



Molonglo River Reserve Draft Reserve Management Plan 2018

23 March 2018

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The Conservation Council ACT region is the peak non-government environment organisation for the Canberra Region. We have been the community's voice for the environment in the Canberra region since 1979.

Our vision: Nature is respected, protected and embraced by an ecologically sustainable, socially just and economically viable society which lives lightly on the planet. Our mission is to influence government, business and community through effective public policy and engagement to protect nature.

We represent more than 45 member groups who in turn represent over 15,000 supporters. We harness the collective expertise and experience of our member groups and networks and use this expertise to promote sound environment policy and the need for action on the environment. We work collaboratively with Government, business and the community to achieve the highest quality environment for Canberra and its region.

The Conservation Council is active in a number of campaign areas. Our current focus includes:

- **Biodiversity Conservation** – protecting our unique ecological communities and the Bush Capital
- **Climate Change** – a regional, national and global challenge
- **Planning** – the right things in the right places
- **Transport** – connecting people and places
- **Waste** – being efficient through closed-loop systems
- **Water** – smart use of a scarce resource
- **Governance** – for a Smarter, Sustainable Canberra

1. Overview and Context

Recommendation 1:

We support the views on the draft Plan of Management submitted by the Canberra Ornithologists Group, Friends of Grasslands, Ian Falconer, Molonglo Catchment Group and the National Parks Association (ACT).

We welcome the opportunity to input into this very important Plan of Management for the Molonglo River Corridor. However we wish to place our comments into an overall context of management of ecological values in this area.

The Conservation Council was accepting of additional 'greenfield development' in this area, due to its previous function as a pine forest that was burnt out during the 2003 bushfires. However that said we have also said that protection and enhancement of the River Corridor is vital, as well as for the remnant Box-Gum Woodlands, Pink Tailed Worm Lizard habitat and Natural Temperate Grassland within the area. Kama Nature Reserve is a relatively small reserve which however has significant biodiversity values. We put forward the Heritage Register nomination for Kama Nature Reserve many years ago, which was granted. Other important considerations are maintaining connectivity and to minimize water quality impacts.

In considering these objectives, we do have a number of systemic concerns regarding actual delivery of the Molonglo Valley urban development. In summary these are:

- the urban development boundaries are too close to the River Corridor
- ongoing conflicts in land management between bushfire management and biodiversity management objectives
- an ongoing concern that ecological "process requirements" via the NES Plan are simply tick box exercises and not being used to assess impacts or to inform future planning – in this regard we do see the Plan of Management as one of several "process requirements"
- non-compliance with various aspects of the NES Plan – refer [Attachment One](#).
- lack of accessible and consistent reporting of impacts on ecological values (condition)
- lack of linkages between various processes – Adaptive Management Strategy, implementation or reference to the Ecological Management Guidelines, NES Plan Annual Reports, various monitoring and reporting systems, Operational Plans
- lack of strategic community engagement on local ecological values for 'new' residents and the responsibilities of 'living next to nature'.

Recommendation 2:

There is a need for an integrated framework for all of the various processes, plans and documents intended to deliver biodiversity outcomes, to ensure impacts are minimized, outcomes and trends are monitored to inform planning and other management decisions.

The Plan needs to be useful and specific to Land Managers and should set out high level policy objectives and high level actions that can then be fed into shorter term operational plans. At the moment the report jumps around from very good high-level policy objectives into short-term detail that should be in operational plans to significant gaps on actions as to how policy objectives will be met.

As above there are way too many documents – most very good but unrealistic to

expect a land manager to be across them all. Needs some simplification while retaining integrity. Overall question is will the Plan give the land manager enough guidance to make appropriate decisions. Are all of the key commitments in the Plan articulated sufficiently in actions. For example,

Recommendation 3:

The Plan needs to find the balance between relatively high level objectives and longer term actions to deliver those as against short term delivery actions that should be included in Operational Plans.

Recommendation 4:

The Governance section [Section 12] needs to be more detailed on the monitoring and reporting framework. More specific policy and action.

At the end of the day the key question will be: are biodiversity outcomes being achieved. The current format of the NES Plan Report does not include reporting on biodiversity outcomes. The Plan of management should make it an explicit requirement that this is addressed in the Annual Report.

