ Submissions 7, 9, 11 and 14.

¹³⁹ Media Alert, Andrew Barr MLA, *Weston Arboretum to be Retained*, 5 May 2008.

¹⁴⁰ Submissions 11, 22, 24.

orientation of blocks. The details of block orientation would be designed at the estate development planning stage.¹⁴¹

- 8.33 The Committee acknowledges the essential role block orientation plays in achieving sustainable development.

RECOMMENDATION 16

- 8.34 **The Committee recommends that the ACT Government take all reasonable steps to maximise solar block orientation for residential development Molonglo and North Weston.**

Chair

August 2008

¹⁴¹ Mr Neil Savery & Mr Paul Lewis, Transcript of Evidence, 29 July 2008, p68.

Appendix A Submissions and Hearings

List of Submissions

No.	Author
1	Rosemary Blemings
2	ACT Equestrian Association
3	Canberra Sikh Association
4	Illoura Horse Owners Group
5	Jenny Costin (Bicentennial National Trail Coordinator)
6	Rosemary Blemings (2)
7	Heather Stewart
8	John Leech
9	Tracey Pearce/Gardiner
10	Stromlo Horse Riders Group Committee
11	Julianne Krassay
12	ACT Endurance Riders Association
13	RA Shakepeare
14	WCCC, Orana, Sikh, Baha'i joint sub
15	Friends of the Grasslands
16	Celia Kneen
17	Friends of the ACT Arboreta
18	Canberra Ornithologists Group
19	Government Paddock Users Group
20	Penny Cilento, Cindy Eiritz, Audrey Severino, and Leigh Duxson (Citizens for sustainable development)
21	Anthony Connell
22	The Conservation Council of the ACT Region
23	Weston Creek Community Council
24	Deb Foskey MLA
25	Graham and Berry Hedgecoe
26	Matthew Frawley
27	Betty. M. Storrs

Public Hearings

Tuesday, 8 July 2008

Ms Jenny Bounds, President, Conservation Council of the South East Region and Canberra

Emeritus Professor Ian Falconer, Vice President, Conservation Council of the South East Region and Canberra

Mr Geoff Robertson, Member, Conservation Council of the South East Region and Canberra

Dr Michael James Mulvaney, Committee Member, Red Hill Regenerators Park Care Group

Tuesday, 15 July 2008

Mr Gary Michael Rake, Managing Director, Finance and Estate, National Capital Authority

Mr Todd Jason Rohl, Managing Director, Planning and Urban Design, National Capital Authority

Ms Christine Lawrence, President, Australian Capital Territory Equestrian Association

Professor Harvey Butcher, Director, Research School of Astronomy and Astrophysics, Australian National University

Mr Chris Neil, Project Coordinator, Facilities and Services, Australian National University

Tuesday, 29 July 2008

Mr Andrew Barr MLA, Minister for Planning

Mr John Burke, Treasurer, Weston Creek Community Council

Mr Timothy Dalton, Chairman, Weston Creek Community Council

Mr Christopher Davey, President, Canberra Ornithologists Group

Mr Paul Lewis, General Manager, Metropolitan Development and Land Supply, Australian Capital Territory Planning and Land Authority

Mr Neil Savery, Chief Planning Executive, Australian Capital Territory Planning and Land Authority

Appendix B Key Studies of the Molonglo and North Weston Region

Report	Summary of Report Scope and Findings
Preliminary Assessment of a Draft Variation to the Territory Plan (DV281) and Major Infrastructure Associated with the Urban Development at Molonglo and North Weston – ACTPLA – (2007)	The fundamental role of the PA is to inform the Environment Minister's decision as to whether further environmental assessment is required for all or any part of the proposal.' It is intended to implement the general principles of the Molonglo and North Weston Structure Plan, being supplemented by further detail planning done by ACTPLA.
Molonglo River Corridor Boundary Study – Red-Gum Environmental Consulting – (2007)	This NCA commissioned report considers three future forms for the Molonglo River Valley riparian zone within the context of the National Capital Plans values, ultimately recommending that the Molonglo River be sustained. The aims of the study are to: • Review the values of the Molonglo River Corridor based on those identified in the National Capital Plan (ecological, environmental, water quality, flood levels, landscape, cultural, recreational); • Recommend an appropriate Molonglo River Corridor boundary being informed by the values identified, the existing River Corridor boundary and the river corridor boundary proposed by the draft Variation to the Territory Plan; and • Recommend any appropriate policies for the National Capital Plan (Special Requirements) for the Molonglo River Corridor. The project area is defined by the length of the Molonglo River where the existing River Corridor boundary has had proposed variations (width, alignment etc) suggested by the Preliminary Assessment of the Draft Variation - DV281 (PA) to the Territory Plan. The study recommends that NCA: 1) Adopt Option 1 (see map in report) as the preferred Molonglo River Corridor Boundary and be included in the NCP Draft Amendment for the Molonglo and North Weston. 2) Amend the Special Requirements for the Molonglo River Corridor to ensure that all development is in accordance with a Development Control Plan which is accepted by the Authority and addresses relevant general and specific policies similar to those outlined in Appendix F of the NCP Requirements for the Murrumbidgee River Corridor. Option 1 upholds the principles outlined by the NCOSS and facilitates passive recreation in the river corridor whilst maintaining environmental values and ecological function. Under this scenario, development can continue to occur and remain an attractive proposition to new home owners who want to live in the 'Bush Capital'.

