



Simon Corbell MLA

MINISTER FOR HEALTH MINISTER FOR PLANNING

MEMBER FOR MOLONGLO



Mr Mick Gentleman MLA
Chair
Standing Committee on Planning and Environment
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	9
DATE AUTH'D FOR PUBLICATION	29/7/05.

Dear Mr Gentleman

I refer to your letter dated 18 May 2005 inviting submissions to the Committee's inquiry into urban vegetation and wildlife corridors, and the integration of biodiversity conservation in land use planning in the ACT and sub-regions.

Planning in the ACT is guided by the *Planning and Land Act 2002* and the *Land (Planning and Environment) Act 1991*. These Acts provide for a planning and land system that contributes to the orderly and sustainable development of the ACT, which is consistent with the social, environmental and economic aspirations of the people of the ACT. The meaning of sustainable development as defined in the *Planning and Land Act 2002*, means the effective integration of social, economic and environmental considerations in decision-making processes, achievable through implementation of the sustainable development principles including the conservation of biological diversity and ecological integrity.

The *Land (Planning and Environment) Act 1991* establishes the Territory Plan, which provides the planning framework for land use planning within the ACT. It also provides for the reservation and management of public land for a range of purposes including nature conservation, wilderness area, national park and urban open space.

Over recent years there has been a growing awareness of environmental issues and better understanding of ecological and biodiversity conservation principles. The ACT Planning and Land Authority and Environment ACT work closely together to ensure that these principles and the importance of the environment are recognised in current planning processes for new and established areas in the ACT, with land use decisions dependent on the completion of detailed studies and investigations

ACT LEGISLATIVE ASSEMBLY

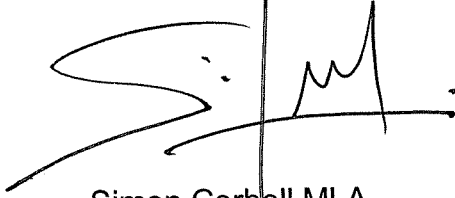
London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601

Phone (02) 6205 0000 Fax (02) 6205 0535



The Planning and Land Authority has prepared the attached submission outlining the planning processes for land use planning in the ACT and the consideration of the integration of biodiversity conservation in the planning for development in East Gungahlin.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Simon Corbell', written over a horizontal line.

Simon Corbell MLA
Minister for Planning

26-7-05

Submission to the Standing Committee on Planning and Environment

Inquiry into urban vegetation and wildlife corridors, and the integration of biodiversity conservation in land use planning in the ACT and sub-regions.

Planning Process

The planning process undertaken in the ACT recognises the integration of biodiversity in land use planning and its sub regions. As the attached flowcharts for the Urban Development and Concept Planning processes demonstrate, consideration of environmental issues including biodiversity, heritage and tree protection occurs throughout, with ongoing surveys, agency and public consultation and assessment undertaken to ensure the integration of these matters. In particular, both the Structure Planning and Concept Planning processes involve detailed assessment of environmental matters to derive land use outcomes that protect and incorporate these values.

Structure Planning Process

A Structure Plan sets out the broad framework (transport network, trees, environmental, open space system) and the land use patterns (residential, commercial and community sites) for the future planning of a district or part of a district. It establishes a robust and flexible framework of objectives, principles and land use policies to guide the development of the area within the context of ecologically sustainable development.

In determining the land use patterns for an area the Structure Planning process identifies the key strategic environmental values of an area based on advice provided by Environment ACT. This information is based on the details outlined in Action Plans established under the *Nature Conservation Act (1980)* and is used as a basis to determine broad areas for conservation and principles for development in adjacent areas including connectivity and interface requirements. Typically, these Action Plans reflect regional and sub regional environmental data regarding endangered and vulnerable species and communities and are used as a basis to inform decision making.

Using the creation of Goorooyarro Nature Reserve in Gungahlin as an example, Action Plan 27 'The Lowland Woodland Conservation Strategy' (LWCS) identifies this area as a priority conservation action in the ACT providing connectivity between Majura and Mulligans Flat Nature Reserve. Areas that are identified as part of the core conservation estate of the ACT are generally identified as Hills, Ridges and Buffer land use policy in the Territory Plan, which is the intent of DVP 231 in creating the Goorooyarro Nature Reserve. Subsequently, the creation of

the Goorooyarroo Nature Reserve represents the integration of planning and environmental legislation with the requirements of the Nature Conservation Act being reflected in the land management principles identified in the Territory Plan.

