



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING AND URBAN RENEWAL

(Reference: [Draft variation to the Territory Plan No 360—Molonglo River Reserve: changes to public land reserve overlay boundaries and minor zone adjustment](#))

Members:

MS C LE COUTEUR (Chair)

MS S ORR (Deputy Chair)

MR M PARTON

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 12 JUNE 2019

Secretary to the committee:

Ms Annemieke Jongsma (Ph: 620 51253)

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 1.32 pm.

HUTCHISON, MR JOHN

THE CHAIR: Welcome. Mr Hutchison, I point out the pink privilege statement and draw your attention to the protections and obligations afforded by parliamentary privilege. Can you confirm for the record that you understand the privilege implications of the statement?

Mr Hutchison: I understand the privilege implications, thank you.

THE CHAIR: Great, thank you. Before we go to questions, would you like to make an opening statement?

Mr Hutchison: I would like to make an opening statement and I would like to table a copy of what I am going to say.

THE CHAIR: Great.

Mr Hutchison: I am here purely as a private citizen. I live in Coombs and I want to talk about a part of Coombs known as the Coombs peninsula, which I have shown on the map for you. I do not know whether that map makes any sense. I live about 600 metres away from the Coombs peninsula in an area adjacent to Holdens Creek Pond, where I overlook the pond and overlook North Coombs. The chair is certainly familiar with Holdens Creek Pond; I am not sure about the rest of you.

I was invited to attend today following a brief submission I made in April. I had noticed that a lady named Karen Collins had made a previous submission to you and that fundamentally you had just dismissed the concern she raised. So I made a brief submission, thinking that would be the end of it. But I have been invited to come along today.

My issue is about Coombs peninsula, which is currently not part of the Molonglo River Reserve and is therefore subject to future housing development. I suggest to you that there is a terrific opportunity, by adding the whole of the Coombs peninsula to the Molonglo reserve, to make a vast improvement to the reserve, make a vast improvement to the river and provide great opportunities for the residents of Coombs in particular and around the Molonglo River in general. I would hope that if this is incorporated into the reserve it would gradually be transformed into a great bush resource where local residents can walk and ride and experience a vast diversity of nature. Once it is gone, it is lost forever, and in the long run we will look back and say, "Why wasn't this place protected? Who was so short-sighted as to develop this for a small number of residential blocks?" The parks service would obviously be responsible for it if it became part of the reserve. They would transform it in the way that they thought appropriate. I probably should not try to tell them.

Coombs is quite a special place because it is right on the edge of the Molonglo reserve, much more so than anywhere currently and, I think, anywhere in the future. People in Coombs use the reserve all the time. They walk along the river valley, they use the

tracks, and therefore they walk through the peninsula currently. They look at it and say, "Surely this isn't really going to get developed. Surely this isn't going to happen." We see the sign there saying "Marked for future development" and we all say, "Surely this isn't really going to happen. Let's hope it doesn't." But as far as we know it is still in there.

What is special about it is that it is the one part of the reserve which has not been thoroughly landscaped. When you walk along at the moment everything is nice, lovely, well done, with lovely landscaped lawns and everything. But this is the only part that has any sense of being bush. For me that means something. I know it does not mean anything for everybody. But for a lot of people the whole nature of the Australian bush is important. We value it. We like going into the Australian bush. The Australian bush is where you see animals. It is where the kangaroos live, for the moment. We shoot them in Australia.

There are a few reasons I want to go into as to why I think it is a good idea. My first is about residual vegetation. I am going to do a tiny bit of history, very quickly. We are very lucky that ACTmapi has a whole lot of aerial photos from different periods of time. If you go all the way back to 1955, you can see that the straight line in the first photo is the line which is now Fred Daly Avenue, which is the ridgetop leading down to the peninsula. On the left of it, it is all farmland. On the other side of the river it is all farmland. On the right of it is some sort of vegetation. I used to think that was pine trees. I now think the pine trees were not planted until later and that in those days it was probably native bush.

The next photo down on that page is taken very shortly after the Canberra bushfires. You can see in that photo a sort of faint white line down the middle. You think, "What is that?" If you zoom in on it, as I have done on the next page, you can see there are trees there. There is one lot of trees, native vegetation, gum trees, that survived the Canberra bushfires. They are located along what is now Fred Daly Avenue and some of them, at right angles, on the street called Colbung Street. Most of those, I have to say, they did a terrific job of preserving. They created lots of space for them. Fred Daly Avenue is a dual carriageway with a wide median strip. These trees are there. They have done a terrific job of it. But they are all urbanised. They are sitting inside suburban land.

There are a relatively small number which continue on into Coombs peninsula, and they are bushland. The only bushland trees left in Coombs are the ones on the Coombs peninsula. They are probably 50 years old, these trees. They are not the 400-year-old box trees that we have in other places. But they are established, they have substance and they are real, genuine bush. You can see a later photo showing what it looks like. Since then, some pine trees have regenerated around them. So that is a pocket of bush which is extraordinarily valuable.

It is not just me that says it is valuable. Think about the work the parks service does on the other side of river. Over on the opposite bank, which was all farmland, which never had any trees, they are going to extraordinary efforts to try to create trees. They are planting thousands of trees, and that is what you would expect. What they are doing, which stuns me, is bringing in dead trees and planting them in concrete. There is a picture of the most recent there, where they have brought three trees together and

leaned them together, which does all sorts of work to create nesting places and perching places for birds. Birds like being able to get up high and look around, and that is what you have by having trees. So they are going to an enormous amount of effort to create something on one side of the river. On this side of the river they are already there. We should value them enormously, in my view.

