

SUBMISSION BY CONSERVATION COUNCIL ACT REGION TO VISION 2030

CONSACT Members' Feedback on 'Time to Talk'

Basic Assumptions

Is bigger really better? Members have seriously questioned the underlying assumption of needing to plan for a Canberra of 500,000 people. In a recent (March 2010) independent random survey of Canberra residents, 82.8% indicated that Canberra was either already too large, or "about right" in population size. They point to a raft of constraints to such growth (e.g. water, space, lifestyle, carbon footprint etc.), and the implications that it would have upon the quality of life in the ACT. They also identify many examples of cities/communities that manage to function in a vibrant and viable manner with no, or highly limited, population growth.

What does sustainability mean? We believe it means giving your children a better quality of life than you had, and treading more lightly upon the planet?

Green Spaces

CONSACT members strongly support maintaining the 'Bush Capital', 'Garden City' concept with easy access to nature.

The retention of green open spaces is seen as a critical issue, with many such areas under threat and suffering from a declining condition. Members are concerned at reducing maintenance budgets (in real terms per hectare) for open space and Canberra Nature Park, and a growing tendency to concentrate facilities in regional locations, rather than providing highly accessible 'neighbourhood spaces'. This, we believe, encourages car use, and reduces maintenance levels for local facilities.

Urban Infill

The current land sales paradigm constrains development of a more compact city, since it is seen by developers to be cheaper to build on Greenfield sites. However, we believe that the true cost of such suburbs is largely borne by ACT taxpayers as much essential infrastructure is at the cost of the ACT exchequer (arterial roads, water and power reticulation, schools and other community buildings, transport facilities and rolling stock etc.). There is a strong call for the Government to diversify the ACT revenue base, and to address the issue of adequate income from urban infill development.

There is a widespread impression that much of the urban infill constructed in recent years is of poor-quality, poor design, mitigates against social inclusion, and fails to create buildings sympathetic to their neighbourhood or to provide suitable areas of public open space. This lack of quality design encourages a NIMBY reaction to proposals for infill which, we believe, would change if we enforced worlds-best-practice criteria (including double glazing as standard, passive solar design, and integrated recycling facilities – just to name three).

Affordable Housing

We reject the notion that 'affordable' housing cannot be sustainable housing, or that it has to be of poor design and quality. There are many examples elsewhere demonstrating that

affordable housing can be innovative, vibrant, socially inclusive, aesthetically harmonious and environmentally sustainable in a manner that does not force residents to endure increased energy costs.

Transport

We have also received many negative responses on the state of Canberra's public transport, in particular the pattern of many suburban routes acting as 'tour buses', taking lengthy periods to reach major hubs. We believe that far more innovative and socially appropriate approaches need to be considered. Many residents of older suburbs point to a real reduction in frequency over the past 10-20 years. We accept that public transport provision is partially linked to usage demand and that, with declining population levels in some older suburbs, patronage declines to a point that cannot support frequent services. However, there are many other models, such as transport-on-demand, that could address the social needs of elements in the population who either do not have access to a car, or who have mobility problems. Our belief is that public transport is as much about social inclusion and access to critical facilities, as it is about economics; for example, we are concerned that proposals for new rapid transport systems still fail to provide easy access to our major hospitals. It is also about reducing our carbon footprint by encouraging regular commuters to leave their vehicle at home.

Our Vision

The overarching objectives of our Vision for Canberra in 2030 and beyond in building a sustainable, vibrant, and inclusive community are fourfold:

1. Maintain our 'Bush Capital' by conserving and enhancing its biodiversity, its clean air, its sense of light and space, and its environmental character permitting easy access to nature;
2. Reduce our ecological and carbon footprint by reducing energy use (through better design), reducing car use (through higher residential density and improved public transport) and restricting further greenfield development;
3. Re-building a sense of community spirit through socially inclusive urban design, by affordable housing, by providing accessible vibrant public spaces, and by ensuring disadvantaged groups have easy access to essential services and facilities; and,
4. Reducing our consumption of non-renewable resources by achieving zero waste in both residential and commercial sectors, by lower car-use, and by moving from coal-fired electricity to renewables-based electricity.

This is a vision that we believe that the vast majority of ACT residents share.

Biodiversity and Sustainability: A Move to a More Compact Canberra

We believe that the ongoing loss of biodiversity in the ACT, and the manner in which our population gains access to nature (whether this be formally reserved parts of Canberra Nature Park, urban open space, or rural landscapes) requires that we quickly halt the development of any more Greenfield residential areas (outside those already designed). We are facing an extinction crisis in our native flora and fauna, and any continuation in greenfield development will exacerbate this situation by destroying critical habitat and key connectivity corridors, and by creating increased pressures along the increasing length of the urban-bushland interface zone (see below).

We strongly believe that by encouraging and facilitating sustainable & socially inclusive medium-density residences in existing suburbs, we would achieve:

- A lower ecological footprint;
- Improved opportunities for biodiversity conservation and rehabilitation;
- Reduced cost of infrastructure to the ACT exchequer;
- Increased social cohesiveness, inclusion and a sense of community;
- Increased suburb populations to ensure retention of schools, retail outlets, medical services and other community facilities;
- Increased density of population to support improved frequency and choices in transport modes; and,
- Through more of the population living near to employment and retail/facilities hubs, an increase in cycling and walking with the twin advantages of improved health and lower carbon emissions.

By employing world's-best-practice in our urban design, we believe that this can be achieved without destroying the nature and character of those existing suburbs, by maintaining a flow of revenue to the ACT exchequer, and by meeting strict requirements for public green open space and environmental sustainability.

In our Vision, our rural fringes are retained, they continue to provide ecological services to our city, and their condition is enhanced through sympathetic conservation-lease management. Our biodiversity is further protected by providing functioning connections across the landscape between elements of Canberra Nature Park, to the mountains, and to the wider region (including NSW). Retention and improved management of urban green space and the urban forest brings nature into the suburbs, creates connectivity between our protected hills, and enhances both amenity and mental health.

However, we have been concerned in recent times that increased pressures on the natural areas adjoining the urban city (eg recreational use, weeds, fire, climate change, neighbours) have not been matched by resourcing of the ACT's on-ground management of these areas. TAMS needs a substantial injection of funds if we are to keep those Bush Capital values that so many Canberrans cherish.

Our Scenario

We therefore would envisage a Canberra based upon the following scenario:

Zone 1: 'City Hubs': Increased density of apartments (medium to high density) integrated with employment centres and retail/cultural/community facilities – nodes for frequent light rail to other nodes and for suburban bus feeder services – many streets as shared spaces for pedestrians and cyclists (with service vehicle access out-of-hours) –vibrant green and safe streetscapes with community events.

Zone 2: 'Inner Suburbs A': Parts of suburbs surrounding City Hubs would capitalise upon proximity to employment and facilities with medium density townhouses/apartments no more than canopy height (4 stories on side streets, 6 stories on major transport routes - preserving amenity, minimising loss of solar access and privacy, and maximising the 'heat island' effect of the urban forest) sensitively designed to maintain the existing green character of such suburbs but also ensuring retention of single detached dwellings in those parts of such suburbs outside easy walking distance to the city (e.g. 1-1.5 km).

Zone 3: ‘Suburban Centres’: blocks in direct proximity to suburb centres should be zoned for medium density townhouses/apartments of no more than 3 stories height. Codes should be revised to permit retail premises under apartments. A high proportion of such dwellings should be affordable housing (including single bedroom rental accommodation) as these components of society often do not have access to public transport. Substantial areas of mixed use public open space (including school spaces) should be a feature of such areas. Suburban Centres should act as nodes for local transport services including ‘transport-on-demand’, and receive frequent feeder services to major city hubs. With appropriate infrastructure as such areas are eventually redeveloped, they could also act as ‘park-and-ride’ and ‘cycle-and-ride’ nodes.

Zone 4: ‘Inner Suburbs B’: Suburbs close to existing City Nodes not covered by Zones 2 and 3 would retain their single dwelling character with some limited opportunity for dual occupancy. Small neighbourhood parks (some with playground facilities) should be scattered throughout the suburb. Every effort should be made to retain tree cover throughout the suburb and to reduce vehicle speeds through passive and active traffic measures.

Zone 5: ‘Outer Suburbs’: These should permit a wide range of housing types to cover market demands. Such suburbs should be designed and developed in manner that ensures that critical infrastructure is constructed at the same time as the start of housing building and includes:

- Employment opportunities;
- Retail and medical services;
- Public transport services linking to City hubs and ‘city’ facilities; and
- Recreational open space and facilities (including dog off-leash areas).

Zone 6: ‘Bushland Fringe Sections’: All housing in close proximity to urban and rural bushland should covenants incorporating the following principles:

- Pet animal containment (especially cats);
- Restraint from growing plants likely to invade natural areas;
- Recycling of green wastes;
- Stormwater and runoff management away from bushland; and
- Retention of large trees and extant native vegetation (consistent with fire management requirements)

Adoption by the ACT Government of the Bush on the Boundary Guidelines, and implementation through appropriate regulations and policies, would be an excellent first step in achieving such outcomes.

We would urge a substantial move away from new Greenfield suburbs (with Kowen not being developed) as people downsize to the new townhouse and medium-density apartments thus freeing up existing detached family housing stock (in our survey, 47.6% Canberrans say they would prefer to live in medium-high density accommodation).