Similarly, the proposed creation of two grassland reserves and a woodland reserve in Jerrabomberra as announced by the Chief Minister on 22 July 2004 is an important recognition of the need to formally protect the environmental values of these areas. Significantly, the creation of these reserves will provide connectivity, linking woodland and grassland habitat between the ACT and NSW. In particular, the proposed East Jerrabomberra Grassland reserve is located directly adjacent to the existing Letchworth Reserve in NSW and is an important recognition of cross border issues in protecting this habitat.

In addition, broad scale heritage surveys and exceptional tree surveys in accordance with the requirements of the relevant legislation are undertaken as part of the preparation of the Structure Plan to identify the location of these key elements. If any items of Aboriginal and European significance and exceptional trees are identified they are typically located within Urban Open Space or Community Facility Land Use Policies as part of the Structure Plan and its associated land uses. By locating these items within these land use policies they are protected from or can be incorporated in a sensitive form of development as part of the detailed design of a suburb.

Concept Plans

Based on the principles identified in the Structure Plan detailed Concept Plans are prepared for individual or parts of suburbs. A Concept Plan specifies notional land uses, broad infrastructure requirements, higher order road network (distributor roads), key features and boundaries of the suburb. It also identifies overall planning principles and mandatory and non-mandatory planning requirements including land use, land management and urban design that identify how development is to proceed in accordance with the environmental characteristics of the area.

Concept plans use all available environmental information that has been identified as part of earlier strategic planning assessments and augment these with further detailed and site specific environmental examination if considered necessary as part of a two stage planning process. The first stage involves the investigation of all available information to determine opportunities and constraints prior to any design being undertaken whilst the second stage tests concept plan options to determine the most appropriate outcome that balances planning and environmental objectives.

Consultation with relevant agencies including Environment ACT, Department of Urban Services and the Emergency Services Authority occurs throughout this process.

Environmental assessment

The environmental assessments that are undertaken as part of the Concept Planning process typically include the following, which are undertaken in accordance with the characteristics of the site and statutory and legislative processes:

- Environmental flora and fauna assessment to confirm existing information and identify any management requirements including urban edge treatments and retention of habitat within the urban environment (eg retaining trees in parks and open space, along road verges and in buffer areas including drainage channels). To facilitate habitat creation and connectivity within the urban environment Concept Plans recommend that the major roads within suburbs are planted with eucalypt species. It should be noted that all possible effort is made to retain habitat trees but that consideration also needs to be given to safety issues (eg dropping of limbs);
- Aboriginal and European heritage assessment to confirm requirements in accordance with Heritage Act 2004 and possible measures for protection in open space/community facility sites or salvaging requirements;
- Significant tree survey and assessment to identify/locate existing and potential habitat value assets/corridors, which should be retained or added to when developing the concept plan for the suburb;
- Draft Tree Management Plan, which is based on tree survey and assessment, is overlayed on the preferred concept plan. This plan is used to gain the support of EACT to the retention/removal of identified significant trees in accordance with current legislation;
- Geotechnical assessment is instigated in specific areas where environmental values have to be better understood in order to plan appropriately. As an example, the Jacka Concept Plan which encompassed the Horse Park Wetland required an additional geotechnical assessment in order to identify the area of the associated pedoderm to be protected from development and subsequent protection of the downstream Wetland; and
- Bushfire risk assessment is undertaken to identify risks and the required mitigation measures that must be put in place to enable a suburb to be developed in accordance with statutory requirements. These measures include physical design elements as well as management policies and guidelines such as the imposition of Asset Protection Zones both outside

and within the suburb. In the latter case this includes the requirement to minimise the risk from ember attack for construction of dwellings to a minimum level 1 construction as set out in the Building Code of Australia within a specified distance of the suburb's edge. These assessments take into account the identified environmental and conservation values of the surrounding vegetation in arriving at outcomes to be implemented.

These assessments demonstrate the integration between planning and legislative requirements with their findings used to inform the Concept Plan outcomes. All of these assessments are referred for comment and approval to relevant agencies including Environment ACT, Emergency Services Authority and DUS to ensure that this process and its outcomes are satisfactorily incorporated into the Concept Plan.

