

DRAFT LAND MANAGEMENT PLAN: CANBERRA URBAN LAKES AND PONDS (REVISED REPORT)

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

AUGUST 2021

REPORT 3

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RESOLUTION OF APPOINTMENT

On 2 December 2020 the Legislative Assembly resolved to establish the Standing Committee on Planning, Transport, and City Services.¹

Under the Resolution the Committee is responsible for examining the following areas:

- City Renewal Authority;
- Suburban Land Agency;
- Planning and Land Management;
- Transport;
- City Services including waste and recycling;
- Housing (excluding service provision); and
- Building and Construction.²

TERMS OF REFERENCE

The Committee's Terms of Reference are to prepare a report on the on the Draft Land Management Plan under the terms of Section 325 of the *Planning and Development Act 2007*.³

¹ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

² Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

³ *Planning and Development Act 2007* ACT, viewed 13 July 2021, available from: <https://www.legislation.act.gov.au/a/2007-24>

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RECOMMENDATIONS

RECOMMENDATION 1

- 3.14 The Committee recommends that the ACT Government propose amendments to Item 8 Schedule 3 of the *Planning and Development Act 2007* which, if passed by the Assembly, would give high priority to 'provide a habitat for fauna and flora' and to 'prevent and control pollution of waterways' to ensure that these are actioned, resourced and prioritised in addition to stormwater drainage and flood management.

RECOMMENDATION 2

- 3.16 The Committee recommends that once the sequence of priorities for current Item 8 in Schedule 3 of the *Planning and Development Act 2007* has been amended, as recommended, a revised version of the Land Management Plan for Canberra Urban Lakes and Ponds should be developed to reflect these statutory objectives.

RECOMMENDATION 3

- 3.18 The Committee recommends any future management plan updates include targeted stakeholder collaboration which include an objective incorporating consultation and working with local community groups such as Landcare and catchment groups, who often contribute to works on the ground.

RECOMMENDATION 4

- 3.19 The Committee recommends that the ACT Government reconsider the Draft Land Management Plan for Canberra Urban Lakes and Ponds in the context of the ACT Planning Review under way, the ACT Water Strategy, the draft reserve management plan for Canberra Nature Park, Canberra's Living Infrastructure Plan: Cooling the City and other relevant strategies and articulate the relationship between these strategies.

RECOMMENDATION 5

- 3.20 The Committee recommends that the Draft Land Management Plan be maintained as a living document that receives ongoing input from the community and stakeholders and that can be adapted as needed to major events and policy challenges, such as those presented by climate change and the Black Summer bushfires.

RECOMMENDATION 6

- 3.21 The Committee recommends that when reviewing and implementing the Plan, the ACT Government consider more regular rubbish removal, a more targeted mowing regime that protects habitat, more work on revegetation, and new structures to capture silt and organic matter.

1 BACKGROUND

PROCESS FOR DRAFT LAND MANAGEMENT PLANS

- 1.1 Draft Land Management Plans are prepared by ACT Government officers and presented to the relevant Minister, after which plans are exposed for comment and a further version of the plan is produced for the consideration of the Minister.⁴
- 1.2 According to the relevant ACT government *Yoursay* webpage,⁵ a draft plan was made available for public feedback for seven weeks, 'spanning 21 February 2020 to 31 March 2020 and 28 August 2020 to 11 September 2020'.⁶
- 1.3 This Draft Land Management Plan for Canberra Urban Lakes and Ponds is a revision and update of the current 20-year-old 2001 plan.

REFERRAL OF THE DRAFT LAND MANAGEMENT PLAN

- 1.4 On 22 February 2021 the Minister for Planning and Land Management, Mr Mick Gentleman MLA, wrote to us referring the Draft Canberra Urban Lakes and Ponds Land Management Plan under Section 325 of the *Planning and Development Act 2007*. The Draft Land Management Plan and a Consultation Report were provided for our consideration.

⁴ A difference between the two processes is that Draft Variations to the Territory Plan are prepared by the Planning and Land Authority under the *Planning and Development Act 2007*, s 60, while Draft Reserve Management Plans are prepared by the 'custodian' of the reserve in question in this case the ACT Parks and Conservation Service under s 321 of the Act in combination with Part 8.3 of the *Nature Conservation Act 2014*.