The river corridor will benefit from development in many ways. Investment in landscape scale restoration using best management practices and local research coupled with removal of environmental weeds (willows and blackberry in the main) will assist in natural recovery. The potential improvement to habitat values, water quality and threatened species distribution under this scenario, far out weighs the spatial loss of area available to development.

Option 3 – No change: is consistent with all the values of the NCP. However, given the context of the future landscape in the Molonglo and North Weston, leaving the boundaries of the River Corridor at their current extent is not considered a viable option.

Option 2, the construction of Lake Molonglo severely impacts on the degree to which the corridor boundary can ultimately satisfy the values in the NCP. The alignment has a somewhat 'compensatory' focus. It aims to protect what is left of the areas ecological and environmental integrity after inundation. The recognised impacts of the Lake documented by Biosis Research (2006) to some degree 'negatively offset' any of the NCP values the alignment is trying to uphold.

FINAL Molonglo and North Weston Ecological Impact Review – Biosis Research – (2006)

This report prepared for ACTPLA identifies ecological issues and potential impacts of proposed urban development in the Molonglo and North Weston, in addition to advice on management and mitigation measures. Furthermore it provides an assessment of the environmental factors affected by the three proposed pond options in the Draft Molonglo and North Weston Structure Plan.

The review considered potential impacts on specific habitat features, including woodlands, grasslands, riparian and instream habitats and habitat corridors. Within this framework the impacts of development on two endangered ecological communities (EECs) – Yellow Box Red Gum Grassy Woodland (YBRGW) and Natural Temperate Grasslands (NTG) – and a number of rare and threatened species (i.e. Brown Treecreeper *Climacteris picumnus*, Pink-tailed Worm Lizard *Aprasia parapulchella*) and raptors were examined.

Key recommendations included:

Retain woodland habitats (and some secondary grassland habitat) within the southern 50% of the Central Molonglo and North Weston development area. Failing this the following points should be strongly considered;

Increase the width of the proposed Kama wildlife corridor from its current 820m to at least 1,100m. The corridor should be supported by 200m wide buffer zone on the western side and at least 50m on its eastern side and substantial efforts should be made towards the rehabilitation of the woodland and grassland habitats within;

Protect all remnant 'partially modified' YBRGW and NTG habitat;

Provide environmental flows at the 20th percentile;

The proposed development should be referred to the department of Environment and Heritage for impacts to the following matters of national environmental significance (MNES): 'White Box/Yellow Box/Red Gum Grassy Woodland and derived native grasslands' and Pink-tailed Worm Lizard habitat. Other MNES that will require further consideration, but not necessarily referral, include: 'Natural Temperate Grasslands of the Southern Tablelands or NSW and the ACT'; White-bellied sea Eagle; Superb Parrot; Regent Honeyeater; Macquarie Perch and Murray Cod.

Molonglo and North Weston Structure Plan – Annand Alcock Urban Design – (2006)	The Draft Variation is intended to implement the general principles of the Structure Plan. The Structure Plan responds to the strategic direction provided by The Canberra Spatial Plan, suitability assessments undertaken jointly by ACTPLA and NCA, and relevant assessments of the local and regional development context. Extensive public consultation was an integral part of the preparation of the structure plan. The study investigates future urban development in the Molonglo and North Weston and has been undertaken concurrently with infrastructure and engineering studies.
Location and characteristics of raptor nesting sites in the Molonglo and North Weston, ACT – Environment and Agricultural Science and Engineering (EASystems) - (2006)	Commissioned by ACTPLA, the study is to locate key raptor nest sites in the Molonglo and North Weston from an on-ground planning viewpoint. The study examined proposed development boundaries and buffer zones, and whether any redefinition may be required to minimise disturbance or other impacts to raptor nests, particularly for species that are sensitive to human disturbance or for which suitable nest sites are limited. The study follows on from recommendations arising out of two previous studies (Olsen & Fuentes 2004; Debus 2005) commissioned by the Authority. Olsen & Fuentes (2004) recommended that as many nests as possible should be retained in the Valley, and Debus (2005) recommended that a pre development survey be conducted to identify nest sites. The field survey of raptor nests in the Molonglo Valle west from Scrivener Dam was conducted from 25 to 31 October 200 by walking the entire Molonglo riparian corridor to the Murrumbidgee confluence area and searching all wooded areas bounded and flanking Uriarra Road, Tuggeranong Parkway, William Hovell Drive, Drake-Brockman Drive and Stockdill Drive. The study found four active nests within the study area and another three probable breeding territories of the Brown Goshawk; two active nests of the Wedge-tailed Eagle; at least two active breeding territories of the Little Eagle; two active nests of the Brown Falcon; and two nest sites of the Peregrine Falcon. No nest sites of the White-bellied Sea-Eagle were detected but the species was seen foraging along the river corridor. EAS made recommendations for protecting and managing sensitive raptor nesting territories. They also noted that any assessment of actual impact on raptor species from development would require a much more in-depth study.
Light Impact Study – Vision Design – (2006)	This study assesses the likely impacts, and recommends design principles and planning recommendations for light impacts on the Mt Stromlo Observatory that may result from the proposed residential development in the Molonglo and North Weston. It puts forward a set of guidelines that allow both the Observatory and future residents in the Molonglo and North Weston to co-exist. The study recommends that the following guidelines and restrictions be put in place for the proposed Eastern Molonglo and North Weston Development: Establish a 'Light Limitation Zone' which is deemed to include all land within 5km of the Oddie Refractor (the highest and most northerly part of Mr Stromlo Observatory), but extend the zone to also include all of the proposed East Molonglo and North Weston development (to the boundaries at Tuggeranong Parkway in the east, William Hovel Drive in the north), and all of Western Broadacre, and the suburbs of Duffy, Holder, Weston, Rivett and Stirling; Within this Light Limitations Zone, require that all new developments adhere to the lighting

