



**CONSERVATION  
COUNCIL** ACT REGION

Submission to Environment, Planning and  
Sustainable Development Directorate

## ACT Planning System Review and Reform – Draft New Territory Plan and Draft District Strategies

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March 2023

The Conservation Council ACT Region is the peak non-government environment organisation for the Canberra region. Since 1981, we have spoken up for a healthy environment and a sustainable future for our region. We harness the collective energy, expertise and experience of our more than 40 member groups to promote sound policy and action on the environment.

We campaign for a safe climate, to protect biodiversity in our urban and natural areas, to protect and enhance our waterways, reduce waste, and promote sustainable transport and planning for our city.

At a time when we need to reimagine a better future, we understand that the changes we need will only happen with the collective support of our community.

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## Introduction

Canberra is fortunate to sit within a wonderful and unique natural environment. Not only is the ACT Region home to nationally significant ecosystems and species and the spectacular Namadgi National Park; but our urban landscape is uniquely embedded in the natural environment. Indeed, the urban landscape is connected by nature parks, corridors and waterways that support biodiversity and enhance community wellbeing.

However, the ACT, like many other places in Australia, faces significant environmental challenges. The impacts of climate change, including longer hotter summers, increasingly severe bushfire seasons, and extreme weather events, have already had wide ramifications for nature and the community. In addition, our growing city is putting pressure on biodiversity, through loss of habitat, the proliferation of invasive species, noise, and pollution.

Canberra can become more climate-resilient by investing in green infrastructure, managing water effectively, and ensuring new developments are environmentally-sustainable and designed for future climate conditions. Urban greenspace, supported by increased tree canopy and urban gardens, will improve livability and build resilience.

We can also support our nationally significant ecosystems and species by recognising their values, and protecting and managing them in a way that enhances biodiversity. Investing in nature means that we are nurturing the systems on which we depend for food, clean water and resources, and which hold important intrinsic value.

The following submission finds that whilst the draft Territory Plan and draft District Strategies is an improvement on previous iterations of planning documents; significant revision is required to ensure that biodiversity loss and climate change are adequately considered. The submission recommends a 'A Biodiversity Network' that could support the protection and enhancement of natural values in the ACT, by designating land uses that put conservation values at the forefront. Furthermore, this submission addresses concerns regarding the inaccessibility and disadvantage of the consultation process and documentation itself.

## The Draft Territory Plan

The principal function of the Territory Plan is to guide and where necessary control, the use and development of land in the Territory. A robust planning regime is a necessary plank of a civil society. For it to succeed in this difficult role the Territory Plan must have the confidence of the community, it must be seen as logical, reasonable, fair and as being likely to achieve the communities' strategic objectives. To do this it must be comprehensible and accessible.

The draft Territory Plan consists of a large number of separate documents with complex and opaque interrelationships. It is neither comprehensible nor accessible, especially to the general public. "Planning" is currently perceived by the Canberra community as being poorly executed, unfair, and not aligned with community aspirations. The draft Territory Plan will not improve this situation.

The poor consultation process on the documentation did not aid the community in engaging meaningfully with the material and understanding the implications for their region. While it is appreciated that community workshops were held in each region these meetings were unhelpful for parts of the community that are acutely concerned with certain issues as they were overly generalised. Furthermore, these workshops were often inaccessible for people with young families, commutes, or shift work as they were held in the early evening. Specific workshops with identified stakeholder groups would have allowed for deeper discussion and questions on detailed issues and districts. The Environment sector as a whole should be provided a specific consultation, including the opportunity to have open dialogue with experts.

Without stating clear objectives for the future of the Territory, the draft Territory Plan becomes meaningless. There needs to be a clear measure of the population Canberra is capable of holding and therefore planning to accommodate within set timeframes. Sensibly articulating this future with objectives, including meaningful population targets and research on carrying capacity will allow for a stronger framework and clear path forward.

In the absence of a robust and long term strategic plan the Conservation Council cannot express any confidence in the capacity of the Territory Plan to achieve the environmental and biodiversity outcomes that will be essential for the future of the city. Specifically, unless the plan can robustly demonstrate the capacity of the existing urban areas to absorb expected infill growth (80% or more of the total growth) then we cannot have confidence that the pressure for ever-expanding greenfields areas will not persist. **It is recommended a "green belt" that provides a buffer between ACT and NSW to define the urban edge and protect environmental values is identified.**

Currently, the draft Territory Plan seeks to promote human development for humans, rather than promote a region where humans can live sustainably, and where other species can also thrive, both in harmony with the environment. The promotion of built form for human wellbeing ignores the reality that human wellbeing is built upon a foundation of environmental wellbeing. Introducing the concept of environmental stewardship throughout the draft Territory Plan would be an important step.

**In summary the Council is pleased with the following intentions of the draft Territory Plan:**

- Wellbeing and livability intentions
- amended vehicle parking requirements to encourage and support active travel
- provision of infrastructure for EV charging facilities
- prohibition of gas connections in new residential subdivisions and redevelopments
- introduction of large battery storage as permitted use
- provision for additional housing types such as community housing and build-to-rent development, to assist housing affordability
- 70% of new growth to be within the existing urban areas. However, the Council maintains the policy priority that the ACT Government set a target of 80% of new residential development within the existing urban footprint and there is no further expansion of Canberra's urban boundary after existing identified suburbs in Molonglo, Gungahlin and West Belconnen are completed.

## What is the Territory Plan?

### Part B: The Territory Plan.

In summary this section says that the Territory Plan:

- sets out a statutory framework for the future development of the ACT.
- is a policy about how land can be used and what can be built where.
- is primarily used to decide development applications
- and to make other planning related decisions, such as decisions about the zoning and the use of land.
- may also shape public and private infrastructure investment decisions and guide the future pattern of development in the ACT.

The plan is primarily concerned with day-to-day development assessment and the like. The plan does not have a strategic planning focus. This is reinforced at part C3 of the documentation which says:

*“This Plan gives effect to the ACT Planning Strategy. The planning strategy states the long term planning policy and goals for the ACT, an overarching spatial vision, and strategic directions and desired future planning outcomes (Section 47 of the Planning Act 2023)”*

The question arises as to whether the Plan can adequately perform the functions listed above; to do so it must be, and be seen to be, closely related to the Planning Strategy with clear linkages between the provisions in the Plan and the policy framework set by the Strategy. For the plan to be effective and accepted by the community, the day to day decision making that it drives must be seen to be a logical consequence of the policy framework set by the strategy, which in turn must be derived from a broad community consensus on the future direction of the Territory.

The ACT Planning Strategy was last refreshed in 2018 and it is appropriate that it should be open for review now, as by the time the new Territory Plan is in place (2023 or 2024), five years will have elapsed since the last review. The new Planning Bill (s41) requires that a review be considered every 5 years.

The planning Strategy (according to the Planning Bill S36) is supposed to prescribe:

*(a) the long-term planning policy and goals for the ACT, consistent with the object of this Act; and*

*(b) an overarching spatial vision; and*

*(c) strategic directions and desired future planning outcomes.*

Unfortunately,

- The Strategy only looks forward to 2041, 18 years hence. This is not “long-term”.
- The “spatial vision” only extends to 2041, this is not visionary as it is inevitable that pressure for growth will continue beyond that date and no clue is provided as to where, if or how this pressure will be managed.
- It does suggest future planning outcomes largely and laudably focused on more compact development but does not provide strategic directions to achieve this in a socially and ecologically sustainable manner.

The Territory Plan must operate against this background which will be problematic.

The essential role of a statutory planning instrument such as the Territory Plan is to provide a framework for the resolution of conflicts between land uses and users. A common example in Canberra is the conflict that arises when residential intensification developments are proposed (dual occupancies, apartment complexes) in “leafy” suburbs characterised by large block single residential housing. The existing residents ask the legitimate question “why does this have to happen here?” and “is this the thin end of the wedge, will it go on forever?”. The response “because the Territory Plan says so” is insufficient. The Territory Plan provides the rules (or “outcomes”) it does not provide the justification for them. This justification should be able to be found in the Planning Strategy, but it is not there. In order to provide the necessary backup and logic for the Territory Plan, the Planning Strategy must be amended to include:

- Set a target of 80% of new residential development within the existing urban footprint and for no further expansion of Canberra’s urban boundary after existing identified suburbs in Molonglo, Gungahlin and West Belconnen are completed.
- An estimation of the maximum population potential of the region, based on a development capacity analysis of available land and infill opportunities
- An estimation of the likely ultimate population of the region to a genuine long term planning horizon (perhaps the year 2100).
- Strategies for accommodating the future population within the available land; inevitably this will involve increased densities and must include prescription as to the logical and equitable distribution of densification within existing suburbs. This should feed directly into District Strategies.