Housing Form

All new residential housing throughout Canberra should attain much higher levels of environmental sustainability (e.g. energy, water) integrated in their built form. This would remove impositions upon low-income residents to install high cost energy-saving measures and thus reduce their innate energy consumption and attendant costs. However, we believe that sustainability will not be attained until we set realistic targets and report on achievements:

and a restructuring of the State of Environment Reports produced by the Commissioner for Sustainability and Environment may be an appropriate mechanism.

Community-Government Partnerships

The revitalisation of our neighbourhoods needs to be undertaken in a partnership relationship between Government and the community, and we need new structures and mechanisms to put this into effect. While Government has moved substantially in recent years to provide opportunities for community input into decision-making, our recent independent random survey showed that 87.8% of Canberrans had severe reservations that Government was 'listening' feedback systems need to be provided in order to reassure Canberrans that they do in fact have a real participatory role in major Government decision-making on the future development of their city. One problem identified by our members is that of piecemeal decision-making within agency silos. There is a need for whole-of-government integrated solutions and a re-engagement with communities.

10 Steps to a Green Liveable and Sustainable City

At its recent November Forum, the Conservation Council facilitated a dialogue between its member groups, the general public, Community Councils, and the professions (ecologists, urban and transport planners, and architects) on ways we could move forward in Canberra to achieve a Green Liveable and Sustainable City.

Taking some licence from the website "green-changemakers" (see below for link), we provided examples from around the world. We advanced ten key principles for achieving such a vision (not in any priority order):

1. Plentiful Parks
2. Efficient, Flexible and Available Public Transport
3. Quality Vibrant Public Space
4. Bike Lanes, Parking and Hire
5. Green Buildings
6. Comprehensive Recycling and Composting
7. Mixed Use and Infill
8. Safe, Attractive and Inclusive Neighbourhoods
9. Smart Energy Policies
10. Connected with Nature

Some further resources on Sustainable Green Cities

<http://www.worldchanging.com/cities/>

http://itdp.org/documents/2010-OurCitiesOurselves_Booklet.pdf

<http://green-changemakers.blogspot.com/2010/01/10-things-that-make-great-green-city.html>

<http://www.treehugger.com/files/2010/11/stephen-teeple-shows-social-housing-can-be-green-gorgeous.php>

<http://www.msnbc.msn.com/id/24056306/>

Results for ACT Con Council of March 2010 Omnibus

CD1. In your view, is the current population of the ACT...?

	n	%
Too large	26	13.1
About right	138	69.7
Too small	27	13.6
Not sure	7	3.5
Total	198	100

CD2. In your view, which of the following factors could limit the future growth of Canberra's population?

	n	%
Water supplies	152	76.8
Availability and cost of public transport	115	58.1
Access to public services	102	51.5
Sense of community inclusion	49	24.8
None of these	19	9.6
Total	198	100

CD3. Canberra's population is expected to increase substantially in the future. Would you prefer new development to be...?

	n	%
Primarily in new suburbs outside currently developed areas	107	54.0
Primarily within existing suburbs and urban areas	54	27.3
Neither of these	21	10.6
Not sure	16	8.1
Total	198	100

CD4. Do you want to have any say in the future form and shape of Canberra?

	n	%
Yes	164	82.8
No	34	17.2
Total	198	100

CD5. Given your experiences in Canberra to date, do you think that your views will have any influence on the future development of Canberra?

	n	%
Definitely	1	0.6
Probably	15	9.2
Probably not	112	68.3
Definitely not	32	19.5
Not sure	4	2.4
Total	164	100

CD6. If you were to move home to somewhere else in Canberra (either buying or renting), would you prefer to live:

	n	%
In a high rise apartment in a city/town centre (Civic, Belconnen, Woden, Tuggeranong, Gunghalin)	10	5.1
In a low rise (2-4 stories) unit within walking distance from a city/town centre	14	7.1
In a townhouse or dual occupancy with a small garden/backyard	70	35.4
In a detached house not within walking distance of a 'city' centre, but with a larger garden/backyard	83	41.9
Other	11	5.6
Not sure/none of the above	10	5.1
Total	198	100



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COMMENTS ON ESTATE DEVELOPMENT PLANS FOR COOMBS AND WRIGHT (MOLONGLO)

GENERAL

These comments have been prepared in conjunction with the Planning Institute of Australia (ACT Division).

The plans appear generally consistent with ACTPLA's "Planning Controls" drawing, with some departures in the location of collector roads, particularly in Wright and east Coombs. The collector roads on ACTPLA's drawing are generally more curvilinear (except for the main spine of Coombs) than the proposed layouts and presumably suit the contours better as well as providing more visual interest.

The main arterial road has a bus lane, cycle lane, service street and footpath on both sides, all within a 60 metre wide easement. It needs to be established whether the longitudinal grades would be suitable for future light rail. Limited provision has been made for pedestrian and bicycle crossings of the main arterial road, with an underpass at the main open space spine through Wright and between east and west Coombs and two traffic light controlled intersections at the main entrance roads to the suburbs, about 430 metres from the underpass in each direction.

Edge streets are provided to all public open space areas and the river corridor, which provide for better protection to those areas and improved fire safety to the residential areas. However, the local road networks feature long straight roads with little apparent regard for the topography. The fairly rigid grid layouts, due to strict adherence to a 30 metre block depth module, no doubt maximise block yield and vistas along streets but would limit housing diversity, require significant earthworks and result in many cross intersections with traffic safety implications.

The "Slope Analysis" drawing (under "Site Assessment") shows several areas of steep slope in Wright and particularly on the eastern edge of Coombs and the "Slope Aspect" drawing shows extensive areas of adverse aspect (south to south-eastern), but the layouts do not appear to reflect those constraints. The residential section at the extreme northern end of Coombs facing south-east seems particularly affected by steep and adverse slope. Both that and the adjacent section to its north would also be the most exposed to bushfire risk as well as being highly visible from the river corridor, adjacent to wildlife habitat areas and most remote from the proposed busway and other facilities (more than a kilometre) and so should be deleted.

Despite the fairly extensive provision of high density residential, mainly along the arterial road, the suburbs are predominantly low density residential. More opportunity should be taken for medium density terrace housing located close to facilities, instead of the few apparently randomly located sites shown.

Public open space areas within the suburbs are discontinuous due to the rigid grid layouts. Higher levels of connectivity of public open space and the off-road trails system, more directly leading to the school site, would be desirable. No provision for community gardens appears to have been made.

MOLONGLO RIVER CORRIDOR RIPARIAN ZONE MANAGEMENT STRATEGY

The report notes that this strategy is being developed *“to address the urban interface, recreation uses, and conservation and land management objectives of the Molonglo River corridor adjacent to the future suburbs of Coombs and North Weston.”* The designs for these suburbs need to reflect this work and should therefore not be finalised until the strategy has been publicly released, consulted on and agreed.

WATER SENSITIVE URBAN DESIGN

The proposals indicate that dwellings will have water tanks with the overflow conducted to street tree pits. Mandatory provision of water tanks is questionable and the emphasis should be on maximising infiltration of rainwater into the soil and minimising runoff. Road runoff flows into *“rain gardens for treatment and to water vegetation”* and filtered water runs into open space swales and settlement ponds, from where it can be recycled to irrigate open space. It is not clear whether all streets have swale drains, tree pits etc.

SOLAR ACCESS

The layouts provide for most blocks to have desirable orientation (within 20 degrees west to 30 degrees east). An area at the eastern end of Wright does not meet this criterion due to its proximity to the north-west south-east orientation of the main arterial road, but the plan indicates blocks here will be larger to allow appropriate dwelling orientation.

The higher density sites along the arterial road are also diagonal to the desirable orientation so it will be a design challenge to provide good solar access to these developments. The location of taller buildings on these sites will also need careful consideration to avoid overshadowing of open spaces and other dwellings.

Option 3 orients the streets in east Coombs due north-south and east-west, at the expense of even more massive earthworks with reduced dwelling yield, and is not supported.

It is proposed to adopt higher building setback standards than in the current Territory Plan for greater protection from overshadowing and to adopt the proposed new standard of at least 6 square metres of north-facing glazing to the main daytime living area. At least this standard should also be applied to medium and higher density developments, but a considerably higher standard for solar access could and should be applied to medium and low density development.

The report notes, under *“Price Groups”*, that *“while east west blocks generally allow maximum solar access to dwellings, they also need to be greater than 450 m² to prevent overshadowing.”* *“A mixture of east west and north south blocks provides a greater diversity of building products and price ranges.”*

The layouts have a mixture of north-south and east-west blocks with land for the latter predominating, as is desirable for best solar access. The "Block Mix" analysis indicates that east-west blocks should be at least 15 metres wide and 450 m² in area while north-south blocks could be as narrow as 7 metres and 210 m² in area.

However, 7 metre width for north-south blocks does not provide for good solar access to a substantial part of the house and would necessitate two-storey building types for increased northern frontage. North-south blocks on the south side of streets need to be wider again to accommodate garages. These houses also need to be setback further from the street to allow for north facing private open space in front and the garages tend to become visually dominant. Private backyards of these houses also become very small and overshadowed unless the blocks are deepened.

Most of the proposed north-south housing is shown back-to-back in east-west elongated sections, although often with east-west blocks at the ends. Given the design difficulties with north-south blocks on the south sides of streets it would seem preferable to avoid this form of housing and for the majority of sections to run north-south, with north-south two storey terrace style housing at their southern ends.

East-west housing can be difficult to accommodate on sites with significant lengthwise falls without introducing steps, reinforcing the need for careful adaptation of street layouts to topography. The current designs are not convincing in this regard.

We hope the above comments will be carefully considered and changes made to the estate development plans as recommended.