⁵ *Yoursay*, 'Urban Lakes and Ponds Land Management Plan', viewed 28 July 2021, available at: <https://yoursayconversations.act.gov.au/urban-lakes-and-ponds-land-management-plan>

⁶ ACT Government, 2021, *Canberra Urban Lakes and Ponds Land Management Plan Review: Report on what we heard*, p.2, viewed 28 July 2021, available at: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/9416/1671/0818/LP_LMP_Listening_Report_A28673385.pdf According to the *Yoursay* webpage, the Draft Plan was first released for community feedback on 21 February 2020, but community feedback was 'paused' in March 2020 due to the advent of the 'COVID-19 health emergency', before community feedback was reopened on 28 August and finally closed on 11 September 2020.

REQUEST FOR DOCUMENTS

- 1.5 On 16 March 2021 we wrote to the Minister, requesting copies of public submissions to the Draft Land Management Plan process. After further letters, on 17 May 2021 we issued a formal request for the submissions under Standing Order 239, which we received on 25 May 2021.
- 1.6 Twelve submissions were provided by the Minister in response to our request. This was a different number from the 41 submissions reported in the 'listening report' of the public consultation process.⁷
- 1.7 To respect the privacy of submitters, in this report the submissions are referenced using an arbitrary number assigned by the Committee.

AGREEMENT TO INQUIRE FURTHER AND REPORT

- 1.8 On 17 June 2021 we agreed to inquire further and report on the Draft Land Management Plan. We also agreed that, due to the imminent deadline of 22 August 2021, if we wished to inquire into and report on the plan, we would conduct the inquiry without inviting submissions or holding public hearings: that is to conduct the inquiry 'on the papers'.
- 1.9 We agreed on a report on 19 August 2021, and tabled a report with the Speaker on 20 August 2021 under Standing Order 254C. We later noted that the tabled report did not match the agreed version. We reconsidered and agreed on this report on 31 August 2021.

STRUCTURE OF THE REPORT

- 1.10 This report consists of:
 - the present chapter, Chapter 1, which is an introduction to the report;
 - Chapter 2, which considers the submissions from the public consultation on the Draft Land Management Plan provided to us by the Minister; and
 - Chapter 3, which provides our reflections on the Draft Land Management Plan and the submissions considered in Chapter 2, and our recommendations.

⁷ ACT Government, 2021, *Canberra Urban Lakes and Ponds Land Management Plan Review: Report on what we heard*, p.2, viewed 28 July 2021, available at: https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/9416/1671/0818/LP_LMP_Listening_Report_A28673385.pdf

2 SUBMISSIONS TO THE PLAN PROCESS

THE DRAFT LAND MANAGEMENT PLAN

- 2.1 Submitters to the consultation process on the Draft Land Management Plan for Urban Lakes and Ponds offered some criticism of the Draft Plan generally, particularly about how goals were defined and supported. In particular they focused on plans to engage the community in looking after urban lakes and ponds, and the resources that would be necessary to make this happen.
- 2.2 One submission said that the Plan seemed to set out ‘what the government thinks what we want without saying how it will be done’, and that it was ‘an outline mainly of what is without saying very much of what will happen’.⁸ The submission noted proposals in the Draft Plan to establish ‘performance monitoring programs and annual reporting against performance criteria’ and asked what this meant. It also noted a proposal to measure performance, but asked who would be doing this, and whether it would be ‘ongoing’. It also said that while it welcomed proposals to form ‘partnerships with the community’, catchment groups needed long term funding support if they were to provide effective coordination in this role.⁹
- 2.3 Another submission also welcomed the stated vision of involving community in the care and management of lakes and ponds but, again, said that the Draft Plan left unclear how this would be done. The submitter wanted to see ‘a clearer implementation plan’, suggesting that current funded activities should be identified and then a plan proposed for increased activity by catchment groups, to be funded in the following financial year.¹⁰
- 2.4 A further submission said that a fifth Management Objective, ‘Partnership with the Community’, should be created in the Draft Plan rather than having it included as a subordinate objective under the existing Management Objective 3, ‘Provide for public use and recreation’, as it should be a ‘key management objective’ in its own right.¹¹
- 2.5 This submission said that volunteers already played an important role in caring for urban lakes and ponds, which contained ‘many areas of biodiversity, cultural and habitat value’, as well as providing amenity. In the face of ‘growing densification’ and development, programs to improve environmental literacy and engage citizens in caring for lakes and ponds were ‘essential’, and this required coordination and support. The submission highlighted the work of

⁸ Submission No 3, p. [1].

⁹ Submission No 3, p. [2].

¹⁰ Submission No 4, p. [1].