What will happen if this area is developed? Will the trees remain? Who knows? My suspicion is that most of them will probably go, because they are in the way of where the housing needs to be. To build housing around the trees and preserve the trees would have a big impact on their capacity to develop the spot. I do not know, because that is up to the designers. At the very least, they will be urbanised. They will cease being bush trees and they will become just a few more trees in a park in the suburbs. For me, that is something really valuable.

The ACT government has done an enormous amount of work to protect the Molonglo River, and eventually the Murrumbidgee River, from pollution. There are lots of ways they do that. In particular they build settling ponds and wetlands all over the place to try to stop pollution getting into the Molonglo River. The Holdens Creek Pond in front of me is such a thing. The problem with the Coombs peninsula is that it is right next to the river; therefore you cannot intercept pollution between there and the river. If you generate pollution on the Coombs peninsula, it will almost certainly end up in the river.

For the past year or so, I have been watching the work of the development at North Coombs, right in front of where I live. There have been earthworks going on there for a year. The amount of earthworks involved in building new suburbs is just unbelievable. There are armies of trucks working day in, day out, over and over again, moving soil around. And the developers are just unable to control the run-off from the site. Environmental protection measures that they are obliged to follow just do not work.

I do not know whether it is because they do not do them properly. My suspicion is they make a pretty good effort to comply with the rules but they just are not good enough. Fortunately, in the case of North Coombs, that run-off ends up in Holdens Creek Pond and not in the river. But to do all the same stuff down on Coombs peninsula—it will end up in the river. There is no question about it. Trying to get environmental people to do anything about it is very hard. They come and look and not much happens.

Recently we have moved on from all the landscaping to the actual housing construction. We get a whole different set of issues. The area is now covered in pieces of polystyrene, empty drink bottles, McDonalds packaging and milkshake containers. They just appear everywhere, and the builders are unable or unwilling to stop it.

I have been speaking to the Access Canberra people who are supposed to come and try to police these things, and it is very hard to get any action, quite frankly. I spoke to one of the rangers yesterday. He said, “I am aware of the problem; I just do not know what to do about it because I cannot prosecute somebody unless I can prove they did it.” If there are 10 builders working away and a pile of stuff, who knows? We were lucky that the first time it happened there was only one builder, we knew, and he was

forced to clean it up. But now the problem has moved on dramatically, with more and more stuff. People are really pulling their hair out. That will happen down in Coombs peninsula. It just does. It happens everywhere.

The next subject relates to animals, platypuses. I have quoted extensively from the submission that Karen Collins wrote for you. This is where you see platypuses. Platypuses are rare; they are one of the rarest animals in the country. And they are living there. What will happen when people move there? There will be dogs and everything else. There is always a bit of that, but the more people living there, the worse it is going to be. Protecting the animals in that area is a major thing.

We also continually squeeze the habitat for animals. By developing the peninsula we will create a real choke point because it will come so close to the river. It is the one place where kangaroos live at the moment. They will have enormous difficulty moving around. They currently can freely move; they will be constrained by the choke point of the development. I will not say any more about it.

Finally, I will go to the subject of bushfires. ACTmapi have a lovely map of what they designate the high-risk bushfire zones in Canberra. On their online map they publish it in red. My print does not show any red; it shows it in grey. All that grey area around the Coombs peninsula is designated as high-risk bushfire zone. Coombs peninsula is right smack bang in the middle of it. There are houses in high-risk zones along Edgeworth Parade. They are threatened from one direction only and they all have terrific viewpoints. If you look out, you can see it; you will know what is going on. On Coombs peninsula, you are surrounded by it. No-one is going to be able to see what is happening.

What is not obvious here is that on the right-hand side of that, it is all pine trees. We know what pine trees do in fires. I lived in a bushfire zone in Victoria for about 30 years, so I got very used to what it means to live in a bushfire zone. You are constantly revisiting your plan, pulling out your fire hoses, and testing all this stuff. You are thinking about whether you will leave or you will stay; if you are going to leave, how you decide when to leave; and all those sorts of things. I lived with it for 30-odd years.

It is very hard to get people to take that stuff seriously. Those us who are conscious of it think we are being bombarded by all this advertising and all this messaging, but there are vast numbers of people out there for whom it just goes straight over their head and they totally ignore it. The people who most do that are the people in an urban zone where it never occurred to them that they were in a bushfire zone. They tune out of the message because they do not think it applies to them. We are all used to the sight where every time there is a fire and we have the TV images of it all, we see all these people saying, "I was waiting for someone to tell me. I had no idea." And then there is the mandatory photo of a man standing on his roof in his thongs and T-shirt hosing the thing down. People just are not very good at living in bushfire zones.

I think that putting a whole lot of houses in that spot, completely surrounded by a bushfire zone, is a very risky proposition. I hope and urge that that never happens and that you see your way to recommending that that spot be all put into the Molonglo

River reserve. Thank you for listening.

THE CHAIR: I was going to ask what you thought the best way of preserving it was, but I am not sure if I even need to. I was going to ask you whether you thought it should be left as something which could be an urban park with a recreation focus or whether you would like it to be added to the nature reserve. I think I know the answer.