Yours sincerely,

John Hibberd
Executive Director

23 March 2010

Submission by the Conservation Council ACT Region Inc. (CONSACT) on Draft Strategic Assessment Report of the Molonglo Valley Plan for the Protection of Matters of National Significance

A. Overall comments

1. The report is well prepared within the confines of its Terms of Reference but there are too many exclusions from the Terms of Reference to enable the Strategic Assessment to be complete. In particular the stormwater and recreation strategies have both yet to be completed and publicly released.
2. Matters of local/regional importance have not been addressed in the Draft Environmental Assessment and should have been (viz. birds of prey community impacts issues, existence of locally vulnerable species like the Brown Treecreeper).
3. The critical issue for CONSACT is protecting Kama, the river and its riparian zone, and the woodland areas retained within the urban zone, from edge effects and urban related influences (direct and indirect impacts). The provision of adequate buffers is critically important, and we note that in many locations the proposed urban footprint lies within 100 metres of the river bank. Unless resourcing (financial and staff) for management and compliance is adequately guaranteed over the life of the development, we believe that none of the recommended actions will be effective or valid.
4. While the report broadly identifies impacts (both direct through loss of woodland, *Aprasia* habitat etc, and indirect through edge effects and human related pressures), it does not assess impacts of the sewer line and its associated track as problematical in maintaining effective management of the river corridor.
5. The report effectively writes off the river corridor upstream of Coppins Crossing as degraded, and identifies it for more intensive recreation. We do not support this assessment, nor the proposed outcomes.
6. There is no discussion on the birds of prey community in the Molonglo Valley. The existing rich raptor community is not acknowledged at all (p 35/36 2.1.3). Relevant species are the Little Eagle (an ACT vulnerable species), Wedge-tailed Eagle and the Peregrine Falcon.
7. The proposed dam/lake option (as indicated on numerous ACT Government publications) is not included or considered in this report. Cons Council reiterates its total opposition to any dam or lake involving the Molonglo River. If this option is taken up, the impacts would be major, and would effectively destroy the value and intent of the Commonwealth's assessment and, ultimately, of the river corridor itself.
8. It is difficult to see how the Commonwealth can make a decision on matters of national significance relating to the Molonglo Valley Plan based upon this Assessment while critical documentation is missing. For example, the river corridor management strategy, including recreational use, has not yet been released by the Land Development Agency, and the ACT Government has not formally rejected the dam option.
9. The Assessment fails to make recommendations for restricting and/or limiting recreational access to the river corridor, and CONSACT believes that the entire corridor must be incorporated into Canberra Nature Park and fully fenced (while permitting pedestrian access through nominated and carefully designed points).
10. CONSACT believes that ACT Governments have a poor record of providing adequate on-ground management resources, with budget cuts generally falling on such activities.

B. Overall recommendations for a Revised and Upgraded Assessment Report

1. Identify mitigation actions for all identified impacts, including connectivity loss.
2. Identify a range of options for habitat restoration and rehabilitation, especially in the river corridor upstream of Coppins Crossing.
3. A previous report (by EA Systems) commissioned by ACTPLA recommended a 300 metres buffer on both sides of the river to assist in protecting birds of prey, nesting areas along the river etc. If adopted, this would cover most *Aprasia* habitat as well as protecting the break of slope. A minimum buffer of 300 metres each side of the river, plus retention of the majority of Area D woodland, would be a significantly improved outcome for birds of prey. Such a buffer would create a more effective river corridor reserve and assist in addressing the potential loss of connectivity.
4. The Conservation Council ACT Region seeks to have any option for a dam/lake removed from any plans, and formally rejected by the ACT Government.
5. Ensure that management of the entire river corridor and its buffer zone is undertaken with the express intention of achieving environmental and conservation outcomes.
6. The nature reserve (CNP) extension must include all identified *Aprasia* habitat as a minimum, and a suitable buffer zone, and extend upstream of Coppins Crossing to encompass all of the river corridor adjacent to the urban area of Coombs.
7. The Reserve must be fully fenced as per the rest of Canberra Nature Park.
8. All non-pedestrian paths, trails, tracks and facilities must be located outside the river corridor reserve and its buffer, but could be within the fire control buffer.
9. Any crossings over the river for cyclists and horses must minimise impact on the river corridor, both during construction and afterwards.
10. The ACT Government should be required to implement a community engagement programme (along the lines of the Bush-on-the-Boundary Reference Group in Gungahlin) to modify the behaviour of residents in Coombs and Wright - to be financed from the sale of land blocks.
11. A levy should be placed upon the sale of land blocks within 200 metres of the river corridor to provide a revolving fund to be used by TAMS for maintenance and restoration/rehabilitation works.

C. Protection of matters of National Environmental Significance

General comments

1. As noted under Overall comments above, there is no mention of the Peregrine Falcon (listed under ACT legislation) that nests in the gorge area of the Lower Molonglo River corridor nature reserve (downstream of Coppins Crossing). It may be impacted on by increased recreational use of the corridor upstream of the crossing.
2. Also, there is no mention of ACT threatened woodland birds, such as Brown Tree Creeper and the Hooded Robin. This area has the largest known group of Brown Tree Creepers in the ACT peri-urban area.

Recommendations

1. The Report should address the issue of the massive increase in recreational activities which will cause significant impacts on a range of matters of national significance. The report should furthermore, identify a set of specific recommendations to mitigate such impacts.

C.1 Proposed Management Measures

C.1.1 Box Gum Woodlands

General comments

1. Cons Council supports the requirement for the ACT Government to identify offsets for Box Gum Woodland which will be destroyed as part of the Molonglo development. However, it is disappointing that high quality woodlands such as area D and area J will be sacrificed. Patch D is high quality woodland with floristic diversity and threatened species habitat with an abundance of tree hollows for nesters such as Superb Parrot and Brown Treecreeper. It is also a breeding area for Brown Goshawks, and Wedge-tailed Eagle has a nesting territory in the adjacent part of the river which is close to D.
2. Friends of Aranda Bushland support incorporation into Canberra Nature Park of the Yellow Box/Blakely's Red Gum area currently held in Rural Lease as part of Glenloch Station, located in the area between Bindubi St, Caswell Drive, William Hovell Drive and the edge of the Canberra Nature Park Aranda Bushland and the Snow Gums Heritage Site. This compact area currently contains the endangered *Swainsonia erecta*, and it is a site of raptor nesting.
3. Connectivity of the woodlands/grasslands with the river corridor is a significant feature of the Molonglo Valley and this ecological connectivity is very important for birds, animals etc. This is acknowledged in the EIS (p 2-3, 36) and it is recognized in the Report that this kind of connectivity has been lost in many parts of the ACT. The loss of connectivity impacts on biodiversity across the landscape overall are under-emphasized and not addressed adequately in the SEA.
4. We support actions, such as Plans of Management, to ensure the long term conservation of the woodland patches in E. Molonglo, but they have to be effective and resourced sufficiently to ensure they are well managed in the long term.
5. CONSACT supports the change in status of the Special Purpose Reserve to Nature Reserve in the East Molonglo River corridor "downstream" of Coombs, and wishes to emphasise that this must include the entirety of the river corridor around the northern and eastern boundary of the Coombs urban area.

Recommendations

1. Ensure serious consideration is given to minimising the loss of patches of woodland in East Molonglo (121 hectares are proposed to be lost, plus potential indirect impacts), and undertake further discussions with CONSACT before finalising any proposed offsets.
2. Clarify the possibility of retaining Blocks J and N in the context of STEP (Southern Tablelands Ecosystem Park) land.
3. Retain Patch J on the NW edge of the Arboretum/STEP block as part of the the block in order to restore a more functional linkage into Black Mountain.
4. On the basis of its high quality, create an appropriate offset package for any loss of patch D on a 10:1 basis, focussed on improved conservation management of Central Molonglo, including possible conservation leases.
5. ACT Government be required to identify and commit resources to managing these areas.
6. Revegetate the more weed infested parts of Central Molonglo, particularly closer to the river corridor, with shrubs to encourage woodland birds (see recommendation 4).
7. Provide a wider riparian buffer to the Molonglo River, as the corridor will be subject to high recreation pressure and increased width may assist expansion of populations of the pink-tailed worm lizard.
8. Dedicate the entire Molonglo River corridor as Nature Reserve; including areas to the north end east of the Coombs urban area.

C.1.2 Natural Temperate Grasslands

General comments

See recommendations on Management of Kama Nature Reserve below

Recommendations

1. Ensure the 300m buffer for the outer asset zone is completely outside the Kama Nature Reserve, preferably along the drainage line.
2. Provide adequate resources for managing weed incursions in Kama Nature Reserve and the buffer.

C.1.3 Pink-tail Worm Lizard (PTWL)

General comments

1. Cons Council is extremely concerned about the long-term outcome for the PTWL (refer to the recommendation on *Apraisia* habitat in the nature reserve and the wider river corridor).
2. The proposed bridges go directly through high quality PTWL habitat. The type location for PTWL is adjacent to Coppins Crossing.
3. The recommendation to fund research on the genetics of the PTWL to mitigate direct losses is inadequate; not enough is known about how PTWL responds to management and therefore there is a greater importance on retaining all habitat, and avoiding impacts on habitat. Direct offsets may not be an appropriate response to mitigating the direct loss of 16.15 ha of PTWL habitat, including likely impacts on a much greater area of PTWL habitat.