Recommendation 5:

The NES Plan Annual Report should include a section on biodiversity outcomes (condition) against the baseline, performance target and outcomes arising from the Adaptive Management Strategy.

2. Process of developing this Plan of Management

In short we are very disappointed that this Plan of Management has been so slow in development. We note:

- considerable infrastructure [and associated expenditure] has been put in place in the area in the absence of a Plan of Management; this includes location of walking tracks and significant look-outs. While these are generally good decisions, such decisions should have been made once a Plan of Management was complete
- we note that urban planning decisions and construction has not stopped while this Plan of Management has been delayed
- certain assumptions have been made re outcomes of the Plan of Management – i.e. that dogs will be allowed on-leash in the reserve. Signage to this effect has been put up in Coombs and if a change in the final Plan of Management is made this goes against all good principles of “new” residents starting afresh from Day#1 – rather than having to change behavior. “But I have got used to taking my dog for a walk in the river corridor”.
- our involvement was:

- we had considerable input into the Concept Plan for the River Corridor during 2010-2011
- in late August 2013 we were invited to be part of a "Community Reference Group" to discuss input into the new Statutory Plan of Management for the River Corridor
- over the next six months we along with others participated in a series of very productive workshops
- in May 2014 we were advised the draft Plan was "almost complete" and input was being sought before it was "circulated to the other ACT Government Directorates for their review."
- during the latter quarter of 2015 our views were sought on the Kama Buffer and Urban Edge impacts
- in December 2015 we were provided with a "draft for stakeholder consultation prior to public consultation".
- the draft Plan was released on 8 February 2018 with submissions closing on 23 March 2018. An application for extension requested well in advance was rejected.
- we engage in these processes in good faith so are very disappointed that the ACT Government has been so tardy in completing the process and getting on with the real task of implementing it.

Recommendation 6:

The ACT Government should set a clear timetable, with proper community engagement on the finalisation of the Plan of Management for the Molonglo River Reserve.

Recommendation 7:

The Final Plan of Management should be fully considered by a Legislative Assembly Committee.

3. Bushfire Management and Strategic Fire Fighting Advantage Zones

Refer page 82, Figure 6.2

There are a number of Strategic Fire Fighting Zones (SFFAZ) in the Reserve Area, including all of Kama Nature Reserve and over a lot of Pink Tailed Worm Habitat across the river from what we call the "Coombs tip".

We need to be convinced that Strategic Fire Fighting Advantage Zones (SFFAZ) in a nature reserve will not compromise ecological values.

The draft Plan of Management states: fire protection requirements will be achieved using a number of biomass management techniques that are not inconsistent with the conservation objectives for BGW and NTG" (page 83, 6.7.4).

The Conservation Council does not support conflicting land use requirements – i.e. re having bushfire Outer Asset Zones in nature reserves or over areas of ecological significance.

We are likewise concerned a similar conflict may arise between conservation objectives and bushfire management objectives. There is a lack of transparency regarding how these decisions get made.

SFFAZ, although less than Outer Asset Zones, still have very specific biomass control levels that must be met by the land manager (see Appendix 7, page 145). Meeting these biomass standards may not be compatible biodiversity conservation objectives.

Recommendation 8:
A conversation needs to take place regarding the impacts of SFFAZ on ecological values and how such decisions are made and scope for additional flexibility in SFFAZ guidelines in regard to biomass levels. Alternatively all SFFAZ areas should be outside of the reserve areas or areas of ecological significance and located in the urban footprint.

In regard to Kama as a SFFAZ the NES Plan was clear that “fire management is undertaken outside of the Kama Nature Reserve and will provide protection against urban edge effects”.

Recommendation 9:
That Kama Nature Reserve not be used as a Strategic Fire Fighting Asset Zone

4. Bushfire Management – Inner and Outer Asset Zones

Refer page 82, Figure 6.3

We need to confirm that all the Inner Asset Zones are in the original development area, and not in areas previously marked for reserve. Likewise previous to ensure all reserve areas are fully retained and match-up with the NES Plan. Higher resolution and size maps are needed.

Recommendation 10:
That details be provided re any changes to the Reserve boundaries and if changes made, rationale for the changes

There is a significant Outer Asset Protection Zone in the Reserve area, next to the Town Centre, that goes over high and moderate quality Pink-tailed Worm lizard habitat. We have always maintained that fire management requirements in Outer Asset Protection Zones is not compatible with protection of matters of ecological significance.