guidelines set down within the report, specifically for the following categories of development:

- o Roads
- o Parks/Pathways
- o Car Parks
- o Public Activity Areas
- o Sports Fields
- o Commercial and Community Housing
- o Low Density Housing
- o Medium Density Housing
- o Commercial Buildings

Orient streets so that they do not point at Mt Stromlo – headlights are an intensely bright luminous source which, in low speed areas, or for parked cars, can be trained towards the Observatory for lengthy periods;

Provide moderately dense evergreen planting barriers at right angles to the direction of view from Mt Stromlo – for example along Uriarra Road – that act as a natural shield to any inadvertent light sources;

Consider similar planting barriers near the tops of rises so they shield lighting on ridgelines;

Enforce lower speed limits in the streets of the new development, so that all streets may be considered as 'minor roads' and illuminated to a lower lighting level category;

Use black asphalt for all road and carpark surfaces to limit the amount of reflected light;

Do not allow any illuminated signage to be oriented so that it is facing the Observatory;

Where the designer has a choice of ground surfaces, select the lowest possible practical reflectance material that is still compatible with the function of the space;

Apply light technical parameters from AS4282;

All public area light fittings to be full cut-off type;

Billboards to be downlit only, not uplit;

Use 'white light' sources in public areas and streets, fitted with suitable ultraviolet filters;

Apply time restrictions on all non-essential commercial and public lighting; and

Implement and maintain a process for the submittal, formal approval and inspection of lighting installations within the Light Limitation Zone, to ensure that they comply with the requirements.

Stormwater Management Strategy: Draft (Molonglo and North Weston) – Cardno Young – (2006)

Cardno Young were commissioned by ACTPLA to develop a Stormwater management Strategy for the Molonglo and North Weston including sub-catchments of the Molonglo River downstream of Scrivner Dam. The report details the assessment of the flow management and drainage aspects of the Strategy whilst a separate report on a Ponds and Lakes Options Study details the assessment of a wide range of options to meet regional and catchment-wide stormwater quality targets given in the Draft WSUD Guidelines for Sustainable Development in Canberra.

The scope of the investigations in both reports focused mostly on opportunities for improved stormwater management within proposed future urban areas in the Molonglo and North

	Weston but also includes the consideration of opportunities within existing urban areas of Weston Creek and Woden Valley. Three approaches for providing regional stormwater treatment measures to meet water quality objectives recommended for the Molonglo and North Weston were identified and investigated; • Distributed regional ponds or wetlands; • Consolidated regional ponds or wetlands; and • One ore more (on-line) lakes on the Molonglo River. The report considers flood planning levels based on the 100 year Average Recurrence Interval flood level and makes recommendations for flow management, drainage safety, and dam safety. The report considers water-reuse issues, riparian zone management and habitat protection
Ponds and Lakes Options Study: Draft (Molonglo and North Weston) – Cardno Young (2006)	This study assessed a wide range of options for the ACT Government to meet the regional and catchment-wide stormwater quality targets given the draft Water Sensitive Urban Design Guidelines for Sustainable Development in Canberra (ACTPLA 2006). The Ponds and Lakes Options Study supports the Stormwater Management Strategy. The aim of the study it is to inform Government on a preferred strategy for ponds and lakes as one component of an integrated stormwater management plan for the Molonglo and North Weston. It considers three proposed options, namely: (1) distributed regional ponds or wetlands, (2) consolidated regional ponds or wetlands, and (3) on one more (on-line) lakes.
Heritage Review (Molonglo and North Weston) (2006) Australian Archaeological Survey Consultants	Commissioned by ACTPLA, this study reviewed the relevant maps, reports and databases held by the ACT Heritage Unit. This resulted in identification of a total of seventy nine (79) previously recorded Aboriginal heritage sites and a total of twenty seven (27) previously recorded non-Aboriginal heritage sites that are located within or immediately adjacent to the study area. The study made a series of management recommendations aimed towards mitigating potential impacts on the cultural heritage resources present within the study area. The report recommendations further heritage investigations within the Molonglo and North Weston to surveying, assess and recording unknown archaeological resources that may be present within the study area, particularly to address Aboriginal heritage issues. Reassessment and recording is particularly recommended for registered Aboriginal sites and artefacts of Medium and High Conservation Value and should be carried out by a qualified archaeologist and representatives from the Registered Aboriginal Organisations. One scarred tree is identified as being of high conservation value and would preferably be conserved or if circumstances warranted, salvaged. One registered rock shelter site was identified and assessed as high conservation value, to be conserved <i>in situ</i> where feasible. The study recognises that, whilst numerous archaeological investigations have incorporated parts of the Molonglo and North Weston study area, a large portion of the area has not been the focus of archaeological survey work and therefore it is unlikely that a comprehensive

