

2008

LEGISLATIVE ASSEMBLY OF THE
AUSTRALIAN CAPITAL TERRITORY

TABLING STATEMENT

VARIATION NO. 281 TO THE TERRITORY PLAN
MOLONGLO AND NORTH WESTON

Circulated by authority of the
Minister for Planning
Mr Andrew Barr MLA

19 / 08 / 2008

Mr Speaker, Variation Number 281 to the Territory Plan, is the next important step in the implementation of the strategic direction for Canberra's urban growth as documented in *The Canberra Spatial Plan*. The Spatial Plan identifies the Molonglo Valley as Canberra's next major greenfield urban area.

Molonglo and North Weston will accommodate a significant part of the future population growth and change in Canberra over the next 30 years and in doing so achieve high standards in sustainable design.

The major changes proposed in Variation 281 include replacing the current rural and forestry land use policies in East Molonglo and North Weston with primarily urban land use policies such as residential, commercial and urban open space.

Changes to Final Variation

Variation 281 will be implemented through changes to the Territory Plan Map and the Written Statement, including the Molonglo and North Weston Structure Plan, North Weston Concept Plan, Coombs Concept Plan and Wright Concept Plan.

Following further consultation with the community I directed that the Draft Variation be revised. I will outline some of the specific issues that have been incorporated in the variation since the Draft Variation was released:

- implementation of recommendations from the evaluation of the Preliminary Assessment Draft Variation 281, specifically bushfire management plans, heritage management plan for Weetangera Cemetery, and planning of buffer zones;
- implementation of those changes required to ensure that it is not inconsistent with the proposed changes to the National Capital Plan;

- implementation of changes to Variation No.281 and the associated structure plan and concept plans pending the agreements arising from the community consultation;
- the Variation to the Territory Plan is altered to remove Central Molonglo from being considered as a future urban area;
- through the Structure Plan for Molonglo and North Weston the Variation makes specific reference to the provision of infrastructure; and a TZ2 - Services land use policy for the proposed Molonglo Zone Substation; and
- through the North Weston, Coombs and Wright Concept Plans the Variation makes suitable provision for the refinements shown on the maps in the final Variation documentation;

Preliminary Assessment

Draft Variation 281, and the accompanying Preliminary Assessment, were released for public comment in August 2007 and attracted 158 public submissions.

The main issues identified in the consultation period were environmental issues, recreation, traffic concerns, population projections and housing supply, water supply, bushfire protection and planning process matters.

As a result of the community concerns raised and ongoing consultation with key stakeholders, significant changes to the draft Variation, structure plan and concept plans were implemented. These changes included refinements to urban development and open space boundaries; the realignment of road layouts; changes to landscape protection requirements; and the undertaking of further environmental studies.

Further changes included increases to urban open space and increases in development densities in areas close to key transport routes and areas of higher urban amenity.

In my separate role as the Environment Minister under the former Land Act, I was required to evaluate the Preliminary Assessment for draft Variation 281 to determine whether the potential environmental impacts of the Variation had been adequately identified. An independent auditor was engaged to assist in this evaluation.

I found that the Preliminary Assessment adequately identified the environmental impacts associated with Variation 281; however, this was conditional upon the ACT Planning and Land Authority addressing several recommendations identified by myself and the independent auditor.

The relevant recommendations are incorporated into Variation 281 and include:

- the requirement for environmental impact statements under the Planning and Development Act;
- the requirement for bushfire risk assessments in the detailed planning stages;
- the requirement for a Heritage Management Plan to be undertaken for Weetangera Cemetery;
- the requirement for further air quality studies to be undertaken; and
- the requirement for the planning of buffer zone studies to maintain habitat connectivity in sensitive areas.

There has been significant interest regarding a stormwater quality control lake on the Molonglo River. A lake on the Molonglo River was identified in the Preliminary Assessment as an option for stormwater management. It is important to understand that a lake, or any other stormwater management measure, is not identified in Variation 281, and no Government decision or commitment has been made with regard to this issue.

Stormwater management options for Molonglo will be analysed using a triple bottom line assessment approach to identify a preferred stormwater management option. Gauging the level of community support associated with the stormwater management options will form a key component of this study. Further, the

Environmental Impact Statement ultimately required for the final preferred stormwater management option will include a community consultation component.

Additional to identifying community concerns and support associated with the stormwater management options, further detailed ecological, bushfire management and economic work will also be undertaken, prior to Government committing to a specific option.