The [Molonglo Ecological Guidelines](#) at page 94 state that:

“Within these 20 m buffers to lizard habitat, and particularly within habitat areas themselves, there should be no:

- restoration by adding additional rocks unless it can be done in a way that allows for the primary function of the buffer zone to continue;
- • dumping of piles of rock which could bring in weeds and provide cover for pest animals;
- overlap between the buffer zones and the Inner and Outer Asset Protection Zones (APZ) used for management activities in fire prevention and control, because **APZ activities are not compatible with conservation of Pink-tailed Worm-lizard habitat**⁵

Footnote 5: For places where APZs overlap lizard buffers a sympathetic fuel management technique is being developed to avoid impacts to the lizard (R. Milner pers. comm. August 2014).”

***Recommendation 11:
There should be no Asset Protection Zones or Strategic Fire Fighting Advantage Zones overlap with areas of ecological significance.***

The initial [research](#) referenced above showed positive results in regard to restoration of Pink-tailed worm lizard habitat and biomass control. It seems it was a useful collaboration between the ACT Government through the Parks Conservation Service and academia. However they do note the short-time of the research project:

“Our results represent short term responses and continued studies are needed to confirm the suitability of this technique for the long-term viability of A. parapulchella and other species. However, urban development in our study system is occurring rapidly (55,000 people will be housed over 1356 ha within 30 years) and conservation projects must keep up with this pace. Government decisions are typically made on time scales much shorter than ecological research projects. It is very important that environmental decisions are based on the best available scientific evidence”.

[Alice McDougall, Richard N. C. Milner, Don A. Driscoll, Annabel L. Smith “Restoration rocks: integrating abiotic and biotic habitat restoration to conserve threatened species and reduce fire fuel load” *Biodiversity and Conservation*, Volume 25, Issue 8, July 2016](#)

Refer page 81, Section 6.7.3 for comments on Fire Management and Pink Tailed Worm lizard habitat Plus page 86 for the Policy and Action to:

Policy: “7.1 Requirements of the Strategic Bushfire Management Plan will be met in ways that minimise loss of threatened habitat and ecological function.

Action: “Complete the PTWL rehabilitation trial in Patch K and progressively apply the results to PTWL buffers and moderate and high quality PTWL habitat patches in Outer Asset Protection Zones in the urban section”.

This section should be clearer and the policy should align with the broader objectives – Objective 5 (page 61): the population size of threatened species is **at least maintained** ... and their condition improved”. The language at least maintained should be used rather than “**minimise loss**” which seems to accept loss.

In addition, the action 7.1.1 seems premised on accepting that the rehabilitation trial has been successful. As above there are some positive indications regarding this yet it seems pre-emptive. Greater emphasis needs to be placed on the need for ongoing monitoring and research as to the trial and scope for change if monitoring indicates significant decline in biodiversity outcomes. As above our concern is that the land manager has a responsibility to meet certain biomass thresholds in Asset Protection Zones [refer Appendix 7] and addressing this can be incompatible with biodiversity conservation outcomes – as the Plan says: “Practices traditionally used to meet fire management objectives in OAPZs, like slashing, stock grazing, and hazard reduction burning on a regular basis are not appropriate in PTWL habitat.” [page 81].

Recommendation 12:
There needs to be ongoing studies and monitoring to ensure that land management strategies can continue to meet fire management and biodiversity outcomes.

5. Coombs 'tip'

The Conservation Council via ACAT process of February 2012 agreed that resolution of urban development at Coombs tip and interaction with PTWL habitat should be resolved via the Plan of Management.

The key issue was that the Estate Plan for Coombs placed an outer asset zone over significant areas of high-moderate pink tailed worm lizard habitat. See [Attachment Two](#). We put forward that these land use objectives were incompatible. With the revised Strategic Bushfire Management Plan the requirement for Outer Asset Zones was changed in order to address such potential conflict of land use zoning. Although there is now no Outer Asset Zone over the land adjacent to the western side of the Coombs tip, we propose that the area not be developed and retained as Urban Open Space and possibly include a dog-off leash area.

We note residents are already finding not enough open space within the suburbs and this area would make a fine park with beautiful views and could be developed into something iconic like Black Mountain Peninsula. It would take pressure of the river corridor and would provide much-needed amenity in Coombs – for example a place for community gatherings, BBQs etc.