	inventory of the Aboriginal heritage resources present within the study area has been achieved. The status of many identified non-Aboriginal sites is also generally unknown and these require re-assessment or re-visiting. The study recommends that a detailed and systematic field survey should be carried out within the identified bounds of the study area prior to any proposed development work commencing. The study also recommends that the field survey findings be compiled into a report submitted to the ACT Heritage Unit and the Heritage Council for review and comment. Heritage Management Plans are also recommended to outline proposed management measure for identified sites.
Heritage Review Geological Heritage: Addendum Report (Molonglo and North Weston) (2006) Australian Archaeological Survey Consultants	This study reviews three sites of known geological significance, identified by the National Capital Development Commission in 1988, which required examination for natural heritage. Sites of geological significance identified by other studies are also reviewed in the report.
Molonglo and North Weston Landscape & Visual Assessment Report (Molonglo and North Weston) 2006 Annand Alcock Urban Design for ACT Planning & Land Authority,	The purpose of this study was to examine the effects of proposed development in the Molonglo and North Weston on the NCA and neighbouring suburbs and to provide visual and landscape recommendations. These recommendations will be used to inform and guide future development as proposed in the Molonglo and North Weston Structure Plan to: ▪ Preserve the existing natural backdrop to the NCA as outlined in the National Capital Plan; ▪ Minimise and mitigate impacts on the natural landscape of the Molonglo and North Weston as outlined in the Territory Plan; ▪ Minimise and mitigate potential impacts on surrounding suburbs; ▪ Ensure landscape quality and visual amenity for the proposed development; and ▪ Illustrate how identified exceptional trees in the Molonglo and North Weston can be incorporated into new development.
Phase 1 Environmental Site Assessment Former Weston Creek Sewage Treatment plant, Adjacent Landfill and Night Spoil Area, Weston Creek District, ACT, 2006, Coffey for ACT Planning & Land Authority	The Environmental Site Assessment (ESA) aimed to: ▪ identify potential areas of environmental concern and potential contaminants of concern and assess potential planning constraints to development; ▪ conduct preliminary soil and groundwater sampling to assess the sites contamination status; ▪ and assess the scope of work and budget estimates required for further Phase 2 investigations and Phase 3 Remedial Action Plan. The findings are the result of site observations, physical records and discussions with personnel with knowledge of the site to represent a reasonable interpretation of the general

	condition of the site. The study assessed that there are three main areas of concern which present constraints to the proposed residential development and construction of an urban pond, namely the Weston Creek Sewerage Treatment Works, Landfill area and night Soil Depot. The Phase 1 ESA has identified the presence of specific areas within these Areas of Environmental Concern which require further assessment. Recommended that further investigation be undertaken as part of Phase 2 ESA.
Roads, Earthworks & Non-hydraulic Services: Draft Working Paper (Molonglo and North Weston), 2006, Maunsell for ACT Planning & Land Authority	Maunsell Australia Pty Ltd was appointed by ACPTLA to establish concepts for the primary transport links within the proposed Molonglo and North Weston Development area and to investigate earthworks issues and non-hydraulic services to the site. The study area is bounded by William Hovel Drive, the Tuggeranong Parkway, Cotter Road, Drake Brockman Drive and an approximate line between the western edge of Belconnen and the western edge of Weston Creek. The study looked at the transport network, and noted that the road network allows the development of the Molonglo and North Weston area to take advantage of its close proximity to the more central town centres and the Canberra CBD. It proposes a strong north-south spine road (arterial) from Coulter Drive to Cotter Road and Streeton Drive, giving good access to the future suburbs and most likely needs to be a four lane road with divided carriageway. This is to be supported by two eastern connector roads; one connecting to Bindubi St and the other to Lady Denman Drive. It is envisaged that the arterial road would become part of a future intertown public transport route and that the development provides the opportunity to expand and strengthen the intertown bus network by creating an orbital system. The study also considered existing conditions including site topography, slope analysis, the surrounding road network and potential need for upgrades of existing roads, cycle path connections, the National Bicentennial Trail as well as the trunk service connections.
Bushfire Risk Assessment Stage 2 (Molonglo and North Weston), 2006, Australian Bushfire Protection Planners for ACT Planning & Land Authority	This report undertakes an assessment of the potential bushfire risks to future development in the Molonglo and North Weston in accordance with the requirements of 'Planning for Bushfire Risk Mitigation' prepared by ACPLA and the 'Strategic Bushfire Management Plan for the ACT' and has been prepared to address the requirement of the Australian Standard for Risk Management AS/NZS 4360:2004. The risk assessment quantifies the current level of risk, prior to the implementation of mitigation measures and provides recommendations on the mitigation measures to the preferred Structure Plan Option, necessary to reduce the level of risk and assesses the level of risk post implementation of the mitigation measures. The study also reassesses the risks identified in Stage 1, which were mostly mitigated through changes to the Draft Variation.
Bushfire Risk Assessment (Molonglo and North Weston), Australian Capital Territory, 2005, Australian Bushfire	The Bushfire Risk Assessment provides preliminary findings on the level of potential bushfire risks to future development in the Molonglo and North Weston and the Western Broadacre Area and provides strategies which will inform the Structure Plan on protection measures required to mitigate the bushfire risk.

