



Legislative Assembly for the ACT

STANDING COMMITTEE ON PLANNING AND ENVIRONMENT

Draft Variation to the Territory Plan No. 209

East O'Malley

Extension of Mount Mugga Mugga

Nature Reserve

JANUARY 2005

Report 3

Committee membership

Chair	Mick Gentleman MLA
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Deputy Chair	Zed Seselja MLA
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	Mary Porter AM MLA
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Secretary:	Hanna Jaireth
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Administration:	Judy Moutia
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Resolution of appointment

On 7 December 2004 the ACT Legislative Assembly agreed to establish general purpose standing committees as follows:

- (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 has completed consideration of a report on draft plan variations or draft plans of management referred to the Committee by the Minister under the *Land (Planning and Environment) Act 1991*, 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.¹

Terms of reference

Section 25 of the *Land (Planning and Environment) Act 1991* (ACT) states:

The Minister shall, within 28 days of receiving a draft plan variation under section 24, refer —

(a) the draft plan variation; and

(b) the documents referred to in section 24 (1) that relate to the draft plan variation;

to an appropriate committee of the Legislative Assembly together with a request that the committee report on the draft plan to the Legislative Assembly.

¹ Legislative Assembly of the ACT, *Minutes of Proceedings*, No. 2–7 December 2004, pp.12–16.

Preface

1. Both Federal and ACT law and policy governs planning in the ACT. The *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth)² 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 *Land (Planning and Environment) Act 1991* (ACT)³ (the Act) requires the Territory Plan to set out the planning principles and policies for giving effect to its object,⁴ which is:

to ensure, in a manner not inconsistent with the national capital plan, that the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation.⁵

2. The Plan includes both a written statement and a map. The written statement contains general planning principles (Part A), specific land use policies (Part B), overlay provisions (Part C) and definitions of terms (Part D). The Territory Plan map shows which land use policies and overlays in the written statement apply to particular sections of land in the Territory. 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*.⁶

3. Recognising that land use policies may change over time, the Act provides for variations to the Territory Plan. The ACT Planning and Land Authority prepares these for stakeholder comment. There can be a number of versions of a draft variation depending on the consultation program.

² Accessible at <<http://scale.law.gov.au/html/pasteact/0/160/top.htm>>.

³ Accessible at <<http://www.legislation.act.gov.au/a/1991-100/current/pdf/1991-100.pdf>>.

⁴ Land (Planning and Environment) Act 1991, sub-section 7(2)).

⁵ Land (Planning and Environment) Act 1991, sub-section 7(1).

⁶ Accessible at <<http://www.cmd.act.gov.au/canberraplan/>> and <<http://www.sustainability.act.gov.au/policy.html>>

4. The Minister is required by the Act to refer each draft variation, within 28 days of receiving it, to an appropriate committee of the Assembly – currently the Standing Committee on Planning and Environment – for consideration and report.⁷ 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.⁸

5. 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 draft variation, in relation to land that is subject to a draft variation, once the draft variation has been notified for public consultation under the Legislation Act and until it commences operation, is disallowed by the Legislative Assembly, or is withdrawn.⁹

6. 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.¹⁰ If the Minister approves it, he will table the proposed variation and associated documents in the Legislative Assembly.¹¹ Unless wholly or partially disallowed by the Assembly within five sitting days, the variation will commence on the date nominated by the Minister.

⁷ Land (Planning and Environment) Act 1991, section 25.

⁸ Land (Planning and Environment) Act 1991, paragraphs 26(1)(a) and (b), sub-section 26(2).

⁹ Land (Planning and Environment) Act 1991, section 9.

¹⁰ Land (Planning and Environment) Act 1991, sub-section 26(2).

¹¹ Land (Planning and Environment) Act 1991, section 29.

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Summary of recommendations

RECOMMENDATION 1

41. The Committee recommends that for all future draft variations that concern the expansion of residential areas, or impact on Canberra Nature Park, maps and data that demonstrate how the proposed variation will contribute to ecological connectivity and regional targets for protection of species should be included in the public documentation produced by the ACT Planning and Land Authority. This would be consistent with Objective 4 of the ACT Lowland Woodland Conservation Strategy. Map 7 of *The Canberra Spatial Plan* shows wildlife corridors for biodiversity conservation and it would be helpful if proposed variations were to locate the land affected in that larger context for public education purposes and to demonstrate the ecological impacts of the proposed variation.

RECOMMENDATION 2

42. The Committee recommends that Environment ACT works with interested community stakeholders to restore woodland habitat in the Mount Mugga Mugga Nature Reserve as a matter of priority. Whether weeding and natural regeneration, or some revegetation is required, should be assessed. This is consistent with the planning and conservation issues identified for the Mugga Lane West Unit in the ACT Lowland Woodland Conservation Strategy.

RECOMMENDATION 3

43. The Committee recommends that the ACT Park Care Coordinator consult with the Red Hill Regenerators Park Care Group about possible community interest in a new Park Care group for Mount Mugga Mugga Nature Reserve and the support that Environment ACT could provide to such a group. Environment ACT should also consider letterboxing in suburbs adjacent to Mount Mugga Mugga Nature Reserve about effective cat management, and the role and function of Park Care groups in the ACT.