Recommendations

1. Ensure adequate protection of the bulk of the existing habitat with appropriate buffers and effective management under the proposed riparian management plan. This includes extending the lands to be dedicated as Nature Reserve (see above).
2. The bridges need to be redesigned to minimise their footprint and to avoid all PTWL impacts (see also recommendation 3 under Proposed Management Regime).
3. Provide a range of means to ensure the habitat is not degraded over time, through the employment of techniques such as education of residents, adequate fencing, siting of tracks away from PTWL habitat, protection from bushfire mitigation operations, signage, etc.

C.1.4 Swift Parrot

General comments

1. The Draft Assessment essentially dismisses potential impacts on the Swift Parrot with a generalized response that other offsets should benefit the species.
2. The SEA notes there is a level of uncertainty and that significant impacts cannot be ruled out. Given that no offsets are specifically defined, the impacts on this species, and their mitigation, have not been sufficiently addressed.
3. There have been no targeted surveys for Swift Parrots in the Molonglo Valley.

Recommendations

Targeted surveys be undertaken for Swift Parrot.

1. Offsets to consider foraging habitat restoration such as high value nectar producing eucalypts, eg Yellow Box, possibly Ribbon Gum (*E. viminalis*)

C.1.5 Superb Parrot

General comments

1. The Superb Parrot has spread its range within Canberra in recent years, and the species has been recorded regularly in the Central Molonglo.
2. Loss of trees with hollows for breeding is a critical issue for the species, and existing tree hollows suitable for nesting in are scarce in the Molonglo landscape.

3. There has not been targeted survey work on this species to properly inform and assess impacts.
4. A significant area of Superb Parrot nesting and foraging habitat in the suburb of Harrison in Gungahlin, was lost due to inadequate survey and environmental assessment.

Recommendations

1. Targeted surveys should be undertaken for Superb Parrot in both East and Central Molonglo, to identify nesting trees, foraging areas and corridors used by the species. Surveys to be undertaken over two years, in the months from September to December
2. Offsets to consider habitat enhancements, suitable nest tree species, eg Blakely's Red Gum.

C.1.6 Rainbow Bee-eater

General comments

1. Agree with this conclusion that it is unlikely to have significant impacts on bee-eaters.

C.2 Proposed Management Regime

General comments

1. CONSACT is concerned about the entry of noxious and invasive plant species via horses, cars, bikes, etc., noting that they will be an increasing source of contamination in the surrounding corridor.

C.2.1 Two Bridges

Recommendations

1. The SEA needs to specify the responsibilities for scrutinising the implementation of the agreed monitoring plan and identify the need for compliance enforcement.
2. The bridges need to be redesigned to minimise their footprint on sensitive habitats, and to minimize their impact on ecological processes.
3. Water from the surface of the bridges should be initially drained into a settlement pond prior to discharge to the river, to avoid spread of weeds and other contaminants into the aquatic environment.
4. Restoration should also include revegetation with suitable locally indigenous plant species.

C.2.2 Construction of the Trunk Sewer Line Extension

General comments

1. Refer to overview comment - consideration of other options for the bridges to take them away from *Apraisia* habitat. The strategic assessment report does not consider the likelihood that weeds will be introduced as a result of the excavations associated with the construction of the trunk sewer line, although this is considered to be extremely likely. Even without introduction of weeds, disturbance of the soil will result in germination of existing weeds present in the soil store or that are blown in.

Recommendations

1. Evaluate the potential to install pumping stations along the line thus enabling its route to be moved well away from the River corridor and its buffer.
2. Re-evaluate the need to provide a vehicle track running alongside the sewer line, which would provide opportunities for damaging recreational activities in the buffer including access to the reserve itself.
3. Ensure adequate monitoring is undertaken to detect any weed invasions and treat them immediately.

C.2.3 Management of the East Molonglo River Corridor

General comments

1. Potential recreational impacts from human use on the river corridor are a serious issue which has been underemphasized in the SEA, especially in relation to the river corridor upstream of Coppins Crossing. There is no detail provided, except for the linking of horse trails across the river, and the need to provide some cycling tracks. There is clearly inadequate provision for such activities within the urban footprint.
2. The river corridor upstream of the crossing (which is currently more degraded) will effectively be sacrificed - see statement pg. 112 'the upper part of the river corridor would be appropriate for more intensive recreational uses given its lower ecological values'. The Council does not support this view,
3. If part of the river corridor is used for intensive recreation it is likely that connectivity will be substantially compromised.
4. The Council does support the change in status of the Special Purpose Reserve to Nature Reserve in the E. Molonglo River corridor.
5. CONSACT supports actions (such as plans of management) to ensure the long term conservation of the woodland patches in East Molonglo, especially if such programmes are effective and resourced properly.

Recommendations

1. The River Corridor Management Strategy must be released by the ACT Government for public comment prior to the Minister making any determination on the Strategic Assessment.
2. All active recreation needs must be accommodated within the urban footprint, not focussed on, or within, the river corridor.
3. The Nature Reserve must be extended upstream of Coppins Crossing to encompass the river corridor, including all *Aprasia* habitat and its buffer areas.
4. Create a bigger buffer with the Nature Reserve to be fully fenced and with only passive pedestrian-based recreation permitted within the Reserve.
5. Investigate moving the sewer line away from the edge of the river corridor, and removing its track.
6. Ensure **all** proposed walking trails are sited well away from the Gorge area in the Lower Molonglo Nature Reserve
7. Ensure full funding for on-site environmental management prior to any works commencing or, at the minimum, staggered as each stage is developed.

C.2.4 Management of Kama Nature Reserve

General comments

1. The indirect impacts from edge effects and urban related influences on this very high quality woodland and bird habitat are substantially underestimated and underemphasized in the SEA report (e.g. statement on pg. 102 states that indirect impacts are of less concern due to the mitigations proposed).

Recommendations

1. The whole of the block east of Kama should be buffer zone all the way to Deep Creek – i.e. no housing. Protect and allow for bushfire management zone outside the nature reserve and possible use for broadacre with a small footprint. – e.g. fire brigade shed; scout hall; recreation for residents. Regeneration should be encouraged in this buffer zone.
2. The stand of endangered woodland within that block should be protected by addition to Kama Nature Reserve.

C.2.5 Management of Hills, Ridges and Buffer Zones/ Development within West Molonglo

General comments

1. Support the exclusion of the large patch of box/gum woodland from West Molonglo broadacre zone, and its long-term management/conservation as part of Hills, Ridges and Buffers.

C.3 Proposed Plans of Management

General comments

1. Supported in principle, but it is critical to ensure implementation and compliance are adequately resourced.

C.4 Adaptive Management

General comments

1. Supported in principle, but ensure adaptive management is defined, adequately planned and resourced. In general, successive ACT Governments have had a poor record regarding on-ground implementation and resourcing.

C.5 Auditing And Monitoring

General comments

1. We support this recommendation, which should be financed by the funds raised from urban development sales.

Recommendations

1. Ensure that monitoring and auditing recommendations are timely and effectively implemented, including the provision of adequate resources.

D. Other Comments

D.1 Bushfire Management -

General Comment

1. Please note the Council's Policy on the Bushfire Asset Protection Zone (Attachment A).
2. Management of bushfire risk for this area over the life of the development project has not been addressed and this exposes species and ecosystems to a high level of risk from inappropriate fire regimes, both natural and human. The area has been identified as being a high risk zone for bushfires from the north and northwest. The ACT Strategic Bushfire Management Plan 2009 mandates that intensive prescribed burning or other risk reduction strategies must be carried out regularly in ember zones (Outer Asset Protection Zones) which are defined as 300 metres wide at the interface between rural and urban areas.

Recommendations

1. A comprehensive strategic bushfire management plan be developed for the whole of the development area over the life of the construction activity.

2. Features of such a plan should include its compliance with the ACT Strategic Bushfire Management Plan 2009; a ten year plan of risk reduction strategies including prescribed burning; a high capacity to protect the natural values, listed species and ecosystems of the area addressed in this review; flexibility and capacity to respond to continually changing ember zones as the urban development expands and its boundaries alter; and capacity to contain the required ember zone within whatever urban development which exists at the time.
3. It is essential that the river corridor, Kama woodlands and its buffer zone be excluded from use as any part of the 300 metre ember zone throughout all stages of development.

D.2 Community Engagement

General Comment

1. People living on the urban fringe, especially those where the urban footprint abuts directly onto naturally vegetated lands, have a large potential to create significant environmental impacts upon the conservation values of such adjoining resources.
2. These impacts range from the spread of invasive plant species from suburban gardens to loss of faunal biodiversity caused by wandering pets, and from increased rubbish dumping to direct soil and vegetation loss from the impacts of increased recreational use by pedestrians, bike riders and horses.
3. Over the past three years, the ACT's Bush on the Boundary Reference Group has worked to develop generic guidelines for peri-urban areas, and to trial innovative community engagement models aimed at modifying residents behaviour and widening their appreciation of, and respect for, adjacent naturally vegetated lands.

Recommendations

1. The developers of the Molonglo urban area must, prior to any lands being released for sale, establish a fund for an extensive community engagement programme to inform and advise incoming residents on appropriate behaviour patterns. Such a fund should be managed conjointly by the developer, TAMS, the Conservation Council, and representatives of the local community.
2. The ACT Minister for Environment should declare a cat containment regulation for the entirety of the Molonglo urban area or, at the very least, for all blocks within 200 metres of the river corridor.
3. Sufficient dedicated areas within the urban footprint should be established for residents to walk their dogs. No dogs should be permitted within the Reserve, and only dogs on leash within any buffer zones.
4. Guidelines for planting suitable (preferably native, but not exclusively) species should be issued to all prospective residents, with a list of 'regulated species' prohibited from sale or planting.