Protection Planners for the ACT Planning and Land Authority	Large fires have impacted the Study area in 1936, 1939, 1952, 1983, 1994, 2001 and in 2003. The orientation of the Molonglo and North Weston and the ability for northwest, west and south-west wind-driven fires to impact the proposed development edge will continue the extreme level of risk to any development proposed in the valley. The study recommends that, for the development proceed, the primary protection against the impact of fires to the north-western edge of Molonglo East and the north-western, western and south-western edge of Molonglo West 1 (Central Molonglo area) should be provided by the provision of a land use that creates a Critical Management Zone which is permanently fuel-managed by the nature of the land use (i.e. vineyards/sporting grounds). Molonglo West 2 precinct should be set aside for Broadacre land use and buildings on the precinct edge built to withstand the impact of bushfires. Edge roads with feeder roads linking to internal arterial roads should be provided with primary access roads linking to existing urban development away from the potential fire paths. The adjoining vegetated land, including the Habitat Corridors, should be classified as Bushfire Prone Land and urban development within 100m of the edge road should be restricted to single dwelling houses to minimize evacuation numbers. The Molonglo River Corridor through the East Precinct should be actively managed as a Village Park to prevent fire extension into the precinct.
Preliminary Geotechnical & Contamination Constraints Study (Molonglo and North Weston), 2005, Coffey for ACT Planning & Land Authority	This report presents the results of a study carried out to assess broad geotechnical and environmental constraints to urban development within the Molonglo area. The study divides the development constraints into two broad classes, those that preclude development and those that can be overcome through planning and design. The area slopes in Terrain unit 7 (mostly within the Molonglo River Corridor) are considered too steep for urban development. Specific constraints associated with precious development will require site specific investigation and probable remedial works prior to residential development. The Preliminary Assessment of contamination issues indicates the presence of at least thirteen potential areas of environmental concern within the Molonglo and North Weston urban development area, comprising eight sheep dips, various landfill areas, Weston Creek Sewerage Treatment Works, Coppins Crossing sludge ponds, forestry plantation areas, and a waste oil disposal point. All of these areas should be able to be remediated if required and therefore are not assessed as a significant constraint. Recommended that further investigation of the areas of environmental concern be carried out to assess the nature and extent of potential contaminants and their potential impact on the proposed development of the environment as a Phase II assessment.
Potential impacts of proposed urban developments on raptors in the Molonglo and North Weston, 2005, Dr Stephen Debus.	A proposal for new suburbs in the Valley is likely to remove some foraging habitat, food resources and breeding sites of seven species, disturb the breeding sites of several of these species in remaining woodland adjacent to the new suburbs, and disturb the nest sites of three species that breed or possibly breed in the Molonglo Gorge. Two species are likely to adapt to and live in the new suburbs. Recommendations concerning planning and design of the new suburbs, for minimising impact on raptors, mainly concern maximising native tree and shrub cover within the development

	zone; maximising the amount of woodland retained in urban open space; maximising setback distances of development from the Molonglo River; maximising the width of buffer zone along the Molonglo River corridor; and incorporating devices in the new suburbs to minimise raptor mortality from collisions with vehicles or infrastructure.
Preliminary report on the effect of the development of the Molonglo and North Weston on the community Birds of Prey, 2004, Applied Ecology Research Group, University of Canberra.	The aim of this report is to describe the possible effects of the development on the raptor community in light of what is currently known for the species in the area. The report also aims to highlight the aspects of the biology of each species that are still unknown and are critical for a better understanding of the effects of urban development on these animals.
Distribution of the Pink-tailed worm lizard in the Lower Molonglo and North Weston, ACT, with respect to strategic land planning, 2004, Applied Ecology Research Group, University of Canberra.	Given the context of current planning considerations for this region (ACT Planning and Land Authority 2004, Canberra Spatial Plan), including a consideration of options for residential development, it was considered important that a more-detailed assessment of the distribution of potential habitat be undertaken in the Molonglo and North Weston. The current survey was conducted for the ACT Planning and Land Authority (ACTPLA). The study was confined to areas designated for investigation as urban capable by the Canberra Spatial Plan. The investigation area included parts of Stromlo Forest and extensive areas of privately leased land (Figure 2). It did not include the lower Molonglo Corridor reserve, an area that was previously surveyed by Barrer (1992).