Recommendation 13:
The Future Urban Area at the 'Coombs' tip be retained as Urban Open Space.

6. Kama Nature Reserve and urban buffer

Page 31-33, Table 3.1

The plan does not specify the size of the urban edge buffer from the Kama Nature Reserve, except it articulates certain principles that should be used to determine the size of the buffer. In order to protect this relative small yet ecologically significant reserve it is important the buffer area is defined in the Plan of Management.

The Parks Conservation Service report (2015) provides a good overview of the scientific literature for a significant buffer from small reserves next to urban areas.

We also refer to the original ecological reports which indicated an appropriate buffer would be in excess of 200 metres. In addition a range of urban edge mitigation measures should be outlined in the Plan of Management.

Recommendation 14:

A significant buffer from the eastern edge of the Kama Nature Reserve be established. Deep Creek seems a natural point. The buffer should be urban open space and could include some general infrastructure such as Scout Hall, Fire shed. This area should be the fire buffer zone but also have a focus on re-vegetation.

Process for determining the Kama Buffer

According to recent materials tabled in the Legislative Assembly, attached, Minister for the Environment, Mick Gentleman MLA has indicated: a Planning and Development Framework for Molonglo Stage Three "is currently being prepared by EPSDD and expected to be complete in the first quarter of 2018". He also indicated the Kama buffer will be included in this framework.

We understand there is an [interim PDF](#) relating to a very small section of Molonglo Stage Three on the public record. This relates to some infrastructure We assume that the **full** PDF for Molonglo Stage Three will be subject to extensive public consultation.

We do not think this Planning and Development Framework mechanism is the appropriate process for making a decision regarding the Kama buffer. There are no statutory requirements re consultation, public documentation, decision-making paths etc. for this. The Planning and Development Framework should be informed on an agreed buffer for Kama arising out of this current process re the Plan of Management

Recommendation 15:

The Kama Nature Reserve buffer and associated urban edge mitigation impacts should be detailed in the Plan of Management.

We understand several consultancy reports were commissioned by the Land Development Agency to provide advice on a suitable size for the buffer area. These were:

- a consultancy report by TRC Tourism (briefing with consultant at request of LDA in November 2015)
- consultancy report by Capital Ecology dated December 2016 (provided to Conservation Council in-confidence on 22 March 2018 by EPSSD Directorate)

In addition, we have seen a copy of an internal briefing by the Parks Conservation Service, which was a literature review of buffers zone / urban edge interface for small reserves. We were provided this with no caveat re confidentiality prior to a proposed cross-agency meeting to discuss the buffer issue in October 2015, which we were invited to attend. We have not circulated this, however it provides some useful scientific evidence that should be on the public record.

***Recommendation 16:
The consultants reports commissioned by the then Land Development Agency be publically released as soon as possible.***

***Recommendation 17:
The Parks Conservation Service internal paper – Kama Nature Reserve: Urban Buffer Zone Establishment – be publically released as soon as possible.***

As above Kama Nature Reserve should not be a Strategic Fire Fighting Zone

***Recommendation 18:
Kama Nature Reserve should not be a Strategic Fire Fighting Zone. The only burning to take place should be on ecological grounds only.***

Early indicator systems need to be in place to ensure the ecological values of Kama Nature Reserve are maintained and appropriate corrective measures put in place sooner rather than later. We note and support the text at page 122-123 re the value of “Thresholds of Potential Concern”.

***Recommendation 19:
An easily accessible and understandable monitoring system needs to be in place and updated annually. In addition to indicators of ‘condition’ we support additional measures that may indicate ‘thresholds’. Note this should not just apply to Kama.***

7. Urban edge impacts

Please see our [resource](#) – Managing the Urban edge Discussion Paper December 2013 – on policy measures regarding urban edge impacts which includes some policy

suggestion on appropriate measures to address these.

Recommendation 20:
The Plan should be more specific on measures to address urban edge impacts.

8. Dogs in the Nature Reserve

Table 9.1 - page 100-101

In the Lower Molonglo River Corridor Plan of Management 2001 (page 25) dogs were not permitted in the reserve except in the small Special Purpose Reserve component next to Coppins Crossing.

The new plan now proposes that dogs on leashes be permitted on designated walking tracks in all of the reserve except for the Kama Reserve. This goes against previously well-established principals and practice. No other new nature reserves which include offsets sites allow dogs, for example in Gungahlin.

