



Friends of Grasslands

supporting native grassy ecosystems

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Nicola Derigo
Secretary
Standing Committee on Planning and Environment
ACT Legislative Assembly
CANBERRA ACT 2600

Dear Ms Derigo

Territory Plan Draft Variation No.281 - Molonglo and North Weston

I am writing to provide a submission from Friends of Grasslands (FoG) towards the Standing Committee's inquiry into the above. FoG is a community group dedicated to the conservation of natural temperate grassy ecosystems in south eastern Australia. FoG advocates, educates and advises on matters to do with conservation of grassy ecosystems, and carries out surveys and other on-ground work. FoG is based in Canberra and its around 200 members include professional scientists, landowners, land managers and interested members of the public. FoG has been interested in proposed developments in Molonglo for some years, and active in response, for example: FoG sought recognition of the pink tailed worm lizard (*Aprasia parapulchella*, already resident in parts of the proposed development areas) as a vulnerable species; assisted the Conservation Council ACT Region (CC) in its vegetation survey of the areas (leading to the report discussed below); and has been active in the CC's ongoing campaign to protect the woodlands.

FoG provided a submission to ACTPLA on DV281 and the related Preliminary Assessment in November 2007. FoG stated in that submission that its '*collective engagement* [with a range of groups, including the CC] *over recent years has been frustrated by an apparent disinterest within ACT Government to integrate a range of legitimate ecological and other environmental concerns into this planning process*'. Although FoG welcomed the Chief Minister's announced moratorium regarding the development of Central Molonglo, it remains concerned about various matters (see below). FoG notes that the Planning Minister has asked the Standing Committee's Chair to take the Government's moratorium into account when considering the Draft Variation.

For the Standing Committee's benefit, FoG restates its position on the proposed development, even with the exclusion (for now) of Central Molonglo, as follows.

- o FoG is not opposed to some urban development of the Molonglo Valley and North Weston. However, FoG remains concerned that the proposed developments
 - o are inconsistent with principles of ecological sustainability, and
 - o threaten ecosystem function, already threatened and declining communities/species/habitats, and native vegetation generally.
- o FoG is more likely to support a proposal that
 - o avoids or minimises destruction of native vegetation and habitat, particularly threatened woodlands and grasslands and other areas of high conservation value (see below), and suitably buffers such areas
 - o includes specific methods to ameliorate threats to riparian vegetation, especially the river she-oak community, habitat for the pink-tailed worm lizard and declining

- o and threatened bird species (e.g. suitable fencing to reduce human impact)
- o abandons the proposed lake because it will destroy pink-tailed worm lizard populations, riparian communities, and habitat for threatened and declining bird species and small mammals.
- o FoG supports developments meeting the social and broader environmental needs of the population, e.g. for an aging population, to provide efficient public transport, to increase water efficiency and reduce wastage, and to reduce or preferably avoid greenhouse gas emissions.

FoG's original submission suggested principles of good planning, which had not been demonstrated in the DVTP/PA, and these are summarised for the Standing Committee (Attachment A). FoG also provided supporting statements for its position on the proposed development, which are restated and summarised for the Standing Committee (see Attachment B). FoG draws Standing Committee's attention to the declaration in April of the pink tail worm lizard as a vulnerable species in the ACT, and that significant populations have been recorded along the Molonglo River corridor.

FoG supports in full the recommendations of the CC report on the impacts of the proposed developments on endangered woodlands¹, which I understand has been provided to the Standing Committee, and CC's submission to Standing Committee.

Further to FoG's previous submission on the DVTP, and the moratorium, and informed by the work of the CC, the matters of ongoing concern to FoG are as follows.

The unsatisfactory planning and public 'consultation' process. As already mentioned, FoG had concerns about this in its original submission, and is alarmed that the many and often detailed public submissions have not resulted in an improved DVTP. The failure of ACTPLA to alter the DVTP - despite the effort made by the community, the nature of concerns raised and solutions suggested (and the resources used in documenting them) - reveals its lack of commitment to real consultation. Accordingly, FoG welcomes the Standing Committee's inquiry.