Appendix C Draft Variation to the Territory Plan No. 281 – Molonglo and North Weston.



Planning and Development Act 2007

Draft Variation to the Territory Plan No. 281

Molonglo and North Weston

April 2008

Draft plan variation submitted to the Minister
under s69 of the *Planning and Development Act 2007*



A3879871

1. INTRODUCTION

1.1 Summary of the Proposal

The purpose of this variation is to enable urban development in Molonglo and North Weston through the introduction of urban zones and a structure plan for Molonglo and North Weston. It responds to the strategic direction provided by *The Canberra Spatial Plan* (2004) which identified the Molonglo Valley as the next major urban area, and to issues raised during public consultation on the draft variation in 2007. Under this variation Molonglo and North Weston is well placed to accommodate a significant part of the future population growth and change in Canberra over the next 30 years and beyond in a sustainable manner.

1.2 This document

This document contains the background papers in relation to the proposed draft variation. It comprises the following sections:

- **Section 1** - This introduction.
- **Section 2** - An explanatory statement, which gives reasons for the proposed variation and describes how the proposed zones and overlays have been allocated.
- **Section 3** - The draft variation, incorporating revisions made by the Planning and Land Authority in response to submissions received. It proposes changes to certain development tables and the Territory Plan map, and the inclusion of a Structure Plan for Molonglo and North Weston, and concept plans for North Weston, Coombs and Wright.

2. EXPLANATORY STATEMENT

2.1 Background

Under this variation urban development at Molonglo and North Weston will accommodate a significant part of the future population growth and change in Canberra over the next 30 years and beyond in a sustainable manner.

The *Structure Plan - Molonglo and North Weston* will provide the basis for more detailed planning including the preparation of concept plans (typically applying to whole suburbs) and estate development plans (detailing the subdivision layout within suburbs) for Molonglo and North Weston.

2.2 The National Capital Plan

The National Capital Plan secures the Commonwealth's continuing interest in ensuring that Canberra and the Territory are planned and developed in accordance with their 'national significance' as set out in section 9 *Australian Capital Territory (Planning & Land Management) Act 1998*.

The National Capital Plan General Policy Plan identifies land use policies for the ACT. Within Molonglo and North Weston, land use policies include 'River Corridors', 'Hills, Ridges and Buffers', 'Rural Areas', and 'Broadacre'. Areas of land that have special characteristics of the National Capital are 'designated areas'. Designated areas currently apply to Mount Stromlo and its slopes (including land on the north eastern side of Uriarra Road) and to land on the western edge the Tuggeranong Parkway south of Glenloch Interchange.

The Territory Plan cannot be inconsistent with the National Capital Plan. An amendment is therefore required to the National Capital Plan before this draft variation to the Territory Plan is approved. An amendment to the National Capital Plan (DA 63) is will shortly be considered by the National Capital Authority and the Federal Parliament. It supports the land use changes as proposed in Variation No. 281 – Molonglo and North Weston.

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 National Capital Plan 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.

2.3 Planning system reform

A project by the ACT Government aimed at streamlining the planning system in the ACT is largely complete. A new legislative framework for the planning system is provided by the *Planning and Development Act 2007* (the P&D Act) which commenced on 31 March 2008. The P&D Act replaces the *Land (Planning and Environment) Act 1991* (the Land Act) and the *Planning and Land Act 2002*.

Another key part of the Government's planning system reform is the restructuring of the Territory Plan which also commenced on 31 March 2008. The new Territory Plan features a system of zones and precincts that are reflected in the Territory Plan map. The P&D Act includes transitional provisions for variations that were initially prepared and released under the Land Act. These provisions enable the Territory Plan variation process to continue after the commencement of the new legislation.

The draft variation has been revised to ensure that it is consistent with the new Territory Plan and legislative requirements. The intention to make such revisions was outlined in the exhibited version of the draft variation.

2.4 Environmental assessment

Preliminary assessment of a draft variation to the Territory Plan (DV281) and major infrastructure associated with urban development at Molonglo and North Weston was released for public comment with the draft variation.

Following an evaluation of the document, the Environment Minister has determined that no further assessment of the draft variation is required but that further assessment is required of the major items of infrastructure and any other proposal that triggers an environmental impact statement under the P&D Act (see schedule 4).

2.5 Consultation on the exhibited draft variation

Draft variation No. 281 was released for public comment on 31 August 2007 and duly notified. Written comments were invited until 26 November 2007.

A total of 158 written submissions were received. These are summarised in the *Report on Consultation* which is one of the documents submitted to the Minister for Planning under s69 of the P&D Act and made available for public inspection under s70 of the P&D Act.

2.6 Revisions to the Draft Variation

Following the consultation period the ACT Planning and Land Authority made the following revisions to the exhibited draft variation, pursuant to s68 of the P&D Act:

Territory Plan written statement

- Creating an overlay for Stromlo Forest Park (P6) and related changes to the hills ridges and buffer zone development table.
- Deleting tourist facilities, nature reserve and farm tourism as additional prohibited uses in the hills ridges and buffer zone development table. This is consistent with other non-urban zones recognising that plantation forestry will not be pursued on these lands in the future.