¹¹ Submission No 8, p. [2].

three ACT catchment groups — the Ginninderra and Southern ACT catchment groups and Molonglo Conservation Group — which it said had ‘a decades-long history’ of supporting communities in the ACT Region to maintain and improve local environments. These were ‘independent community based environmental organisations and Landcare networks’ which, combined, supported ‘over 60 stewardship groups in the ACT Region’; leveraged ‘approximately \$2 million per annum in in-kind community and volunteer effort and thousands of volunteer hours’ and attracted ‘approximately \$2 million annually in external funding into the Territory through grants, partnerships and donations’.¹²

2.6 It said that in the 2019/2020 financial year a ‘relatively small investment’ by the ACT Government in these three groups had resulted in:

- an increase in the number of stewardship groups operating on urban open space by 11;
- an additional 11 groups which had begun the process of formation; and that
- four of the new groups were ‘associated with Healthy Waterways assets’.¹³

2.7 The submission said that this demonstrated that partnerships between government and community could bring high returns, and that the same principle could be applied to urban lakes and ponds. The Draft Plan provided an opportunity for the Government to recognise the principle of ‘community environmental volunteers being considered partners in management’, and that this was of ‘critical importance’ to community environmental volunteers who were ‘contributing millions of dollars of in-kind hours to the management of ACT’s living infrastructure’.¹⁴

2.8 The submission also proposed that the Draft Plan recognise ‘the existing and ongoing role of the community in improving water quality’ in the section ‘Water Quality and the Community’, and that it would be useful to acknowledge both the three catchment groups indicated above, and the Upper Murrumbidgee Waterwatch Program, which was a community-government partnership that had been ‘working to monitor, raise awareness, educate, restore and protect our local waterways since 1995’.¹⁵

ENVIRONMENTAL VALUES

2.9 Submissions to the consultation process made some critical comments about how environmental values had been dealt with and ratings had been arrived at in the Draft Plan.

¹² Submission No 8, p. [2].

¹³ Submission No 8, p. [2].

¹⁴ Submission No 8, p. [3].

¹⁵ Submission No 8, p. [3].

- 2.10 One submission said that no rationale had been provided for how environmental values had been assessed. It expressed concern that the ecological value for Lake Tuggeranong had been given a moderate rating, whereas the Waterwatch data indicated that it should attract a low ecological rating.¹⁶
- 2.11 Another suggested that the Draft Plan show greater recognition that lakes and ponds were ‘highly integrated with other aspects of the environment’ and should be managed ‘as part of broader catchment or landscape management approach’. It said that the Draft Plan demonstrated ‘confusion’ as to why there was ‘a focus on Urban Lakes and Ponds, rather than waterways including creeks, rivers, streams and swamps more broadly’. The submission asked for clarification on whether ACT Healthy Waterways sites classified as ponds, wetlands, or rain gardens were included in the Draft Plan, and that if there were management plans for other urban waterways, information should be provided on integration between these and the Draft Plan.¹⁷
- 2.12 A further submission also spoke about the broader picture, saying that the Draft Plan should recognise that lakes were ‘only a very small part’, whereas ‘creeks, permanent and intermittent, and small ponds and swamps were a much more prominent part’ of the earlier landscape of the ACT. Where possible, these should be restored, both to improve water quality and to provide habitat for plants and animals. Regenerating these landscapes, which had been ‘largely destroyed’ would require ‘a greater commitment of resources’ to land and water management and a ‘change in culture and resource allocation’.¹⁸

‘DRYING PHASES’

- 2.13 One submission said that it was important that wetland management, except for declared lakes, should allow for water levels to be reduced for ‘occasional or regular drying phases’. It said that it was a ‘well known aspect of wetland ecology that ponds and wetlands need a drying phase to improve water quality and nutrient cycling within the wetland habitat’. Periods of drying would also aid in the control of water plants encroaching from the shore, and control by this method was ‘much more efficient’ than physical or chemical control. Wetlands did not have to be totally drained or dried to achieve this, but all wetlands ‘would benefit from a significant amount of the submerged bed being dried’.¹⁹
- 2.14 The submission noted that if this approach were adopted, it would necessitate consultation with, and education of, the local public, because ‘some people [thought] that wetlands should

¹⁶ Submission No 4, p. [1].

¹⁷ Submission No 8, p. [4].

¹⁸ Submission No 7, pp.1-2.

