



To whom it may concern

Re: Draft new Territory Plan

The Commissioner for Sustainability and the Environment is an independent statutory position established by the *Commissioner for Sustainability and the Environment Act 1993*. My Office (OCSE) embraces transformative change for an environmentally sustainable future and encourages sound environmental practices and procedures to be adopted by the Territory and Territory authorities as a basis for ecologically sustainable development.

Context for this submission

The ACT - like all jurisdictions across Australia - faces dual environmental crises.

1. Climate change is having a significant impact on the ACT.¹ Observed changes include reduced inflows to water storages, increased tree mortality, greater fire danger, and more algal blooms in Canberra's lakes. Climate projections show the Territory should be planning for a worsening climate with hotter temperatures and decreased rainfall. The latest 2022 Intergovernmental Panel on Climate Change assessment report² demonstrates that inadequate global action on climate change to date means the Earth is heading towards catastrophic warming levels of over 2°C.

The ACT recognised the urgency of climate change by declaring a climate emergency in May 2019. Climate change is a significant challenge that will require the ACT Government and the broader community to adapt to a changing environment and undertake preventative actions to build resilience and minimise impacts on the natural and urban environments.

2. In 2022, the Australian State of the Environment Report presented a picture of environmental deterioration³ that was evident through our national biodiversity loss crisis.⁴ The State of the Environment Report found the number of listed threatened species rose 8% since 2016 and more extinctions are expected in the coming decades. At least 19 Australian ecosystems are now showing signs of collapse or near collapse.

Healthy biodiversity is essential to the natural world and fundamental to human life. The complex and dynamic interactions between plants, animals, microorganisms and soil, water and air underpin the health of ecosystems. Whilst biodiversity is dependent on good ecosystem health, biodiversity itself plays a pivotal role in maintaining ecosystems. Healthy ecosystems, biodiversity and land provide a range of benefits to human wellbeing, including

¹ https://envcomm.act.gov.au/soe_about-the-report/

² <https://www.ipcc.ch/assessment-report/ar6/>

³ <https://soe.dcceew.gov.au/>

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[https://www.science.org/doi/10.1126/science.abn5705#:~:text=Most%20of%20Australia's%20plants%20and,s igns%20of%20collapse%20\(2\).](https://www.science.org/doi/10.1126/science.abn5705#:~:text=Most%20of%20Australia's%20plants%20and,s igns%20of%20collapse%20(2).)

climate regulation, clean air and water, nutrient cycling, pollination, control of pests, carbon sequestration, and the supply of foods and fibres. The main pressures on biodiversity in the ACT are land use change (particularly greenfield development), climate change, invasive plants and animals, vegetation loss, habitat fragmentation and changes to fire regimes.

Any change to the Territory Plan provides an invaluable opportunity to embed environmental considerations into the design of the ACT and address these dual challenges. OCSE believes strongly that environmental protection and climate change must be at the forefront of planning decisions into the future to try to avoid catastrophic impacts on human health, safety and wellbeing.

This submission focuses on improving environmental outcomes through reforms to the Territory Plan. Comments provided relate to both the draft new Territory Plan and draft District Strategies, and accompanying publicly available materials.

Before providing recommendations, a note regarding the process of consultation is required. Due to the volume of material contained in the draft Plan and District Strategies, and the limited time given for consultation, this submission cannot provide exhaustive comments on the District Strategies.⁵ In fact, despite reviewing explanatory materials and attending multiple briefings and community workshops, the formal linkages between the Plan and the District Strategies remain unclear.

1. A plan built on continual city growth

The draft changes to the Territory Plan are motivated by changes in the demographic needs of the city:

“Our city is growing. With more people living and working in Canberra than ever before, we need a planning system that can facilitate this growth without compromising the characteristics of the city that we value.”⁶

⁵ The following specific points regarding the District Strategies are briefly noted:

Molonglo

- It is unclear how it is possible to retain and protect significant environmental and heritage values of the Namarag – Molonglo River Reserve and other sensitive areas **alongside** new development.
- It is unclear how it is possible to situate new housing within the distinctive landscape, while respecting the natural terrain, managing bushfire risks and the way water moves across and through the land.