Mr Hutchison: You think you know the answer, which is fairly good. I clearly would much prefer it to be left as an urban park than be developed as housing. I think putting it into the reserve is the best option, because it takes it out of the hands of people who have got other designs on it and provides the opportunity to retain it as bush. That would be my answer. And it puts it into the hands of the park service, who have that interest in mind. They can then develop it in the context of the whole Molonglo River reserve, rather than thinking about it in the context of all the other parks in Coombs, which would be the viewpoint if it were part of Coombs.

MS ORR: I just wanted to clarify: did you consider putting in a submission on the draft Territory Plan variation, which is what the directorate was running?

Mr Hutchison: At the original stage, I did not. I was not aware of it then. It was only when I got an email from Caroline, believe it or not, some time ago, alerting me to the report that came out in February or March this year.

MS ORR: You said you were supportive of Karen's submission. I just wanted to clarify how you came across that one, because that was a separate—

Mr Hutchison: I found it in your report.

MS ORR: That is the directorate's report; it is not actually our report.

Mr Hutchison: Sorry, yes. There is a report which led to this next round of hearings. I read that report, and Karen's submission was in there. I did not know Karen at that point. I have since met her, but I did not know Karen at that point.

MR PARTON: But she still has not been able to physically show you a platypus?

Mr Hutchison: No, not yet, but I will make sure she does very soon.

MR PARTON: I hope you see one. I do not believe there is anything that I could ask that would draw out any more information than what you have given.

Mr Hutchison: Thank you.

MR PARTON: I think your submission is perfect in terms of what you want to deliver to this committee. I admire your passion for these few remaining areas that are as you have described. There is nothing else I could ask for, John.

Mr Hutchison: Thank you.

THE CHAIR: I have to agree with Mr Parton. You have told us an awful lot about it.

Mr Hutchison: Thank you.

THE CHAIR: Ms Orr?

MS ORR: That was the only question I had. The rest was answered in the statement you made.

THE CHAIR: Thank you very much.

Mr Hutchison: Thank you for listening.

THE CHAIR: A transcript will be sent to you as soon as possible, probably in about five days. Thank you very much for appearing today.

FALCONER, PROFESSOR IAN, Board Member, Conservation Council, ACT Region

THE CHAIR: Good afternoon, Professor Falconer. Can I remind you of the protections and obligations afforded by the pink parliamentary privilege statement? Can you confirm for the record that you have seen it and that you understand the privilege implications of the statement?

Prof Falconer: Yes, I have read the privilege statement.

THE CHAIR: You are happy with it?

Prof Falconer: I am happy with it.

THE CHAIR: Thank you. Before we go to questions, do you have an opening statement that you would like to make?

Prof Falconer: Yes. I will be quite brief. We are responding to submission DV360 on behalf of the Conservation Council, which I am representing at this point. I am a member of the board of the Conservation Council, and I have been for the past 17 years.

The key component of the issue is the same one that the previous witness dealt with, which is the boundary of the reserve adjacent to the tip of the Coombs peninsula. I expect that copies of our submission are available to you. The map on the back of the last page of our submission gives a very clear explanation of the area I am talking about.

At present housing has been proceeding on the basis that was agreed with the Administrative Appeals Tribunal when the Conservation Council took this issue to them last time. The original proposal was formally opposed by the Conservation Council, to the extent of taking it to the Administrative Appeals Tribunal and being represented by a barrister and a solicitor at the Administrative Appeals Tribunal. The outcome of that was that it went to mediation, because there appeared to be internal inconsistencies between the bushfire proposals, the protection of endangered species proposals and the planning proposals. This was then mediated to restrict the actual building of houses to the ones that are presently built, and the issue was to come back before the planning committee at the time when the Molonglo River reserve draft management plan was submitted, and it was submitted last year.

The issue we have is with the park boundary and the issue related to the inner and outer asset protection zones. As it was originally proposed the asset protection zones actually were on top of high quality pink-tailed worm-lizard habitat and therefore totally contradicted the legislation within the ACT.

If you look at the proposal that is before us today, and at the boundaries, you find that the boundary of the proposed park is exactly where it was before. The only change now is that instead of putting 27 houses on it, which was proposed by the planning authority before, they are now proposing to put 60 houses on it. This is totally against

the discussions in the mediation process, totally against the wishes of the Conservation Council and I think contradictory to the ACT's own legislation in several points, and could be taken up by a barrister at a future time.

The key point is that the asset protection zones have to be outside the reserve boundary and the reserve boundary itself has to be well away from the pink-tailed worm-lizard habitat, neither of which is apparent from the planning proposals or from the river reserve draft management plan.

The Conservation Council's preferred position is that the currently unbuilt areas are reserved in perpetuity as urban parkland or parts of the Canberra nature reserve parkland and administered by the parks service. We are prepared to participate in more negotiations on the details of that, but the present situation is that the boundary of the park is about a metre away from the edge of the pink-tailed worm-lizard habitat and the slope is greater than 31 per cent. We would argue that this is a bushfire hazard for building there, a significant bushfire hazard, and that the impact of the building will impact on the pink-tailed worm-lizard habitat. This is high quality habitat. This is not average habitat and it needs to be protected. There is no way that it can be protected if the asset protection zones essentially impinge on the pink-tailed worm-lizard habitat.