Cat Containment

The Authority supports the implementation of cat containment policies and has been at the forefront of implementing the Government commitment to this issue. Recent concept plans prepared by the Authority or the Land Development Agency for the suburbs of Forde and Bonner, adjacent to the Mulligans Flat Nature Reserve recognise this requirement and incorporate measures to ensure that this commitment is met. These include requirements for signs outlining the environmental values of these reserve areas and the inclusion of education material in the sale documentation for these estates.

In addition, early consideration of cat containment has already commenced for Throsby, which is adjacent to Mulligans Flat Nature Reserve and Goorooyarroo Nature Reserve in north east Gungahlin. DVP 231 and its associated Structure Plan and Preliminary Assessment (PA) recognise the possibility of implementing similar measures for the areas north of Horse Park Drive, which are to be further investigated as part of the Concept Planning process for this area.

EAST GUNGAHLIN

The following outlines the process undertaken for East Gungahlin, which contains large areas of the endangered ecological community, Yellow Box/Red Gum Grassy Woodland in establishing a planning framework for this area that recognises and incorporates these values.

BACKGROUND

In 1997-2003 the Wildlife Research and Monitoring Unit (WRMU) of Environment ACT (EACT) undertook an assessment of the extent and quality of native vegetation in the ACT. This work resulted in important areas of high quality woodland in the Gooroo area of East Gungahlin being identified. The area was found to contain significant patches of the endangered Yellow Box/Red Gum Grassy Woodland community that provides a wildlife corridor linking Mulligans Flat Nature Reserve to Majura.

In response to the need for more information about the Gooroo area, an understorey vegetation and potential fauna habitat survey was conducted by WRMU during March 2001. The aim of the survey was to re-assess the understorey vegetation of woodlands in the Gooroo area north of Horse Park Drive and to assist the Authority in defining the urban interface with conservation areas. The March 2001 survey took into account more attributes of the entire ecological community than the 1997 preliminary woodland assessment, which was largely based on tree species composition and density.

The high conservation value Yellow Box/Red Gum grassy woodlands defined the limit of urban development in the Gooroo area. Areas having 'above average ratings' were used by the Authority and EACT to develop a number of possible spatial conservation options. A follow up survey of the secondary grassland in Gooroo during December 2001 assisted in confirming the extent of the possible conservation areas. The area was further refined in early 2003 to coincide with the release of the draft Lowland Woodland Conservation Strategy by EACT, which proposed a nature reserve in the Gooroo area to protect the remnant Yellow Box/Red Gum Grassy Woodlands.

Based on this information, a planning balance sheet was adopted by the Authority and EACT as the basis for comparison of a number of conservation options for the Yellow Box/Red Gum Grassy Woodlands. The major objectives against which the options were assessed comprised:

- Conservation of significant environmental values;

- Maximising access and urban design quality;
- Connectivity with Mulligans Flat;
- Protection of lower altitude woodlands and secondary grasslands.

This work resulted in final agreement being reached between EACT and the Authority on the extent of the areas requiring protection from urban development and the definition of a nature reserve boundary. The area reserved for conservation will protect approximately 700ha of Yellow Box/Red Gum Grassy Woodland in what is now known as the Goorooyarroo Nature Reserve.

DRAFT VARIATION 231 – EAST GUNGAHLIN SUBURBS OF KENNY AND THROSBY AND GOOROoyARROO NATURE RESERVE

Draft Variation to the Territory Plan 231 – East Gungahlin Suburbs of Kenny and Throsby and Goorooyarroo Nature Reserve (DVP 231) proposes to amend the land use policies for the area subject to the variation to formally protect the environmental values outlined above. This process will formally recognise the boundaries of Goorooyarroo Nature Reserve in the Territory Plan and place a defined land overlay on the future residential suburbs of Kenny and Throsby. The DVP and its associated Preliminary Assessment (PA), which were compiled with the input of specialist consultants including ecologists, fire experts and heritage have both been subject to Government agency consultation and include technical input (including ecological and fire) from relevant areas to ensure that all issues have been addressed.

In addition, consultation on the DVP and PA has been undertaken with community groups including the Conservation Council of Canberra and the South East Region, the Gungahlin Community Council and with the general public through the formal process required for these items. This process included an on-site walk of the boundaries of the Goorooyarroo Nature Reserve between EACT and the Conservation Council.