RECOMMENDATION 4

44. The Committee recommends that Draft Variation No. 209 be agreed to.

Introduction

7. On 24 September 2004 the Minister for Planning, Mr Simon Corbell MLA, referred a copy of *Draft Variation to the Territory Plan No. 209 – East O’Malley Extension of Mount Mugga Mugga Nature Reserve (DV209)* to the Standing Committee on Planning and Environment for consideration and report.
8. Since there was insufficient time for the Committee to consider the proposal before the Assembly dissolved for the 2004 election, on 28 September 2004 the Committee Chair advised the Minister that DV209 would be considered by the Committee in the Sixth Assembly.
9. The Committee considered DV209 at meetings on 11, 18 and 27 January 2005. It met at the site with representatives of Environment ACT and several environmental non-government organisations on 18 January 2005.
10. As the East O’Malley Residential Estate, which was the focus of much community debate in 2002–03, was sold in August 2003, and the extension of the Mount Mugga Mugga Nature Reserve is likely to have broad support within the ACT Government and the community, the Committee decided to proceed directly to report and not call for submissions or hold public hearings.

Background

11. This proposed variation to the Territory Plan primarily increases the size of the Mount Mugga Mugga Nature Reserve by removing residential land use policy from about 66 hectares of mostly Yellow Box/Red Gum grassy woodland on the eastern edge of the suburb of O’Malley.
12. Yellow Box/Red Gum grassy woodlands are listed as an endangered community under the *Nature Conservation Act 1980 (ACT)*.¹² Yellow Box/Red Gum grassy woodlands have also been nominated as a nationally endangered ecological community under the *Environment Protection Biodiversity Conservation Act 1999 (Cwlth)*. The Scientific Committee established under

¹² *Nature Conservation Act 1980 (ACT)*, Declaration of Species, Instrument No. 299 of 2001, Schedule 3.

that Act was continuing to assess the nomination in January 2005 and the Commonwealth Minister for the Environment and Heritage is not expected to make a decision in response to the nomination until mid-2005.¹³

13. DV209 proposes to change the land use policies applicable to part of Section 42, Block 3, from Residential, to Hills Ridges and Buffer with a Public Land 'Pc' (Nature Reserve) overlay.¹⁴ Unconstructed parts of the Ngunawal Drive and Derribong Street road reservations will be changed from Major Road, also to Hills Ridges and Buffer Areas, with a Public Land 'Pc' Nature Reserve overlay. This expanded reserve becomes the Mugga Lane West Unit under the *ACT Lowland Woodland Conservation Strategy*.¹⁵

14. The proposed variation also replaces the existing Residential Land Use Policy on parts of Sections 38, 39, 40 and 42 with Urban Open Space Land Use Policy. This will create an open space corridor of about 2.5 hectares through the East O'Malley Residential Estate. Pedestrian paths and a playground are planned for this area.

15. The proposed variation will also replace the Major Roads policy applying to about 150 metres of the unconstructed part of Ngunawal Drive between Section 32 O'Malley and Section 506 in Isaacs, with Residential Policy.

16. Under the existing land use policy previously set by the National Capital Development Commission for the suburb of O'Malley, the land that is now proposed as an extension of the Mount Mugga Nature Reserve was zoned for residential development.

17. The ACT Commissioner for the Environment has welcomed the protection of the Yellow Box/Red Gum woodland in East O'Malley. The 2003 State of the Environment Report says:

¹³ Personal communication, Mr Peter Komidar, Australian Government Department of the Environment and Heritage, 4 January 2005.

¹⁴ See Part B12 of the *Territory Plan Written Statement* and Overlay Provisions at Part C.

¹⁵ ACT Government, *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*. Action Plan No. 27, Environment ACT, Canberra, 2004, pp.66–67. The Action Plan is accessible at: <http://www.environment.act.gov.au/Files/actionplan27t1.pdf>

The ecological communities at greatest risk in the ACT are grasslands and lowland woodlands, particularly the endangered Yellow Box/Red Gum Grassy Woodland.

By the end of the reporting period there were 10,870 hectares of this endangered woodland in the ACT, of which 2345 hectares were in nature reserves. This is a significant and high quality component of the 25,200 hectares that remain in the ACT and surrounding region.

While the ACT easily meets the Regional Forests Assessments target of retaining 15% of the original extent within its own borders, there is no chance of achieving this target across the region. The remaining 25,200 hectares is only 8.5% of the original regional extent of Yellow Box–Red Gum Grassy Woodland. ...

Proposals to place 1065 hectares of high quality Yellow Box–Red Gum Grassy Woodland and other woodlands in reserves in East O’Malley, Jerrabomberra Valley and Gungahlin are ... commendable. This includes 66 hectares that was originally intended for residential development in East O’Malley....¹⁶

18. In 2003 the Conservation Council of the South East Region and Canberra (the Conservation Council), and other environmental organisations, campaigned against the development of the East O’Malley Residential Estate, advocating that area should also be incorporated in Canberra Nature Park. In September 2003 the Council sought a declaration from the Australian Government Minister for Environment and Heritage that the land clearing associated with the O’Malley Residential Estate was a ‘controlled action’ under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (the EPBC Act). On 5 October 2003 the Minister decided that the proposed development would not have or be likely to have a significant impact on a matter of national environmental significance and therefore was not a ‘controlled action’ under the EPBC Act.