Our view is that the reserve boundaries should be extended south from their present position—ideally, relatively close to the existing housing—and that the asset protection zones be outside the Canberra Nature Park boundary. This is a fairly complex issue and we are very happy to be involved in subsequent negotiations and planning discussions about exactly what should happen there. We object most strongly to urbanisation which is, in our view, dangerous for residents because the slope there is so steep and it is likely to generate fire vortices. The fires come in from the west. It has been burnt out twice already. We feel that there should be at least 150 metres of protection, as an asset protection zone, in that sort of area, and that it has to be outside the park boundary.

I am very happy to answer any questions that you might have. I am happy, with the Conservation Council, to be involved in any subsequent discussions on the issue.

THE CHAIR: Thank you. Am I correct in thinking that page 7 of your submission, with the revised post-ACAT hearing of February 2012 map, is basically what you think would be a good solution?

Prof Falconer: Yes.

THE CHAIR: That is the status quo, as I understand it.

Prof Falconer: Exactly, yes. At the moment it is widely used by residents, as you heard from the last witness. It is not a particularly marvellous area of ecology. It is pretty poor quality pasture and it has a pine plantation in it, but it is much better reserved as urban parkland or for recreational use, and it is much better cared for by the parks service, who can plant appropriate native trees in it and make it a much more amenable bit of environment.

THE CHAIR: Your bottom line basically would be to leave it as it is, at the end of the ACAT hearings?

Prof Falconer: Leave it as it is. Move the boundary of the reserve so that it becomes a responsibility of the parks service, and let them rehabilitate it, as they have already been doing on the other side of the river.

THE CHAIR: One of the big concerns, clearly, is the pink-tailed worm-lizard. Given that some, like me, have never actually seen a pink-tailed worm-lizard, and while I have heard about them, I am not particularly aware of their significance, can you give us a bit more information about why we should be concerned about the pink-tailed worm-lizard?

Prof Falconer: It is a scheduled endangered species in the ACT. It is covered in the NES plan, which was agreed between the ACT and the commonwealth. The area of habitat for that has been mapped fairly extensively. In fact it is included in the draft reserve management plan.

I have only seen a dead one. The reason I have only seen a dead one is that it had obviously come out to eat something during the night and died. The only way you can see a live one is to start turning over rocks. That, of course, ruins their habitat. I have not been going around and turning over rocks. I leave it to the experts.

MS ORR: Did the Conservation Council have any input into the development of the draft Territory Plan variation?

Prof Falconer: In other sectors of the variation we have actions underway with respect to the inner and outer asset protection zones for the reserve on the other side of the river that comes down from the pinnacles. That is not so much a question of where it is or the fact that it is not already in reserve; it is a question about the inner and outer asset protection zones adjacent to that reserve.

The only inner and outer asset protection zones that are marked on this plan are 20 or 30 metres, which may be okay if you are looking at a house in an area which is essentially grassland, but it is no good if it is adjacent to a high value asset like the Kama reserve on the other side of the river, which is the one that the Conservation Council is also very concerned about.

MS ORR: If I understood correctly, because I could not see it in the consultation report, the Conservation Council did not make a submission to the draft Territory Plan variation and they did not have any other input into the draft Territory Plan variation; maybe to other documents but not to the Territory Plan variation?

Prof Falconer: I cannot speak to that, I am afraid. You would have to go back to our documentation.

MS ORR: Were you aware of the opportunities to provide comment to the draft Territory Plan variation?

Prof Falconer: I cannot answer that either because my particular area of expertise,

which I have mentioned in a submission on the earlier opportunity to comment on the Molonglo River reserve plan, is water quality management of run-off turbidity and also rubbish going in the river.

MS ORR: In regard to appendix 1 to your submission—I want to make sure I have understood it correctly because some of the writing is a bit small—the 2011 proposal shows the open space and part of the buffer that is cutting into the habitat, and that is with the 27 houses?

Prof Falconer: Yes.

MS ORR: On the one that we have got in 2012, you are happy with where the buffer lines fall, and is that showing 60 proposed houses?

Prof Falconer: No, it is showing the existing houses. These have been built already.

MR PARTON: I am fascinated with this process that followed after the 2012 objection was taken to the Administrative Appeals Tribunal. I sense your exasperation that the mediation has just been pushed aside as we move forward. You are exasperated by that, yes?

Prof Falconer: Yes. It is a total negation of a negotiated position as far as we are concerned.

MR PARTON: You wonder why you went through the process in the first place.

Prof Falconer: Exactly. And the process of actually going to the Administrative Appeals Tribunal was lengthy, tortuous and potentially costly because we had a barrister and a solicitor on that occasion. We do not want to do it again if we can avoid it. But we are quite happy to do it if we have to.

MR PARTON: But there is a sense of: what was the point?

Prof Falconer: That is right. We seem to have been totally defeated by the present planning proposal which has paid no attention to the mediation process whatsoever.

MS ORR: If the tip was not used for housing, what would you like to see it used as?

Prof Falconer: I agree with the preceding speaker; it needs to be open parkland for recreational purposes. That would be the best use for it. That is the Conservation Council's agreed position.

MR PARTON: Leave it be.

Prof Falconer: Let it be. Actually improve it. Move the reserve boundary so that it becomes part of the conservation reserve. Transfer responsibility for it to the parks service and rehabilitate it in the same way they are rehabilitating the other side of the river, which is going along really well. It is no man's land at the moment. It needs attention.

THE CHAIR: It is really a bit strange.