¹⁹ Submission No 6, p. [1].

always be wet’. However, if a few wetlands were dried each summer, ‘over a ten year period, all small ponds and wetlands could be treated’ in this way.²⁰

- 2.15 Looking at the Draft Plan, the submission noted that there was little reference to ‘this important management action’, either Section 6: ‘Overall lake and pond management’ or in Appendix C, where none of the four management objectives gave ‘any attention’ to supporting the health of the smaller ponds and wetlands through the use of drying phases.²¹
- 2.16 It said that it was strange that aquatic values were considered only in a subsection on Sports and Recreation management, and that the objective “to conserve and encourage biological diversity and maintain and augment ecological processes and systems” should have been included ‘as a major part of the management objectives’ listed in Appendix C. It was only in Appendix E, ‘almost at the end of the Plan’ that there was a reference to “water level control - pond drying for sediment consolidation, managed fluctuations to improve aquatic functions” but, the submission said, without planning for ‘regular drying of most or all ponds and wetlands’, this management action was ‘likely to be *ad hoc* at best, or totally forgotten’.²²

ARTICULATIONS WITH OTHER PROGRAMS

- 2.17 Submitters to the Draft Plan consultation process were also concerned about articulations with other programs, in particular the H2OK and Healthy Waterways.
- 2.18 One submission asked whether these two programs would be extended, and for how long.²³ Another asked for clarification on whether all ACT Healthy Waterways sites would fall under the Land Management Plan for Urban Lakes and Ponds, and said that if management plans existed for these other sites, it would be difficult for the community to understand why that would be the case.²⁴ A further submission noted that the apparent intention was that the Plan would cover lakes, ponds and wetlands, and asked why newly constructed wetlands built under the ACT Government Healthy Wetlands project had not been included in the Draft Plan, particularly at Appendix 2.²⁵

²⁰ Submission No 6, p. [1].

²¹ Submission No 6, pp. [1-2]. The consultation report noted comments about regular drying, but did not say whether it would be used as a management tool.

²² Submission No 6, pp. [1-2].

²³ Submission No 3, p. [1].

²⁴ Submission No 4, p. [1].

²⁵ Submission No 6, p. [2].

WATER QUALITY

- 2.19 A number of submissions expressed concern about water quality in urban lakes and ponds.
- 2.20 One submission said that the urban lakes and ponds were too small for their catchment, and were entirely man-made. Over time this had led to lake closures: Lake Tuggeranong, for example, had been closed to the public every summer since 2002. This situation, it noted, was contrary to statutory requirements and management objectives referenced and set out in the Draft Plan. This was a particular matter for concern at Lake Tuggeranong, which was part of a water catchment area, and from which water could be extracted to add to the town water supply as required.²⁶
- 2.21 The submission also noted a contradiction in that the Draft Plan referred to an imperative to provide access ‘and other facilities enabling full enjoyment of scheduled uses’ when there was in fact a practical need to control and prevent outbreaks of blue green algae which were an effective barrier to the use of urban waterways.²⁷
- 2.22 Another submission said that rubbish was ‘a serious problem’ at a number of ponds. There was ‘irregular’ cleaning of rubbish and silt traps, such as those at Isabella Pond, and on the whole rubbish removal required more attention.²⁸
- 2.23 A further submission said that Gungahlin and Yerrabi ponds were currently in worse condition than any time in the past 20 years. Inward flows and ‘the continuing mess of reeds, trees, branches and general rubbish’ were significant contributors to this pollution. While from time to time there had been workmen attempting to remove this rubbish, they appeared to have given up. There was an overflow discharge area at the bottom end of the pond which was ‘constantly clogged’ with reeds and debris, and after some time it appeared that rubbish fell to the bottom of the pond, reducing the water levels below those needed to maintain sufficiently clean water for fish and bird life to survive. While ‘all the words look good’ in the Draft Plan, ‘actual physical management of and the removal of debris build up’ in the ponds would have ‘a significant impact’.²⁹
- 2.24 According to the submission, there also appeared to be no alternative avenue for runoff when water levels rose over the pond’s banks. Representations by government officers were that such were one in 100- or 200-year events, but when they occurred rubbish piled up and

²⁶ Submission No 3, pp. [1-2.]

²⁷ Submission No 3, p. [2.]

²⁸ Submission No 12, p. [1].

²⁹ Submission No 1, p. [1].

prevented outflows. There were also problems with inflow ponds, in which blue green algae had been 'a very big problem'.³⁰