Territory Plan map

- General revision to make the exhibited draft map consistent with zones and related provisions of the new Territory Plan.
- Relocation of the proposed arterial roads and associated inter town public transport route
- Relocation of the large group centre from the edge of the Molonglo River corridor to a site on higher ground at the junction of the north-south and east-west arterial roads.
- Relocation of the small group centre further to the north in response to the new alignments of the north-west arterial road and the Bindubi Street extension.
- A minor change to the designated area boundary at the eastern edge of the area subject to the variation to allow for an electricity zone substation.
- A realignment of the urban boundary adjacent to the Canberra International Arboretum and Gardens on the basis that the land formerly shown as designated is not proposed for inclusion in the Canberra International Arboretum and Gardens and should therefore not be identified as designated area.
- Replacing the water feature land use policy over the proposed pond on Weston Creek with a public open space zone (PRZ1). There is no equivalent water feature zone under the new Territory Plan.
- Addition of a Stromlo Forest Park overlay (P6).

Structure Plan Molonglo and North Weston

- Where appropriate references have been updated to reflect the commencement of the Planning and Development Act 2007 and the new Territory Plan.
- Policy 34 is a new policy that seeks to clarify the role that precinct codes can play in regulating development density and building height.
- Policy 42 is a new policy designed to ensure that a strategic environmental assessment is undertaken and considered in the preparation of concept plans for Central Molonglo.
- Policy 76 is amended to require general compliance with a trunk shared path and on-road cycling layout.
- Policy 78 deletes reference to a third crossing of the Molonglo River at the site of a possible future dam. Engineering advice suggests that the topography is not suited to a road of this sort.
- Policy 81 is a new policy that explicitly provides for employment generating development in the proposed large group centre.
- Policy 83 is a new policy that promotes commercial uses, possibly associated with residential development, adjacent to the Molonglo River corridor within the CZ5 zone.
- Minor editorial changes.

North Weston Concept Plan

- The concept plan map has been updated to reflect additional design and engineering assessment.

- General policy 3 is a new policy that outlines the role of concept plans in setting standards that may depart from development codes.
- Specific policy 5 is a new policy that makes provision for the use of stormwater for irrigation purposes subject to relevant Territory legislation.
- Specific policy 17 is a new policy that ensures that buildings are designed to attenuate traffic noise where appropriate.
- Specific policy 18 is a new policy that requires the CIT arboretum to be considered before development proceeds on this land.
- Minor editorial changes.

Coombs Concept Plan

- The concept plan map has been updated to reflect additional design and engineering assessment.
- General policy 2 is a new policy that outlines the role of concept plans in setting standards that may depart from development codes.
- Specific policy 16 is a new policy that ensures that buildings are designed to attenuate traffic noise where appropriate.
- Specific policy 17 is a new policy that makes provision for the use of stormwater for irrigation purposes subject to relevant Territory legislation.
- Minor editorial changes.

Wright Concept Plan

- The concept plan map has been updated to reflect additional design and engineering assessment.
- General policy 2 is a new policy that outlines the role of concept plans in setting standards that may depart from development codes.
- Specific policy 15 is a new policy that ensures that buildings are designed to attenuate traffic noise where appropriate.
- Specific policy 16 is a new policy that makes provision for the use of stormwater for irrigation purposes subject to relevant Territory legislation.
- Minor editorial changes.

3. VARIATION

3.1 Variation to the Territory Plan map

The Territory Plan map is varied by substituting the current map for the area subject to variation with the map at *Figure 3.1*. It is also varied by extending the inter town public transport route (IPT) along Coulter Drive to the existing IPT in the north and, in the south, along Streeton Drive and Hindmarsh Drive to the existing IPT in Woden Town Centre.