¹⁶ ACT Commissioner for the Environment, ‘2003 State of the Environment Report, Issue: Conserving Biodiversity’, Accessible at <http://www.environmentcommissioner.act.gov.au/conservingbiodiversity03.html>

19. The Commissioner for the Environment received four complaints at the beginning of the financial year 2002–03 about the proposed auction, and one complaint had been made at the end of the 2001–02 financial year. The Commissioner also received a larger number of directly related phone calls.¹⁷ In 2003 three more complaints were lodged following the decision to auction land at East O'Malley closely following the release of the Draft ACT Lowland Woodland Conservation Strategy.¹⁸

20. The then Commissioner for the Environment, Dr Joe Baker, had written during 2002–03 to the Ministers responsible for planning and the environment recommending that any sale of the land be deferred until work on proposed action plans for the endangered grassy woodland ecological community and for threatened species had been progressed further. He also recommended that a more comprehensive, integrated approach be taken to woodlands in the ACT. The auction was deferred pending completion of that work.¹⁹

21. The Draft ACT Lowland Woodland Conservation Strategy was released on 1 May 2003 for further community consultation. The decision to permit the 28-hectare East O'Malley Residential Estate to be auctioned was announced on 6 May 2003. The auction was held in August 2003, permitting up to 116 dwellings to be constructed.

¹⁷ Commissioner for the Environment Annual Reports 2001-2002 and 2002-03, p.9.

¹⁸ ACT Government, *Commissioner for the Environment Australian Capital Territory Annual Report 2003–2004*, Canberra, 2004, p.6.

¹⁹ ACT Government, *Commissioner for the Environment Australian Capital Territory Annual Report 2002–2003*, Canberra, 2003, p.9.

Consultation Comments

Statutory consultations

22. On 12 December 2003, the ACT Planning and Land Authority released DV209 for public comment until 18 February 2004.

23. In addition to publishing notices in *The Canberra Times* and the ACT Legislation Register, ACTPLA distributed a flyer to all residents in the suburb of O'Malley and residents in Section 504 and 506 in Isaacs adjacent to Ngunawal Drive. Of the three written submissions made in response, two supported the proposal to incorporate 66 hectares within Mount Mugga Mugga Nature Reserve but both also recommended that the protected area be extended:

- The Canberra Ornithologists Group (COG) supported the extension of Mount Mugga Mugga Nature Reserve but opposed the East O'Malley Residential Estate, providing detailed reasons, particularly emphasising the need for independent scientific evaluation and better environmental assessment. COG opposed the clearance of the remnant Yellow Box/Red Gum woodland, and highlighted the importance of its ecological values and listing as an endangered community under the *Nature Conservation Act 1980* (ACT).
- An individual, Mr Rob Keane, also supported the incorporation of the area within Canberra Nature Park but was concerned that the proposed Open Space Corridor was highly weed infested and suitable for development rather than protection. He also suggested that regenerating land along Hindmarsh Drive should be incorporated into the nature reserve or as a buffer area. Mr Keane also suggested that consideration be given to assisting the development of a Park Care group for the Mount Mugga Mugga Nature Reserve.
- Another individual, Mr Bob Sayce, suggested that the resumption of an unconstructed section of Ngunawal Drive into the nature reserve could restrict access and egress in the event of a bushfire.

24. The ACT Planning and Land Authority advises that the ACT Government carefully considered all the issues before deciding to retain the Residential Land Use Policy and permit the development of the East O'Malley Residential Estate. The decision took into account social, environmental and planning considerations at a Territory-wide scale. It notes that significant

areas of the endangered Yellow Box/Red Gum grassy woodlands have been added to Canberra Nature Park both at Mount Mugga Mugga and in other parts of Canberra. In relation to the comment that Ngunawal Drive may be needed for access and egress in the event of a bushfire, the Authority's view is that emergency services will be able to access the area.

25. In accordance with the *Land (Planning and Environment) Act 1991*, the ACT Planning and Land Authority also sought and considered the views of the National Capital Authority, the ACT Heritage Council and the Conservator of Flora and Fauna. The National Capital Authority advised that the draft Variation was not inconsistent with the National Capital Plan. The ACT Heritage Council advised that they had no concerns about the proposed variation. The Conservator of Flora and Fauna supported the proposed variation and noted that it was consistent with Action Plan 10 (Yellow Box/Red Gum Grassy Woodland Ecological Community) and Action Plan 27. However the Conservator also recommended that the urban open space between Dalman Crescent and the nature reserve be amended to nature reserve.

26. The views of the Conservator cannot now be given effect to as the land north of Dalman Crescent was sold in 2003 as part of the East O'Malley Residential Estate.