The question “what is the Territory Plan” must be seen against this larger context of its role under the overarching framework set by the Planning Strategy. Without support from the Planning Strategy the Territory Plan cannot function properly. The decisions that will be made under its provisions will be unsupportable. Contentious decisions will be necessary if we are to achieve real progress and change from past development patterns; but these will be challenged,

and in the absence of robust policy support from the Planning Strategy, the challengers will win. This poor outcome will be greatly exacerbated in a jurisdictional environment where the scope for very low cost third party appeals is very wide.

The Conservation Council takes a long term view and considers that the planning horizon set by the Planning Strategy of 19 years is grossly inadequate. While the Territory Plan is required to be flexible enough to adapt to challenges and changes as they arise, the environmental and biodiversity impacts of urban growth extend across time frames of far longer than 19 years. The provisions in the Territory Plan, which control day to day decisions that will have impacts over these long timeframes must be underpinned by strategic planning that takes these timeframes into account.

The District Strategies actually take some steps towards resolving the issues identified above – they do include population projections over a longer timeframe (to 2063) and propose housing and employment targets (for each district) for this timeframe, and also propose a diversity of high density housing options. However, The projections are based on assumed population trend growth. **It is recommended projections be based on the population Canberra is capable of holding and therefore planning to accommodate within set timeframes. Research needs to be undertaken on the carrying capacity of the ACT to inform the draft Territory Plan and thus set meaningful population targets to live within our region's means.**

The district Strategies adopt the proposed population growth allocated to them and assume that the growth can be accommodated; a note on Figure 10 in the District Strategies documents says: *“More detailed planning will determine where future development will be allocated. This is likely to depart from the future dwelling distributions shown here”*. Site analysis to determine if and where the growth can actually be accommodated with acceptable urban design outcomes is lacking. This is unfortunate because this is a key question that should be resolved by the District Plans (indeed probably the key question as far as local residents are concerned).

In the absence of a robust and long term strategic plan the Conservation Council cannot express any confidence in the capacity of the Territory Plan to achieve the environmental and biodiversity outcomes that will be essential for the future of the city. Specifically, unless the plan can robustly demonstrate the capacity of the existing urban areas to absorb expected infill growth (80% or more of the total growth) then we cannot have confidence that the pressure for ever-expanding greenfields areas will not persist.

## State of the Environment Report

The ACT's 4-yearly State of the Environment reporting is a requirement of the *Commissioner for Sustainability and the Environment Act* 1993.<sup>1</sup> It is prepared by the ACT Commissioner for Sustainability and the Environment. The most recent report was produced in 2019.<sup>2</sup> The report provides the ACT community and Government with commentary and analysis about the condition of the environment and progress towards sustainability.

It is astounding that the SOE report does not appear to be referenced in any of the various draft Territory Plan documents. The environment as a whole should be a principal reference point for a revision of the Territory Plan, utilising the SOE. It provides detailed recommendations for action and specifies a set of indicators conditions and trends which provide a template for

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<sup>1</sup> <https://www.legislation.act.gov.au/a/1993-37/>

<sup>2</sup> <https://envcomm.act.gov.au/wp-content/uploads/2020/07/SOEFull.pdf>



Government action. **The Territory Plan should be a principal instrument for the achievement of the actions recommended by the SOE report.**

The draft Territory Plan documentation should be revised to reference all the recommendations of the SOE report to ensure that all are being addressed adequately and to allow future measurement against the indicators provided in the SOE report.

## Critical interconnection with the Planning Bill 2022

The present consultation is in relation to the draft Territory Plan and draft District Strategies. However, the ACT Government has positioned the Territory Plan and District Strategies together with the Planning Bill 2022 as interconnected parts comprising the ACT Planning System Review and Reform Project<sup>3</sup>. The draft Territory Plan and District Strategies are specifically drafted to reference the (presumed) Planning Act 2023 as the authorising legislation.

A previous consultation process on the Planning Bill 2022 closed in June 2022<sup>4</sup>. The ACT Legislative Assembly Standing Committee on Planning, Transport and City Services Report on the Inquiry into the Planning Bill 2022 on 22 December 2022<sup>5</sup>.

The Conservation Council and a number of Member Groups such as Friends of Grasslands and Canberra Ornithologists Group made detailed submissions to the initial consultation and the Standing Committee inquiry. The Environment Defenders Office (EDO) also made detailed submissions on legislative intent and detail at these stages. All of these submissions raise a range of significant concerns in relation to both the in-principle prioritisation and the detailed provisions of the Bill so far as it relates to environmental matters including climate change and biodiversity conservation.

The Standing Committee Report made 49 separate recommendations in relation to the Planning Bill. A significant number of these relate to improvements to the Bill in relation to environmental matters<sup>6</sup>, and specifically reference and ratify the recommendations put forward in Conservation Council, EDO and related submissions. The ACT Government is yet to provide a response to the Standing Committee recommendations.

The Council continues to strongly urge that the Planning Bill 2022 should not be enacted in its current form, and that the recommendations to amend the Bill in a way which elevates the protection and restoration of nature to being a fundamental objective of the Bill and a clear duty of those who administer it should be progressed before enactment.

There is a clear and urgent imperative to protect and restore the environment, including to protect and restore biodiversity, prevent habitat destruction and species extinctions, and address climate change. The environment cannot advocate for itself in planning decisions. In practical terms, despite specific environmental laws, the package of planning legislation, policies

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<sup>3</sup> <https://www.planning.act.gov.au/planning-our-city/act-planning-system-review-and-reform>

<sup>4</sup> <https://yoursayconversations.act.gov.au/act-planning-review/planning-bill>

<sup>5</sup>

[https://www.parliament.act.gov.au/\\_data/assets/pdf\\_file/0005/2156792/PTCS-Report-12-Inquiry-into-Planning-Bill-2022-Final-Report-SIGNED.pdf](https://www.parliament.act.gov.au/_data/assets/pdf_file/0005/2156792/PTCS-Report-12-Inquiry-into-Planning-Bill-2022-Final-Report-SIGNED.pdf)

<sup>6</sup> Recommendations 38 to 46, covered in detail on pages 81 to 91 of the Standing Committee report.

and plans currently in development will be the main day to day way that environmental interests are managed and protected in the ACT.

The Bill in its current form will not match the expectations and aspirations we have when committing in the ACT to legislate for a human right to a healthy and sustainable environment, when committing federally to national environmental laws including demanding national environmental standards, and when committing internationally to far reaching climate and biodiversity objectives as a responsible international actor.

The unresolved status of the Planning Bill 2022 is critically relevant in current consultations on the Territory Plan and District Strategies. It is fundamentally important to have clarity on the detail of the primary legislation under which these subordinate planning instruments will be made and will operate, in order to be assured of the principles and processes, including relevant safeguards, which will protect and enhance the environment within this overall package. It will only be possible to give full feedback on the Territory Plan and District Strategies once the outstanding uncertainty around the Planning Bill 2022 is resolved, including the Government's responses to the Standing Committee recommendations and the final form in which a revised Bill will be introduced and enacted in the Legislative Assembly.

**Accordingly, the Conservation Council strongly urges that the draft Territory Plan and District Strategies are not finalised until these matters concerning the Planning Bill 2022 are clarified and finalised. Further, the opportunity for further submissions should be considered once the Bill has progressed through the legislative process.**

## Part A: Administration and Governance

### A.1 Name of plan and authority

This section says that the plan is prepared as required by Section 45 of the Planning Act 2023, and in accordance with Chapter 5 (of the Act).

S47 of the Act says that

*“Territory Plan to give effect to strategic planning outcomes*

*The Territory Plan—*

*(a) **must** promote principles of good planning; and*

*(b) **must** give effect to the planning strategy and district strategies; and*

*(c) **may** (my emphasis) give effect to relevant outcomes related to planning contained in other government strategies and policies.”*

“other Government strategies and policies” would include, for example “The ACT Climate Change Strategy”, “the ACT Circular Economy Strategy”. Aspects of these policies will conflict with some of the practices of, for example, infrastructure agencies which have evolved historically, based on priorities and costings that are no longer relevant and without consideration of holistic costs. For example, TCCS requirements for street trees place limitations on tree sizes that reduce canopy cover. The tree standards are derived from cost and other practical considerations which should be reviewed to consider the holistic costs and benefits of larger trees and alternative engineering solutions. This could allow larger street trees and better canopy cover outcomes.