DVP 231 takes into account the existing boundary of Mulligans Flat Nature Reserve and facilitates the creation of Goorooyarroo Nature Reserve. Prior to being released for public comment DVP 231 was referred to the Conservator for Flora and Fauna in accordance with the requirements of section 16 of the *Land (Planning and Environment) Act 1991*. The Conservator noted that the DVP 'addresses one of the key priority actions included in *Action Plan 27 (the Lowland Woodland Conservation Strategy)* by establishing the Goorooyarroo Nature Reserve, a major addition to the nature conservation estate in the ACT'.

Notwithstanding, concerns have been raised regarding the area's exposure to fire hazard and the appropriateness of the width of the corridor between Mulligans Flat and Goorooyarroo Nature Reserve. These issues have therefore been further analysed and options considered by the Authority and EACT.

ISSUES

Fire

Throsby and the area of Kenny above Horse Park Drive have been the subject of an independent Bushfire Risk Assessment (BRA) as part of the DVP/PA process ahead of the commencement of the concept planning process. The assessment (completed in September 2004) was prepared with considerable agency input, particularly from the DUS Bushfire Management Unit. The BRA clearly recommended that residential development in Throsby and Kenny could proceed provided the development is in accordance with the assessment's recommendations. In particular, the assessment recommended that houses in the northern part of Throsby and on the western edge of that part of Kenny above Horse Park Drive (within 100m of the interface with Goorooyarroo Nature Reserve) should be built to meet Level 1 of the Australian Standard AS3959. Elsewhere, dwellings need only conform to the ordinary specifications in the Building Code of Australia.

Both the draft and final assessment report were referred to relevant agencies including the Emergency Services Authority, Environment ACT and DUS Bushfire Management, who support the findings of the report.

Boundary of Goorooyarroo Nature Reserve

One of the key recommendations of Action Plan 27 was the creation of the Goorooyarroo Nature Reserve. It is a major part of the Government's commitment to protect 1000 hectares of Yellow Box/Red Gum Grassy Woodland within the ACT. Goorooyarroo Nature Reserve will formally protect approximately 700 hectares of that woodland community. The gazettal of DVP 231 will formally establish the nature reserve under the Territory Plan.

The boundaries of the Goorooyarroo Nature Reserve were established following numerous meetings and a number of on-site discussions between representatives of the ACT Planning and Land Authority and relevant areas of Environment ACT, particularly the Wildlife Research and Monitoring Unit and the Parks and Conservation Service (as the future land manager). The boundaries agreed between these agencies reflect the ecological values of the area based on the recommendations of Action Plan 27 and the land management requirements (including fencing, weed management, fire management etc) of Canberra Nature Park and the additions thereto.

Public Comments on the DVP and PA

The DVP and PA were released for public comment from 24 July 2004 to 03 September 2004. Four comments were received during this period. Of these comments, three were from conservation groups who were primarily concerned with the impacts of future development, particularly those associated with the

also recognises and incorporates opportunities to protect other woodland and natural temperate grassland communities within the urban fabric. Habitat for endangered species including the striped legless lizard (34ha) and several birds including the Hooded Robin and Brown Treecreeper will also be retained and protected within and outside of the reserve.

Protection of trees, heritage within the urban fabric of the suburb

In accordance with the *Tree Protection (Interim Scheme) Act 2001* significant trees will be identified for protection. Wherever possible these will be retained in urban parks, roadside reserves or as part of the landscape setting for community purposes or other less intensive land uses. Similarly, DVP 231 and its associated PA identify significant Aboriginal and European heritage sites and management options for these. This includes registration and salvage of artefacts and retention of features within urban open space or buffer areas. The retention and protection of significant trees and heritage items represents an integration of legislation applicable in the ACT with the planning for East Gungahlin reflecting these requirements.

SUMMARY

The statutory process that is currently being progressed for DVP 231 is the culmination of a considered and detailed approach to the integration of biodiversity in land use planning in the ACT that will result in the formal creation of the Goorooyarroo Nature Reserve. The formal creation of the reserve will result in the protection of approximately 700ha of predominantly Yellow Box/Red Gum Grassy Woodland habitat.