ATTACHMENT A

Policy of the Conservation Council ACT Region on the Bushfire Asset Protection Zone - December 2009

1. That any new housing development or re-development, including urban infill, must absorb within its own perimeters the prescribed standard width for the Asset Protection Zone as set out in the Strategic Bushfire Management Plan, i.e. 30 metres Inner Asset Protection Zone; and 300 metres for the Outer Asset Protection Zone.
2. Calculation of the relevant Asset Protection Zone must commence at the edge of a lease boundary (not at the buildings within the lease).
3. The Asset Protection Zone may include the nature strip only if there is a covenant on the land enforcing grass or hard surface cover only on the nature strip.
4. Further, any structure erected must be built to the prescribed Australian fire safety rating for that area so that it does not rely on prescribed burning in nearby conservation areas for protection against arson or natural ignition.

Submission by the Conservation Council ACT Region Inc. (CONSACT) on Draft Strategic Assessment Report of the Molonglo Valley Plan for the Protection of Matters of National Significance

A. Overall comments

1. The report is well prepared within the confines of its Terms of Reference but there are too many exclusions from the Terms of Reference to enable the Strategic Assessment to be complete. In particular the stormwater and recreation strategies have both yet to be completed and publicly released.
2. Matters of local/regional importance have not been addressed in the Draft Environmental Assessment and should have been (viz. birds of prey community impacts issues, existence of locally vulnerable species like the Brown Treecreeper).
3. The critical issue for CONSACT is protecting Kama, the river and its riparian zone, and the woodland areas retained within the urban zone, from edge effects and urban related influences (direct and indirect impacts). The provision of adequate buffers is critically important, and we note that in many locations the proposed urban footprint lies within 100 metres of the river bank. Unless resourcing (financial and staff) for management and compliance is adequately guaranteed over the life of the development, we believe that none of the recommended actions will be effective or valid.
4. While the report broadly identifies impacts (both direct through loss of woodland, *Aprasia* habitat etc, and indirect through edge effects and human related pressures), it does not assess impacts of the sewer line and its associated track as problematical in maintaining effective management of the river corridor.
5. The report effectively writes off the river corridor upstream of Coppins Crossing as degraded, and identifies it for more intensive recreation. We do not support this assessment, nor the proposed outcomes.
6. There is no discussion on the birds of prey community in the Molonglo Valley. The existing rich raptor community is not acknowledged at all (p 35/36 2.1.3). Relevant species are the Little Eagle (an ACT vulnerable species), Wedge-tailed Eagle and the Peregrine Falcon.
7. The proposed dam/lake option (as indicated on numerous ACT Government publications) is not included or considered in this report. Cons Council reiterates its total opposition to any dam or lake involving the Molonglo River. If this option is taken up, the impacts would be major, and would effectively destroy the value and intent of the Commonwealth's assessment and, ultimately, of the river corridor itself.
8. It is difficult to see how the Commonwealth can make a decision on matters of national significance relating to the Molonglo Valley Plan based upon this Assessment while critical documentation is missing. For example, the river corridor management strategy, including recreational use, has not yet been released by the Land Development Agency, and the ACT Government has not formally rejected the dam option.
9. The Assessment fails to make recommendations for restricting and/or limiting recreational access to the river corridor, and CONSACT believes that the entire corridor must be incorporated into Canberra Nature Park and fully fenced (while permitting pedestrian access through nominated and carefully designed points).
10. CONSACT believes that ACT Governments have a poor record of providing adequate on-ground management resources, with budget cuts generally falling on such activities.

B. Overall recommendations for a Revised and Upgraded Assessment Report

1. Identify mitigation actions for all identified impacts, including connectivity loss.
2. Identify a range of options for habitat restoration and rehabilitation, especially in the river corridor upstream of Coppins Crossing.
3. A previous report (by EA Systems) commissioned by ACTPLA recommended a 300 metres buffer on both sides of the river to assist in protecting birds of prey, nesting areas along the river etc. If adopted, this would cover most *Aprasia* habitat as well as protecting the break of slope. A minimum buffer of 300 metres each side of the river, plus retention of the majority of Area D woodland, would be a significantly improved outcome for birds of prey. Such a buffer would create a more effective river corridor reserve and assist in addressing the potential loss of connectivity.
4. The Conservation Council ACT Region seeks to have any option for a dam/lake removed from any plans, and formally rejected by the ACT Government.
5. Ensure that management of the entire river corridor and its buffer zone is undertaken with the express intention of achieving environmental and conservation outcomes.
6. The nature reserve (CNP) extension must include all identified *Aprasia* habitat as a minimum, and a suitable buffer zone, and extend upstream of Coppins Crossing to encompass all of the river corridor adjacent to the urban area of Coombs.
7. The Reserve must be fully fenced as per the rest of Canberra Nature Park.
8. All non-pedestrian paths, trails, tracks and facilities must be located outside the river corridor reserve and its buffer, but could be within the fire control buffer.
9. Any crossings over the river for cyclists and horses must minimise impact on the river corridor, both during construction and afterwards.
10. The ACT Government should be required to implement a community engagement programme (along the lines of the Bush-on-the-Boundary Reference Group in Gungahlin) to modify the behaviour of residents in Coombs and Wright - to be financed from the sale of land blocks.
11. A levy should be placed upon the sale of land blocks within 200 metres of the river corridor to provide a revolving fund to be used by TAMS for maintenance and restoration/rehabilitation works.

C. Protection of matters of National Environmental Significance

General comments

1. As noted under Overall comments above, there is no mention of the Peregrine Falcon (listed under ACT legislation) that nests in the gorge area of the Lower Molonglo River corridor nature reserve (downstream of Coppins Crossing). It may be impacted on by increased recreational use of the corridor upstream of the crossing.
2. Also, there is no mention of ACT threatened woodland birds, such as Brown Tree Creeper and the Hooded Robin. This area has the largest known group of Brown Tree Creepers in the ACT peri-urban area.

Recommendations

1. The Report should address the issue of the massive increase in recreational activities which will cause significant impacts on a range of matters of national significance. The report should furthermore, identify a set of specific recommendations to mitigate such impacts.

C.1 Proposed Management Measures

C.1.1 Box Gum Woodlands

General comments

1. Cons Council supports the requirement for the ACT Government to identify offsets for Box Gum Woodland which will be destroyed as part of the Molonglo development. However, it is disappointing that high quality woodlands such as area D and area J will be sacrificed. Patch D is high quality woodland with floristic diversity and threatened species habitat with an abundance of tree hollows for nesters such as Superb Parrot and Brown Treecreeper. It is also a breeding area for Brown Goshawks, and Wedge-tailed Eagle has a nesting territory in the adjacent part of the river which is close to D.
2. Friends of Aranda Bushland support incorporation into Canberra Nature Park of the Yellow Box/Blakely's Red Gum area currently held in Rural Lease as part of Glenloch Station, located in the area between Bindubi St, Caswell Drive, William Hovell Drive and the edge of the Canberra Nature Park Aranda Bushland and the Snow Gums Heritage Site. This compact area currently contains the endangered *Swainsonia erecta*, and it is a site of raptor nesting.
3. Connectivity of the woodlands/grasslands with the river corridor is a significant feature of the Molonglo Valley and this ecological connectivity is very important for birds, animals etc. This is acknowledged in the EIS (p 2-3, 36) and it is recognized in the Report that this kind of connectivity has been lost in many parts of the ACT. The loss of connectivity impacts on biodiversity across the landscape overall are under-emphasized and not addressed adequately in the SEA.
4. We support actions, such as Plans of Management, to ensure the long term conservation of the woodland patches in E. Molonglo, but they have to be effective and resourced sufficiently to ensure they are well managed in the long term.
5. CONSACT supports the change in status of the Special Purpose Reserve to Nature Reserve in the East Molonglo River corridor "downstream" of Coombs, and wishes to emphasise that this must include the entirety of the river corridor around the northern and eastern boundary of the Coombs urban area.

Recommendations

1. Ensure serious consideration is given to minimising the loss of patches of woodland in East Molonglo (121 hectares are proposed to be lost, plus potential indirect impacts), and undertake further discussions with CONSACT before finalising any proposed offsets.
2. Clarify the possibility of retaining Blocks J and N in the context of STEP (Southern Tablelands Ecosystem Park) land.
3. Retain Patch J on the NW edge of the Arboretum/STEP block as part of the the block in order to restore a more functional linkage into Black Mountain.
4. On the basis of its high quality, create an appropriate offset package for any loss of patch D on a 10:1 basis, focussed on improved conservation management of Central Molonglo, including possible conservation leases.
5. ACT Government be required to identify and commit resources to managing these areas.
6. Revegetate the more weed infested parts of Central Molonglo, particularly closer to the river corridor, with shrubs to encourage woodland birds (see recommendation 4).
7. Provide a wider riparian buffer to the Molonglo River, as the corridor will be subject to high recreation pressure and increased width may assist expansion of populations of the pink-tailed worm lizard.
8. Dedicate the entire Molonglo River corridor as Nature Reserve; including areas to the north end east of the Coombs urban area.

C.1.2 Natural Temperate Grasslands

General comments

See recommendations on Management of Kama Nature Reserve below

Recommendations

1. Ensure the 300m buffer for the outer asset zone is completely outside the Kama Nature Reserve, preferably along the drainage line.
2. Provide adequate resources for managing weed incursions in Kama Nature Reserve and the buffer.