Use of the word “may” in item (c) means that these legacy arrangements (policies, standards, guidelines and the like) will be able to remain in place indefinitely. The Territory Plan should be an instrument of proactive change (and must be so if it is to give effect to items (a) & (b)). The word “may” should be replaced with “shall” or “must” to ensure that legacy arrangements are reviewed and revised to align with the objects of the Plan.

## Part C: Planning Principles and Strategic Links

### C.1 Object of Plan

It is acknowledged that the wording in the “Object of the Plan” section is taken from the Bill and that the Bill is moving towards final approval. Nevertheless, the opportunity still exists for an amendment to bring the “object” statement (which dates from 1988) into line with 21<sup>st</sup> century awareness of the environmental and biodiversity pressures that must be urgently addressed.

The “object” statement is as follows:

*“The object of the Territory Plan (the Plan) is to ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the Australian Capital Territory (the ACT) provides the people of the ACT with an attractive, safe and efficient environment in which to live, work and have their recreation. (Section 46 of the Act)”*

This has been modified from the equivalent statement in the previous (pre 2007) iteration of the Plan which was:

*“The Object of the Territory Plan is to ensure, in a manner not inconsistent with the National Capital Plan, that the planning and development of the Territory provides the people of the Territory with an **ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation**”. (our emphasis)*

The deletion of the reference to ecological sustainability was a seriously retrograde step and should be reversed. Similarly the reference to a healthy city.

## **C.2 Statement of principles of good planning**

The statement of principles of good planning fall under 9 headings, of which the 7<sup>th</sup> and 8<sup>th</sup> relate to the natural environment and sustainability.

Whilst it is acknowledged that, on the face of it, no priority is assigned to any of the principles over and above the others there will nevertheless be a perception that those higher on the list may be more significant. In this regard it is instructive to note that in the pre 2007 iteration of the Territory Plan “Sustainability” was the first of a list of 5 goals or outcomes specified in part 2 of the plan. It is also noted that in the current version of the Plan in Part 2.1 the Statement of Strategic Directions, “Principles for sustainable development” are listed first, and under this heading, immediately following “general principles”, “Environmental sustainability” is the next item on the list. The 2018 planning Strategy lists 5 items under the “Vision” heading, the third of which is “sustainable and resilient”.

The Conservation Council believes that a sustainable and resilient environment is essential, so much so that without this, none of the other aspirations can be achieved. Activation and liveability, cultural heritage, quality design, integrated delivery, investment facilitation, long term focus and urban regeneration are all listed as principles of good planning, but none of these can be contemplated without a sustainable and resilient environment within which they can take place. The two other principles: natural environmental conservation and sustainability and resilience, should be moved to the top of the principles of good planning list.

## **C.3 Strategic framework/ context**

### **3.1 Effect of planning strategy**

The text here says “...the planning strategy gives effect to the long term planning policy and goals for the ACT...”. As discussed above this is incorrect.

Because it looks ahead only 19 years the planning Strategy cannot be a “long-term” plan. Consequently, as also discussed above, the Territory Plan will be ineffective because it is not supported by and derived from a properly prepared strategic plan.

The statement that the “.....Planning Strategy is not a relevant consideration for any decision by the Territory Planning Authority, the Minister or another entity made under this Plan in relation to a development proposal,.....” is incongruous and should be deleted. It implies the potential for a conflict to exist between the provisions of the plan and the strategy. If any such conflict exists then it should be fixed, not resolved by simply setting aside the strategy to enable a particular proposal to proceed.

### 3.2 Effect of district strategies

The district strategies are intended to be consistent with the ACT Planning Strategy. Apart from this their role is not defined and their actual relationship with the ACT strategy is unresolved. They have no reason for existence unless they are performing a function that is not already being performed by the ACT strategy, and vice versa. If they are merely required to be “consistent with” then we have two planning documents, potentially covering the same subject matter, sitting side by side. This is illogical.

If district level planning is to be introduced (and this is generally thought to be desirable) then the roles and functions of both the district strategies and the ACT strategy must be defined.

The ACT Strategy (with community input at an ACT wide level) should deal with matters of a metropolitan scale and, most importantly, it must define the districts and set out their respective roles within the metropolitan context. This for example would include the levels of population that each district would be expected to absorb over time in greenfield and infill areas. It would also include metropolitan scale road and public transport planning, open space and wildlife corridors and the like.

This would then provide the basis for district level planning (with community input at the district level) which, for example, would set out the distribution and types of growth and development within the district that would be necessary for it to be consistent with the ACT Strategy objectives.

It is noted that about the first 80 pages of all the district strategy documents are identical. This material should be incorporated in the ACT Strategy.

## Part D: District Policies

As an overarching comment it is unclear why the District policies are separated from the District Strategies. It seems obvious that the two documents should be combined for each district.

### 1.3 Policy Outcomes

Each of the 8 District Policy documents include lists headed: “The desired policy outcomes to be achieved for (name of district) include:”. The use of the word “include” is confusing as it leaves open the possibility that other outcomes may exist but are not listed.

It is also unclear whether all outcomes must be achieved and if not, what is the relative priority?

The Planning Bill (s183(a)) requires that development proposals be assessed against “any applicable desired outcomes in the Territory Plan;” The wording of the outcomes is generally aspirational rather than prescriptive leaving wide scope for interpretation and consequently also for dispute. For example item 3 in the Gungahlin list says “deliver new schools” without specifying where, how many or what type. This is effectively meaningless. Item 4 on the list says “enhance connectivity corridors” between several nominated nature reserves. It does not say how this is to be achieved and the connectivity corridors (which are not interconnected) on Figure 32 in the Gungahlin District Strategy (the Blue-green network plan) do not show these proposed connections.

The policy outcomes seem to closely mirror the “key directions” listed in the District Strategies. This seems to be confusing and unnecessary duplication and a further argument for combining the Policy and Strategy documents for each District.

## 1.4 Assessment requirements

These are highly specific mandatory provisions carried over from the current plan – no comment other than that they should all be reviewed to see if they are really necessary as they add inordinate complexity.

## 1.5 Assessment outcomes

It is hard to fathom why these need to be separated from the Policy outcomes discussed above, item 1 on the list of “assessment outcomes” is, after all, the “stated policy outcomes”.

The assessment outcomes consist of a list of 13 (or in the case of Tuggeranong and Weston Creek, 15) items, against which development proposals will be assessed. None of the items refer to protection of the natural environment, sustainability or ecological integrity. This is completely unacceptable. A list which includes such prosaic items as “suitability of any advertising sign” must surely also include some reference to the protection and enhancement of the natural environment?

Curiously, the majority of the assessment outcomes for all 8 Districts are identical except for Tuggeranong and Weston Creek, both of which include two additional items:

*6. development does not adversely affect the overall function of the commercial centres in terms of economic, social, traffic and parking and urban design impacts*

*7. buildings with frontages to main pedestrian areas and routes within commercial areas incorporate uses on the ground floor that generate activity in the public space*

It's not clear why these outcomes are relevant to these districts and not to others.

Assessment outcomes for specific localities within districts do differ. These seem to be carried over from the “criteria” elements of the current plan.

## Part E: Zone policies

### 1.3 policy outcomes

These sections of the Zone policy documents contain numerous “policy outcomes” and “assessment requirements” specific to each zone, to be read and presumably applied in parallel with the outcomes and assessment requirements in the district policies.

If the zoning provisions are to be uniform across the city then one wonders why there is a need for separate districts, as the planning provisions in each will be indistinguishable from each other. This approach denies the possibility of different districts evolving planning provisions to suit their own needs and community aspirations.

To take a simple example: the assessment requirement for site coverage for single dwellings in the residential code is:

*Site coverage is a maximum of:*

- a) For large blocks: 40% of the block area*
- b) For mid-sized blocks: 60% of the block area*
- c) For compact blocks: 70% of the block area*

The real possibility exists that the citizens of Belconnen may have different views to the citizens of the Inner South as to the suitability of these figures. They may prefer them to be higher or lower or a different mix. The community choice may be influenced by demographic and community attitudes to density and change, and, more practically by block sizes which on average are much larger in the Inner South than in Belconnen - this will result in different overall outcomes with the same percentage site coverage prescription. Presumably this is what district planning is all about – allowing the district community to make its own choices as to exactly how it meets the metropolitan strategic planning objectives.