Prof Falconer: It needs attention. It is ecological junk at the moment, unfortunately. But the parks service could rehabilitate it with success.

THE CHAIR: This is obviously an important bit of space. From the point of view of the Suburban Land Agency trying to develop the suburb, obviously it is somewhere they would like to go. But why is it, from your point of view, more important than anywhere else they could develop? You are not objecting to the rest of the development?

Prof Falconer: No, we are not. The only two points are the Kama reserve boundaries and this boundary really, and both for the same reason. We feel that the asset protection zones must not impinge on endangered species habitat. That is where we are coming from.

In addition to this one we think it is a real fire hazard. In the Molonglo River reserve management plan there is quite a nice fire hazard map which shows where they think it is likely to get incinerated. It is quite spectacular. You will find that there is no inner or outer asset protection zone around the west side of the Coombs tip or the north side of the Coombs tip at all. It is not marked. In terms of asset protection it is nowhere on the reserve management plan.

THE CHAIR: From that map do you expect that you will end up getting fire into the existing houses?

Prof Falconer: Our view is that these river corridors, which are inevitably fairly well vegetated with inflammable vegetation, are a wick to bring fires out from the west and bring them in east into the city. And in a peninsula like that where you have got really steep slopes, the fire will roar up the slope and incinerate the houses if you build them there. That is our view. We find it unfathomable why the planning people can actually propose putting 60 houses on a place which is an enormously high fire risk. And it is designated a fire risk.

THE CHAIR: That is an excellent question and one which we might be asking soon, I suspect. Thank you.

Prof Falconer: Thank you very much for the opportunity. We will watch this space.

THE CHAIR: On behalf of the committee, I thank you for appearing today. This is being transcribed. We will send you a copy of the transcript as soon as it is available. If you find any errors, please let us know. Thank you muchly.

Hearing suspended from 2.10 to 2.31 pm.

GENTLEMAN, MR MICK, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries

BRADY, DR ERIN, Deputy Director-General, Land Strategy and Environment, Environment, Planning and Sustainable Development Directorate

KAUCZ, MS ALIX, Senior Director, Territory Plan, Planning Policy Division, Environment, Planning and Sustainable Development Directorate

IGLESIAS, MR DANIEL, Executive Branch Manager, ACT Parks and Conservation Service

CLEMENT, MS SOPHIE, Director, PCS Projects, ACT Parks and Conservation Service

THE CHAIR: Good afternoon, Mr Gentleman and officials. I hardly need to say this, but can I remind you of the protections and obligations afforded by parliamentary privilege and draw your attention to the pink-coloured privilege statement that is before you on the table? Can you please confirm for the record that you have understood the privilege implications?

MR GENTLEMAN: Yes, we do.

THE CHAIR: Thank you very much. Before we go to questions, do you have an opening statement to make?

MR GENTLEMAN: Yes. Thanks for the opportunity to appear before the committee today to discuss draft variation 360, for the Molonglo River reserve, which makes changes to the public land reserve overlay boundaries and a minor zone adjustment. The draft variation proposes to bring the Territory Plan in line with the requirements of the Molonglo Valley strategic assessment and the draft Molonglo River reserve management plan. It addresses two key parts. The first part is the changes to the public land reserve overlay boundaries and the second part is the proposed rezoning of that area.

The Molonglo River reserve is a new reserve that follows the Molonglo River from Scrivener Dam downstream to the intersection with the Murrumbidgee River corridor reserve. It includes three current reserves—the Kama nature reserve, the lower Molonglo River corridor nature reserve and the Molonglo River special purpose reserve. The Molonglo River reserve brings these current reserves together and includes some new areas as well.

The minor rezoning will rezone part of block 485 Stromlo from the rural zone to the river corridor zone and incorporate the area into the nature reserve as it contains an important Aboriginal site. This will, of course, better reflect the management of the area as part of the Molonglo River reserve.

The changes proposed in the draft variation enable the Molonglo River reserve boundary to be aligned with the specific uses of the land within the reserve corridor. In addition to this, areas of high conservation and cultural value will be protected.

There is a requirement that the buffer be established outside the Kama nature reserve, to protect the reserve from urban edge effects of the proposed urban development. As the draft variation only deals with the areas to be included in the nature reserve, the buffer between the future urban development and Kama is outside the nature reserve boundary, and so does not form part of this proposed variation.

Two submissions were received during public consultation on the draft variation. There were two main concerns. The first is about the proposed residential development on the Coombs peninsula. That is the undeveloped area within the suburb of Coombs. This centred on the effects on wildlife and the location of the proposed development in a bushfire prone area. The second concern is that the reserve would not be wide enough to maintain environmental and public reserve functions.

The Coombs peninsula was the subject of an ACT Civil and Administrative Tribunal consent order, from March 2012. That relates to the subdivision development application for the development of Coombs. The parties—namely, the former land development agency and the Conservation Council—agreed that the future development applications for the area in north-east Coombs, known as the peninsula, would not be lodged until such time as the plan of management that includes the river corridor adjacent to the suburb of Coombs is in place.

The plan of management is now the Molonglo River reserve management plan and its boundaries are being confirmed by this draft variation. The development of Coombs, including the peninsula, and the heritage values and environmental importance and extent of the Molonglo River reserve, have been previously investigated and determined through an environmental and statutory approval process.