C.1.3 Pink-tail Worm Lizard (PTWL)

General comments

1. Cons Council is extremely concerned about the long-term outcome for the PTWL (refer to the recommendation on *Apraisia* habitat in the nature reserve and the wider river corridor).
2. The proposed bridges go directly through high quality PTWL habitat. The type location for PTWL is adjacent to Coppins Crossing.
3. The recommendation to fund research on the genetics of the PTWL to mitigate direct losses is inadequate; not enough is known about how PTWL responds to management and therefore there is a greater importance on retaining all habitat, and avoiding impacts on habitat. Direct offsets may not be an appropriate response to mitigating the direct loss of 16.15 ha of PTWL habitat, including likely impacts on a much greater area of PTWL habitat.

Recommendations

1. Ensure adequate protection of the bulk of the existing habitat with appropriate buffers and effective management under the proposed riparian management plan. This includes extending the lands to be dedicated as Nature Reserve (see above).
2. The bridges need to be redesigned to minimise their footprint and to avoid all PTWL impacts (see also recommendation 3 under Proposed Management Regime).
3. Provide a range of means to ensure the habitat is not degraded over time, through the employment of techniques such as education of residents, adequate fencing, siting of tracks away from PTWL habitat, protection from bushfire mitigation operations, signage, etc.

C.1.4 Swift Parrot

General comments

1. The Draft Assessment essentially dismisses potential impacts on the Swift Parrot with a generalized response that other offsets should benefit the species.
2. The SEA notes there is a level of uncertainty and that significant impacts cannot be ruled out. Given that no offsets are specifically defined, the impacts on this species, and their mitigation, have not been sufficiently addressed.
3. There have been no targeted surveys for Swift Parrots in the Molonglo Valley.

Recommendations

Targeted surveys be undertaken for Swift Parrot.

1. Offsets to consider foraging habitat restoration such as high value nectar producing eucalypts, eg Yellow Box, possibly Ribbon Gum (*E. viminalis*)

C.1.5 Superb Parrot

General comments

1. The Superb Parrot has spread its range within Canberra in recent years, and the species has been recorded regularly in the Central Molonglo.
2. Loss of trees with hollows for breeding is a critical issue for the species, and existing tree hollows suitable for nesting in are scarce in the Molonglo landscape.

3. There has not been targeted survey work on this species to properly inform and assess impacts.
4. A significant area of Superb Parrot nesting and foraging habitat in the suburb of Harrison in Gungahlin, was lost due to inadequate survey and environmental assessment.

Recommendations

1. Targeted surveys should be undertaken for Superb Parrot in both East and Central Molonglo, to identify nesting trees, foraging areas and corridors used by the species. Surveys to be undertaken over two years, in the months from September to December
2. Offsets to consider habitat enhancements, suitable nest tree species, eg Blakely's Red Gum.

C.1.6 Rainbow Bee-eater

General comments

1. Agree with this conclusion that it is unlikely to have significant impacts on bee-eaters.

C.2 Proposed Management Regime

General comments

1. CONSACT is concerned about the entry of noxious and invasive plant species via horses, cars, bikes, etc., noting that they will be an increasing source of contamination in the surrounding corridor.

C.2.1 Two Bridges

Recommendations

1. The SEA needs to specify the responsibilities for scrutinising the implementation of the agreed monitoring plan and identify the need for compliance enforcement.
2. The bridges need to be redesigned to minimise their footprint on sensitive habitats, and to minimize their impact on ecological processes.
3. Water from the surface of the bridges should be initially drained into a settlement pond prior to discharge to the river, to avoid spread of weeds and other contaminants into the aquatic environment.
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C.2.2 Construction of the Trunk Sewer Line Extension

General comments

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Recommendations

1. Evaluate the potential to install pumping stations along the line thus enabling its route to be moved well away from the River corridor and its buffer.
2. Re-evaluate the need to provide a vehicle track running alongside the sewer line, which would provide opportunities for damaging recreational activities in the buffer including access to the reserve itself.
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C.2.3 Management of the East Molonglo River Corridor

General comments

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2. The river corridor upstream of the crossing (which is currently more degraded) will effectively be sacrificed - see statement pg. 112 'the upper part of the river corridor would be appropriate for more intensive recreational uses given its lower ecological values'. The Council does not support this view,
3. If part of the river corridor is used for intensive recreation it is likely that connectivity will be substantially compromised.
4. The Council does support the change in status of the Special Purpose Reserve to Nature Reserve in the E. Molonglo River corridor.
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Recommendations

1. The River Corridor Management Strategy must be released by the ACT Government for public comment prior to the Minister making any determination on the Strategic Assessment.
2. All active recreation needs must be accommodated within the urban footprint, not focussed on, or within, the river corridor.
3. The Nature Reserve must be extended upstream of Coppins Crossing to encompass the river corridor, including all *Aprasia* habitat and its buffer areas.
4. Create a bigger buffer with the Nature Reserve to be fully fenced and with only passive pedestrian-based recreation permitted within the Reserve.
5. Investigate moving the sewer line away from the edge of the river corridor, and removing its track.
6. Ensure **all** proposed walking trails are sited well away from the Gorge area in the Lower Molonglo Nature Reserve
7. Ensure full funding for on-site environmental management prior to any works commencing or, at the minimum, staggered as each stage is developed.

C.2.4 Management of Kama Nature Reserve

General comments

1. The indirect impacts from edge effects and urban related influences on this very high quality woodland and bird habitat are substantially underestimated and underemphasized in the SEA report (e.g. statement on pg. 102 states that indirect impacts are of less concern due to the mitigations proposed).

Recommendations

1. The whole of the block east of Kama should be buffer zone all the way to Deep Creek – i.e. no housing. Protect and allow for bushfire management zone outside the nature reserve and possible use for broadacre with a small footprint. – e.g. fire brigade shed; scout hall; recreation for residents. Regeneration should be encouraged in this buffer zone.
2. The stand of endangered woodland within that block should be protected by addition to Kama Nature Reserve.

C.2.5 Management of Hills, Ridges and Buffer Zones/ Development within West Molonglo

General comments

1. Support the exclusion of the large patch of box/gum woodland from West Molonglo broadacre zone, and its long-term management/conservation as part of Hills, Ridges and Buffers.

C.3 Proposed Plans of Management

General comments

1. Supported in principle, but it is critical to ensure implementation and compliance are adequately resourced.

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General comments

1. Supported in principle, but ensure adaptive management is defined, adequately planned and resourced. In general, successive ACT Governments have had a poor record regarding on-ground implementation and resourcing.

C.5 Auditing And Monitoring

General comments

1. We support this recommendation, which should be financed by the funds raised from urban development sales.

Recommendations

1. Ensure that monitoring and auditing recommendations are timely and effectively implemented, including the provision of adequate resources.

D. Other Comments

D.1 Bushfire Management -

General Comment

1. Please note the Council's Policy on the Bushfire Asset Protection Zone (Attachment A).
2. Management of bushfire risk for this area over the life of the development project has not been addressed and this exposes species and ecosystems to a high level of risk from inappropriate fire regimes, both natural and human. The area has been identified as being a high risk zone for bushfires from the north and northwest. The ACT Strategic Bushfire Management Plan 2009 mandates that intensive prescribed burning or other risk reduction strategies must be carried out regularly in ember zones (Outer Asset Protection Zones) which are defined as 300 metres wide at the interface between rural and urban areas.

Recommendations

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2. Features of such a plan should include its compliance with the ACT Strategic Bushfire Management Plan 2009; a ten year plan of risk reduction strategies including prescribed burning; a high capacity to protect the natural values, listed species and ecosystems of the area addressed in this review; flexibility and capacity to respond to continually changing ember zones as the urban development expands and its boundaries alter; and capacity to contain the required ember zone within whatever urban development which exists at the time.
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General Comment

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2. These impacts range from the spread of invasive plant species from suburban gardens to loss of faunal biodiversity caused by wandering pets, and from increased rubbish dumping to direct soil and vegetation loss from the impacts of increased recreational use by pedestrians, bike riders and horses.
3. Over the past three years, the ACT's Bush on the Boundary Reference Group has worked to develop generic guidelines for peri-urban areas, and to trial innovative community engagement models aimed at modifying residents behaviour and widening their appreciation of, and respect for, adjacent naturally vegetated lands.

Recommendations

1. The developers of the Molonglo urban area must, prior to any lands being released for sale, establish a fund for an extensive community engagement programme to inform and advise incoming residents on appropriate behaviour patterns. Such a fund should be managed conjointly by the developer, TAMS, the Conservation Council, and representatives of the local community.
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ATTACHMENT A

Policy of the Conservation Council ACT Region on the Bushfire Asset Protection Zone - December 2009

1. That any new housing development or re-development, including urban infill, must absorb within its own perimeters the prescribed standard width for the Asset Protection Zone as set out in the Strategic Bushfire Management Plan, i.e. 30 metres Inner Asset Protection Zone; and 300 metres for the Outer Asset Protection Zone.
2. Calculation of the relevant Asset Protection Zone must commence at the edge of a lease boundary (not at the buildings within the lease).
3. The Asset Protection Zone may include the nature strip only if there is a covenant on the land enforcing grass or hard surface cover only on the nature strip.
4. Further, any structure erected must be built to the prescribed Australian fire safety rating for that area so that it does not rely on prescribed burning in nearby conservation areas for protection against arson or natural ignition.

Submission by the Conservation Council ACT Region Inc. on Proposed Amendments to EIS Procedures: Planning and development (Environmental Impact Statements) Amendment Bill 2010.