Additionally, it is simply too confusing to have the outcomes and assessment requirements against which a particular development proposal will be judged spread across two (or several) documents or parts of the plan.

The result is likely to be that the political process will result in the “lowest common denominator” position being adopted and imposed on all districts. This denies the opportunity for one or more districts whose populations may be more progressive or environmentally conscious adopting more environmentally friendly policy positions that may be unacceptable in more conservative districts.

An alternative approach would be to prepare “generic” zone policies which could be written into District Policies with adaptations to suit local circumstances.

#### 1.4 Assessment requirements and 1.5 Assessment outcomes

Similarly to the equivalent section in the District Policies the distinction between “assessment requirements” and “assessment outcomes” is incomprehensible. They should be combined.

### Part F1: Subdivision policy & F2 lease variation policy

The same comments under Part E Zone policies 1.3 policy outcomes apply to these two policy documents – the policies should be written into the District Policies.



## Climate Change

Climate change is the most significant threat to the survival of all life on earth, and requires immediate and significant global action. The impacts of a changing climate are well upon us; increasingly severe fires, storms, floods and droughts are forcing societies and natural ecosystems to transform the way they function. Responding to climate change requires both adaptation (actions to adjust to changes that have happened and are predicted) and mitigation (actions to avoid and minimise further emissions).

The ACT has demonstrated leadership by setting a target of net-zero emissions by 2045, but this is insufficient—we must do more. The science demands that the ACT should aim for net-zero emissions by 2030 regardless of how politically uncomfortable this might appear. This would bring the ACT in line with other leading cities, such as Bristol, Glasgow and Copenhagen who all have zero emissions targets of 2030 or earlier.

The following climate mitigation measures must be provided for under legislation:

- Construction of the residential development should be undertaken in an environmentally sensitive way. The dwellings should be of high quality and energy efficient.
- All new construction should have pale roofs.
- All new construction should have a minimum rating of 8 stars.
- All construction must optimise solar access in winter and shade in summer.
- All new construction should not connect to the gas network, including multi unit developments and aged care facilities.
- EV charging stations available to the community including in all multi-unit developments.
- Set planning rules that reduce house size as a percentage of block size.
- Utilise a variety of native plantings including shrubs and grasses to reach the tree canopy target.
- Set a permeable surfaces target for public space that aligns with the city-wide 30% permeable surfaces target.
- Mandate community infrastructure.

Urban greenspace will help to build resilience against the impacts of climate change, enhance connectivity across the urban landscape, and deliver quality-of-life benefits to the community. Green space, trees and shrubs offer physical and mental well being benefits for our community. Importantly they also cool the urban environment, slow urban water flows and provide vital refuge for wildlife and pollinators across the urban landscape.



## Biodiversity

The community requires assurance that the government via the Planning system is looking after the environment for its intrinsic value. In order to achieve this the draft Territory Plan and draft District Strategies must move away from a human centred approach.

The 2019 United Nations report on biodiversity identified that up to one million species globally face extinction in the coming decades. Australia is not immune, with approximately 100 native species having become extinct since European settlement and a further 1,600 species that are currently threatened. Urban development, invasive species and climate change pose the largest threats to biodiversity, including in the ACT.

Urban development on the lower lying areas of the ACT has had a significant impact on two critically-endangered ecological communities - Natural Temperate Grasslands and Yellow Box-Blakely's Red Gum Grassy Woodlands. These ecological communities include 52 threatened species, and their protection going forward is especially important given their national significance, as well as their intrinsic value and the amenity they bring to our city. Given the pressure on biodiversity from development across the ACT, all areas of moderate to high conservation value should now be appropriately protected and managed for effective conservation outcomes. This protection can be delivered either through the planning system or via the *Nature Conservation Act 2014* - while there may be a preference for it to occur via the latter, the mechanism is secondary to the outcome that is required.

As the 'bush capital', Canberra is fortunate to host a mosaic of natural areas in and around the city. Many of these natural areas are protected under the ACT's extensive reserve system. But, despite its large size, the ACT Reserve system does not adequately cover all of the Territory's natural values leaving many unprotected and mismanaged.

Notably, the reserve system is biased against low lying ecosystems and small areas of natural land. Indeed, 67% of the ACT's Natural Temperate Grassland remnants occur outside the reserve system despite their status as critically endangered<sup>7</sup>. Similarly, many threatened woodland remnants also occur outside of the reserve system, including 80% of Box-Gum Woodland.<sup>8</sup> Many small but significant areas outside the reserve system occur along roadsides, in urban open space, in green corridors between houses, or in rural or urban leases. While they may be small in size, these sites can have environmental significance as they support threatened ecosystems, provide habitat for native species, and/or facilitate connectivity across the landscape. However, areas with conservation value that occur on tenures outside of the reserve system are not primarily maintained for their natural values, which can put those values at risk.

The length of the interface between the ACT's reserves and urban areas is significant and the Draft Territory Plan provides an opportunity to rationalise reserve boundaries to reduce the extent of this interface and improve the buffer for reserved areas. A reduced interface also means potential savings in reserve management with reduced fencing requirements. It is recommended that the boundaries of reserves are simplified to reduce the urban interface impacts.

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<sup>7</sup> ACT Government, *ACT Native Grassland Conservation Strategy and Action Plans*, p21.

<sup>8</sup> Calculations from ACT Government, *Canberra Nature Park Reserve Management Plan*, 2021.

## A Biodiversity Network for the ACT

Areas with high conservation value that occur on tenures outside of the reserve system are not primarily maintained for their natural values. In order to facilitate adequate protection of natural resources, a strategic system that facilitates conservation on and off reserves is required to ensure that all remaining threatened species and communities in the ACT are properly managed and protected in perpetuity. 'A Biodiversity Network' could support the protection and enhancement of natural values in the ACT, by designating land uses that put conservation values at the forefront. The Territory Plan is a substantial opportunity to reallocate both urban and non-urban land use zones to reflect this, consistent with IUCN guidelines, ensuring certainty of management and protection over the long term. By prioritising conservation outcomes whilst allowing for other compatible land uses, the ACT can ensure the protection of environmental values into the future.

A Biodiversity Network would be designed to protect remnants of natural value that are not reserved, whereby these remnants, together with those in reserve, will be unified into a single management and (or) legal framework for protection and implementation of ecological management.

While nature reserves and national parks are important in that they provide a high level of protection against damage and loss, conservation (protection and management) can be achieved across other land tenures, without compromising the land uses that may exist in those places.

The aims of the Biodiversity Network are to formalise conservation and management of biodiversity outcomes on multiple types of public and leased land by identifying them as Conservation Areas, through a combination of protection, restoration and reconnection compatible with other land management objectives. A Biodiversity Network would achieve this by:

- Providing legislative protection to Matters of National Environmental Significance (MNES) and ACT threatened species and ecosystems that are not held in reserve;<sup>9</sup>
- Protecting other natural attributes so that they do not become threatened;
- Supporting representation of all ACT ecosystems in our conservation areas to achieve a comprehensive, adequate and representative (CAR) outcome;
- Increasing landscape habitat, biodiversity and connectivity;
- Implementing consistent and best practice ecological management coordinated across land tenures; and
- Better engaging, cooperating with and supporting land managers, community, special interest groups and associated management and research professions.

In addition, downstream benefits include climate resilience, increased human health and wellbeing, greater opportunities for fostering identity and connection to the natural landscape, improved natural functionality of the environment, and a basis for planning to prevent continuous loss of biodiversity.

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<sup>9</sup> Environment Protection and Biodiversity Conservation Act 1999 (Cth), Part 3 Div 1.

The proposed new Territory Plan for the ACT, in the context of the 2022 Planning Review, is a substantial opportunity to identify Conservation Areas on unleased and leased urban and non-urban land, and ensure they are exempt from development; this would not preclude them from being used for other compatible land uses. Incorporating the Biodiversity Network on rural and urban leases can achieve major conservation gains for protection of woodlands, grasslands, and other MNES through cooperative management agreements facilitated by enhanced support including the provision of resources and advice. The establishment of the Biodiversity Network to protect Conservation Areas across all tenures will ensure a certainty of management and protection over the long term.

### *Biodiversity protection is failing across tenures*

Despite the ACT Government's extensive commitment to biodiversity conservation, the current regulatory scheme is incompatible with the way that nature occurs as a mosaic across the landscape. As such, sites of natural significance occur in reserves as well as on public and leased land.