The unacceptable potential extent of loss of remnant Box Gum Woodland. The CC report is clear in its assessment, and FoG is very concerned that:

- o the ecological assessment on which the planning proposals are based is inadequate
- o the concept of ecologically sustainable development is not even understood let alone integrated into the planning
- o the recommendations of the ACT woodland conservation strategy (e.g. Action Plan 27) and the NRM Plan, namely to retain and improve Box Gum Woodland remnants, are not being pursued through the planning proposal for the Molonglo valley
- o opportunities to retain and enhance critical remnants may be missed - given the status of these woodlands, the ACT's priority should be to retain and strategically restore them, to improve their condition and extent in line with its own *and* national policy
- o the ACT has no system to assess the extent of potential biodiversity loss and to calculate a remedy (e.g. via offsets), similar to those available in other jurisdictions e.g. NSW and Vic (see further below)
- o the inconsistencies between ACT and Cth legislation - leading to differential assessment of values of Box Gum Woodland remnants - have not been dealt with in planning, *strategically*; given the extent of loss of Yellow Box - Blakelys Red Gum Grassy Woodland and derived native Grassland, the significance of the remnants is obvious and referral under the EPBC Act will be required.

¹ *Proposed Molonglo urban developments and their significant impact on endangered woodlands: a report prepared by the Conservation Council ACT Region, June 2008*

The need for offsets. FoG accepts that there will be cases where natural values will be lost or degraded because of community acceptable developments, but this should only be in exceptional circumstances, and should be offset adequately. Other Australian jurisdictions have updated native vegetation legislation and seek to achieve 'no net loss', for example by: prohibiting clearing, especially of vegetation listed as threatened; and providing for clearing *only where* there is an offset.

The CC report includes an effective assessment of offsets required to address the extent of clearing proposed in Molonglo (using Victorian and NSW approaches), and makes a very strong case for not only retaining Kama and Central Molonglo in perpetuity (i.e. not to reconsider development of the latter after a moratorium period, ever), but also conserving additional, 'equivalent' areas. Effective offsetting begins with recognising the values of the resource (in this case threatened Box Gum Woodlands), assesses the extent of potential loss to biodiversity, and seeks to minimise and then offset any actual, unavoidable loss.

FoG also notes, and supports, the need for not only securing offset areas, but providing for their active conservation management in the long term. In the case of Central Molonglo, there is also a need to retain its values *during the moratorium period*, to ensure that deterioration because of neglect does not become a reason to develop it later (as its subsequent quality is no longer considered high enough to warrant protection). Effective management for conservation will need stronger lease clauses for the rural land involved, possibly through Conservator's Directions.

FoG advocates for improvements to ACT conservation legislation (via the *Nature Conservation Act 1980* review) to include an appropriately precautionary approach to future clearing, the principle of no net loss, a quality biodiversity assessment system and strong offsetting provisions. Hopefully, such a legislated approach will support better planning in the future.

Placement of the proposed suburban boundaries. As stated already, FoG's view is that development of Central Molonglo should not proceed, ever. The intention to gather further information simply defers a decision on this. Given the status of Grassy Box Woodlands (already 95% cleared) and continuing threats to remnant native vegetation across the ACT landscape, FoG suggests that the appropriate time to remove this development option is *now*. Similarly, with the information reported by CC, FoG supports reducing/avoiding clearing of the Box Gum Woodland and increasing the area proposed to be conserved - whether in reserves or on private lease under long term conservation management agreement - centered on Central Molonglo and including:

- o woodland in the south-east section of North Weston, adjoining Tuggeranong Parkway
- o woodland in the southern section of East Molonglo
- o woodland in the north-east section, adjoining the arboretum
- o native pasture between Kama/Deep Creek
- o woodland to the west of Straith Nairn.

This approach seeks to retain the integrity of remnants (including shape and size), achieve connectivity between remnants and other areas of native vegetation, and provide opportunities for restoration. This would work towards ecological sustainability. FoG recognises the complexity of managing urban area/reserve edges and buffers - to protect conserved areas - and emphasises the need to factor these into planning as early as possible, including to minimise edge effects.

If proposed monitoring and evaluation of the natural resource values of the area including of vulnerable species, as advised in the moratorium announcement, does proceed, FoG seeks further information to consider whether resources available and approach proposed will be adequate.