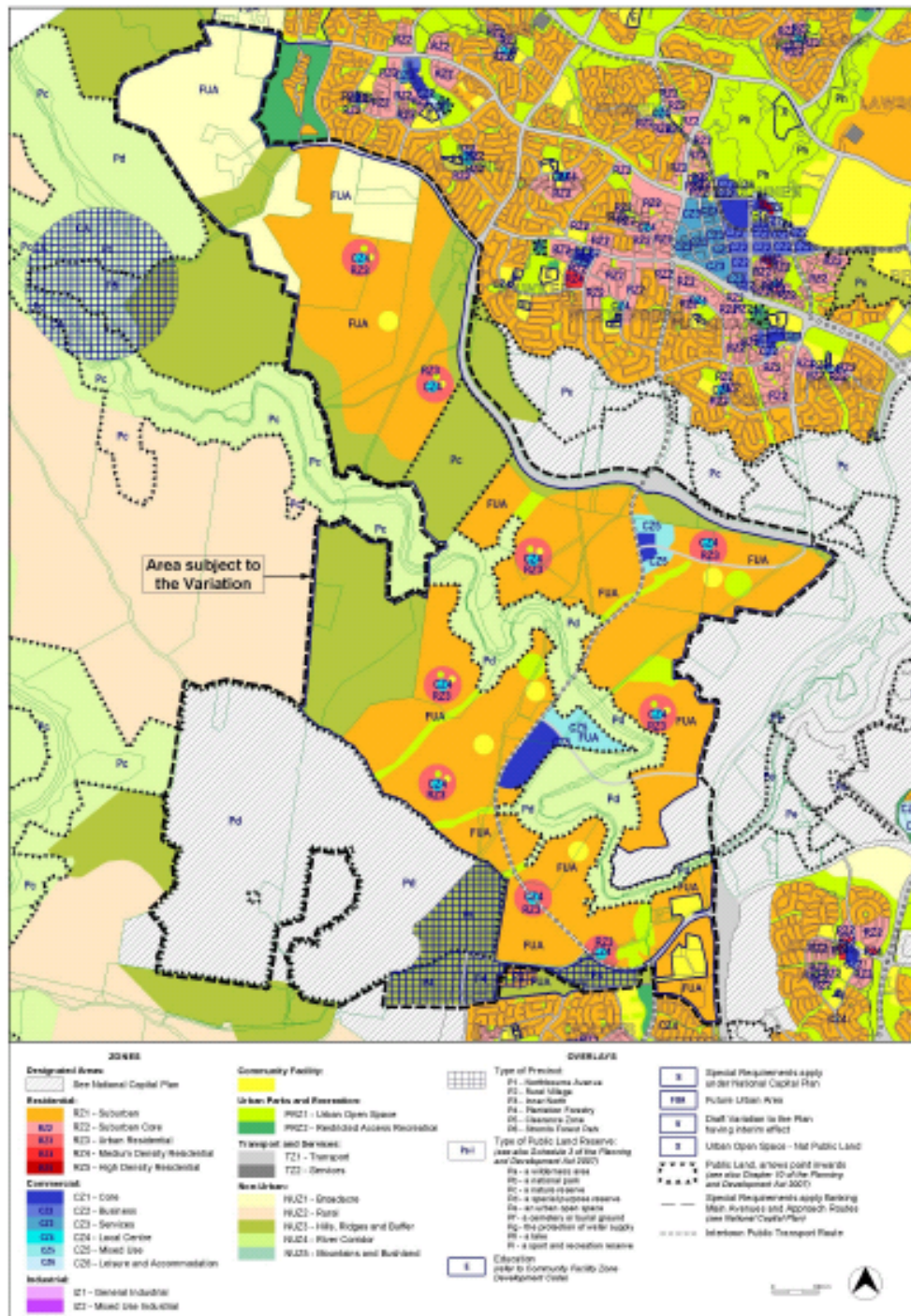


Figure 3.1 Territory Plan Map

3.2 Variation to the Territory Plan volume 1

Territory Plan volume 1 is varied by

- a. deleting from the NUZ3 – Hills, Ridges and Buffer Zone Development Table the following table:

Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below		
Site Identifier	Additional Development	Code
Belconnen Block 1586 (Figure1)	Landfill site	Non-Urban Zones Development Code
P4 – Plantation forestry Overlay	Overnight camping area	
	Plantation forestry	
	Tourist facility	

and inserting instead:

Specific areas have additional developments that may be approved subject to assessment. These areas and the additional developments are listed below		
Site Identifier	Additional Development	Code
Belconnen Block 1586 (Figure1)	Landfill site	Non-Urban Zones Development Code
P4 – Plantation forestry Overlay	Overnight camping area	
	Plantation forestry	
	Tourist facility	
P6 – Stromlo Forest Park Overlay	Overnight camping area	
	Plantation forestry	
	Tourist facility	

- b. deleting from the NUZ3 – Hills, Ridges and Buffer Zone Development Table the following table:

Site Identifier	Additional Development
P4 – Plantation forestry overlay	Farm tourism
	Nature conservation area
	Tourist facility

3.3 Variation to the Territory Plan volume 2

Territory Plan volume 2 is varied by inserting after the section headed “Parkwood Egg Farm, Belconnen Landfill, Mugga Lane Landfill, Canberra Abattoir” the following section:

“P6 – Stromlo Forest Park Precinct

Land indicated on the Map enclosed by a blue border within which the code ‘P6’ appears is a listing of Stromlo Forest Park Precinct. This is a precinct for the purposes of the Territory Plan. The Non-urban zones development tables and the Non-urban Zones

Development Code provide detail of the types of assessable development and the controls that apply to this area.”

3.4 Variation to the Territory Plan volume 3

Territory Plan volume 3 is varied by:

- a. inserting after section 1.9 a new section 1.10
- b. inserting in section 1.10 Structure Plan Molonglo and North Weston, April 2008. (This structure plan is at *Appendix 1*.)
- c. inserting after section 2.9 new sections 2.10, 2.11 and 2.12
- d. inserting in sections 2.10, 2.11 and 2.12 respectively: North Weston Concept Plan, April 2008; Coombs Concept Plan, April 2008; and Wright Concept Plan, April 2008. (These concept plans are at *Appendices 2, 3 and 4* respectively)