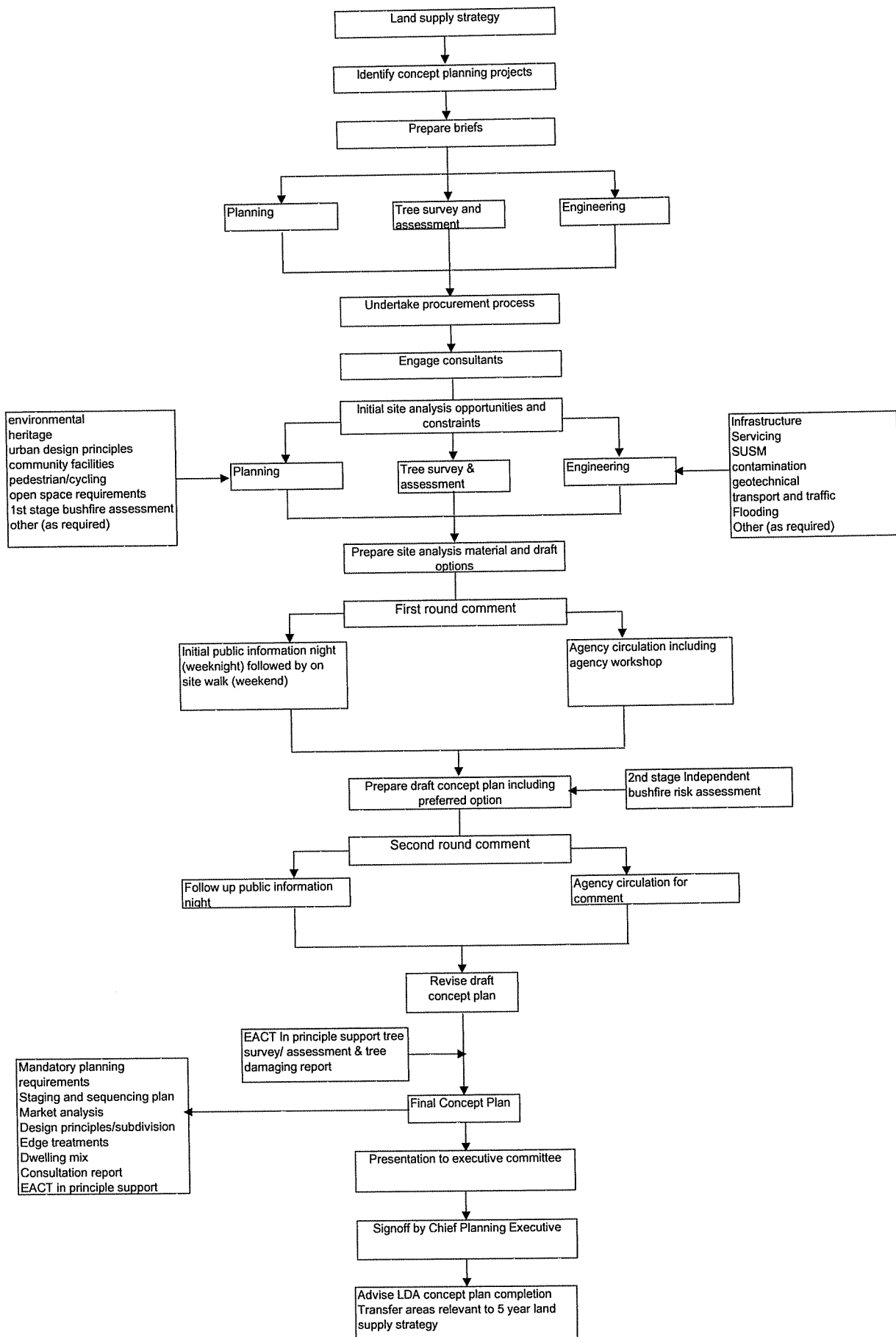
The process outlined above provides an overview of steps undertaken in establishing the reserve and the planning for East Gungahlin by the Authority and Environment ACT. This has included ecological analysis at the regional scale, which has identified the need to provide a wildlife corridor and connectivity between Majura and Mulligans Flat Nature Reserve and detailed refinement of these findings to inform land use policy decisions to determine the most appropriate land use policies for East Gungahlin. Importantly, this process has also considered transboundary issues with ACT Government currently undertaking negotiations with the DoFA to secure a parcel of 25ha of Yellow Box/Red Gum and Red Stringybark woodland adjacent to the reserve in NSW.