Referral under EPBC. FoG notes that various aspects will need to be referred (e.g. loss of listed threatened species habitat), that the proposal provides an opportunity for the ACT to work strategically with the Australian Government regarding EPBC implications, and would like to know how that is occurring or will occur. At the stage of referral of specific development proposals, FoG will be interested to consider the mitigation proposed to address potential impacts at both the development (e.g. containment of heavy vehicle movements, management of spoil and drainage) and residential phases (e.g. weeds, fire risk), and opportunities to restore and complement natural values (e.g. amenity in the river corridor, choice of species for planting).

Community awareness. FoG's view is that the ACT Government could do more to raise community awareness of the remnant values of their local landscapes, including Box Gum Woodlands and native grasslands, and in riverine areas. FoG will continue to play its part through a wide range of information and education activities, but we are a small volunteer group, so have limited outreach. FoG commends the work of the CC in continuing its campaign on Molonglo, including targeted community education.

Thank you for the opportunity to provide a further submission on the proposed development. A FoG representative may be available to be a witness at a public hearing on this matter.

Yours sincerely

Geoff Robertson
President
23 June 2008

FoG's suggested principles for good planning [summarised for SCPE]

Principle 1. Presentation of arguments, information and summary conclusions should be objective, honest and balanced. FoG noted that:

- o many statements made were misleading, dishonest and/or fanciful, and provided examples including assertions about community consultation, sustainable design and biodiversity protection that were not supported by evidence, and
- o that there were important omissions, including the lack of offsets.

Principle 2. Community views and expert advice should be recognised, summarised and addressed in subsequent documents. FoG noted that many hours had been spent in consultations and providing written comment, but that such efforts had been largely ignored.

Principle 3. Proposals should aim to avoid reduction in natural ecological function, or loss of native vegetation and habitat for native fauna.
and

Principle 4. Proposals should not reduce the habitat of threatened and rare native species of fauna and flora, or threatened or seriously declining natural ecosystems.

FoG noted that, despite ACT Government conservation legislation and policy, the DVTP presented a blatant attack on these values.

Principle 5. Planning should aim to achieve good management of native vegetation and habitat, and where possible restore them and provide for good connectivity. FoG noted the failure to take advantage of opportunities to improve conservation management and strategic vegetation/landscape connections.

Principle 6. Where any proposal would lead to the destruction, degradation or potential threat to ecological function, native vegetation, habitat, threatened or declining native species and/or ecological communities, suitable offsets should be made and/or mitigation works funded. FoG noted that, while it may not be possible to retain all natural values, under the nationally accepted goal of 'no net loss' of native vegetation, suitable offsets should be sought. FoG also suggested that, where development will/may lead to deterioration of vegetation/habitat, mitigation works should be funded, and provided the failure to mitigate loss of pink-tailed worm lizard habitat as an example.

Principle 7. There should be no destruction of natural landscapes and or indigenous people's heritage. FoG was outraged that ACTPLA would advocate building a dam to make nature safer by obliterating natural landscapes, and pay no heed to retaining indigenous heritage, of which natural landscapes are an important element.

Principle 8. The use of terms such as 'sustainability' should be clearly defined. FoG noted that the use of undefined jargon undermines respect for planning documents.

Reasons for FoG's position [restated and summarised for SCPE]

Natural temperate grasslands (NTG) and yellow-box red gum grassy woodland (YBRGGW) are threatened communities

FoG is committed to the retention of grassy ecosystem remnants and their restoration, and to protecting and enhancing their connectivity; aspirations shared by successive ACT Governments, with some significant failings.

FoG noted that the status of the two communities, under the Nature Conservation Act and the EPBC Act, had been recognised, including the local/regional significance of further loss of YBRGGW. FoG also noted the proposed reservation of part of 'Kama'; Conservator's advice re need for studies to determine appropriate buffers areas and management strategies, and potential for such studies to help identify spatial/ecological characteristics of areas of connectivity to integrate urban/conservation land use objectives'.

FoG stated its view that destruction of native vegetation - particularly large scale and including threatened ecological communities - is not acceptable, and that the lack of information on proposed buffers after so long a period of 'planning' reflected poorly on ACTPLA.

Threats to habitat for already threatened and declining birds

Although other submissions provided detail on likely impacts on bird species/habitat, FoG re-emphasised the link between the decline of many local bird species and their grassy ecosystem habitat, expressed shame that planners/fellow residents would advocate the destruction of such habitat, and suggested that this did not reflect positively on the 'natural capital'.