The development of the peninsula will require a future subdivision development application. A bushfire risk assessment will be done as part of the remaining planning for the area, and this will identify the necessary mitigation measures to reduce bushfire risk to the new dwellings. This draft variation is the instrument to formalise the public land reserve overlay boundary of the new Molonglo River reserve, to be shown on the Territory Plan map.

I have in attendance with me representatives of the Environment, Planning and Sustainable Development Directorate, who will be able to assist with technical input and answer any questions you may have on the draft variation. Alongside my colleagues from the directorate, I am happy to take any questions that the committee may have.

THE CHAIR: Thank you very much. All of the comments we have had so far have been about the Coombs peninsula, so that is the only thing that I will be talking about. It seems clear that this is in a bushfire zone. Does it make any sense to have urban development there, given the bushfire risk?

MR GENTLEMAN: There have been recent studies on bushfire preparedness and zoning in the ACT. History, of course, shows that Canberra is within a bushfire area. We all know what has happened in the past in regard to bushfires. We are better prepared than ever before for bushfires, but they do occur. It is important that, if we are planning to live in an area such as the capital, which is close to the bush, we are

well prepared for bushfire in the future. I will ask directorate officials to give you their views.

Ms Kaucz: That particular peninsula area will require a future estate development plan application. Part of the consideration for that is a bushfire risk assessment. It will take into consideration any measures that would need to be put in place to address the issue of bushfires. The EDP is referred to ESA, Emergency Services, for comment and we implement any recommendations that they make. That will address those issues. It is generally done site by site, so it is different, obviously, for each site.

THE CHAIR: Clearly, it is site by site. Are you saying that, by the time you have put in the asset protection zones, you have not looked at what would possibly be left or usable? This work has not yet been done; is that what I am hearing you say?

Ms Kaucz: Some of it is done at the structure plan stage, when they are looking at the original development of the whole area. But the detailed assessments are done with each of the estate development plans. Generally, the structure plan will look at the high-level considerations and whether it is suitable for development or not.

THE CHAIR: You do not have any real feeling as to whether the 60 blocks proposed could actually happen, given bushfire issues? I am sorry; I am confused.

Ms Kaucz: Currently, there is no actual approval for any development on that site, because of the appeal that went through. That part got taken out.

THE CHAIR: I appreciate that.

Ms Kaucz: That next EDP will show what number of dwellings would be able to be provided there, taking into consideration the constraints.

THE CHAIR: Am I correct in thinking that what you are saying is that you have not as yet worked out, given bushfire issues, what could be developed on the Coombs peninsula, or am I misunderstanding you? That is what I think you are saying.

Ms Kaucz: It depends on the subdivision layout, and features to give some protections. It is hard to say specifically what the number might be, because it depends on how it is designed and what controls are in place.

MS ORR: Would it be fair to say that that particular block is on the indicative land release program and that it will be looked at as to whether it could take housing. However, the shape and number of the housing, or the form and number of that housing, are still to be determined?

Ms Kaucz: Yes.

Dr Brady: As Ms Kaucz said, at the structure plan level there is an initial assessment of whether there is some viability for development. An estimate of a yield would be taken at that point. As you just said, Ms Orr, it would be in the next stages that we would refine that, and we would actually work out how many blocks and the possible design through the EDP process. It is not just a matter of picking a piece of land; there

is an early assessment at the structure planning stage.

MR PARTON: But there is no chance of that process ending up with an outcome of not supporting any blocks?

Dr Brady: It should have been picked up at the structure planning stage if it was an absolute no-go.

MS ORR: With the current boundary overlay at this particular point, how does that preserve the conservation qualities of the area? We have heard quite a bit of, “It should be here,” and “It should be there.” We have drawn the line in one spot; can I get the rationale behind that?

Mr Iglesias: This particular reserve is remarkable in that the banks that surround the actual river retain good habitat for the pink-tailed worm-lizard, which is nationally endangered, and it is recognised by the commonwealth as such. In our agreement to develop Molonglo, an offset was that we would protect the medium and high quality habitat types for this particular animal. That has largely determined one of the key rationales for the boundary. We have looked at the river corridor, and we have surveyed where those hotspots, if you like, are, and ensured that they are incorporated within the boundary.

There are also some small pockets of remnant yellow box Blakely’s red gum, and there is some land that, if rehabilitated, could over time contribute really well to the environmental values, as well as to the recreational values of the burgeoning population. That, in effect, has guided us in understanding where we would put the boundary for the nature reserve. I think it is fair to say that once people start moving into this region, they will find that this river corridor has some of the best views and some of the best remaining habitats of yellow box Blakely’s red gum and natural temperate grassland left in the ACT.

MS ORR: In drawing that boundary, one of the things we have heard the Conservation Council state is that there is a concern that outer asset zones and strategic fire advantage zones will be placed with the reserve. What is your view on that?

Mr Iglesias: That is a really important point. Our commitment to the commonwealth is that we will ensure that we protect the pink-tailed worm-lizard, but we also deliver necessary bushfire fuel protection. What we have been able to show over the past two to three years, quite successfully, is that in enhancing the habitat for the lizard, we deal with the bushfire fuel.

This particular critter loves to live under rocks. It picks habitat which is very poor in its production. If we introduce rocks, and we have introduced hundreds of tonnes of rocks into the landscape, we actually impact on that particular area’s capacity to produce fuel, because we are covering it with rocks. So we find that in delivering a good result for the lizard, we deliver a good result for bushfire protection. As far as what the ESA calls outer asset protection zones is concerned, we are able to demonstrate that we can meet those requirements by enhancing the habitat of the lizard.