Planning and Environment Committee report and Government response

The Standing Committee on Planning and Environment considered draft Variation 281 in August 2008. In its report, the Committee made 16 recommendations in relation to draft Variation 281, among which was a recommendation that the Variation proceed.

In the extremely short time available, and noting the issues that were raised as part of the Committee's inquiry, the Government has considered the issues raised and I am pleased to advise that it has agreed to all or part of the Committee's sixteen recommendations.

Mr Speaker, I will now provide a statement on the Government's response to each of the Committee's Report and its recommendations.

The Committee's **first recommendation** is that the proposed Variation to the Territory Plan proceed, subject to the Committee's other recommendations.

The Committee's **second recommendation** is that the ACT Government retain and manage remnant pockets of Yellow Box-Red Gum Grassy Woodland in East Molonglo for conservation purposes.

This recommendation is supported.

ACT Planning and Land Authority will plan for the retention of remnant pockets of existing Yellow Box-Red Gum Grassy woodland in East Molonglo where

possible. Detailed woodland mapping in East Molonglo is programmed for 2008/09.

Topographical constraints and ecological value are some of the issues that will be used to establish specific patches for highest priority conservation.

Responsibility for the land management of the urban open space within which the remnant patches would exist, lies with the Department of Territory and Municipal Services.

It should be noted that remnant pockets that can be retained as part of the urban ecology (i.e. in urban open space) will be unlikely to retain the characteristics of any Yellow Box-Red Gum Grassy woodland community.

The Committee's **third recommendation** is that the Kama Nature Reserve be expanded to provide a more significant wildlife corridor.

This recommendation is supported in part.

Consultants Biosis Research recommended the expansion of the Kama Reserve boundaries to achieve a width of 1,100 metres. The proposed Kama Reserve as shown in Draft Variation 281 has a width of between 950 to 1,150 metres.

The ACT Government has committed to locating any buffer and bushfire protection zones outside the Kama Nature Reserve boundaries adjoining East Molonglo, which may further expand the functional width of the reserve.

The Committee's **fourth recommendation** is that Central Molonglo be removed in perpetuity from being considered as a future urban area.

This recommendation is supported.

The ACT Government will remove Central Molonglo from being considered as a future urban area

The Committee's **fifth recommendation** is that the ACT Government consider implementing a set of conservation leases in the Central Molonglo area.

This recommendation is supported.

ACTPLA, in consultation with TAMS as land managers, will consider the implementation of conservation leases in Central Molonglo and other areas of the ACT. It is important to note that there is currently no allowance for 'conservation leases' in the planning legislation and that large parts of the area are covered by existing 99 year rural leases.

The Committee's **sixth recommendation** is that a comprehensive survey of raptors and woodland birds in the Molonglo Valley, including nocturnal species, should be conducted over the course of four seasons so as to better inform better planning decisions.

This recommendation is supported in part.

The Preliminary Assessment of Draft Variation 281 identified the expected impacts to the Molonglo Valley raptor community as a result of urban development. The PA evaluation found that the impacts had been adequately identified and reported.

Notwithstanding this, further raptor studies in East Molonglo, including nocturnal raptors, will be undertaken as required.

The details of the studies will be drafted in consultation with TAMS and relevant stakeholders. Where required, further consultation with raptor experts will determine the specific type and length of the raptor studies to be undertaken. The Committee's recommendation of conducting the survey over four seasons is noted.

Further studies specifically in Central Molonglo will not be conducted as part of any planning work.

The Committee's **seventh recommendation** is that the ACT Government consider mitigation measures for loss of habitat, in particular the conservation and restoration of remnant woodland areas.

This recommendation is supported.

Further work with regard to mitigation measures, conservation and restoration is to be undertaken. The first study to further look at these issues will be a strategic assessment of Molonglo and North Weston, under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*. The strategic assessment is planned to be commenced in Spring 2008.

The assessment will consider additional environmental protection policies, mitigation measures and restoration opportunities for woodland, grassland and riparian areas and threatened species habitat in East Molonglo and surrounds. The findings of the strategic assessment will be implemented through on-ground actions and management policies and agreements.

The Committee's **eighth recommendation** is that the ACT Planning and Land Authority assess the impact of the development on other uncommon species in the Molonglo Valley.

This recommendation is supported.