A. General

The Conservation Council (CONSACT) supports the following principles regarding the use of environmental impact statements (EIS) in the ACT development control process:

- The use of pre-assessment of development proposals to ensure that the appropriate level of impact assessment is undertaken in a timely manner;
- The requirement for adequate scoping of EIS requirements to ensure EIS are adequate and do not lead to unnecessary costs and delays in determining development proposals, and for public scrutiny and review;
- The need to ensure that the widest range of potential impacts are evaluated for determination of inclusion in an EIS (as is required under the NSW *Environmental Planning and Assessment Act, 1979*);
- The need for transparency and accountability in the EIS process, including accessible notification, public comment, and feedback of assessment of public comments);
- Community access to third party appeals in a judicial process;
- Adoption of the ‘*Precautionary Principle*’;
- Adoption of the principle that developers must clearly demonstrate that there will NOT be adverse environmental impacts (as opposed to any tests for the reverse);
- The requirement that all assessments must not only address *in situ* direct impacts, but must also evaluate indirect, *ex situ* and cumulative impacts; and
- The need for all EIS to fully assess a range of alternative options to the preferred course of activity, including the ‘no build’ option.

In the case of the proposed Bill, CONSACT does support the intent of the legislation in providing:

- an enhanced role for the Conservator of Flora and Fauna (Conservator) in the development approval process;
- a mechanism whereby cumulative impacts must be considered [*Sched.4, Section 4.2(1)(b)*];
- a mechanism [*Cl 138A (8)*] for the cost recovery by ACTPLA, DECCEW and other relevant agencies for actions incurred in assessing the impact of proposals;
- a facility for ACTPLA to reject an EIS if unsatisfactory [*Cl.224A*].

However, CONSACT does have some broad level objections (detailed further below) relating to other aspects of the Bill, viz:

- reduction in the level of the triggers for a range of classes of activities;
- lack of clear guidelines and criteria for the matters that the Conservator must consider when forming his ‘opinion’ regarding selection of the assessment track for a proposal, in particular relating to ensuring resilience to climate change, landscape connectivity, and *ex situ* impacts;
- lack of transparency and accountability for the expanded role of the Conservator; and
- inconsistency in the principle underlying the formation of the Conservator’s ‘opinion’.

A1. The Precautionary Principle

The onus must be upon the developer to prove that the proposal will not have an adverse environmental impact – the *Precautionary Principle*. It is a perverse reversal of this well-accepted principle, upon which the environmental legislation in most other Australian and international jurisdictions is based, that places the onus on the Conservator to form an opinion that the proposal will have an adverse environmental impact.

In this Bill, there is inconsistency relating to the onus of proof. In *Sched. 4, Part 4.2, Items 1, 3 and 7, and Part 4.3 Item 2*, the onus is upon the developer to provide documentary evidence that the proposal “will not have a significant adverse environmental impact”, while in *Part 4.3 Items 1, 3, 4 and 6* the onus is reversed, whereby the Conservator will be required to show that the impact is significant. This does not accord well with the Precautionary Principle, and is likely to lead to much lower levels of environmental outcomes.

CONSACT strongly recommends that the wording throughout Sched 4. Parts 4.2 and 4.3 be revised to reflect the Precautionary Principle as commonly employed, and to consistently state, “that the Conservator considers will not have potential for significant adverse environmental impact”.

A2. Transparency and Accountability: Public Participation in Environmental Decision-making

This is an area of particular concern to CONSACT, and is the cornerstone of modern environmental planning law. In the absence of any Regulation to the Amendment Bill, we cannot see how the Conservator will have a fixed sphere of reference for the matters which he must take into account in forming his ‘opinion’ on whether a proposal is most appropriately assessed in the ‘impact’ or ‘merit’ track of the P&D Act.

At the moment there is little public faith that the proposed amendments will result in a significant improvement in the level of environmental protection against inappropriate development, or enhancement of the quality of the environment, and that these proposed amendments will solely serve to expedite and hasten all forms of development; appropriate or otherwise.

This Council strongly urges the ACT Government to prepare, and publicly exhibit, a draft regulation for the EIS Procedures, prior to tabling the Amendment Bill in the Legislative Assembly. Such a Regulation should, amongst other matters, address:

- the matters that the Conservator must take into consideration when pre-assessing a proposal (reference is made to this relating to the Minister in *Cl.211(2)*) – see Annex A, ‘Extracts from the NSW *Planning and Assessment Act, 1979*, and *Regulation, 2000*’;
- a mechanism enabling an appropriate level of public review and participation in the EIS scoping process, and the ‘opinion’ decision-making process,;
- a mechanism for third-party judicial appeal against the Conservator’s determination of his ‘opinion’;

- opportunities for public receipt of all agency and Ministerial assessment reports and decisions.

We wish to propose that the ACT process be consistent with the environmental assessment under the *EPBC Act* (as is the intent of the bilateral agreement between the Commonwealth and the ACT Government). Under the *EPBC Act*, preliminary forms of assessment still provide a mechanism for public comment on the potential environmental impacts (Divisions 3A and 4 of Part 8 of the *EPBC Act*).

Therefore the Conservation Council recommends that there be a form of public review of the Conservator's decision regarding the track for DA environmental assessment., We believe this could be instigated without incurring excessive delays or costs. This should, at the very least, provide a public notification process, requirement on the Conservator to consider public comments, publication of the Conservator's decision with reasons, and a mechanism for judicial review.

A3. Scoping & Revised EIS

The current P&D Act does not require public comment to be sought on the scoping document [s212(3) of the *ACT Planning Act and Regulation 51(3) of the ACT Planning and Development Regulation 2008*]. Public participation only occurs after the EIS has been submitted. CONSACT believes that there should be far wider opportunities for public input into the formulation of the scoping document since it is potentially a critical component of the EIA process. There are significant advantages of ensuring opportunities for public participation at the early scoping stages for an EIS. Two examples of this are:

- the recent proposal for playing fields at Throsby by TAMS where public input has significantly improved the potential environmental outcomes of the EIS process;
- the proposal for the upgrading the Mulligan's Flat Road where public input has reduced the EIS needs from a major 4-laner highway to a more environmentally sensitive re-sealing along the current alignment.

CONSACT recommends that the Bill should contain clauses that facilitate public input into the EIS scoping process, including publication of the final scoping document. Such provisions should also include:

- ***publication of any revised EIS for additional public review;***
- ***automatic provision of ACTPLA's assessment report to all parties making submissions on an EIS.***

A4. Public Inquiries

There needs to be more certainty regarding public inquiries/hearings, and in particular, the manner in which panels are selected. We note that the EPBC Act establishes criteria for the Commonwealth Environment Minister to follow in making determinations, and also provides for public hearings to be held (*Division 7 of Part 8 of the EPBC Act*).

The Council suggests that there are a number of bodies in the ACT from whom members of such panels could be drawn, including the NRM Council, the Heritage Council and the Conservation Council.

B. Specific

B1. Definitions

The definition of ‘significant’ under ‘significant adverse environmental impact’ in *Sched 4. section 4.2(1)* is NOT supported. It is patently ridiculous to assume that just because an entity may not be ‘significant’ in its own right, that a set of activities may not have a significant level of environmental impact. It is the actual level of potential impacts that are relevant.

We recommend that this definition be revised accordingly to give effect to the accepted interpretation of the *Precautionary Principle*.

B2. Triggers (ref: Schedule 4)

B2.1 Water storage (Part 4.2 Item 3)

CONSACT does not support the raising of height limits for this trigger. In these days of changed riparian flows under climate change events, we are seeing severe environmental impacts from water storages affecting the ecological health of both permanent and intermittent rivers and creeks. CONSACT believes the requirements for EIS should be strengthened, not weakened.

There does not appear to be a definition of ‘river corridor zone’ in the P&D Act.

B2.2 Implication of previous assessment under Territory Plan or Variation [Part 4.2 Item 1, and Part 4.3 Item 3(b)]

In these two instances it is suggested that, simply because there may have been some assessment under the Territory Plan or a Variation in designated ‘future urban area’, the triggers should be relaxed. CONSACT does NOT support this contention for the following reasons:

1. There is no existing automatic requirement for environmental assessment under the P&D Act for TP Variations;
2. The Territory Plan, and frequently older Variations, can be approved many years prior to development applications being lodged – during which time the status and condition of an area can materially change as a result of :
 - (a) new survey information being available;
 - (b) change in condition due to alteration of landuse, e.g. cessation of grazing; and,
 - (c) the need to consider changed community requirements, e.g, climate change mitigation, bushfire risk etc.
3. An excellent example of this principle is afforded by the suburb of Throsby. When the Territory Plan was developed, decisions were made to allocate lands to Mulligan’s Flat and Gorooyaroo Nature reserves based upon ecosystem condition at that time. Consequently, the remaining lands were deemed ‘future urban’ and delineated on a publicly notified Structure Plan for East Gungahlin. Since then grazing has been removed and the ecosystem has substantially recovered; surveys have been undertaken which indicate a much higher conservation status should be assigned to the area; and ‘The Sanctuary’ established with considerable ACT Government investment, thus requiring an alteration to the Reserves’ relationship with the surrounding lands and the need to

consider modification of their boundary for management purposes to protect the integrity and long-term viability of 'The Sanctuary'.

Consequently, CONSACT strongly objects to varying the level of triggers based upon the possibility of previous assessment in Territory Plan development, on the grounds of such potentially being out-of-date, inadequate level of resolution/detail, and inadequacy in considering changed environmental and social requirements.