Gungahlin

- This District Strategy requires strengthened commitments to wildlife crossings on the Federal Highway and Horse Park Drive to re-establish ecological connectivity between the important woodland and grassland habitat of Nadjung Mada, Goorooyaroo and Mount Majura nature reserves.
- It is unclear why the designated proposed change site between Gungahlin and Ngunnawal occurs through a possible future primary blue-green network connection.

Belconnen

- The proposed development in Lawson occurs on critically endangered grasslands.

⁶ <https://yoursayconversations.act.gov.au/act-planning-review>

To fully support the growth of the city and its inhabitants, the draft Plan must provide further consideration of the impacts of expansion of the urban footprint, and limit this occurrence. 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. OCSE is opposed to the designation in the Territory Plan of the areas west of the new Molonglo developments and of the Gungaharra Grasslands Nature Reserve near Crace as Future Urban Area. Both these areas support endangered habitats and species, and their protection should be paramount. The nationally significant grasslands and woodlands of the Territory and their immense biodiversity values can – and must – be protected through considered planning.

Urban expansion brings with it a number of other negative impacts on the natural environment. Even with a best practice approach to construction and sustainable infrastructure, development of greenfield sites unavoidably reduces wildlife habitat and greenspace, impacts hydrology and water quality, and increases the area of land susceptible to pollution and other harmful effects from human activities associated with housing and commerce (e.g., use of chemicals, traffic pollution, domestic animal encroachment). The *State of the ACT Lakes and Waterways Investigation* conducted by OCSE in 2022 found evidence that development in the ACT is often far from best practice in terms of erosion and sediment control. Urban edge developments are particularly problematic in terms of their environmental consequences as they bring the impacts of human settlement closer to our national parks, reserves and rural lands, threatening the ecosystems that these areas support.

The Plan documents (including District Strategies) provide limited discussion of future investigation areas that fall outside the district footprints. For example, the Molonglo strategy considers the requirement to plan for Western Edge expansion in the Molonglo group town centre. However, there is scant discussion of the Western Edge. While its status is unclear, this framing presupposes its existence and reinforces the idea there is a need for – and intention to pursue – development in this area.

It is essential that the growth of Canberra's population be confined within the existing urban footprint of the districts as far as possible. The draft Plan provides insufficient consideration of urban infill and does not sufficiently limit growth of the urban footprint.

Recommendation 1: The target for urban infill should be strengthened to at least 80% of new residential dwellings.

Recommendation 2: A moratorium should be implemented on the expansion of Canberra's urban footprint beyond currently identified suburbs in Molonglo as basis for proposed, potential and possible development sites and change areas in District Strategies. This should include the removal of currently designated Future Urban Areas in the Territory Plan which are on greenfield sites and sites which are known to support endangered species and habitats.

Recommendation 3: Future investigation areas within the District Strategies should be clearly discussed as such and not embedded into planning decisions in a manner that presupposes outcomes and strengthens their case for development.

2. Lack of strategic alignment with other ACT plans and strategies

The draft Territory Plan references some high-level ACT Government strategies such as the Climate Change Strategy, Transport Strategy, Wellbeing Framework and other key ACT policy documents. However, other existing and draft plans and strategies are not considered or referenced, including

the Food and Fibre Strategy, Circular Economy Strategy and Caring for Dhawura Ngunnawal – A Natural Resource Plan. Each of these documents presents its own vision for land use in the Territory. Their omission from the draft Territory Plan results in poor strategic alignment and a lack of clarity around intentions for districts.

Recommendation 4: The Territory Plan should comprehensively consider and incorporate relevant elements of existing and draft government strategies, plans and policies.

3. *Lack of clarity in application of identified drivers to planning*

The draft District Strategies identify “5 big drivers”⁷: the blue-green network, sustainable neighbourhoods, inclusive centres and communities, economic access and opportunity across the city and strategic movement to support city growth. These aim to achieve 10 targets.

It is unclear how the drivers will be considered and applied. In instances where consideration of one driver precludes consideration of another, the draft District Strategies provide no guidance. This failure to consider interaction and hierarchy across different themes is also evident in the draft Plan and accompanying materials where environment and heritage are presented as a singularly aligned value without recognition that these values are distinct, and at times competing. This is equally evident in the Planning Principles definition, whereby it is unclear how principles will be considered against each other. For example - what is the hierarchy of planning considerations and what constitutes good planning “outcomes”?