There are limited requirements for conservation to be considered as a primary objective in land use areas outside the reserve system, making them prone to ecological mismanagement. Existing land use areas are incompatible with the protection of natural values in four primary ways:

1. The reserve system does not protect all conservation areas of importance;
2. Areas of conservation value outside reserves are being lost through expansion of the city and associated infrastructure;
3. Natural resources outside reserves are not consistently managed for conservation values;
4. Areas of biodiversity are fragmented across the ACT.

These are considered in greater detail in attachment 1.

### *Aims of the Biodiversity Network*

The Territory Plan is a substantial opportunity to identify Conservation Areas on unleased and leased urban and non-urban land, and ensure they are exempt from development; this would not preclude them from being used for other compatible land uses.

The aims of the Biodiversity Network are to formalise conservation and management of biodiversity outcomes across tenure on multiple types of public and leased land by identifying them as Conservation Areas, through a combination of protection, restoration and reconnection compatible with other land management objectives. A Biodiversity Network would achieve this by:

- Providing legislative protection to Matters of National Environmental Significance (MNES) and ACT threatened species and ecosystems that are not held in reserve;
- Protecting other natural attributes so that they do not become threatened;
- Increasing landscape habitat, biodiversity and connectivity;
- Implementing consistent and best practice ecological management coordinated across land tenures; and

- Better engaging, cooperating with and supporting land managers, community, special interest groups and associated management and research professions.

*For further information see Attachment 1: Biodiversity Network Paper.*

## **Mature Native Trees**

**Clear Guidelines on the protection of mature native trees are required** for the whole of the Territory especially for developers and homeowners with mature native trees on private land. **It needs to be made clear** how the draft Territory Plan is correlating with *the draft Action Plan to prevent the loss of mature native trees and the Urban Forest bill*.

The following objectives should be regulated to ensure protection of mature trees in new urban areas:

- Early identification and mapping of mature native trees in new development areas, prior to estate planning commencing.
- Requirements to retain mature native trees in new development areas, and only remove trees as a last resort.
- Tree retention and recruitment plans for new development areas prior to submitting the development application (as flagged in the Urban Forest Bill) - including the use of urban reserves to provide connectivity and ecological protection for mature native trees.
- Mandatory percentage targets for the retention of trees in greenfield developments.
- DV369 needs to be fully implemented
- Mandatory buffer zones around Mature Native Trees both to maintain them and to protect and thus recruit trees to become mature in the near future.

See attachment 1 for a framework to manage areas of high conservation value, across all tenures in the ACT, for their environmental value. It considers Mature Native Trees throughout and iterates their essential value to connecting biodiversity across the landscape.

## **Plantings**

Current planting programs across the city often result in the incorrect species in the incorrect place, especially the Urban Forest Strategy, Tree Planting program. Plantings need to be ecologically based plantings using endemic species. **It is recommended the approved species list for planting in urban settings is reviewed and certain species are removed. Planting must be ecologically appropriate. Furthermore, training and professional development for TCCS staff in ecological management will increase the skills in managing, restoring and maintaining plantings.**

## Draft District Strategies

Australia is leading the world on mammal extinctions, with urban development a leading cause of habitat loss in Australia and globally. We need to strengthen our commitment to urban infill to reduce pressure on natural ecosystems. High quality urban development must be accompanied by a commitment to diversifying medium density housing options to provide better choices for the community. Urban greenspace will help to build resilience against the impacts of climate change, enhance connectivity across the urban landscape, and deliver quality-of-life benefits to the community. Green space, trees and shrubs offer physical and mental well being benefits for our community. Importantly they provide vital refuge for wildlife and pollinators across the urban landscape, cool the urban environment, and slow urban water flows. The Council is supportive of a commitment to more single residential homes built within our existing suburbs through increasing dual occupancy developments, high density housing along transport corridors and connecting town centre into the light rail network.

Increasing urban density is about clever design using a smaller footprint, such as houses going up instead of out. The Council recommends that there are opportunities to increase urban density in environmentally sensitive ways and supports it as long the housing is good quality and energy efficient, mature trees are maintained as much as possible, and there is space available to plant new trees. Creative small house design should be utilised to build energy efficient and pleasant houses for people as urban infill. Successfully increasing urban infill is about clever design not bigger design. The Council recommends an investment in higher density housing that takes up a smaller footprint per person, with shared green space – connecting community whilst also being energy efficient and livable.

Currently, the draft District Strategies seek to promote human development for humans, rather than promote a region where humans can live sustainably, and where other species can also thrive, both in harmony with the environment. The promotion of built form for human wellbeing ignores the reality that human wellbeing is built upon a foundation of environmental wellbeing. This interrelationship of improved physical and mental wellbeing from access to green spaces has been acknowledged by the ACT Government in its commitment to the Human Right to a Healthy Environment.

The lack of detail in the maps and the poor consultation process on the documentation did not aid the community in engaging meaningfully with the material and understanding the implications for their region. **It is recommended there is cohesive environmental stakeholder input.** The Environment sector as a whole should be provided a specific consultation, including the opportunity to have open dialogue with experts. Furthermore, the draft District Strategy maps lack detail. **It is recommended the maps be implemented to ACTmap<sup>10</sup> and the maps are detailed at a neighbourhood level.**

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<sup>10</sup> <https://www.actmap.act.gov.au/>

In summary the Council is pleased with the following intentions of the draft District Strategies:

- Intention for The Blue Green Network
- Identification and expansion of active travel paths

### **Comments common to all district strategies**

- The first 80 pages of each district strategy should be moved into the ACT Planning Strategy
- The District Strategies should be combined with the District Policy documents. If necessary as a two-part document: Part A covering the strategic planning analysis, supporting material and the planning strategy; Part B the prescriptive policy that implements the strategy.
- Consultation on the district strategies has been ineffective. While it is appreciated that a significant investment in consultation was made, the method of hosting stand-alone events and workshops is inaccessible for many community members as it creates an additional burden on people to pursue input. It would have been preferable and more effective if community engagement was channelled through existing pathways such as community councils and community groups to minimise consultation fatigue. Furthermore, we have significant concerns that the consultation that did occur was tokenistic owing to the fact that the project timeline does not allow for ample revision of the strategies and the Territory Plan according to the outcomes of community consultation. Indeed, elected representatives have expressed to the Council that its community-led policy, the Biodiversity Network, is unable to be implemented owing to the timescale the Government has committed to. It is our position that the timeline of the project should shift to accommodate community input, as opposed to community input being sidelined to accommodate political timeframes. This is particularly poignant in the matter of the Biodiversity Network owing to its strong community support.

### **District Strategies pages 1 – 80**

As noted elsewhere in this submission, the great bulk of the material in these sections of the District Strategy documents is repeated in all the strategies. It would be much more appropriately located in the ACT Planning Strategy.

The function of the District Strategies should be to implement the “big picture” metropolitan scale planning set by the ACT Strategy, with variations between districts to suit local district circumstances but nevertheless remaining within the broader parameters set by the overarching ACT Strategy.

### **Five big drivers**

There should be no need to re-interpret the provisions of the ACT Strategy as seems to be the case with the specification of the “five big drivers”. The relationship between these and the five “themes” set out in the strategy is obscure. Both are set out on pages 37 and 38 of each District strategy. “Themes” or “Drivers” may be useful but we certainly don’t need both. The confusion is

exacerbated on (for example) page 43 of each District Strategy where there is an attempt to reference district planning “objectives” for a “key driver” back to the ACT Strategy themes.

So, we have gone through a process as follows:

ACT Planning Strategy themes >>>

District Strategy Key Drivers >>>

District Strategy key driver objectives >>>

ACT Planning Strategy themes.

It would be simpler to adopt the district planning objectives into the ACT strategy. Given that they seem to be repeated for all District Strategies this is the logical approach in any case.

## Implementation pathways

There are also 12 “Implementation pathways” on page 9 of each strategy and expanded on in section 4 (page 74). The meaning and purpose of these is obscure. The first, “Blue green network conservation and expansion” does not provide any specific “pathway” or other mechanism for implementation of anything. It cites existing legislation related to environmental protection and makes the vague statement:

*The ACT Government is also delivering initiatives to support and expand the blue-green network, including working with Ngunnawal Traditional Custodians to care for Country. Blue-green network matters are also considered through the assessment and referral process for new developments.*

Whilst the reference to traditional custodians is recognised (albeit some may say that it is tokenistic) this paragraph does not inspire any confidence and could not be considered to be an “implementation pathway”; rather, it is simply stating that as far as matters related to conservation are concerned, we will continue with business as usual.