- 2.25 Another submission said that there was 'a disconnect' in the Draft Plan between stormwater entering urban lakes and ponds and water quality, and this needed to be 'better articulated'.³¹
- 2.26 This issue was taken up in a further submission, which argued that there was 'not enough recognition in the draft plan that the health of the lakes depends on the quality of the water that goes into them'. While the focus of the plan was on lakes and ponds, the Draft Plan should acknowledge that the quality of water entering the lakes could be improved, and that this would require changes in the practice of other Government agencies.³²
- 2.27 To illustrate the point, it provided an image showing an eroded hillside close to Lake Ginninderra and a nearby drain full of organic matter at the Corner of Belconnen Way and Eastern Valley Way. Commenting on an image of another site, it said that silt is washed from the area even in moderate rain, and that water retention and revegetation was needed. Without further intervention, leaves and other material would be carried into Lake Ginninderra at the next rain. Although structures to capture them, and silt, 'could be easily built', the present approach appeared to be 'just mow it and do nothing else'. What was needed, it said, was less mowing, more work on revegetation, and new structures to capture silt and organic matter.³³
- 2.28 Another submission was critical of the Draft Plan's comments on leaf litter and blue green algae. It said that the Draft Plan noted that residents identified packaging waste and blue green algae as significant problems for water quality. This contrasted with scientists, who identified leaf litter and grass clippings entering via storm water as a significant problem. However, the submission said, the Draft Plan, although it noted this, made no explicit statements that leaf litter and grass clippings made a significant contribution to the problem of blue green algae.³⁴
- 2.29 It also criticised the Draft Plan for identifying a goal of 'seeking to reduce the volume of leaf litter and garden clippings entering stormwater drains in urban areas' without providing any details of actions to achieve this. While it was possible to ask people to collect leaf litter and compost it, government actions were also needed, but there did not seem to be much thought given to better and more efficient ways to control this problem. For one thing, the Draft Plan should indicate that deciduous trees should not be planted on lake foreshores. While the Plan

³⁰ Submission No 1, p. [1].

³¹ Submission No 4, p. [1].

³² Submission No 7, p.1.

³³ Submission No 7, p.1.

³⁴ Submission No 3, p. [1].

provided explanations of the 'integrated hydrological system' and the 'physical, chemical; and ecological processes in the lakes and ponds', but made little mention of problems associated with green algae, such as odours and potential hazards for dogs and humans.³⁵

ENVIRONS OF LAKES AND PONDS

2.30 This section deals with comments from submitters about the areas around urban lakes and ponds.

2.31 One submission spoke about the area around Yerrabi Pond:

This area has been neglected for months, if not years. The grass areas do not seem to feature in the ACT governments mowing schedule; the seats around the walkway need painting and in some cases repair; there are areas where the paving has sunk and is becoming a trip hazard, and in general the area is looking more and more less appealing.³⁶

2.32 It said that the area was 'often littered with rubbish' which seemed 'to accumulate', and mixed-use paths were 'becoming a speed way for cyclists who have little or no regard for other users as they fly past on the walkway'. When first established Yerrabi Ponds had been 'an attractive area to spend time either exercising, sitting or enjoying picnics', but now seemed to be 'a forgotten space'.³⁷

2.33 This state of disrepair also extended to the waterway, where there was 'an accumulation of rubbish' around the foreshore, and weeds and grasses encroaching in some areas. The submission said that it would not take 'too much effort' to tidy up the area to the point where it reflected ACT Government signage at Yerrabi Pond describing 'our much loved urban lakes and ponds' as a 'valued part of the Canberra landscape'.³⁸

PRACTICAL CONCERNS ABOUT THE ENVIRONMENT

2.34 Some submissions raised specific environmental concerns about urban lakes and ponds.

2.35 One submission expressed concern at 'increasing and unregulated' use of drones above waterways, including harassment of waterbirds. It also expressed concern about the public feeding large amounts of bread to waterbirds, despite 'deleterious effects' on both the birds' health and water quality, and recommended signage at every ACT wetland discouraging this.

³⁵ Submission No 3, p. [1].

³⁶ Submission No 2, p.2.

³⁷ Submission No 2, p.2.

³⁸ Submission No 2, p.2.

Additional signage to provide information about birds, fish, and mammals would also enhance visitors' experiences, but at many urban lakes and ponds there was 'no information at all'.³⁹

- 2.36 It also said that in the past there had been a practice of removing feral domestic duck species from local ponds. This was no longer the case: feral ducks were resident on many ACT waterways. These had interbred with native species, and this was 'particularly evident' at West Belconnen Pond.⁴⁰
- 2.37 On the other hand, there was also good news. Since the completion of reconstruction works, Isabella Pond had become a 'very valuable natural habitat', for 'insects and birds in particular', and that in the previous year 'several bird species never before sighted at that site stayed for several months', including the Common Sandpiper, Pied Stilt and Latham's Snipe.⁴¹
- 2.38 Another submission showed a similar focus, asking for islands to be included in all 'new or drained lakes and ponds in the ACT' to provide predator-proof nesting and refuges for turtles and water birds, and to stock waterways only with native fish, yabbies and shrimp endemic to the local area.⁴²