Committee consultations

27. As noted above, the Committee met with representatives of Environment ACT and several environmental non-government organisations at the Mount Mugga Mugga Nature Reserve on 18 January 2005. A summary of comments directly concerned with DV209 is as follows:

- Dr David Shorthouse, Manager, Wildlife Research and Monitoring, Environment ACT, Chief Minister's Department (CMD), provided an overview of the planning and assessment process leading to DV209 and an interpretation of relevant maps of the area, highlighting ecological values. He explained that the edging road around the residential estate enables more effective management of fires and weeds than if backyards had backed onto the reserve. He also explained that the encroachment of the residential estate did not break the biodiversity corridor, which links the Mount Mugga Mugga Nature Reserve with adjoining reserves in Canberra Nature Park. During discussion on displacement of birds, he said that it

had not been possible to monitor bird movements in the area (as they were not tagged), to see if displaced birds had found new habitat nearby. In response to questions about the scope for recreating woodland complexity in the Reserve, Dr Shorthouse said that Environment ACT was trialing the planting out of *Bursaria* seedlings in other woodlands, but that it was too early to determine whether this would be a useful response to removal of woody weeds. Dr Shorthouse also mentioned briefly the aims of the National Capital Woodland Initiative, which is taking an experimental management approach to learning how best to manage woodlands to improve their ecological condition and habitat for threatened species. (refer para. 39 below).

- Ms Jenny Bounds, Vice President, Conservation Council, and Conservation Officer, Canberra Ornithologists Group (COG), explained that the East O'Malley residential estate had replaced a particularly rich, structurally complex patch of predominantly Red Gum woodland that had provided habitat for six declining bird species. While COG supports the extension of the Mount Mugga Mugga Nature Reserve, their view is that much of the reserve is less suitable woodland bird habitat than the area cleared for the estate, and that since some of the bird species were 'urban sensitive', their populations could be expected to decline further. Ms Bounds also commented that COG would like to explore options such as environmental bonds or other incentives to ensure that developers could be held accountable for environmental damage.
- Mr Geoff Robertson, President, Conservation Council, explained that the former high value habitat in the area now within the residential estate had included many woody weeds that were not as concentrated in other parts of the Reserve. He said that some bird species in the area were territorial but it was important to encourage regeneration and recreate open mosaics in the Reserve. Feral foxes and cats prey on young birds, and more needs to be done to control those threats. In relation to encouraging the development of a new Park Care group for the area, Mr Robertson suggested residents could be letterboxed.
- Mr David Jongeneel, Assistant Manager, Tree Protection, Environment ACT, CMD, provided an overview of the *Tree Protection (Interim Scheme) Act 2001* (ACT) and noted that it protects significant trees, but not their understorey. Tree protection legislation is not aimed at protecting complex biodiversity, and he said the ACT Government faces evidential challenges in relation to prosecuting offenders who damage significant trees in development sites.

- Ms Trish Harrup, Director, Conservation Council, suggested that in future, better use could be made of community held information as often organisations had significant expertise, and that the biodiversity values of sites proposed for development should be discussed at an earlier stage in the planning process than currently, in an attempt to reach an impartial scientific and community consensus about those values before significant planning work is done. By the time Preliminary Assessments have been completed often agencies are too committed to a project to be willing to reconsider it in a fundamental way. The Conservation Council would be elaborating its views during consultations on the proposed land planning system reform (refer para. 29 below). Ms Harrup said that the Conservation Council would like to see educational initiatives about cat predation and reasonable control measures implemented in suburbs adjoining reserves as cats tended to be less effectively managed than dogs, and were a significant threat to ground-foraging woodland birds.

Committee assessment and recommendations

28. The Committee sees the three main priorities in relation to DV209 as:

- to build on the lessons learnt from decisions already made and to apply this learning to future decision-making;
- to assess whether habitat for woodland birds in the Mount Mugga Mugga Nature Reserve can be restored; and
- to make sure that existing connectivity is maintained.

29. The Committee is aware that the ACT Government is currently reviewing the ACT planning and land administration system through the Planning System Reform Project.²⁰ The Committee encourages interested stakeholders to engage fully and cooperatively in that project, and to raise during reform discussions, the lessons learnt during the East O'Malley process.

30. In the Committee's view, biodiversity conservation is a fundamental consideration in planning for the future development of Canberra as a bush

²⁰ For further information refer to ACT Government's Ministerial Media Release Service, 'Cutting Red Tape, ACT Government starts reform of Planning System: Simon Corbell MLA', *Press Release*, 13 December 2004.

capital/Garden City, and it must be taken into account particularly in the early stages of strategic planning. How *The Canberra Spatial Plan* is used in strategic planning and the development of draft variations needs to be better demonstrated in ACT Planning and Land Authority documents.

31. The Committee recommends that for all future draft variations that concern the expansion of residential areas and which impact on Canberra Nature Park, the Authority's documentation should include maps and data that demonstrate how the proposed variation will contribute to or otherwise impact on ecological connectivity and regional targets for protection of species. This would be consistent with the ACT Lowland Woodland Conservation Strategy.²¹ Such information would also better inform the ACT community about how the proposed variation sits within *The Canberra Spatial Plan*.²² Map 7 of that Plan shows wildlife corridors for biodiversity conservation (refer Appendices 3 and 4).

32. The Committee notes from the *ACT Lowland Woodland Conservation Strategy* and discussions with Dr Shorthouse, that the proposed extension of the Mount Mugga Mugga Nature Reserve maintains excellent ecological connectivity for local bird populations (including the Varied Sittella (*Daphoenositta chrysoptera*) and Painted Honeyeater (*Grantiella picta*). The reserve adjoins the Red Hill Nature Reserve, only separated by Hindmarsh Drive. It also connects with woodlands at Wanniasa Hills and Farrer Ridge, and is near the Mugga Lane East unit of Canberra Nature Park. This is demonstrated in the Woodland Strategy map at Appendix 3.