Further threatened species - the pink-tailed worm lizard

FoG noted that the DVTP outlined the threatened status of the pink-tailed worm lizard (PTWL) including its restriction to 'undisturbed' habitat, identified the lower Molonglo River corridor as a habitat stronghold, and stated the significant local/regional (potentially national) impacts on this species. FoG's stated that the scale of what is proposed is well beyond reasonable; that such dramatic reduction of the area of PTWL habitat, together with loss to developments and other threats elsewhere, could see the demise of this reptile. FoG's view was that the proposed habitat reduction should be avoided by pulling back development and/or finding alternative strategies, e.g. no lake. Beyond that, further potential impacts on habitat should be avoided by specific mitigation, e.g. strategic fencing.

Need for and potential impacts of the proposed lake

FoG noted that little work had been done on the lake proposal, and expressed concern at the apparent disconnection between DV and PA on this matter. FoG opposes the proposed lake as it: serves no purpose for which alternatives do not exist; and threatens existing landscape features, important native vegetation, wildlife corridors and habitat.

FoG argued that the reasons advanced for the lake were insubstantial, for example:

- better retention of water where it falls avoids/reduces the need to build large ponds to manage *stormwater*
- providing 'safer *public access* to water' is an extreme (unnecessary) response to steep topography
- the current landscape already provides *habitat* for threatened/declining species, and a lake is likely to be largely an ecological dessert, favouring non-threatened (even pest) species rather than providing habitat for aquatic life and foraging opportunities
- the value of a lake compared with a series of ponds (and given nearby LBG) or other alternatives was unproved, e.g. to: reduce potable water use by providing a significant quantity of reclaimed water for purposes such as irrigation; provide greater bushfire

protection by presenting a significant barrier to fire and providing easy access for helicopters to take up water to fight fires; cost effectiveness in construction and ongoing maintenance; more effective community focus and identity; greater capacity to provide for passive and active recreational opportunities; potential for higher land returns with water views.

FoG also noted that, after this unconvincing reasoning, the PA failed to outline adequately the negative impacts of the proposed lake.

Vegetation subject to drowning

FoG noted that, while the DVTP gave little or no importance to the riparian zone, the PA:

- o recognised the historical values of the lower Molonglo, and diminishment (e.g. through urbanisation, thermal pollution, mining residues, impacts from adjacent land uses and poor management);
- o noted the potential to regenerate degraded systems through effective land management, water quality improvements and flow management;
- o noted the values of uncommon flora and fauna species, and occurrence of regionally significant riparian communities including riverine shrub associations; also reedlands, sedgeland and rushes, and a fernland community;
- o contrasted the highly modified riparian and river corridor system upstream of Coppins Crossing, primarily from pastoral uses and burnt pine plantations, while noting some habitat values (raptors and PTWL);
- o identified unusually high floristic diversity in the lower Molonglo downstream of Coppins Crossing, again with highly modified riparian vegetation (only fragments of native vegetation) above Coppins Crossing, noting past plantation and weed issues.

FoG's view was that these statements did not adequately address conservation values/options in the riparian zone, for example:

- the 'weedy' native vegetation between Scrivener Dam and Coppins Crossing provides valuable habitat and could be restored; given the poor condition is partly due to nearness of the dam/suburbs, such problems will just move downstream with another dam
- vegetation and habitat improve at Coppins Crossing, which is proposed to be drowned
- there is no assessment of the value/status of vegetation communities; the river she-oak (*Casuarina cunninghamiana*) community is less than 30% of its original area and hence a candidate for threatened community status and recovering from the effects of the 2003 fires
- publication of the ACT Vegetation Classification (RMU/Sharp) will provide useful information to consider.

Other values. FoG also suggested the following:

- the ACT could invest in natural **landscape quality**, as opposed to the simplified approach of past planning - to provide access to natural landscapes within the urban area
- there are many ways to **manage bushfire risk** without going to the extreme of building a lake, e.g. edge protection zones and fuel management
- the proposals lack bold and imaginative new ideas to address public/private **transport**
- **heritage values** should be assessed adequately as part of this process, at a landscape scale.