Recommendation 5: The Territory Plan and District Strategies should clearly articulate how competing drivers and priorities will be considered.

4. *Limited scope of environmental considerations*

The documents accompanying the draft Plan explain that a focus on outcomes will include consideration of environmental factors. However, the scope of environmental considerations within the draft Plan, District Strategies and accompanying documents is problematically narrow and does not actually provide an environmental lens for the evaluation of outcomes.

In point 2 above, this submission discusses ACT policies, strategies and plans. However, not all major environmental issues for the Territory are covered comprehensively by existing key ACT policy documents, which translates into key shortcomings in the draft Plan. For example, the draft Territory Plan does not consider district-specific climate adaptation approaches or cross-district biodiversity connectivity. In addition, protections are largely focused on Matters of National Environmental Significance (MNES) defined under the Australian Government’s *Environment Protection and Biodiversity Conservation Act 1999*, rather than broader understandings of necessary protections for nature at a regional scale. Expansion of these considerations would include limiting mature native tree impacts (enhancing recruitment and limiting removal), ceasing the fragmentation of habitat and strengthening biodiversity corridors.

⁷ https://hdp-au-prod-app-act-yoursay-files.s3.ap-southeast-2.amazonaws.com/3216/6728/5394/Snapshot_Territory_Plan_Overview.pdf

Recommendation 6: The Territory Plan’s environmental considerations should be expanded to recognise climate change, biodiversity and ecological integrity as critical aspects of the natural environment, and should limit adverse outcomes for these matters.

5. Lack of consideration of Ngunnawal cultural interests and knowledge

The documents provided for consultation do not appear to consider Ngunnawal cultural considerations around objects and places. Ngunnawal knowledge is critically important for understanding the ACT’s environment and the development of a sustainable city.⁸ Despite this recognition, there is no indication that Ngunnawal knowledge or views have been integrated into the impact assessments of proposed, potential and possible changes. It is also not clear that the Plan takes into account Ngunnawal knowledge and culture to inform planning and development in the Territory beyond a site-specific scale for places registered under the *Heritage Act 2004*. While the District Strategies include a section on Ngunnawal Country, this is very broad-brush and does not provide any indication of how the aspirations expressed in it will be applied in practice.

Ngunnawal cultural matters are currently considered under the banner of heritage, but this imposes a very narrow and limited understanding of what is still a living and thriving culture. Considering Ngunnawal matters under the same administrative process as that used for European heritage matters is a highly colonial approach and is not appropriate for the ACT in 2023.

Recommendation 7: That the draft Territory Plan require specific and detailed Ngunnawal consultation to determine whether any significant adverse environmental or cultural impacts will occur, which should be taken into consideration at the Territory Plan scale.

Recommendation 8: Ngunnawal cultural matters should be embedded throughout the Territory Plan in each of the district and zone policies and considered in all planning decisions. Protection for Ngunnawal cultural matters should be given greater weighting in planning decisions than European heritage matters.

6. Minimal explanation of Territory-wide planning

The presentation of district-level strategies presents a comprehensive vision for districts, but a disconnected vision for the Territory. There is limited discussion of the Territory as a whole, including the rural area beyond the defined districts.

The information provided about the districts presents a disconnected vision which makes it challenging to assess cumulative impacts across the city. It is difficult to understand the blue-green connections across districts and hence how the integrity of nature in the Territory will be conserved and not further fragmented through development. This also applies to hydrology, since development in one district can have an impact on the hydrology of another district downstream. Stormwater infrastructure is currently planned on a block or district scale and there is no evidence that upstream catchment changes are considered at the design stage or revisited after such changes have occurred.

Recommendation 9: Blue-green connections and stormwater flows should be considered beyond the district level using evidence-based approaches.

⁸ https://envcomm.act.gov.au/wp-content/uploads/2020/08/03_CSE_SoE2019_AccPDF_HR_chapter_2-1.pdf

7. Dual Occupancy Developments

As a general principle, OCSE supports the densification of urban and suburban areas in preference to development of greenfield sites. Therefore, I agree that dual occupancy developments should be increased in Canberra provided that environmental impacts are managed and mitigated effectively.

Thank you for your consideration and please do not hesitate to contact me if you have any further queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Lewis', with a long horizontal flourish extending to the right.

Dr Sophie Lewis
Commissioner for Sustainability
and the Environment

20th January 2023