33. The Committee shares the concern expressed by the Conservation Council that with the expansion of private residences adjacent to high value protected areas, the threat of predation by domestic pets increases. The ACT Government has been working with the Conservation Council and other organisations to address this issue in the new suburbs of Forde and Bonner and agrees with the Conservation Council that community education about

²¹ ACT Government, *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*. Action Plan No. 27, 2004, Objective 4, p.86. See also p.89 and Figure 5.3a.

²² ACT Government, *The Canberra Spatial Plan*, ACT Planning and Land Authority, Dickson, 2004.

effective control measures could be beneficial in suburbs adjacent to Mount Mugga Mugga Nature Reserve and Canberra Nature Park more generally.

34. The Committee understands the depth of concern expressed by conservation organisations about the loss of bird habitat in the Residential Estate, and recommends that Environment ACT works with interested community stakeholders to restore woodland habitat in the Mount Mugga Mugga Nature Reserve as a matter of priority. Whether weeding and natural regeneration, or some revegetation is required, should be assessed.

Community involvement in managing the extended reserve

35. The Committee recognises that there may be challenges in resourcing weeding and other restorative works, and revegetation, if that is found to be necessary. But as suggested in one submission, and raised during the Committee's discussions with conservation organisations on 18 January 2005, it would be beneficial to have a local Park Care group of volunteers, supported by Environment ACT rangers and resources, to work in the Mount Mugga Mugga Nature Reserve.

36. According to Environment Act, there is not currently a Park Care group on Mugga Mugga, but the Red Hill Regenerators Park Care Group works in the adjoining Red Hill Nature Reserve. If a new group were to be formed for Mount Mugga Mugga from the Canberra community, various issues including insurance, Catchment Group membership, commitment from community members, and types of activities proposed would need to be addressed.²³

37. The ACT Government does not recruit to Park Care groups directly, but facilitates and supports local community initiatives. Since Yellow Box/Red Gum Grassy Woodlands are listed as an endangered community under the Nature Conservation Act 1980 their effective management is extremely important, and the ACT Government could reasonably be expected to provide Park Care support to a new group if that was formed for the Mount Mugga

²³ Personal communication, Angela Calliess, Park Care Coordinator, ACT Parks and Conservation Service, 7 December 2004.

Mugga Nature Reserve. In addition, Objective 6 of the ACT Lowland Woodland Conservation Strategy concerns community/landholder involvement in lowland woodland conservation. It says:²⁴

6. Community/landholder involvement

Objective	Actions	Performance Criteria
(a) Landholders, community groups and others are actively involved in Lowland Woodland conservation. (b) Lowland woodland sites, their managers and the community are linked together in a Conservation Management Network.	(a) Encourage the involvement of landholders, community groups and others in the protection and management of Lowland Woodland (EACT) (b) Facilitate information and skills exchange between stakeholders aimed at achieving best practice management of Lowland Woodland (EACT, NSW, Cwth, landholders, community) (c) Encourage the formation of an ACT and NSW regional Conservation Management Network (CMN) for Lowland Woodland building upon the existing NSW CMNs (EACT, NSW, landholders, community) (d) Investigate opportunities for voluntary agreements and incentives for land managers to conserve Lowland Woodland and component species.	2004–2006 ■ A Conservation Management Network (CMN) of sites with links to NSW CMNs is established. ■ Number and type of opportunities for managers of Lowland Woodland sites to exchange information about 'best practice' management ■ Availability and take-up of agreements and incentives to conserve Lowland Woodland and undertake 'best practice' management.

38. Consistent with this Objective, it could be beneficial for the ACT Park Care Coordinator to consult with the Red Hill Regenerators Park Care Group about possible community interest in a new Park Care group for Mount Mugga Mugga Nature Reserve and the support that Environment ACT could provide to such a group. In view of the comments made by Conservation Council representatives to the Committee, the Committee also recommends that Environment ACT should consider letterboxing in suburbs adjacent to Mount Mugga Mugga Nature Reserve about effective cat management and the role and function of Park Care groups in the ACT.

39. The ACT Government has announced its support for an Australian Research Council Linkage Grant application for the National Capital Woodland Initiative. This initiative will link scientists from Environment ACT, the Australian National University and CSIRO. It aims to provide new understanding of ways to enhance the conservation of threatened woodland communities, and the species that are dependent on woodland habitats. The

²⁴

Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy, p.88.

ecological research and surveys undertaken for this initiative will be in the Mulligans Flat and Goorooyarroo Nature Reserves, with results linked to other similar research in NSW.²⁵ The Committee will follow the progress of this initiative with interest.

RECOMMENDATION 1

41. The Committee recommends that for all future draft variations that concern the expansion of residential areas, or impact on Canberra Nature Park, maps and data that demonstrate how the proposed variation will contribute to ecological connectivity and regional targets for protection of species should be included in the public documentation produced by the ACT Planning and Land Authority. This would be consistent with Objective 4 of the ACT Lowland Woodland Conservation Strategy.²⁶ Map 7 of *The Canberra Spatial Plan* shows wildlife corridors for biodiversity conservation and it would be helpful if proposed variations were to locate the land affected in that larger context for public education purposes and to demonstrate the ecological impacts of the proposed variation (refer [Appendix 4](#)).