MS ORR: So in your view the two are compatible?

Mr Iglesias: They are compatible.

MS ORR: Preserving the lizard and maintaining a bushfire—

Mr Iglesias: Exactly. It is a happy situation that we can demonstrate. Improving the habitat quality helps us deal with bushfire fuels.

MS ORR: Can you just run me through any of the other commonwealth requirements that have been placed on the area?

Mr Iglesias: There is a whole host of them. There is a whole document. I would have to take that on notice. There is an EIS plan for the commonwealth of about 60—

MS ORR: Let me rephrase that. For this particular part of the area, is there anything else we should be looking at? The rest of it is all okay; no-one has brought up issues with that. It has just been the Coombs tip. You have mentioned the pink-tailed worm-lizard.

Mr Iglesias: With the pink-tailed worm-lizard there are requirements to enhance habitat. That is picked up by the activities that we are doing. We have invested a lot of money, on both side of the banks, to enhance habitat. That will soon be completed. We also have a requirement to enhance habitat of yellow box Blakely's red gum woodland, small pockets of it. But in relation to this particular area, they would be the two main ones that relate to the peninsula. Off the top of my head, I cannot think of another one. There may be some; I would have to get back to you.

MS ORR: That is fine; I am comfortable with what you have provided.

MR PARTON: Just looking at this from an SLA bottom line perspective, this would be a wonderful place to live, wouldn't it? These would be prime blocks.

MR GENTLEMAN: As Daniel was saying, the views from there are quite incredible. The escarpment on the edge of the river is particularly spectacular, and we have already put a number of good viewing points and walking spots around the edges of the suburbs so that you can walk down and view the river. There is an intention to continue those across to the arboretum as well, so you would be able to walk right across the river corridor.

MR PARTON: I guess my question gets to this: if a decision were made to not proceed with any residential development on what we are referring to as Coombs tip, it would actually—

THE CHAIR: Coombs peninsula.

MR PARTON: Coombs peninsula, sorry.

THE CHAIR: It sounds so much better.

MR PARTON: I know it does.

MS ORR: It is not a rubbish dump.

MR PARTON: It would impact the SLA bottom line at the end of that whole scenario, wouldn't it, and impact it quite severely?

MR GENTLEMAN: I will not speak for SLA, but I would say that if those blocks did not go ahead, they would look to find some other blocks. We are looking to ensure that we can supply enough land for the growing population, whether it is there or somewhere else.

MR PARTON: That is a really interesting answer, minister. Are you suggesting to me that it is not imperative—granted that we have not decided how many, what yield, the block size or anything like that—that they are built there?

MR GENTLEMAN: They have been identified.

MR PARTON: They have.

MR GENTLEMAN: So there is the opportunity.

MR PARTON: I understand.

MR GENTLEMAN: Then we go through the process.

MR PARTON: But in answer to my question, you suggested to me that if you did not build them there, you would build them somewhere else.

MR GENTLEMAN: Certainly, yes.

MS ORR: Can I ask—perhaps Mr Iglesias is the person best placed to answer this question—what would be the difference to the conservation values of the reserve area if the border of the overlay were moved to incorporate this block of land? Would there be a change?

Mr Iglesias: What we have learned with this particular nature reserve is that it has had a lot of impacts over a lot of years. To rehabilitate areas like this can be very expensive. What we have to do, as responsible land managers, is balance our effort. What we have done through this process is identify those bits within this landscape where, if we invest, we will get the best bang for our buck. That means that it will connect up with other good bits; it might provide some access by residents to some really good habitat; or it might provide an opportunity for swimming or something like that. In making those decisions, we have to make those sorts of value judgements. Otherwise all of Canberra would be our nature reserve. It is always a value judgement that we have to make. In this particular case, I think we can show that as far as the Molonglo River park is concerned, we have picked the bits where we have the best chance to get the biggest bang for our buck.

MS ORR: What ecological value does the peninsula bit that is a big part of the discussion today have?

Mr Iglesias: Looking at it, I would not count it. In fact, it is more than looking at it; we assessed it. Remember that we did an assessment of where the key hotspots were, and that particular piece of land did not come up as a hotspot.

THE CHAIR: I have a map which says that some of this is pink-tailed worm-lizard habitat. That is not an issue?

Mr Iglesias: That is at Coombs peninsula?

THE CHAIR: Yes.

Mr Iglesias: No. When we looked to decide the reserve, we highlighted the medium and the high quality pink-tailed worm-lizard habitat. Sophie might correct me if I am wrong, but I do not believe that the peninsula was considered to be habitat of the pink-tailed worm-lizard of medium quality or high quality.

Ms Clement: With the Coombs peninsula, I do not have the exact details or the mapping but there was some habitat identified, or potential habitat. It was not, from my understanding, medium or high quality, as Daniel says. Some of it has already been disturbed. I cannot remember if it was by the sewer or the water track that is there; the works that went in in 2012. I think there has already been disturbance to that section. The other habitat that is on the peninsula becomes part of the impact budget under the NES plan.

THE CHAIR: Sorry? The other habitat becomes part of the impact budget?

Ms Clement: It is picked up.

THE CHAIR: What does that mean?