B2.3 Watercourses (Part 4.2 Items 5, 10, 11 and 12)

Proposals to remove automatic EIS provisions in the existing Act relating to sewage treatment facilities, waste facilities and landfills within 100 metres of waterways, or areas with a high watertable, highly permeable soils, sodic soils or saline soils, in a domestic water supply catchment, or within 2km of a residential zone and is likely to significantly affect the amenity of the neighbourhood because of noise, odour, dust, vermin attracted, lights, traffic or waste [existing *Sched 4, Part 4.2 Item 5(d) to (g), Item 9(b), Item 11 (b)(c), Item 12(a) to (d)*] are NOT supported. CONSACT cannot see any situation where such facilities within 100 metres of a waterway or other sensitive areas (as above) would not have potential for significant environmental impact.

CONSACT recommends that the previous automatic EIS trigger provisions for activities within 100 metres of waterways be re-instated.

B2.4 Endangered Species and Communities (Sched 4, Part 4.3 Item 1)

This Council is concerned that the wording as proposed will only focus on species/communities that are already under threat. It is an important ecological principle that society should be protecting all native species to the extent that their conservation status does not decline. It is clearly a far preferable policy to ensure species/communities do not become endangered, rather than ignoring them until they do and then spending substantial resources to halt or reverse the situation. The role that the Flora and Fauna Committee might play in providing advice to the Conservator on appropriate generic guidelines should be explored.

It is recommended that the Conservator must require a proponent to demonstrate that the potential impact of a development on any occurrence of native species does not give rise to 'significant adverse environmental impacts', (under the definition we propose), in either the short- or the long-term. The onus is then clearly on the developer to (a) identify the occurrence of native species, (b) describe their local, regional and national status, and (c) evaluate the potential impact of the proposed activity(ies).

B2.5 Lands reserved under s.315 (Sched 4, Part 4.3 Item 3)

These include national parks, nature reserves and other conservation areas. CONSACT cannot envisage any situation where development activities in such lands would not automatically require production of an EIS. We are adamant that the Precautionary Principle must apply to the most rigorous extent in such instances.

Consequently, CONSACT recommends any discretion on EIS production for activities in conservation reserves be removed, and that all development be required to have an EIS.

B2.6 Water Supply and extraction (Part 4.3 Items 4 and 5)

We fail to see why there is not a role for the Conservator's 'opinion' in such cases, consistent with other clauses.

CONSACT recommends that the Conservator be required to produce an opinion that such activities are not likely to have a significant adverse environmental impact.

B2.7 Triggers contained within other legislation

Discussions with departmental staff have revealed that it is intended that this legislation is supported by a range of triggers under other legislative instruments. However, neither the public nor, we would suggest, much of the development industry, will be cognisant with the raft of triggers, especially since there has been no cross-referencing of same in the Exposure Draft.

B2.8 Heritage (Part 4.3, Item 6)

The Council is concerned that, under this Bill's proposed amendments, there would be no protection for heritage places or objects while they are in the process of being assessed. We also support the contention that the preferable test is whether the proposal will affect the heritage significance of the place or object. It is quite possible that a development that might destroy heritage significance would not amount to a "significant impact on an environmental function, system value or entity".

CONSACT consequently recommends that items 'Provisionally Registered' must be added to 4.3 Item 7, as such matters have in fact already passed through an assessment process with the Heritage Council and been deemed to have heritage value. Furthermore, heritage items 'nominated for registration' should have some level of safeguard attached if, in the opinion of the Heritage Council, they have potential values that might be damaged or destroyed if a development proceeds.

B2.9 Scientific Research (Part 4.3, Item 8)

We do NOT support excision of 'land in an existing urban area or land that is designated under the Territory Plan as a future urban area' from this clause. If the activity has important scientific merit, it should require assessment as part of the DA process, and may, in some circumstances, require the production of an EIS – particularly if the research is a long-term activity. There should also be an opportunity for high quality continuous survey and monitoring activities undertaken by community groups to be 'captured' in this clause.

B2.10 Concessional Status

This requirement has been removed from the previous Act (currently *Sched 4, Part 4.3 Item 11*).

CONSACT does not support the contention that a de-concessionalisation decision by the Minister for Planning with regard to the ‘public good’ should only examine the economic and social aspects of such a change [*Cl. 139(2)(l)*]. It is maintained that the potential environmental outcomes of such a de-concessionalisation must also be taken into account. It is disingenuous to propose that such matters can adequately be addressed at the DA stage. By then, the holder of the de-concessionalised property will have expectations that certain forms of development will be his ‘right’, and may well lead to compensation claims if they are refused. The issue that has recently focussed CONSACT’s attention on this issue has been a number of proposals to de-concessionalise golf course leases for the purposes of residential construction. It could be argued that, owners of properties overlooking golf courses would suffer substantial loss of property value should their proximity be blocked by a construction site of many new houses. It could also be argued that they would have good cause to seek legal compensation against the Minister for such a decision.

Having made this point, there are obviously many instances of de-concessionalisation which might not trigger potential environmental impacts.

CONSACT recommends that de-concessionalisation only triggers the Conservator’s formation of an ‘opinion’ as to the appropriate assessment track when such de-concessionalisation applies to golf courses, lands with identified conservation value, or lands with open space and recreational values.

B2.11 Inconsistencies

Parts 4.2 and Part 4.3 appear to be inconsistent as the former rarely provides the Conservator with an opportunity to pre-assess and to form an ‘opinion’ as to the most appropriate assessment track. If the intent of the legislation is to ensure the Conservator utilises an outcomes-based approach to environmental assessment, there is no rationale for excluding his role in Part 4.2. See our recommended wording in A1 above.

B2.12 Omissions

Part 4.3 fails to include any opportunity to assess sand and rock extraction, or forestry activities – all of which have the potential for highly significant environmental impacts.

Extract from the NSW Environmental Planning and Assessment Act, 1979

111 Duty to consider environmental impact

- (1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.
- (2) Without limiting subsection (1), a determining authority shall consider the effect of an activity on:
 - (a) any conservation agreement entered into under the *National Parks and Wildlife Act 1974* and applying to the whole or part of the land to which the activity relates, and
 - (b) any plan of management adopted under that Act for the conservation area to which the agreement relates, and
 - (c) any joint management agreement entered into under the *Threatened Species Conservation Act 1995*, and
 - (d) any biobanking agreement entered into under Part 7A of the *Threatened Species Conservation Act 1995* that applies to the whole or part of the land to which the activity relates.
- (3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the *Wilderness Act 1987*) in the locality in which the activity is intended to be carried on.
- (4) Without limiting subsection (1), a determining authority must consider the effect of an activity on:
 - (a) critical habitat, and
 - (b) in the case of threatened species, populations and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats, and
 - (c) any other protected fauna or protected native plants within the meaning of the *National Parks and Wildlife Act 1974*.

Note. The determining authority is not required to consider the effect of an activity on biodiversity values if:

- (a) the activity is to be carried out on biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*), or
- (b) a biobanking statement has been issued in respect of the activity under Part 7A of the *Threatened Species Conservation Act 1995*.

Extract from the NSW Environmental Planning and Assessment Regulation, 2000

228 What factors must be taken into account concerning the impact of an [activity](#) on the environment?

(cf [clause](#) 82 of EP&A Regulation 1994)

- (1) For the purposes of Part 5 of [the Act](#), the factors to be taken into account when consideration is being given to the likely impact of an [activity](#) on the environment include:
 - (a) for activities of a kind for which specific guidelines are in force under this [clause](#), the factors referred to in those guidelines, or
 - (b) for any other kind of [activity](#):
 - (i) the factors referred to in the general guidelines in force under this [clause](#), or
 - (ii) if no such guidelines are in force, the factors referred to subclause (2).
- (2) The factors referred to in subclause (1) (b) (ii) are as follows:
 - (a) any environmental impact on a community,
 - (b) any transformation of a locality,
 - (c) any environmental impact on the ecosystems of the locality,
 - (d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,
 - (e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations,
 - (f) any impact on the habitat of protected fauna (within the meaning of the [National Parks and Wildlife Act 1974](#)),
 - (g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,
 - (h) any long-term effects on the environment,
 - (i) any degradation of the quality of the environment,
 - (j) any risk to the safety of the environment,
 - (k) any reduction in the range of beneficial uses of the environment,
 - (l) any pollution of the environment,
 - (m) any environmental problems associated with the disposal of waste,
 - (n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,
 - (o) any cumulative environmental effect with other existing or likely future activities.
- (3) For the purposes of this [clause](#), the Director-General may establish guidelines for the factors to be taken into account when consideration is being given to the likely impact of an [activity](#) on the environment, in relation to activities generally or in relation to any particular kind of [activity](#).
- (4) The Director-General may vary or revoke any guidelines in force under this [clause](#).

ANNEX B

Qualifications of JK Hibberd, Executive Director, Conservation Council ACT Region Inc., in preparing this submission

Environmental Impact Assessment

- Professionally reviewed over 300 EIS and Reviews of Environmental Factors;

- Member of the Environment Institute of Australia and New Zealand;
- Prepared two major environmental impact statements;
- Managed the environmental assessment unit in the NSW National Parks and Wildlife Service; and,
- Published author of peer-reviewed papers on impact assessment

Environmental Law

- Contributed to drafting the NSW *Environmental Planning and Assessment Act, 1979*;
- Lectured in Environmental Law at Sydney University and University of NSW;
- Author of a university textbook on environmental planning and law; and
- Assisted PNG, Solomon Islands and Tonga in drafting of environmental legislation, including EIS provisions

Ecology and Conservation

- Postgraduate research in ecology;
- Past Senior Research Fellow, Environmental Research Unit, University of Wollongong;
- Member of the Ecological Society of Australia;
- Published author of peer-reviewed papers on conservation and ecology in Australia; and
- Member of the IUCN World Commission on Protected Areas