While the evaluation of the PA of draft Variation 281 found that the potential environmental impacts of the Variation were adequately identified, further environmental studies on uncommon species in East Molonglo will be undertaken.

These are currently being progressed through the Molonglo stormwater management options study; and the strategic assessment.

Species and communities of particular interest include the pink-tailed worm lizard, yellow box-red gum grassy woodland and natural temperate grassland.

The findings of these studies will inform opportunities for mitigation, conservation and restoration, and will inform further detailed planning of East Molonglo.

The Committee's **ninth recommendation** is that cat containment be mandatory for the whole Molonglo Valley region.

This recommendation is supported.

While this is not a matter that can be dealt with through the Territory Plan Variation process, this issue has been referred to TAMS for consideration.

Declaration of new cat containment areas can be implemented by TAMS through a disallowable instrument under the *Domestic Animals Act 2000*. It should be noted that the declaration will not make suburbs 'cat free'. Rather, it would mean domestic cats in the declared cat containment areas would be required to be kept within residential premises or purpose-built cages at all times, that is 24 hrs a day, such as what is in effect in the new suburb of Forde.

The Committee's **tenth recommendation** is that the lake option not proceed unless it receives community support.

This recommendation is supported in part.

Draft Variation 281 does not identify nor commit the Government to a lake on the Molonglo River, or any other stormwater management option.

Stormwater management options for Molonglo will be further analysed using a triple bottom line assessment approach. Identifying the level of community support associated with the stormwater management options forms a key component of this study.

Further, the Environmental Impact Statement ultimately required for the final preferred stormwater management option will include a community consultation component.

Additional to identifying community concerns and support associated with the stormwater management options, further detailed ecological and economic work will also be undertaken, prior to any Government commitment.

There may be, however, despite community views, compelling reasons for pursuing a particular course of action identified through an EIS process.

The Committee's **eleventh recommendation** is that Critical Management Zone for bushfire protection be located outside the Kama Nature Reserve.

This recommendation is supported.

Any buffers zones, such as edge roads, wider verges, and appropriate land uses, around Kama, including those zones for bushfire control, will be located outside the Kama Nature Reserve boundaries identified in Variation 281. This is specifically stated in the urban development policies of the Molonglo and North Weston Structure Plan, in Variation 281.

The Committee's **twelfth recommendation** is that the ACT Planning and Land Authority undertakes further assessment of bushfire management planning risks without a lake.

This recommendation is supported.

Further bushfire risk assessments are required for concept plans and estate development plans, and will be consistent with the Territory's Strategic Bushfire Management Plan. This is specifically stated in Variation 281.

Until the final stormwater management option is identified, bushfire studies associated with land release will not include a lake as part of the assessment. Further, the detailed planning of the river corridor for recreation, stormwater management, or open space, will be cognisant of the need to provide a high quality of bushfire protection for all Molonglo and North Weston residents.

The Committee's **thirteenth recommendation** is that the Australian Archaeological Survey Consultants 2006 heritage review recommendations for the Molonglo Valley be adopted.

This recommendation is supported.

The AASC report recommendations are being implemented. In relation to North Weston, Coombs and Wright, a consultant is being engaged by ACTPLA to undertake a thorough review of the 2006 heritage report, together with additional field-survey investigations that will include test pit sampling as required.

This will be undertaken in conjunction with the ACT Heritage Unit, the Heritage Council and Registered Aboriginal Organisations. The Weston caretaker's cottage is currently undergoing an assessment to determine its heritage significance. Additional heritage investigations will be undertaken for all future suburbs as part of the concept planning process, and prior to any development occurring.

A heritage management plan for Weetangera Cemetery (located outside the development area) is also to be undertaken. It should be noted that the final alignment of the East–West arterial road will be further investigated, with particular reference to the adjoining areas of potential high archaeological sensitivity.

The Committee's **fourteenth recommendation** is that the requirement to adhere to Australian Standards relating to Road Lighting, Obtrusive Effects of Outdoor Lighting, and Sports Lighting be specifically listed in the development controls for all types of development in East Molonglo.

This recommendation supported.

Variation 281 specifically identifies the relevant Australian Standards that are to be addressed in any development in East Molonglo.

The Committee's **fifteenth recommendation** is that the ACT Government prepare a map of all horse-accessible shared paths throughout the Molonglo development area.

This recommendation is supported.