Ms Clement: Under the strategic assessment under the EPBC Act for the Molonglo Valley, the NES plan, there was an impact budget allocated for pink-tailed worm-lizard habitat. That was a certain number of hectares that could be impacted as part of the development. If a major habitat on the peninsula were impacted, it would have been picked up within that budget.

THE CHAIR: You are saying that there was some there but it was within your amount that you were allowed.

Ms Clement: That is correct, yes.

MS ORR: And it was low grade.

Mr Iglesias: It was a lower grade.

Ms Clement: I cannot guarantee that from my recollection.

MS ORR: Can I just check what an NES budget is?

THE CHAIR: I want to go to my question, please. According to my map, there is pink-tailed worm-lizard habitat on both sides of the river. Have you got any idea what is the minimum width they need? Is this going to cut it down to so small an area as to be problematical so that they will not be able to move through the site anyway?

Ms Clement: There are two things there. With the NES plan patches—that is what we call them, the pink-tailed worm-lizard patches that are identified as potential habitat—under the NES plan we have to maintain a 20 metre buffer around them. That is one measure. In terms of connectivity, that level of connectivity was existing before the development went in. What we have been doing is looking to enhance that connectivity where we can. It is a bit patchy around the peninsula there; it is not the best quality or the most connected, particularly on the eastern side of the peninsula. That is really quite small and not well connected. Around the western side of the peninsula it is much better quality, and that is where we have done a lot of enhancement works with the rock placement, which is where we get that compatibility with the bushfire management zone.

MS ORR: I wanted to clarify for the record what an NES plan is, what it stands for.

Ms Clement: It stands for national environmental significance, under the EPBC Act. The NES plan is the Molonglo Valley strategic assessment document.

Mr Iglesias: It effectively articulates those matters that tick the box from the commonwealth perspective as to what is endangered or rare and endangered environment.

Ms Clement: The NES plan describes the ACT government's or the developer's commitments and measures that have to be undertaken to protect those.

Mr Iglesias: Agreement by the two governments, federal and ACT.

MR PARTON: John Hutchison appeared before us earlier today as a resident. One of the things he spoke to us about was the work that is going on on the opposite bank to the Coombs peninsula at Barrer Hill. He said that the parks service was going to extraordinary lengths to re-create a treed environment and it was not just tree planting but even bringing in large dead trees and planting them to create perching and nesting places for birds. He was quite impressed by it all. He said it was wonderful and that it shows the importance of large, established trees. His point was asking why we would not in the Coombs peninsula area value what was there now rather than starting from scratch. I thought he made a pretty good point on that. Could I get the minister or, I do not know, Daniel to respond?

Mr Gentleman: Firstly Barrer Hill is a very good example of where you can assist nature in providing habitat. You will remember that all that area was destroyed in the 2003 fires. It had previously been commercial forestry and had some remnant of gum trees there but not a lot. Most of it was pine forest. The work that we have done at Barrer Hill is ensuring that the habitat can come back and animals can come back and survive in the area and grow in the area. We have been successful in using some of

the trees removed from other areas to replant and make perching opportunities and nesting opportunities for native species.

In regard to where the peninsula is, of course that was destroyed as well. You say “leaving it as it is”; what we would like to do for the particular area of the river corridor that we want to remain as habitat and grow is to try to do as much as we can to reinforce that but then use the opportunity for residential where that is opportune as well. People would like to live there, I imagine.

MS ORR: Going back to the point that Mr Hutchison was raising this morning—and I think this goes to the crux of Mr Parton’s question—he was raising the point: why not restore this particular peninsula? I think that goes to the heart of the question.

THE CHAIR: The other point he was making was that not all the trees were killed in the bushfire, and along Fred Daly Avenue there is still a row of trees that have been there a long time and cannot really be re-created unless we can do time travel. His point was: why not work with what we have got?

Ms Clement: Could I speak to those trees? My understanding is that those trees are known as the ‘jogalong’ trees and they were planted—I might be incorrect in this, but they are not remnant trees and they are certainly not of a significant age. They have been retained and there is potential that the suburban development design could look at retaining those. I am not sure what the layout and plan would be.

MS ORR: That picks up on a question I wanted to ask. Given that just a high-level strategy has been done and that there still needs to be estate development, are some of the things Mr Hutchison raised, such as loss of amenity to the area in not having some recreation space and certainly the trees that Ms Le Couteur has just pointed out, all things that could be considered as part of the estate development plan, looking at what role those things take or—

Ms Kaucz: In the EDP assessment they will look at things like the provision of open space and other facilities for the neighbourhood. Often if there are things like trees that are worth retaining they incorporate that into the open space. So that will be part of the considerations. There are requirements in the estate development code and the Territory Plan for the amount of open space you need to have in a suburb and things like that, so we will need to comply with that.

MR GENTLEMAN: It is probably well worth reinforcing that this conservation area that we are doing is 1280 hectares. It is quite a large area that we are preserving for the future for the environment and for some recreational uses, and some residential near the peninsula as well. It is a large area.

THE CHAIR: Thank you very much. As you would be aware, these transcripts will be forwarded to you to give you the opportunity to correct any errors there. I do not think there are any questions on notice. You started there, Ms Orr, but you are happy with the answer you got?

MS ORR: I am happy with that. Mr Iglesias does not need to get me a full list of every commonwealth approval condition. I am okay with the ones we have outlined.

THE CHAIR: In that case, thank you very much.

The committee adjourned at 2.59 pm.