RECOMMENDATION 2

42. The Committee recommends that Environment ACT works with interested community stakeholders to restore woodland habitat in the Mount Mugga Mugga Nature Reserve as a matter of priority. Whether weeding and natural regeneration, or some revegetation is required, should be assessed. This is consistent with the planning and conservation issues identified for the Mugga Lane West Unit in the ACT Lowland Woodland Conservation Strategy.²⁷

RECOMMENDATION 3

43. The Committee recommends that the ACT Park Care Coordinator consult with the Red Hill Regenerators Park Care Group about possible

²⁵ ACT Government's Ministerial Media Release Service, Woodland Recovery Long-Term Aim of University Link, Minister: Jon Stanhope MLA, *Media Release 578/04*, 13 December 2004.

²⁶ *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*, p.86. See also p.89 and Figure 5.3a.

²⁷ *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*, p.67.

community interest in a new Park Care group for Mount Mugga Mugga Nature Reserve and the support that Environment ACT could provide to such a group. Environment ACT should also consider letterboxing in suburbs adjacent to Mount Mugga Mugga Nature Reserve about effective cat management, and the role and function of Park Care groups in the ACT.

RECOMMENDATION 4

44. The Committee recommends that Draft Variation No. 209 be agreed to.

Mick Gentleman MLA

Chair

January 2005

Appendix 1 – Current Territory Plan Policies

The existing Land Use Policy for the area subject to this variation is shown in Figure 1.

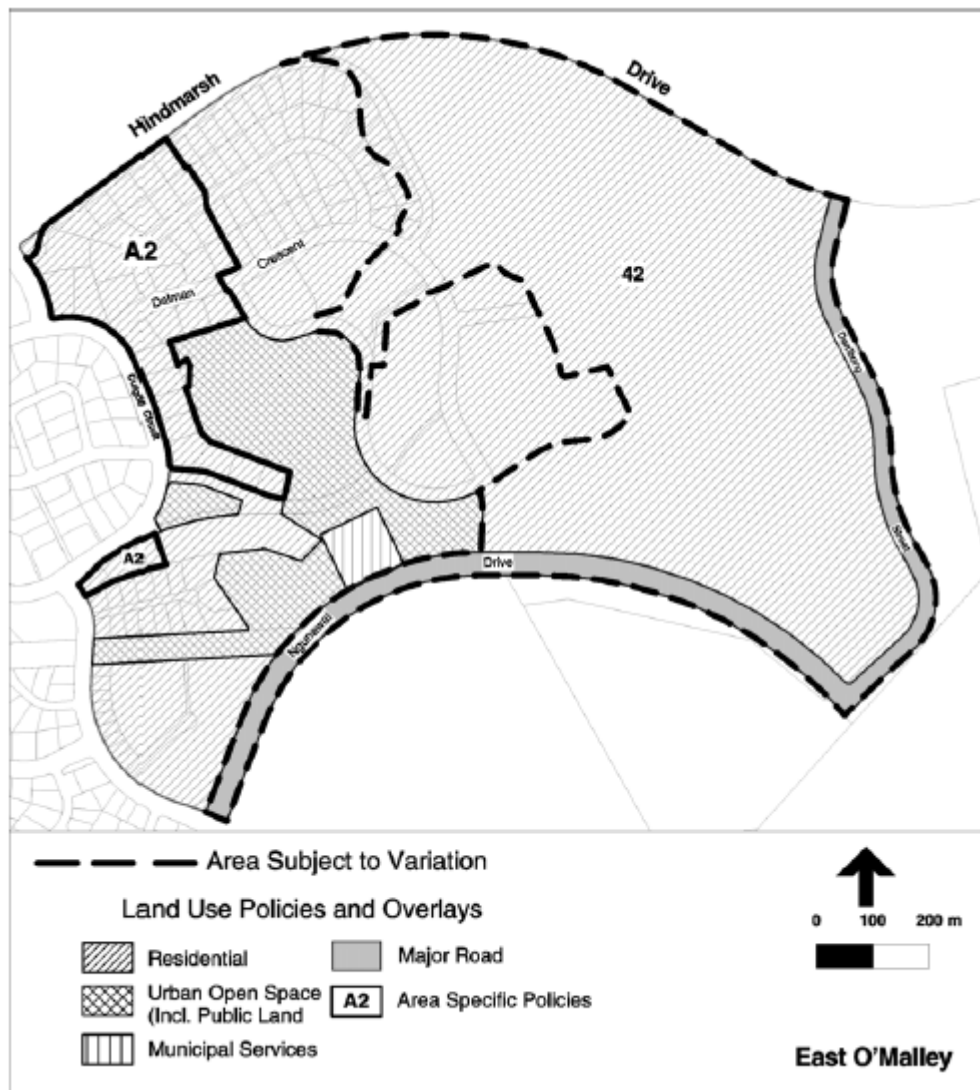
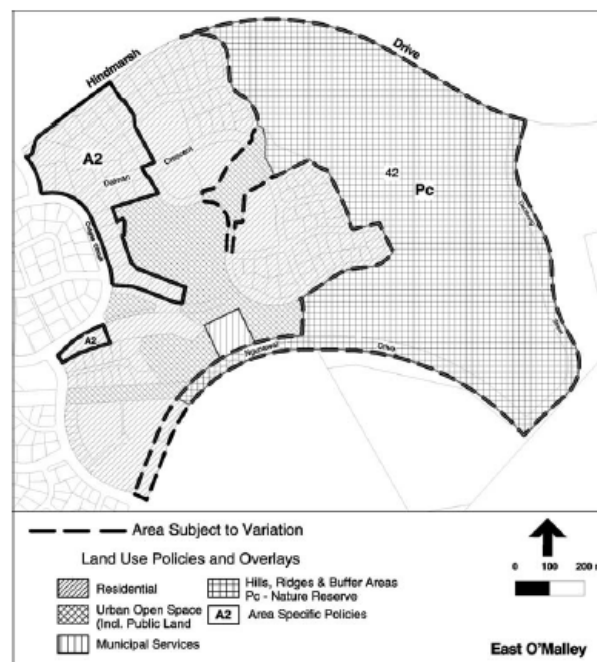