The ACT Government will prepare a map of all horse-accessible shared paths in the Molonglo development area. Trails will be designed to provide connectivity between the National Bicentennial Trail, the Pegasus Disabled Riding School, Forest Park Riding School, and the public Equestrian Park in Yarralumla. Horse specific underpasses will be incorporated where required, and will be built, at a minimum, to the relevant Australian Standards.

The Committee's **sixteenth recommendation** is that the ACT Government take all reasonable steps to maximise solar block orientation for residential development in Molonglo Valley.

This recommendation is supported.

Development will continue to prioritise sustainability measures, such as solar orientation, in all greenfield development areas. Further, the ACTPLA is currently undertaking a review of the ACT's subdivision standards, to ensure that best-practice planning for sustainability is being applied in the ACT.

Conclusion

Mr Speaker, I now table the approved Variation 281 and the Government's response to the Standing Committee on Planning and Environment Report Number 36, on the draft Variation to the Territory Plan No. 281.

I would like to thank the Committee for considering and reporting on the draft Variation and acknowledging the formalisation of the outcomes of strategic planning for the Molonglo area, as identified in The Canberra Spatial Plan in 2004.

2008

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT RESPONSE TO THE STANDING
COMMITTEE ON PLANNING AND ENVIRONMENT

REPORT NO. 36

DRAFT VARIATION NO. 281
MOLONGLO AND NORTH WESTON

Circulated by the authority of
Minister for Planning
Mr Andrew Barr MLA

19 / 08 / 2008

Recommendation 1

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

Response

Noted.

All recommendations will either be fully implemented, implemented in part or are agreed in principle.

Recommendation 2

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

Response

Agreed.

ACT Planning and Land Authority will plan for the retention of remnant pockets of existing Yellow Box-Red Gum Grassy woodland in East Molonglo where possible. Detailed woodland mapping in East Molonglo is programmed for 2008/09. Topographical constraints and ecological value are some of the issues that will be used to establish specific patches for highest priority conservation. The land management of the urban open space within which the remnant patches would exist, lies with Territory and Municipal Services.

It should be noted that remnant pockets that can be retained as part of the urban ecology (i.e. in urban open space) will be unlikely to retain the characteristics of Yellow Box-Red Gum Grassy woodland community.

Recommendation 3

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

Response

Agreed in part.

Consultants Biosis Research recommended the expansion of the Kama Reserve boundaries to achieve a width of 1,100 metres. The proposed Kama Reserve as shown in Draft Variation 281 has a width of between 950 to 1,150 metres.

The ACT Government has committed to locating any buffer and bushfire protection zones outside the Kama Nature Reserve boundaries adjoining East Molonglo, which may further expand the functional width of the reserve.

Recommendation 4

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

Response

Agreed.

Recommendation 5

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

Response

Agreed.

ACTPLA, in consultation with TAMS land managers, will consider the implementation of conservation leases in Central Molonglo and other areas of the ACT. It is important to note, that there is currently no allowance for 'conservation leases' in the planning legislation and that large parts of the area are covered by existing 99 year rural leases.

Recommendation 6

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

Response

Agreed in part.

The Preliminary Assessment of Draft Variation 281 identified the expected impacts to the Molonglo Valley raptor community as a result of urban development. The PA evaluation found that the impacts had been adequately identified and reported.

Notwithstanding this, further raptor studies in East Molonglo, including nocturnal raptors, will be undertaken as required. The details of the studies proposed will be drafted in consultation with TAMS and relevant stakeholders.

Where required, further consultation with raptor experts will determine the specific type and length of the raptor studies to be undertaken. The Committee's recommendation of conducting the surveys over four seasons is noted.

Further studies specifically in Central Molonglo will not be conducted as part of any planning work.

Recommendation 7

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

Response

Agreed.

Further work with regard to mitigation measures, conservation and restoration is to be undertaken. The first study to further look at these issues will be a strategic assessment of Molonglo and North Weston, under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*. The strategic assessment is planned to be commenced in Spring 2008.

The assessment will consider additional environmental protection policies, mitigation measures and restoration opportunities, for woodland, grassland and riparian areas and threatened species habitat in East Molonglo and surrounds. The findings of the strategic assessment will be implemented through on-ground actions and management policies and agreements.

Recommendation 8

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

Response

Agreed.

While the evaluation of the PA found that the potential environmental impacts of the Variation were adequately identified, further environmental studies on

uncommon species in East Molonglo will be undertaken. These are currently being progressed through the Molonglo stormwater management options study, and the strategic assessment.

