



Environmental Defender's Office

ACT Inc.

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Molonglo Project
Planning Services Branch
ACT Planning and Land Authority
GPO Box 1908
CANBERRA ACT 2601

Dear Sir / Madam

SUBMISSIONS ON THE DRAFT VARIATION TO THE TERRITORY PLAN NO 281 – MOLONGLO AND NORTH WESTON AND ASSOCIATED PRELIMINARY ASSESSMENT

The Environmental Defender's Office of the A.C.T welcomes the opportunity to provide comment on the *Draft Variation to the Territory Plan No 281 – Molonglo and North Weston* (here after referred to as "the Draft Variation") and the associated *Preliminary assessment of a draft variation to the Territory Plan (DV281) and major infrastructure associated with urban development at Molonglo and North Weston* (hereafter referred to as "the Preliminary Assessment").

The Office notes the important opportunity that the ACT has to ensure that the planning for future residential development in the Molonglo area adopts best practice models of sustainable housing and development whilst ensuring that endangered biodiversity is protected and enhanced.

However, this Office has a number of primary concerns about the Draft Variation and the Preliminary Assessment relating to the:

- i) impact on important ecological communities and endangered species;
- ii) impact of constructing a lake on the Molonglo River;
- iii) lack of mandatory measures to ensure best practice energy efficiency housing; and
- iv) implications for climate change.

Impact on important ecological communities and endangered species

The Office notes that the object of the ACT Territory Plan is to ensure that 'the planning and development of the ACT provides the people of the ACT with an ecologically sustainable, healthy, attractive, safe and efficient environment in which to live, work and have their recreation' (subsection 7(1) of the *Land (Planning and Environment) Act 1991* (ACT)).

The Office strongly supports the establishment of a nature reserve at 'Kama'. The development of such a sensitive and ecologically important area would not be consistent with the Territory Plan's broad objective of ensuring ecologically sustainable development of the ACT.

However the Office is concerned about the significant potential impact of the proposed development on important ecological communities and endangered species which is highlighted in the Preliminary Assessment. In particular the assessment notes the potential impact on yellow-box-red gum grassy woodland. The assessment notes that there will be direct loss to this critically endangered ecological community through the development in Central Molonglo. In addition the assessment notes the potential direct and indirect impacts on the natural temperate grassland community in the Molonglo Community.

The Office is also concerned of the impact of bird life as assessed in the Preliminary Assessment. Of particular concern is the conclusion that 'the loss of the nesting and foraging areas of the raptors in the Molonglo Valley is a substantial impact at the local scale' and that the 'proposed development will also place additional pressure on the Brown Treecreeper population located in Kama'.

The Office notes the Authority's intention to undertake studies to define suitable buffers for the southern portion of the Kama property and urges the Authority to undertake these studies as a matter of priority. The Office concurs with the Conservator of Flora and Fauna that the adequacy of the proposed reserve in terms of both the area protected and its relationship to any adjacent land uses will be critical in ensuring that the impacts on the brown treecreeper, raptors, yellow-box-red gum grassy woodland and natural temperate grassland will be minimised.

Adequate buffers are necessary to ensure that the stated environment protection policies for defined land in sections 3.1(i) and 3.3(l) of the Draft Variation are satisfied. The Office would welcome further clarification of the steps which it is intended to undertake to ensure that such buffers are established and managed to ensure that these stated principles are complied with.

Impact of constructing a lake on the Molonglo River

The Office is concerned about the impact of constructing a lake on the Molonglo River, the preferred stormwater management option identified for the proposed development.

This option gives rise to a number of environmental concerns. Firstly the Assessment notes a risk of algal and bacterial growth, including the toxic blue-green algae, in the lake. Also of concern is that two geological sites of heritage

significance would be at least partially inundated by the proposed lake, and a third site could be indirectly affected by the development. In addition, the construction of the lake would result in the destruction of habitat for the pink-tailed worm lizard and some raptor nesting sites in the inundation area.

This Office is concerned that the improved land returns, identified as a benefit of this option, are not given greater weight than the environmental impacts of the proposed lake.

The Office welcomes the assurance that should the Draft Variation be approved, further investigations into the lake will continue including an environmental impact assessment.

Lack of regulation to ensure best practice energy efficiency housing

The Office supports the stated principles that 'water sensitive urban design principles will be adopted at all levels of the development' (3.3(o) of the Draft Variation) and that 'subdivision design will facilitate energy efficient housing consistent with current best practice and evolving approaches' (3.3(p) of the Draft Variation).

However, while appendix K to the Preliminary Assessment notes a number of methods of minimising energy consumption, this Office is of the view that mandatory planning measures to support energy efficient housing do not go far enough. For example, the Assessment talks of providing encouragement for photovoltaic systems but does not seek to mandate certain building standards and energy supply measures that would ensure best practice in energy efficient housing is adhered to.

The Preliminary Assessment notes that the proposed urban development of Molonglo will be guided by five principles, including that 'the new area of Molonglo and North Weston will yield environmental benefits'. One of the ways that it is

suggested that this principle will be achieved is 'new development areas will be designed to minimise the consumption of water and encourage the use of technologies that reuse and recycle water within the home and neighbourhood. In addition the use of passive and active solar systems and of energy efficient building design and block and section design layout will be encouraged with some mandatory components.'

It is the view of this Office that the encouragement of certain technologies without further mandatory components cannot effectively yield environmental benefits and provide best practice design.

Implications for climate change

The Office is concerned that while the Preliminary Assessment identifies some of the implications of climate change, it does not adequately detail how these will be addressed in the proposed development, and indeed notes that 'information specific to Molonglo and North Weston is not yet available'. In particular this Office is concerned that the risks to the number of threatened species and ecological communities, and the fire risks associated with the proposed development area are likely to increase due to the changing climatic conditions.

The Office notes that the current changes to the planning system in the ACT which are progressing at this time, including the restructure of the Territory Plan, may mean that the draft variation will need to be reviewed to ensure consistency with the proposed new Territory Plan. We look forward to an opportunity to provide input into any such review.

We thank you for the opportunity to provide comments and would welcome further discussion on the matter should it be required.

Yours sincerely

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Principal Solicitor