In a context where “business as usual” has led us to a situation where the environment is rapidly deteriorating this is clearly unacceptable and indeed highly incongruous in what purports to be a forward looking planning document.

## Planning for population and Jobs (pages 32 – 35 District Strategies)

The following statement, referring to future population, is on page 32 of the District Strategies:

*This overall dwelling growth has been allocated into the ACT’s districts in alignment with the population in ACT Treasury’s projections (note – this is not necessarily where new housing should go). The resulting dwelling targets for the longer-term (2063) horizon for each district are shown in Figure 10.*

This paragraph is amazing. It says that the population projections on which district planning is based are not what they should be if proper planning and analysis had been undertaken, they are simply extrapolations of past trends. The purpose of a planning document is to determine what the projections should be. In the absence of this we are not planning anything, we are just accepting that past practice, business as usual, will go on indefinitely.



Just as population growth and its distribution is critical for future planning, so is the growth and distribution of employment. On page 34, with reference to employment, the following appears:

*The projection of additional jobs in each district is shown in Figure 11. The allocation is influenced by the existing distribution and location of jobs between centres and other employment areas within the ACT.*

As with the population projections, this simply accepts that the future will be a continuation of the past. This is the opposite of a sound town planning approach.

### **The Blue Green Network (page 40 District Strategies)**

The Blue Green network plan (page 41 of the District Policies) is simply a representation of the existing ACT conservation lands and corridors. It does not seem to propose anything new or any mechanisms for protecting or improving the existing situation. As such its effect will be limited to a continuation of the status quo – again, simply business as usual which negates the purpose of having a plan.

None of the listed objectives for The Blue Green network (page 43) give any substantial (or even cursory) prominence to the biodiversity values of the conservation lands. The fourth objective refers to “protect nature reserves.....” but only in the context of expanding opportunities for human movement and the “urban experience”. It is clearly all about people, not nature.

**It is recommended the Biodiversity Network be implemented (attachment 1) to appropriately identify, conserve and manage biodiversity values.** Areas with high conservation value that occur on tenures outside of the reserve system are not primarily maintained for their natural values. In order to facilitate adequate protection of natural resources, a strategic system that facilitates conservation on and off reserves is required to ensure that all remaining threatened species and communities in the ACT are properly managed and protected in perpetuity. ‘A Biodiversity Network’ could support the protection and enhancement of natural values in the ACT, by designating land uses that put conservation values at the forefront.

### **The reserve system does not protect all conservation areas of importance**

Under the current regulation system, only Public Land is capable of being declared as a reserve,<sup>11</sup> whereas land with high quality natural values occurs across all tenures in the ACT. The reserve system in the ACT has historically protected bushland above 700 m and therefore failed to protect ecological communities and associated species whose habitat is within lower-lying parts of the ACT. These include lowland natural grasslands, a range of grassy woodland associations, and lowland wetlands.

Table 1 is an extract from the Canberra Nature Park (CNP) Reserve Management Plan,<sup>12</sup> and demonstrates the lack of reservation of key lowland vegetation communities. The table shows that only 20% of the combined total of all existing areas of the lowland woodland community are in CNP reserves and only 26% of Natural Temperate Grasslands are in CNP reserves.

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<sup>11</sup> Nature Conservation Act 2019 (ACT), s169, 170.

<sup>12</sup> Calculations from ACT Government, *Canberra Nature Park Reserve Management Plan*, 2021.



Moreover, of the 36 mapped lowland native grassland sites on Territory land containing critically endangered Natural Temperate Grassland and/or associated threatened species, only 11 are in nature reserves and a further two are proposed for reservation. Of the remaining grassland sites, 23 remnants (64%) occur outside the reserve system, with six of these being on leased land. A further 12 native grassland sites, on Commonwealth land, are managed by various Commonwealth agencies and lack reservation.<sup>13</sup> Additionally, over 40% of the critically endangered Yellow Box – Blakely’s Red Gum Grassy Woodland (Box Gum Grassy Woodland) occurs on rural land.<sup>14</sup>

<b>Table 1: Reserve status of key lowland vegetation communities<sup>15</sup></b>					
	<b>ACT total (ha)</b>	<b>Reserved or managed by PCCS (ha)</b>	<b>In reserve (ha)</b>	<b>% of total hectares reserved or managed by PCCS</b>	<b>% of total hectares reserved</b>
Yellow Box–Blakely’s Red Gum Grassy Woodland	21,975	6,490	4,366	30%	<b>20%</b>
Drooping She-oak Lowland Woodland to Open Forest	670	478	236	71%	<b>35%</b>
Red Box–Tall Grass–Shrub Woodland to Open Forest	1,779	368	270	21%	<b>15%</b>
Snow Gum Grassy Woodland	90	21	21	23%	<b>23%</b>
<b>Total (woodlands above)</b>	<b>24,514</b>	<b>7,357</b>	<b>4,893</b>	<b>30%</b>	<b>20%</b>
<b>Natural Temperate Grassland</b>	<b>1,158</b>	<b>871</b>	<b>305</b>	<b>75%</b>	<b>26%</b>

<sup>13</sup> Calculations based on ACT Government, *ACT Native Grassland Conservation Strategy and Action Plans 2017*.

<sup>14</sup> n 2. Table 1, *ACT Native Woodland Strategy and Action Plan 2019*, p. 19

<sup>15</sup> ACT Government, *Canberra Nature Park Reserve Management Plan, 2021*.

## Areas of conservation value outside reserves are being destroyed

One of the biggest threats to our natural environment in the ACT is the loss of habitat due to urban expansion. The undulating Natural Temperate Grasslands and Yellow Box-Blakely's Red Gum Woodlands that previously existed across this landscape have taken a significant hit as the city's urban form has been extended. Added to this, we are already witnessing the impacts of global climate change – higher temperatures, more extreme rainfall events, storms and bushfires. Now more than ever we need to lift the profile of the environment we live in and rely on for our welfare.

An expanding urban footprint reduces biodiversity, through destruction of habitat, fragmentation, introduction of plant and animal pests and the inability of many native fauna species to survive against predatory or competitive native and introduced fauna or human impacts such as lighting, noise and traffic. Additionally, carbon emissions are increased by the higher private vehicle use resulting from uneconomic or poorly planned public transport infrastructure.

Central to the retention of much of the biodiversity outside the reserve system is the retention of mature native trees, as identified in the Action Plan to Prevent the Loss of Mature Native Trees 2022. Indicative of the loss of habitat, are data on the loss of mature native trees: the majority of mature tree loss in Canberra from 2015 - 2020 occurred at greenfield sites: Coombs (22%), Denman Prospect (12.5%), Throsby (35%), Taylor (31%), Wright (42%) and Whitlam (23%).<sup>16</sup>

To counter the impacts of greenfield development, the 2018 ACT Planning Strategy identifies the objective of ensuring 70% of new housing is within the existing urban footprint. The rate of infill urban development has continued to increase since 2013 and by 2017-18 infill made up 77% of the ACT's urban development. Current greenfield development sites are predicted to be developed by 2031 at which point the city footprint should not be extended and no further greenfield should be pursued. The significant trajectory of loss of grassy woodlands and native grasslands must be curtailed and the remainder conserved.

While supporting the policy of infill rather than greenfield development, significant further pressure on existing conservation areas within the urban footprint is likely as a result of development, disturbance or over-use. To ensure such areas are maintained for their conservation values, these remnants and corridors need to be identified up front and protected. The current maps identifying the 'blue green network' in the draft District Strategies need to be partnered with data, detailed on a neighbourhood level and overlaid with ACTimap. **It is recommended further research is undertaken to identify and protect remnants and corridors.**

## Natural resources outside reserves are not consistently managed for conservation values

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<sup>16</sup> ACT Government, *Action Plan to Prevent the Loss of Mature Native Trees 2022*.

In the face of the dual extinction and climate crises, natural remnants are increasingly important, whether or not they happen to fall within a reserve. Natural remnants provide habitat for threatened and rare species, store carbon,<sup>17</sup> increase soil, air, and water quality,<sup>18</sup> support pollination,<sup>19</sup> control diseases,<sup>20</sup> and increase the liveability of the city.<sup>21</sup> Considering this, best practice ecological management needs to be consistently applied to all areas in the ACT with high natural values; not only areas that contain threatened species and communities, but also areas of other communities and species native to the ACT, to prevent them from becoming threatened.