Species and communities of particular interest include the pink-tailed worm lizard, yellow box-red gum grassy woodland and natural temperate grassland. The findings of these studies will inform opportunities for mitigation, conservation and restoration, and will inform further detailed planning of East Molonglo.

Recommendation 9

The Committee recommends that cat containment be mandatory for the whole Molonglo Valley region.

Response

Agreed.

This is not an issue that can be dealt with through the Territory Plan Variation process. However this issue has been referred to TAMS for consideration.

Declaration of new cat containment areas can be implemented by TAMS through a disallowable instrument under section 18(1) of the *Domestic Animals Act 2000*. It should be noted that the declaration will not make suburbs 'cat free'. Rather, it would mean domestic cats in the declared cat containment areas would be required to be kept within residential premises or purpose-built cages at all times (that is, 24 hours a day), such as what is in effect in the new suburb of Forde in Gungahlin.

Recommendation 10

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

Response

Noted.

Draft Variation 281 does not identify nor commit the Government to a lake on the Molonglo River, or any other stormwater management option.

Stormwater management options for Molonglo will be further analysed using a triple bottom line assessment approach.

Identifying the level of community support associated with the stormwater management options forms a key component of this study. Further, the Environmental Impact Statement ultimately required for the final preferred stormwater management option will include a community consultation component.

Additional to identifying community concerns and support associated with the stormwater management options, further detailed ecological and economic work will also be undertaken, prior to any Government commitment.

Recommendation 11

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

Response

Agreed.

Any buffers zones in East Molonglo (such as edge roads, wider verges, and appropriate land uses) adjoining Kama, including those zones for bushfire control, will be located outside the Kama Nature Reserve eastern boundary as identified in Variation 281.

This is specifically stated in the urban development policies of the Molonglo and North Weston Structure Plan (Appendix 1 of Variation No.281).

Recommendation 12

The Committee recommends that the ACT Planning and Land Authority undertaken [sic] further assessment of bushfire management planning risks without a lake.

Response

Agreed.

Further bushfire risk assessments are required for concept plans and estate development plans, and will be consistent with Territory's Strategic Bushfire Management Plan. This is specifically stated in Variation 281.

Until the final stormwater management option is identified, bushfire studies associated with land release will not include a lake as part of the assessment. Further, the detailed planning of the river corridor, for recreation, stormwater management, or open space, will be cognisant of the need to provide a high quality of bushfire protection for all Molonglo and North Weston residents.

Recommendation 13

The Committee recommends that the Australian Archaeological Survey Consultants 2006 heritage review recommendations for the Molonglo Valley be adopted.

Response

Agreed.

The AASC report's recommendations are being implemented. In relation to North Weston, Coombs and Wright, a consultant is being engaged by ACTPLA

to undertake a thorough review of the 2006 heritage report, together with additional field-survey investigations, which will include test pit sampling as required. This will be undertaken in conjunction with the ACT Heritage Unit, the Heritage Council and Registered Aboriginal Organisations.

The Weston caretaker's cottage is currently undergoing an assessment to determine its heritage significance. Additional heritage investigations will be undertaken for all future suburbs as part of the concept planning process, and prior to any development occurring.

A heritage management plan for Weetangera Cemetery (located outside the development area) is also to be undertaken. It should be noted that the final alignment of the East–West arterial road will be further investigated, with particular reference to the adjoining areas of potential high archaeological sensitivity.

Recommendation 14

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 the development controls for all types of development in East Molonglo.

Response

Agreed.

Variation 281 specifically identifies the relevant Australian Standards that are to be addressed in any development in East Molonglo.

Recommendation 15

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

Response

Agreed.

The ACT Government will prepare a map of all horse-accessible shared paths in the Molonglo development area. Trails will be designed to provide connectivity between the National Bicentennial Trail, the Pegasus Disabled Riding School, Forest Park Riding School, and the public Equestrian Park in Yarralumla. Horse specific underpasses will be incorporated where required, and will be built, at a minimum, to the relevant Australian Standards.

Recommendation 16

The Committee recommends that the ACT Government take all reasonable steps to maximise solar block orientation for residential development in Molonglo Valley.

Response

Agreed.

Development will continue to prioritise sustainability measures, such as solar orientation, in all greenfield development areas. Further, ACTPLA is currently undertaking a review of the ACT's subdivision standards, to ensure that best-practice planning for sustainability is being applied in the ACT.