PATHS AND TRAFFIC

- 2.39 Some submissions expressed interest and concern about shared paths around waterways.
- 2.40 One made suggestions for new paths that would, if built, improve accessibility so that older users could enjoy walking around Lake Ginninderra. It highlighted required characteristics—such as flat rather than inclined paths—and suggested that more accessible paths this would open access to other open areas, including for residents of retirement village situated in the environs of the Lake. At present, it said, access to one edge of the Lake was either by 'steep steps' or a walk up a steep incline, which limited use by 'elderly, disabled and young footpath users'.⁴³
- 2.41 Another was critical of the Draft Plan for indicating that additional walking and cycling paths may be built for Lake Ginninderra, Yerrabi Pond, Gungahlin Pond and North Weston Pond, but possibly not for Lake Tuggeranong. It said that many people already walked and cycled on paths at Lake Tuggeranong. Medium to high-rise development underway close to the lake shore was already increasing rates of use, and congestion was likely to increase, particularly on the western shore south of the dam and adjacent to the town centre. To respond to this

³⁹ Submission No 12, p. [1].

⁴⁰ Submission No 12, p. [1].

⁴¹ Submission No 12, p. [1].

⁴² Submission No 10, p. [1].

⁴³ Submission No 5, p. [1].

increased use, new paths would be required, including to separate people walking from people cycling, and the submission asked for the final version of the Plan to show that additional paths may also be proposed for Lake Tuggeranong.⁴⁴

- 2.42 A further submission expressed concern at cyclists travelling at speed on paths at Yerrabi Pond, noting that paths were also used by: mothers with prams; senior citizens with walking trolleys; small children; young children on bicycles learning to ride; walkers with dogs; and walkers and runners. Fast cyclists were on the paths at the same time as these other users, and it was only 'a matter of time' until someone would be seriously injured. The submission proposed that the area around Yerrabi Pond be signposted to show a speed limit for cyclists of 10 km/h, as for 'shared roads with pedestrian areas'.⁴⁵

DETAILS, PRESENTATION, AND INCONSISTENCIES

- 2.43 A number of submissions expressed concerns about details, presentation and inconsistencies in the Draft Plan.
- 2.44 One submission said that the Draft Plan suffered from a lack of thorough proof reading and that attempts to distil complex scientific concepts into simpler terms had resulted in 'poorly worded paragraphs with references to chapters that cannot be found'.⁴⁶
- 2.45 Another commented on a map on page 4 of the Draft Plan, saying that the title indicated major lakes and ponds covered by the Plan, but the legend showed lakes and no ponds. It was also difficult to see why some ponds were considered 'declared lakes': some smaller waterways were categorised in this way when some larger ones were not, and the Plan should be amended to explain why this was so.⁴⁷
- 2.46 This submission suggested that a section on 'community perspectives' was a 'mixture' of how the community sees waterways, and threats to wetland values and condition, and that these should be dealt with separately in order to clearly define benefits arising from and threats to waterways. It also suggested that statements on permitted activities under 'Management of specific lakes and ponds' were 'quite confusing' and required clarification.⁴⁸
- 2.47 Another submission suggested that the importance of education in preventing and controlling pollution of waterways was 'well recognised and acknowledged' in Part A, Section 5, with

⁴⁴ Submission No 11, p. [1].

⁴⁵ Submission No 9, p. [1].

⁴⁶ Submission No 4, p. [1].

⁴⁷ Submission No 6, p. [2].

⁴⁸ Submission No 6, p. [2].

reference to the H2OK program, but not in the Table 2, 'Management Objectives and Strategies', and an action on importance of community education in achieving Objective 2, "Prevent and control pollution of waterways", should be added.⁴⁹

- 2.48 It also suggested that in the same table, the words "including mowing regimes" should be added to Management Objective 4, "Provide habitat for fauna and flora". In practice, mowing regimes could often undermine management actions to maintain and improve habitat at urban lakes and ponds. There was 'extensive research' to support this, as well as anecdotal evidence from community environmental volunteers, who 'regularly' discussed the negative impacts of incorrect mowing regimes on local habitats, and mowing regimes should take habitat imperatives into account if such negative effects were to be avoided.⁵⁰

⁴⁹ Submission No 8, pp. [3-4].

⁵⁰ Submission No 8, p. [4].

