



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

STANDING COMMITTEE ON PLANNING, TRANSPORT, AND CITY SERVICES  
Ms Jo Clay MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),  
Mr Mark Parton MLA

## Submission Cover Sheet

Inquiry into the Territory Plan and other associated documents

**Submission Number: 024**

**Date Authorised for Publication: 14 December 2023**



# Friends of Grasslands

*supporting native grassy ecosystems*

PO Box 440, Jamison Centre ACT 2614

phone: 0402576412

email: [advocacy@fog.org.au](mailto:advocacy@fog.org.au)

web: <http://www.fog.org.au>

██████████  
Committee Secretary

Standing Committee on Environment, Climate Change and Biodiversity

## **Re. Inquiry into the Territory Plan and other associated documents.**

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of native grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

Thank you for the opportunity to submit a written response to the Inquiry. This submission addresses in particular, the issue, *What the policy goals are for the new system and whether the new system is able to meet these goals.*

### **Introduction**

Friends of Grasslands believes that much more rigorous integration of planning and protection of natural resources will result in meeting other critical issues that are required to be addressed, including protection of threatened species and communities, climate change mitigation, human well-being and functional roles of water and air quality. Planning to protect areas of heritage and biodiversity values prior to development will provide clarity as to what can be developed, where and how. Ultimately this will reduce administration and provide much greater transparency – and trust – in the planning processes and outcomes.

Our recommendations are based on the Biodiversity Network, a proposal developed by the Conservation Council and Friends of Grasslands, which aims to formalise conservation and management of biodiversity across tenure, through a combination of protection, restoration and reconnection, compatible with other land management objectives<sup>1</sup>.

This proposal is designed as a way to comply with ACT Government environmental and biodiversity legislation and strategies as identified in:

- a) the Territory Plan and District Strategies;
- b) The ACT Nature Conservation Strategy 2013-2023;
- c) Legislation for conservation of threatened species and communities and key threatening processes;
- d) Strategies to conserve threatened species and communities and limit impacts of key threatening processes;
- e) ACT Government's agreements with Commonwealth for biodiversity conservation, including a commitment to comply with the IUCN category, Other Effective Area-based Conservation Measures (OECMs);
- f) Actions recommended in the ACT State of Environment Report 2019; and

---

<sup>1</sup> Conservation Council ACT Region and Friends of Grasslands, 2022. Building a Biodiversity Network Across the ACT. Briefing paper.

g) The Heritage Act 2004.

**A. The 2023 Territory Plan, district strategies and other associated documents will not effectively protect biodiversity and heritage values.**

A statement in each of the draft District Strategies (e.g., p. 41, Draft Belconnen District Strategy) is as follows:

***The protection of heritage and biodiversity values is mandated by ACT Government and Australian Government law and *should be a primary consideration* in all planning and development decisions.***

**Issues**

Despite this mandate, there are inadequate measures incorporated in the Territory Plan and associated guidelines to ensure that protection of heritage and biodiversity values will be actually implemented:

- a) The Biodiversity Sensitive Urban Design Guide (BSUD) advocates recognising biodiversity as an opportunity. This is strongly supported, but needs to be backed up by legislative protection for biodiversity. The identification of areas greater than 1 ha required for consideration of biodiversity values is too large to be compatible with protection of habitat of most threatened species, the critically endangered communities, or other rare or vegetation communities and habitat that is poorly represented in nature reserves. The minimum sized area that meets the definition of the CEEC Natural Temperate Grasslands is 0.04 ha and for CEEC Yellow Box- Blakely's Red Gum Grassy Woodland it is 0.1 ha.
- b) Requirements to consider the two key threatening processes, Clearance of Mature Native Trees and Fragmentation are not adequately addressed in the BSUD Guide.
- c) Lack of protection of off-reserve areas of conservation significance through the mechanism of land use zoning means that their biodiversity values will continue to be compromised and lead to degradation of those values and loss of remnants.
- d) There is a significant lack of clarity about how the two new defined categories, the 'blue-green network' and 'conservation areas', will be protected, as mandated:
  - **The blue-green network** does not distinguish between highly modified mostly recreational open space and areas of conservation value.
  - **Conservation Areas** are identified as a category on the district maps, but are only applied to areas that are designated nature reserves. The term is neither defined in the glossaries nor identified as a land use category or overlay.
  - **Key definitions** are omitted in the glossary including, but not limited to: conservation area; biodiversity conservation network; future urban area.
- e) The lack of rules or specifications in the design guides lead to a lack of clarity on requirements for compliance and protection of biodiversity and other matters of significance.
- f) There is no information in the Territory Plan of the land use zone primary roles (as identified in the previous Territory Plan as objectives). We noted only specifications (for example, Territory Plan, Part E – Zone Policies E05 – Parks and Recreation Zones Policy) about actions that may compromise those primary roles if they are undefined.

**Recommendations**

1. Identify, protect and manage Conservation Areas that occur across all tenures primarily for their biodiversity and other values:
  - a) Separate the blue-green network into two parts, based on the values of the land and the primary uses: recreational open space and Conservation Areas, and identify those latter areas as Conservation Areas, which should include not only nature reserves and other important biodiverse areas, but also any areas that require long-term protection and conservative

- management (e.g., cultural heritage areas, areas with existing mature native trees, waterways and ecological and cultural corridors).
- b) Include in the Territory Plan an additional land use zone (or apply the zone, Special Purpose Reserve) for Conservation Areas outside the Nature Reserve system, to ensure areas outside the reserve system that are of high conservation, environmental and/or heritage value and connectivity significance are provided protection and ecological management, while at the same time, allowing for compatible land uses to be retained.
2. Define Conservation Areas applying ecologically appropriate criteria:
    - a) Revise the criteria in the BSUD Guide for planning, design and approval processes for development to redefine conservation areas by biodiversity and other values;
    - b) Reduce the size of areas to be considered under the BSUD Guide to 0.04 ha for NTG and 0.1 ha for all lowland grassy woodland and secondary grassland to comply with the EPBC Act and the NC Act; and
    - c) Ensure there are opportunities to incorporate new Conservation Areas if:
      - i) other matters are identified as threatened under the EPBC Act or NC Act;
      - ii) areas are identified as containing other defined matters of environmental significance; or
      - iii) other areas of cultural, other scientific or heritage value are included.
  3. Identify in the district strategies where future development will not allowed. Such an action will provide clarity, and thus it will improve decision making, where such areas are defined prior to planning decisions being made.
  4. Define environmental and biodiversity requirements for relevant development and monitor and follow up compliance to those requirements.
  5. Ensure urban vegetation (tree, shrub and understorey) planting is ecologically appropriate, to enhance localised biodiversity outcomes, as well as environmental outcomes including enhancement of soil, water and air quality.

## **B. Achieving more transparent consultation on key planning decisions**

Principles of good consultation should clearly and openly clarify key factors in any development, so that community and others can readily determine what responses to consultation are required to address issues of concern. Frequently it takes an inordinate amount of time to find the relevant documents, which are often not named in such a way to describe the information they contain.

### **Recommendation:**

6. The first document listed for all development applications should be an executive summary, which would include:
  - a) the key matters affected and references to relevant DA documents, where these matters are explained in detail, and
  - b) key maps of the proposal, including the likely impacted biodiversity values, water management, planned or potential offset and heritage values.

Yours sincerely

Professor Jamie Pittock  
President, Friends of Grasslands  
1 December 2023