Management applying the adaptive management approach for the retention and restoration of conservation values should - and can - occur both on and off reserve. There are considerable benefits to applying consistent ecological management, as it can link and coordinate efforts by land managers and volunteers, for improved conservation outcomes and more efficient use of resources.

Three major impediments to achieving more compatible ecological management across all tenures are:

- Private and Government land managers and on-ground staff may have little experience, knowledge or support to apply ecologically based management;
- Management advice provided for ecological outcomes is inconsistent or non-existent; and/or;
- Management for conservation outcomes is frequently viewed as incompatible with the primary land uses (for example, where less frequent mowing in spring would encourage regeneration of native herbaceous species on a site that is usually mown more frequently for recreational purposes).

As a result, many areas are subject to inappropriate or inconsistent management, leaving them vulnerable to damage, loss or disturbance. A review undertaken by the ACT Commissioner for Sustainability and the Environment in 2009 identified that land management actions in many lowland native grassland sites were not being undertaken and more than 50% of the grasslands were in or approaching critical condition.<sup>22</sup> Even within the reserve system, the Commissioner for Sustainability and the Environment found that a better management framework was required to improve the condition and resilience of nature reserves.<sup>23</sup>

To adequately protect all biodiversity appropriate and consistent management of natural values must be undertaken across all land, regardless of tenure. Arrangements have been established to implement conservation management in some areas without compromising existing land uses. Kinlyside Nature Reserve in Hall is managed under a leasehold agreement to achieve conservation outcomes. Other areas are managed similarly with leases over parts of

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<sup>17</sup> Lindenmayer and Vardon, *Ecosystem accounts in box gum grassy woodlands*, 2021.

<sup>18</sup> Smith et al, *The role of ecosystems and their management in regulating climate, and soil, water and air quality*, 2012.

<sup>19</sup> Vanbergen *Threats to an ecosystem service: pressures on pollinators*, 2013.

<sup>20</sup> Zimmer, *Deforestation is leading to more infectious diseases in humans*, 2019

<sup>21</sup> Jacobs et al. *Livability: Natural environment*, 2014

<sup>22</sup> Cooper, 2009, *Report on ACT Lowland Native Grassland Investigation*, Office of the Commissioner for Sustainability and the Environment.

<sup>23</sup> Cooper, 2011. *Report on Canberra Nature Park (nature reserves)*, recommendations 2, 3.

the CNP<sup>24</sup>. **It is recommended the District Strategies identify off-reserve conservation land uses that can ensure consistent conservation management is applied across tenure.** This could include a stewardship program and incentives for landholders to protect biodiversity. Existing programs can be used to improve and enhance ecological conditions of areas (the Connecting Nature Connecting People program, for example).

Applied research, trials and monitoring to measure, quantitatively and comparatively, changes in condition of the natural features and populations of both desirable and undesirable species<sup>25</sup> are required to guide 'best practice' management. Considerable data already exists on long-term monitoring programs run including Government initiatives and community monitoring programs including Canberra Ornithologist Group programs, Frogwatch, Waterwatch and Vegwatch. At regular intervals metadata needs to be analysed to identify patterns in condition and information about management treatments.

### Biodiversity is impacted by fragmentation and edge effects

Fragmentation has been identified as a key threat to the recovery of the critically endangered Natural Temperate Grassland and Box-Gum Grassy Woodland ecological communities.<sup>26</sup>

Connectivity recognises that biodiversity is more resilient to disturbances and adapts better when it forms part of a continuous landscape.<sup>27</sup> Fragmentation through clearing, cropping, damage and disturbance, urbanisation and establishment of infrastructure results in isolation of patches of native vegetation. Modified landscape surrounding these patches act as impediments to species movements, reduce available habitat, enhance the spread of pest plants and animals and modify the climate. Fragmentation also leads to increased edge effects, augmenting exotic plant and animal infestations, noise and light pollution, and increasing bushfire risk.

To mitigate these issues, remnants outside the reserve system can form important links that support corridors for biodiversity to move across the landscape and/or increase the areas already within the reserve system. For example, mature native trees that occur as scattered elements within the urban area, and in higher densities along roadsides and within the rural fabric, as well as within currently conserved areas, provide a significant support base for connectivity. In many cases important biodiversity corridors are degraded or not managed to retain or enhance ecological values. Inherent within this, therefore, is that ecological management of these areas is required to better support biodiversity values. **It is recommended the Biodiversity Network is implemented and appropriately managed to better support biodiversity including through adequate financial resourcing.**

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<sup>24</sup> ACT Government, *Canberra Nature Park Reserve Management Plan*, 2021.

<sup>25</sup> Sharp, *Vegwatch Monitoring Program: Practice and Findings 2011 to 2018: Report to the Molonglo Catchment Group*, 2020.

<sup>26</sup> ACT Government, *ACT Native Grassland Conservation Strategy and Action Plans 2017*; ACT Government, *Canberra Nature Park Reserve Management Plan*, 2021.

<sup>27</sup> Smith, Smith, *Urban edge effects in the Blue Mountains, New South Wales: implications for design of buffers to protect significant habitats*, 2010.

## **Sustainable neighbourhoods (page 57 Districts strategies)**

Future investigation areas (for residential development) are discussed on page 60, reference is made to suitability mapping having been conducted to identify areas in each district that could accommodate further and presumably denser residential development. However also on page 60 the strategy says as follows:

*The locations that are currently shown as future investigation areas may not ultimately be required to meet projected housing demand in each district.*

And then....

*The urban character types are not the same as and are not intended to replace the land use zones in the Territory Plan. Their application in each district and how they would inform changes to zoning requires further analysis, including established character, heritage sites and values, environmentally sensitive areas and natural hazards such as bushfire risk.*

These statements mean that no decisions have been made and all the work is still to be done. The plan is not a plan for the future, again, it is a statement of the status quo and will not achieve any outcomes that differ from the current position.

## **Targets (District Strategies page 73)**

It is incomprehensible that this section is not keyed into the State of the Environment Report, especially the indicators listed in that report.

This section (Targets), which focuses on Table 8: ACT-Wide targets for Planning, should be relocated into the ACT Planning Strategy, where it clearly belongs.

Alternatively, it should be deleted as it has very little meaning. As illustrated by this curious paragraph, quoted in italics with commentary inserted in plain text:

*The targets for 'more nature and retaining water in the city' in the table rely on achieving existing ACT Government plans and strategies. (The plan should be leading, not following, existing outdated government policies) The remaining targets will – once identified – (if they are not identified now when will they be?) represent meaningful aspirations (what is a "meaningful aspiration?") given current performance against the suggested metric (what does this mean?) and the amount of projected future development (where or what development has been projected, this has no meaning?) . Other targets not mentioned here also remain relevant (if they are relevant why are they not here?), including net zero carbon and the 70% urban infill target.*

## **District Specific**

### **Gungahlin**

In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in Gungahlin:

- Work collaboratively with and fund catchment and community groups to restore, revegetate and continue managing Kambri/ Sullivans Creek.
- Fund park care groups and research on grassy ecosystems at Budjan Galindji Grasslands Nature Reserve.
- Incorporation of Harcourt Hill reserve into CNP to avoid the need for a separate plan of management and consistency of treatment with other grassland reserves.
- Crace Nature Reserve has an overlay of future urban area. The Council assumes this is an error in the documentation.
- Commit to and ensure Jacka and Kenny are zero emissions suburbs:
  - Construction of the residential development should be undertaken in an environmentally sensitive way. The dwellings should be of high quality and energy efficient.
  - All dwellings should have a minimum rating of 8 stars.
  - All dwellings should not connect to the gas network.
  - EV charging stations available to the community and in all multi-unit developments.
  - Utilise a variety of native plantings including shrubs and grasses to reach the tree canopy target
  - Retain mature native trees in the development area, and only remove trees as a last resort.
  - Where trees are unable to be retained, it is recommended that the contributions of new canopy cover are in excess of the loss.
  - Plant new native trees, shrubs, and ground cover that supports connectivity and habitat for wildlife and pollinators, and reduces the need for mowing as part of the residential development.
  - The top soil is not scraped.

The Council supports the intention to restore waterways and riparian corridors including along Ginninderra Creek and around Yerrabi and Gungahlin ponds to enhance water quality, aquatic and terrestrial riparian habitat and recreational values.