Allowing dog walking across most of the reserve sets a bad precedent, and particularly within a sensitive river corridor. It also goes against the conservation message of the values around the special threatened species habitats that needs to be cultivated.

We know from experience that signage does not work and the resources for compliance and monitoring from current experience are not likely to be forthcoming, or if so could be better spent on other things. Important to recognise as above this is a reserve with very long edges. If "no dogs" then easier to do some 'strategic' enforcement and community enforcement.

Community evidence is that about 1/3 of dogs in on-lead Nature reserves are allowed by owners to be off-lead. It is likely that this will be higher in an area with potential swimming for dogs. Who keeps a dog on a lead while they want to swim?

We recommend that all areas designated as nature reserve be declared as no dogs and that specific dog off-lead areas be declared in the urban footprint. Coombs "tip" could be a dog off-leash area.

Recommendation 21:
Dogs should not be allowed into reserve area, even on-leash. Allow on-leash for shared pathway, 2 special purpose areas and Coombs tip.

Recommendation 22:
Ensure adequate open space outside of Nature Reserve as well as designated dog-off lead areas.

9. Community engagement

Refer page 120, Section 11.4.

The Plan of Management needs to be more explicit in regard to community engagement. Should use existing model of the Conservation Council and Molonglo Catchment Group. Funding needs to be allocated for this. The previous community engagement model of the Conservation Council such as at Forde and North Watson (The Fair) needs to be built on. This should include ensuring all prospective buyers are aware of the special ecological values of the area – via our publications such as Molonglo Treasures, as well as Living Next to Nature. These publications need to be included as a mandatory requirement in “new resident packs”. Plus ongoing engagement via the Mingle Program, establishment of new Parkcare groups etc, and environment walks and talks by Molonglo Catchment Group and / or new Parkcare groups.

Recommendation 23:

The PoM should have a specific policy objective and associated actions in regard to community engagement as outlined above so that residents are actively aware of the ecological significance of their local environs and the measures needed to assist in protecting these values.

Attachment One: Areas of non-compliance with the NES Plan

1) Construction Environment Management Plan for North Coombs

It appears there was non-compliance with the CEMP for North Coombs, in that the contractors were not aware of the requirement for the CEMP to include a habitat rehabilitation component for Pink Tailed worm lizard. Specifically during the original construction at North Coombs the contractors did not stockpile rocks from impacted areas of PTWL habitat. "For areas that will be impacted directly, habitat features (e.g. rocks and topsoil) will be stockpiled for use in rehabilitation."

The [NES Plan](#) requires that: "Develop, implement and independently monitor Construction Environmental Management Plans (CEMPs) to ensure that unforeseen direct or indirect impacts from construction activities within the development area and the river corridor are avoided. See Section 4.5 for information about the content of CEMPs." [page 21]

It is unclear if the contractors who prepared the CEMP referred to the NES Plan requirements when preparing the CEMP or were even told to do so. We haven't seen the CEMP so unsure of its contents, however, whether specified or not the contractors were not aware of that requirement. Likewise it appears that a site inspection was not undertaken by an ecologist prior to earthworks commencing.

We are pleased that subsequently the contractors have found rocks which are now stockpiled (correspondence from Tom Gordon - Suburban Land Agency 23 February 2018)

We also note the CEMP must also include: "Appropriate monitoring and reporting of outcomes." We seek advice as to what monitoring is or has taken place and what are the outcomes. [NES Plan](#) page 34-35

However it appears that there is a flaw in the system if requirements specifically put into the NES Plan to minimise impacts and to protect Matters of National Environmental Significance are not being complied with.

2) Plans of Management not completed

The [2016-2017 Molonglo NES Plan Annual Report](#) lists areas of non-compliance (see attached, page 25). All relate to delays in the requirements for various management plans. These are:

- Plan of Management for the Molonglo River Corridor (which includes Kama Nature Reserve) [draft released 8 February]
- Management Plans for Box-Gum Woodland Patches -- I, L, M and P
- Management Plan for PTWL habitat

All of these plans are almost 4 years overdue – should have been completed by 7 April 2014. Endorsement date of NES Plan = 7 October 2011

3) Independent audit is late and needs to focus on biodiversity outcomes

Action 15 and 16 requires that "The NES Plan and its associated actions will be audited by an independent, third party expert every five years, for a 30 year period ... to ensure that: • commitments made by the ACT Government in the NES Plan are being adhered to; and • **conservation outcomes** for the MNES are being achieved".