3 COMMITTEE COMMENT

3.1 A comparison of the 2019 version of the Draft Land Management Plan released for comment and the 2021 version provided us under the Minister's referral shows few differences. There are three substantive changes arising from the submissions considered in the previous chapter, all of which are in Table 2, 'Management objectives and strategies', which are:

- the addition of a reference to catchment groups in a dot-point under item 3, 'Provide for public use for recreation', under the sub-heading 'Partnership with the community';⁵¹
- the addition of the phrase 'including mowing regimes' in a dot-point under item 4, 'Provide habitat for fauna and flora', under the sub-heading 'Provision and enhancement of landscape values';⁵² and
- an insertion so that a dot-point reads 'Stock selected lakes with *native* fish' also under item 4, 'Provide habitat for fauna and flora', under the sub-heading 'Ecologically sustainable use and management'.⁵³

3.2 We also considered the *Consultation Report* provided to us by the Minister. One notable characteristic of the report is the number of things identified as being beyond the scope of the Land Management Plan, including:

- the proposition that there was 'not enough recognition in the draft plan that the health of the lakes depends on the quality of the water that goes into them';⁵⁴
- a proposal to install further silt and organic matter traps;⁵⁵
- the proposition that the Plan should 'recognise that lakes are only a very small part of earlier ACT landscape' and that 'creeks, permanent and intermittent, and small ponds and swamps were a much more prominent part of earlier landscape', should be restored, where possible;⁵⁶
- whether H2OK and Healthy Waterways programs would be extended, and who would implement and support the program and for how long;⁵⁷

⁵¹ *Draft Canberra Urban Lakes and Ponds Land Management Plan 2021*, p.18.

⁵² *Draft Canberra Urban Lakes and Ponds Land Management Plan 2021*, p.19.

⁵³ *Draft Canberra Urban Lakes and Ponds Land Management Plan 2021*, p.19.

⁵⁴ *Consultation Report*, p. [6], referencing Submission No 7, p.1.

⁵⁵ *Consultation Report*, p. [6], referencing Submission No 7, p.1.

⁵⁶ *Consultation Report*, p. [6], referencing Submission No 7, pp.1-2.

⁵⁷ *Consultation Report*, pp. [6-7], referencing Submission No 3, p. [1].

- catchment groups should receive long-term financial support if they were to coordinate ‘partnerships with the community’;⁵⁸
- the proposition that there should be more education with the object of preventing and controlling pollution;⁵⁹ and
- the proposition that there the Plan should cover integration with other aspects of urban waterways such as rain gardens, rivers, creeks and streams.⁶⁰

3.3 Consistent with this trend, we also found that expressions of concern about the cleanliness and ecological viability of urban lakes and ponds were met with stock responses.

3.4 In response to two submissions expressing such concerns, considered above, the *Consultation Report* stated:

A cleaning schedule for Canberra’s urban lakes and ponds is in place. Litter picking and removal of debris within the lakes occurs 4 times per year. Gross Pollutant Traps (GPTs) protecting lakes and large ponds are each cleaned a minimum of four times a year, and up to eight times if required, pending storm events.⁶¹

3.5 Similarly, responses to two submissions expressing concerns about the cleanliness of the environs of urban lakes and ponds used the formulation:

The ACT Government has a regular maintenance schedule for government assets in public areas, which includes mowing.⁶²

3.6 While we note that other things were also said in the responses, the effect is to prioritise defending the Draft Plan in its current form over allowing it to respond to community concerns.

3.7 This is more evident when we consider significant themes, overall, in the submissions to which we have had access, including that:

- water quality for inflows to urban lakes and ponds must be managed and taken into account if ecological values and amenity are to be effectively supported;⁶³

⁵⁸ *Consultation Report*, p. [8], referencing Submission No 3, p. [2].

⁵⁹ *Consultation Report*, p. [9], referencing Submission No 8, pp. [3-4].

⁶⁰ *Consultation Report*, p. [9], referencing Submission No 8, p. [4].

⁶¹ *Consultation Report*, p. [3, 5], referencing Submission No 1, p. [1] & Submission No 2, pp.1-2.

⁶² *Consultation Report*, p. [4-5], referencing Submission No 2, p.1, & Submission No 7, p.1.

⁶³ Submission No 1, p. [1]; Submission No 4, p. [1]; Submission No 7, p.1; & Submission No 3, p. [1.]

- urban lakes and ponds must be managed holistically, not dealt with in isolation, if ecological values and amenity are to be effectively supported;⁶⁴
- current programs to maintain the cleanliness of urban lakes and ponds and their environs are not effective;⁶⁵ and that
- blue-green algae are a persistent problem in urban lakes and ponds, necessitating regular closures, and that this requires a concerted and effective response.⁶⁶

3.8 We see these as reasonable and sensible propositions, which require a better response than those provided in the *Consultation Report*.