Figure 1: Territory Plan Current Land Use Policies

Appendix 2 – Proposed Variation to the Territory Plan Map

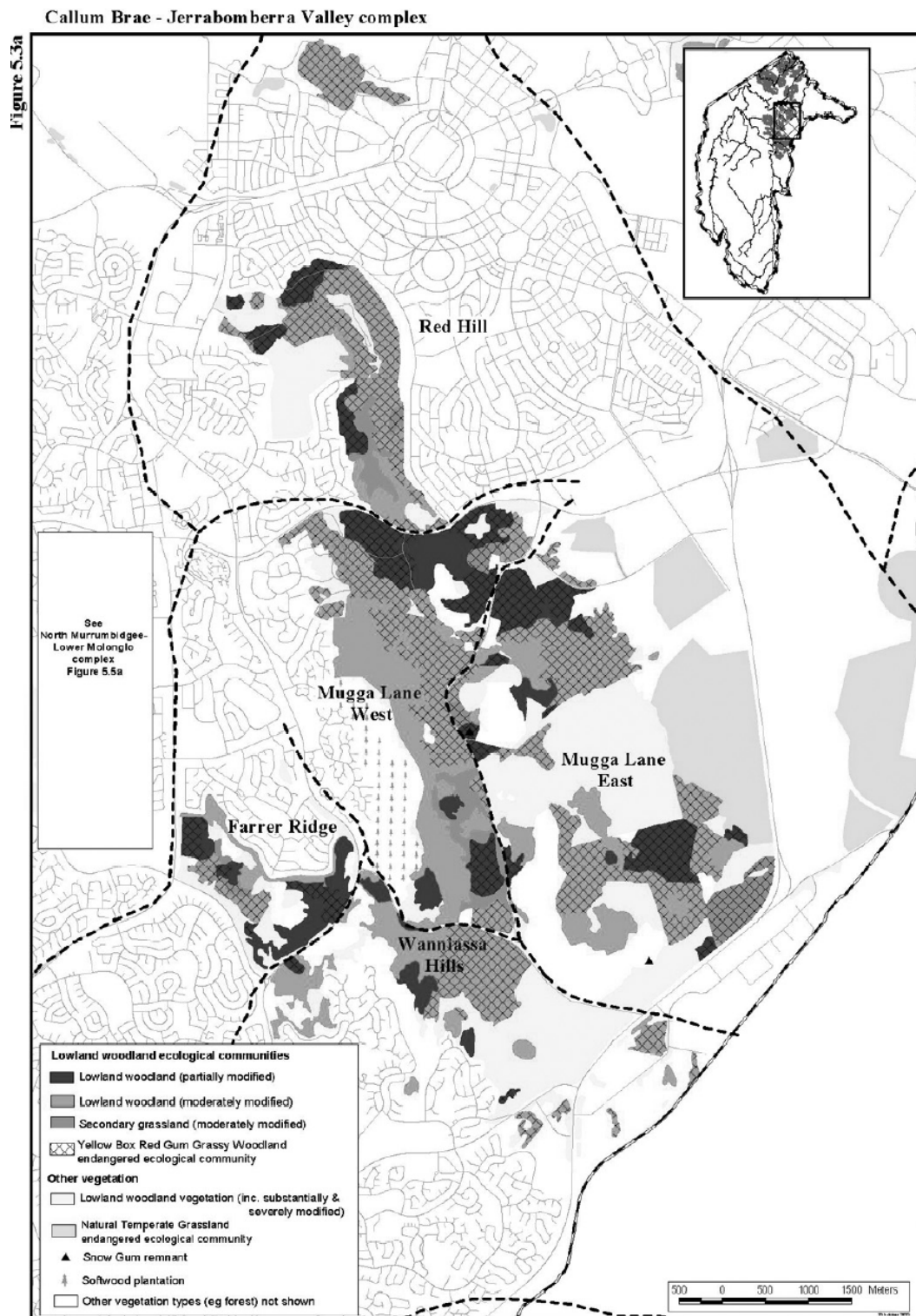
According to the ACT Planning and Land Authority documents, the Territory Plan map will be varied for the area shown as follows:

- For Section 42 part Block 3 (to become Blocks 4 and 6) substitute the existing Residential Land Use Policy with Hills Ridges and Buffer Land Use Policy and a Public Land 'Pc' overlay to permit the area to be incorporated into the Mount Mugga Mugga Nature Reserve,
- For part Sections 38, 39, 40 and 42 (to become Section 39 Block 5 and Section 42 Block 5) substitute the existing Residential Land Use Policy with Urban Open Space Land Use Policy to identify the corridor through the East O'Malley Residential Estate and the proposed playground,
- For the unconstructed portion of the Ngunawal Drive and the Derribong Street road reservations change the land use policy from Major Road to Hills Ridges and Buffer Areas with a Public Land Nature Reserve overlay, and
- For the constructed portion of the Ngunawal Drive north of the roundabout with Kaleelah Vista and extending some 150 metres, change the land use policy from Major Roads to Residential.²⁸



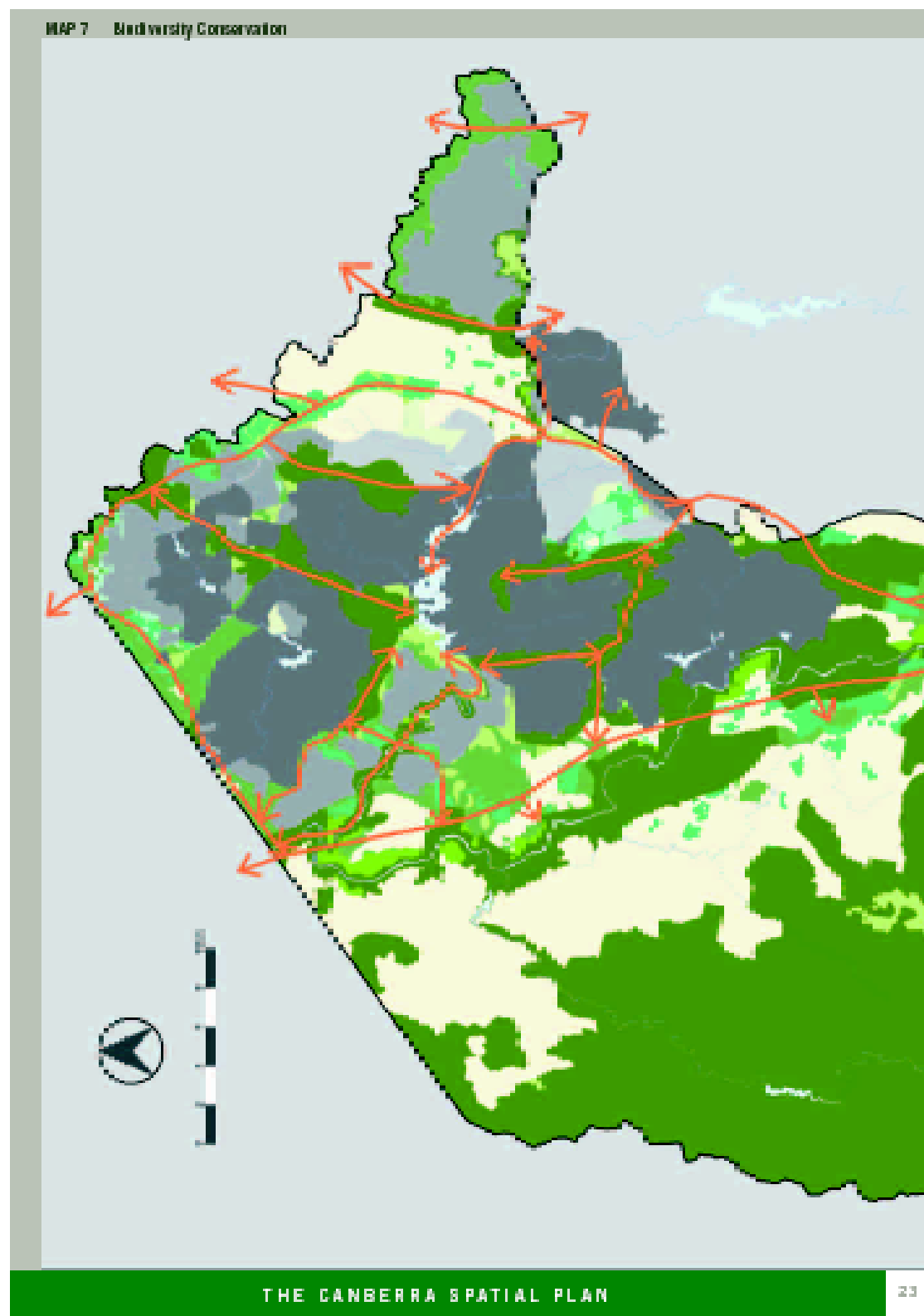
²⁸ ACT Planning and Land Authority, *Variation to the Territory Plan No. 209, East O'Malley Extension of Mount Mugga Mugga Nature Reserve*, September 2004, p.6.

Appendix 3 – Lowland Woodland Ecological Communities



Source: ACT Government 2004. *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*. Action Plan No. 27, Environment ACT, Canberra, Figure 5.3a.

Appendix 4 – Canberra Spatial Plan Map of Biodiversity Corridors



Source: ACT Government, *The Canberra Spatial Plan*, ACT Planning and Land Authority, Dickson, 2004, Map 7.