Our expectation that every five years = first audit completed by October 2017. Yet according to the Annual Report this has been extended to May 2018. However most important to the Conservation Council is that the audit is not only a report on compliance -- i.e. are things being done that the NES requires to be done (process things), but are impacts on MNES being minimised and in protected or offset areas are we achieving improvements to ecological condition. Our assessment is that the Molonglo audit would be different to the Gungahlin Strategic Assessment (Biodiversity Plan) independent audit which did not cover these areas.

4) Adaptive Management Strategy

We note an [Adaptive Management Strategy](#) was finalised in May 2013 by the ACT Government and approved by the Commonwealth in August 2013. We are seeking information on the implementation of the AMS - as this is not included in the Annual Report or available on the Offsets register website. In particular we are interested in knowing what the baseline monitoring was and how we are tracking on meeting the performance targets.

5) Annual Reporting

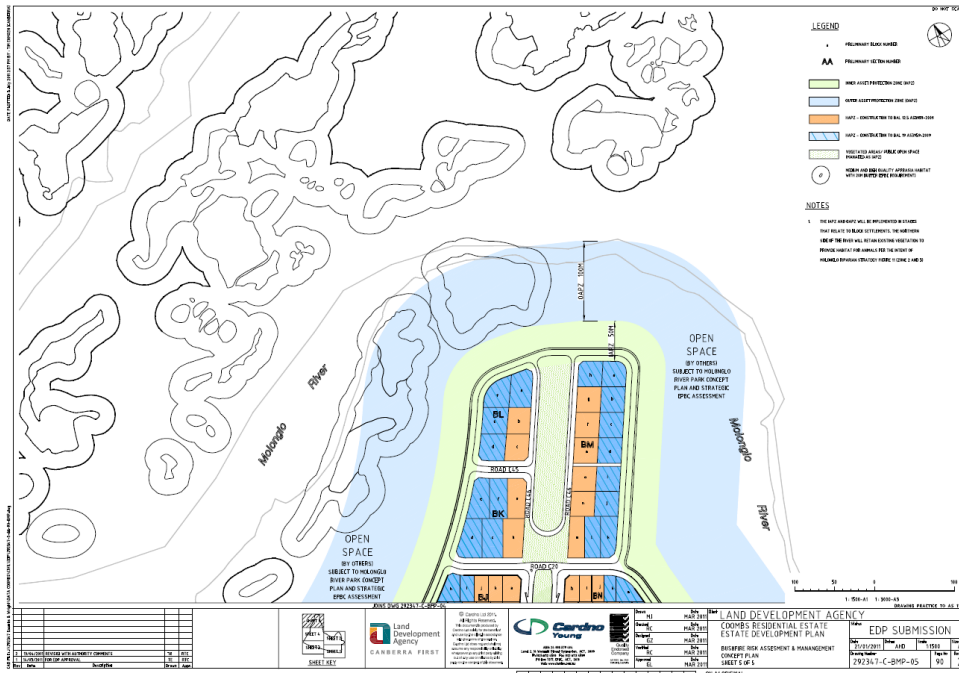
We feel the Annual Report, as outlined above, is deficient in reporting on biodiversity outcomes. We propose that the Annual Report should include data arising from the Adaptive Management Strategy - against baseline condition for each MNES, the performance targets and results from regular monitoring, which for most MNES is annual. In addition, the Annual Report should include a brief outline of impacts of threats such as weeds etc, water quality, impacts of bushfire management.

The whole reason all of these "process" issues are in the NES Plan is to minimise impacts and enhance condition of MNES. This information should then be used to inform subsequent Planning processes. At the moment we can't see this.

Attachment Two: Outer Asset Zone overlay onto Pink Tailed Worm Lizard habitat – Coombs

Initial Proposal:

Significant overlap of Outer Asset Protection Zone over Pink Tailed Worm Lizard Habitat



Revised Post ACAT hearing February 2012

Minimal overlap of Outer Asset Protection Zone over Pink Tailed Worm Habitat with residential blocks in sections BL, BM, BK – 27 houses – are removed.