## **Belconnen**

In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in Belconnen:

- The Gundaroo Drive duplication and protection of Ginninderra Creek. It recommended the restoration of Ginninderra creek including revegetation is adequately funded and the process continues to be done in collaboration with Catchment Groups and the wider community.
- The management of waterways, including Halls Creek, Gooromon Ponds and Ginninderra Creek. Improved regulation and compliance with sediment and runoff controls on building sites is needed to mitigate stormwater contamination.
- Lawson North identified as possible future urban development. The area is identified as residential as per the proposed but not yet agreed boundaries. Lawson Grasslands, in Belconnen, have extraordinary natural significance. It contains large areas of Natural

Temperate Grasslands and Box-Gum Grassy Woodlands; both nationally listed critically endangered ecological communities. These habitats are home to many unique and significant animals, including, the Gang-gang Cockatoo, Superb Parrot, Golden Sun Moth, Striped Legless Lizard, Perunga Grasshopper and Key's Matchstick Grasshopper. The Council recommends EPSDD to advocate for the protection of Lawson's Grasslands through raising the matter with Defence Housing Australia, the National Capital Authority and Minister for the Environment and Water the Hon Tanya Plibersek.

## **Inner North and City**

The Council supports the expansion of Mount Majura Nature Reserve to include Hackett Horse Paddock.

In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in the Inner North and City:

- Impacts to Kambri/ Sullivans Creek and its tributary waterways. While it is noted there is intention to restore the creek "where possible" there are benefits to biodiversity, community physical and mental health, climate mitigation amongst others and should therefore the whole waterway should be restored. It recommended the restoration of Kambri Creek including revegetation and emulating Banksia Street and Lyneham wetlands, is adequately funded and done in collaboration with SEE Change, Catchment Groups and the wider community.
- The lack of canopy in the city and Russel. The 30% canopy target can be reached through a diversity of plantings including ground cover and shrubs.

## **Inner South**

The Council recommends the following in the Inner South:

- Increased native plantings along the lake Burley Griffin foreshore including a diversity of native trees, shrubs, and ground cover that supports connectivity and habitat for wildlife and pollinators, and reduces the need for mowing.
- A buffer for Jerrabombra wetland of an appropriate size and managed effectively in order to mitigate direct and indirect impacts on the high quality, threatened ecological communities within the wetland. This includes diverting the active travel path around the wetland to limit the disturbance impacts on sites ecological values.
- If Dairy Road is to have increased traffic, ensure there are appropriate mitigation measures in place to protect the wetland including a 40km per hour speed limit, speed bumps and signage to indicate to be aware of wildlife crossing the road such as eastern long-necked turtles.

## **Molonglo Valley**

As recognised in the District Strategy, Molonglo is a region that is fortunate to host many significant natural values. Despite recognising these values, the District Strategy does not adequately protect them. In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in Molonglo:



- Western Edge Investigation Area - The Council does not support any expansion of Canberra's urban footprint, including the Western Edge. Expanding Canberra's urban footprint to the west of the city is not sustainable development. Any development that takes place must not happen at the expense of natural values; and must only occur after identification and protection of all areas of moderate to high natural values and the incorporation of sustainable lines of connectivity.
- Protection of Bluetts Block - Piney Ridge - Stromlo Blocks 402 and 403, and Denman Prospect Section 1 Block 12 (the "deferred area") are identified in the Draft Strategy as "open space" and "future areas" respectively. As outlined in previous representations to the Government this area is home to a remarkable diversity of plants and animals and plays an essential role in facilitating ecological connectivity across the landscape. Considering this, Bluetts Block-Piney Ridge should be designated as a Nature Reserve.
- Protection of the Molonglo River Corridor, notably the risk posed by habitat fragmentation from the proposed roads that cross the river. An appropriate buffer zone along the river corridor is required.
- Management of bushfire risk from Canberra's western edge.

## **Tuggeranong**

In addition to the comments made above in reference to district strategies generally, the Council is particularly concerned with the proposed road in Bonython. The road in question is likely to negatively impact Stranger Pond, the Murrumbidgee River, and Pine Island Reserve - all ecosystems with significant natural values that should be protected.

Protection of the Murrumbidgee River Corridor is essential, due notably to the risk posed by habitat fragmentation, urban fringe and pollution. An appropriate buffer zone along the river corridor is required.

## **Weston Creek**

In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in Weston Creek:

- Western Edge Investigation Area - The Council does not support any expansion of Canberra's urban footprint, including the Western Edge. Expanding Canberra's urban footprint to the west of the city is not sustainable development. Any development that takes place must not happen at the expense of natural values; and must only occur after identification and protection of all areas of moderate to high natural values and the incorporation of sustainable lines of connectivity.
- Management of bushfire risk from Canberra's western edge.
- Recruitment of mature trees - As recognised in the Draft Strategy, Weston Creek has one of the highest shares of tree canopy across the districts, sitting at 25%. In order to maintain and protect this tree canopy a strategy recruitment of mature trees across the district should be considered in the Draft Strategy.
- Active transport infrastructure and availability of public transport.



## East Canberra

In addition to the comments made above in reference to district strategies generally, the Council is concerned with the following specific matters in East Canberra:

- The integration of The Capital Food and Fibre Strategy and Circular Economy Strategy with the East Canberra District Strategy.
- Management of bushfire risk.
- How priority grassland, woodland and aquatic habitats and environmental values are determined. Adequately funded and publicly available research is required to justify.
- Airport North Road. The Council recommends EPSDD raise this matter with the Canberra Airport Group and the Federal Environment Minister asking to suspend the approval for this road and protect the Canberra Grassland Earless Dragon from extinction.
- It is recommended Jerrabomberra East reserve is incorporated into the Canberra Nature Park to avoid the need for a separate plan of management and consistency of treatment with other grassland reserves.

## Summary

In summary the following submission finds that whilst the draft Territory Plan and draft District Strategies is an improvement on previous iterations of planning documents; significant revision is required to ensure that biodiversity loss and climate change are adequately considered. The submission recommends a 'A Biodiversity Network' that could support the protection and enhancement of natural values in the ACT, by designating land uses that put conservation values at the forefront. The Council cannot have confidence that the pressure for ever-expanding greenfields areas will not persist. Furthermore, this submission addresses concerns regarding the inaccessibility and disadvantage of the consultation process and documentation itself.

The Planning System Review and Reform necessitates community and tri-partisan support. The current documentation is not fit for purpose, as outlined in this submission. The Council recommends the process be stalled to allow substantial community engagement and feedback; allow for ample revision of the strategies drafts to be appropriately reviewed and edited; and for matters concerning the Planning Bill 2022 be clarified and finalised.

### In Summary the Council Recommends:

- The Biodiversity Network be implemented to appropriately identify, conserve and manage biodiversity values.
- Further research is undertaken to identify remnants and corridors.
- District Strategies identify off-reserve conservation land uses that can ensure consistent conservation management is applied across tenure.
- Clear Guidelines on the protection of mature native trees.
- Bluetts Block-Piney Ridge should be designated as a Nature Reserve.

- A “green belt” that provides a buffer between ACT and NSW to define the urban edge and protect environmental values is identified.
- No expansion of Canberra’s urban footprint, including the Western Edge.
- Strengthen commitment to urban infill to reduce pressure on natural ecosystems. Set a target of 80% of new residential development within the existing urban footprint and there is no further expansion of Canberra’s urban boundary after existing identified suburbs in Molonglo, Gungahlin and West Belconnen are completed.
- Population projections be based on the population Canberra is capable of holding and therefore planning to accommodate within set timeframes. Research needs to be undertaken on projected rainfall amounts and the carrying capacity of the ACT to inform the draft Territory Plan and thus set meaningful population targets to live within our region’s means.
- The approved species list for planting in urban settings is reviewed and certain species are removed. Planting must be ecologically appropriate. Furthermore, training and professional development for TCCS staff in ecological management will increase the skills in managing, restoring and maintaining plantings.
- There is cohesive environmental stakeholder input.
- District Strategy maps be implemented to ACTmapi<sup>28</sup> and the maps are detailed at a neighbourhood level.
- The Territory Plan should be a principal instrument for the achievement of the actions recommended by the SOE report.
- Provide for climate mitigation measures in legislation.
- Halt the Planning System Review and Reform process.
  - Ensure community and tripartisan confidence and support.
  - Produce adequate documentation that is readable, accessible and fit for purpose.
  - Allow for adequate feedback and redrafting.
  - Until matters concerning the Planning Bill 2022 are clarified and finalised.

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<sup>28</sup> <https://www.actmapi.act.gov.au/>