In making these land use decisions, the interrelationships between applicable legislation has been considered and is reflected in the principles and policies contained in DVP 231. This includes tree protection, bushfire, heritage and nature conservation and planning requirements to ensure that the variation establishes a framework for future detailed planning that reflects these environmental values. These principles will inform the detailed planning for the

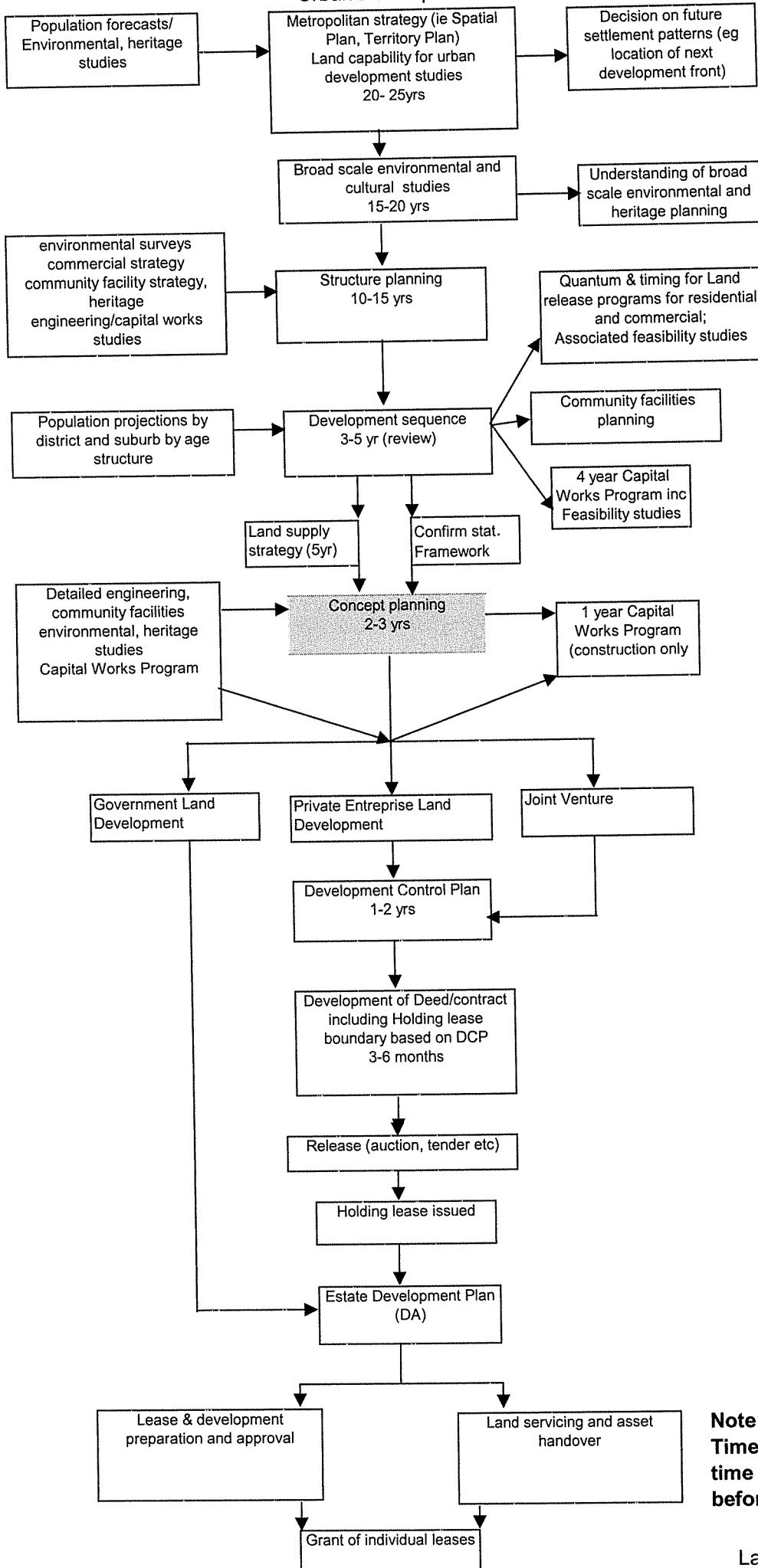
suburbs of Kenny and Throsby, which will further incorporate legislative requirements to incorporate biodiversity conservation in land use planning and promote urban wildlife habitat as outlined in the submission above. It is proposed that this detailed planning process will also result in the implementation of current domestic pet policies that are being applied in Forde and Bonner to protect wildlife within the Goorooyarroo Nature Reserve.

Importantly, the land use planning process undertaken for East Gungahlin recognises the significance of biodiversity protection and incorporates protection measures at a number of scales to ensure that these values are retained.

CONCEPT PLANNING PROCESS



Urban Development Process



Note:
Timeframes =
time period
before sale of land