3.9 Of course, we recognise that one reason why comments about water inflows are considered 'out of scope' is the wording of the relevant provision in the *Planning and Development Act 2007*. Schedule 3, 'Management objectives for public land', Item 8, 'lake' provides that management objectives are:

- 1 to prevent and control floods by providing a reservoir to receive flows from rivers, creeks and urban run-offs
- 2 to prevent and control pollution of waterways
- 3 to provide for public use of the lake for recreation
- 4 to provide a habitat for fauna and flora.⁶⁷

3.10 Section 317(4) of the Act provides:

If there is an inconsistency between the application of 2 management objectives stated in schedule 3 in relation to an area of public land, the objective appearing later in the schedule is to be read subject to the earlier objective.⁶⁸

3.11 This means that a strict hierarchy is applied to the objectives listed for lakes in Schedule 3, with the second objective 'to prevent and control pollution of waterways' clearly subordinate to the first, 'to prevent and control floods by providing a reservoir to receive flows from rivers, creeks and urban run-offs'. Both attract significantly higher priority than the fourth, 'to provide a habitat for fauna and flora'.⁶⁹

⁶⁴ Submission No 1, p. [1]; Submission No 7, pp.1-3; Submission No 4, p. [1]; Submission No 3, p. [1] & Submission No 8, pp. [3, 4].

⁶⁵ Submission No 3, pp. [1-2.]; Submission No 12, p. [1]; Submission No 1, p. [1]; & Submission No 2, pp.1-2.

⁶⁶ Submission No 3, pp. [1-2.]

⁶⁷ *Planning and Development Act 2007*, Schedule 3, 'Management objectives for public land', Item 8, 'lake'.

⁶⁸ *Planning and Development Act 2007*, s 317(4).

⁶⁹ *Planning and Development Act 2007*, Schedule 3, 'Management objectives for public land', Item 8, 'lake'.

- 3.12 This means from a statutory point of view at present the highest and best use for Canberra's urban lakes and ponds is stormwater drainage.
- 3.13 We consider this problematic. It constrains any Land Management Plan for urban lakes and ponds, preventing such a plan from prioritising water quality for inflows to, or support for ecological value for, bodies of water. In our view, the construction of Schedule 3, Item 8 should be amended to reflect the role of ponds and lakes in our environment, their role as habitat for flora and fauna, to reflect the community's changing relationship with lakes and ponds and the need for increasing amenity in our suburbs if the ACT is to manage its waterways effectively.

Recommendation 1

3.14 The Committee recommends that the ACT Government propose amendments to Item 8 Schedule 3 of the *Planning and Development Act 2007* which, if passed by the Assembly, would give high priority to 'provide a habitat for fauna and flora' and to 'prevent and control pollution of waterways' to ensure that these are actioned, resourced and prioritised in addition to stormwater drainage and flood management.

- 3.15 We consider that once the sequence of priorities for current Item 8 in Schedule 3 of the *Planning and Development Act 2007* had been amended to reflect the Committee's recommendation, the Draft Land Management Plan should be re-framed to reflect these priorities.

Recommendation 2

3.16 The Committee recommends that once the sequence of priorities for current Item 8 in Schedule 3 of the *Planning and Development Act 2007* has been amended, as recommended, a revised version of the Land Management Plan for Canberra Urban Lakes and Ponds should be developed to reflect these statutory objectives.

- 3.17 We consider that if this were done, many of the concerns expressed by submitters to the consultation could be addressed, and assessed against objectives.

Recommendation 3

3.18 The Committee recommends any future management plan updates include targeted stakeholder collaboration which include an objective incorporating consultation and working with local community groups such as Landcare and catchment groups, who often contribute to works on the ground.

Recommendation 4

3.19 The Committee recommends that the ACT Government reconsider the Draft Land Management Plan for Canberra Urban Lakes and Ponds in the context of the ACT Planning Review under way, the ACT Water Strategy, the draft reserve management plan for Canberra Nature Park, Canberra's Living Infrastructure Plan: Cooling the City and other relevant strategies and articulate the relationship between these strategies.

Recommendation 5

3.20 The Committee recommends that the Draft Land Management Plan be maintained as a living document that receives ongoing input from the community and stakeholders and that can be adapted as needed to major events and policy challenges, such as those presented by climate change and the Black Summer bushfires.

Recommendation 6

3.21 The Committee recommends that when reviewing and implementing the Plan, the ACT Government consider more regular rubbish removal, a more targeted mowing regime that protects habitat, more work on revegetation, and new structures to capture silt and organic matter.

Ms Jo Clay MLA

Chair

Revised report adopted 31 August 2021