

ACT by Camilla Taylor

Inner hills protected areas may be expanded

Canberra's inner hills have 'hills, ridges and buffers' protection in the National Capital Plan and nature reserve status in the ACT Territory Plan. They form valuable wildlife corridors with significant components representative of the biodiversity of the Southern Tablelands bioregion. The ACT has outstanding examples of endangered ecological communities of Yellow Box/Red Gum grassy woodland, remnant natural temperate grasslands,³⁹ and the species and genetic complexes that contribute to the diversity of those ecosystems. In 2012 the Australian Heritage Council is considering a nomination of the central national area and the inner hills *area* to the National Heritage List, along with another Canberra-wide nomination.

The Aranda Bushland abuts a rural lease that extends across to the greenfield development areas of the Molonglo Valley. The ACT Government advised the Friends of Aranda Bushland Inc (FoAB) in September 2012 that it had reached an agreement with the rural lessee, prior to the caretaker period for the ACT October 2012 election, that it would resume the rural lease area (with compensation to the lessee). The rural lease blocks in Aranda include some high conservation value areas, and the nationally endangered small Purple Pea (*Swainsona recta*). Parts of the rural lease have become significantly degraded, however, due to the widespread invasion of weeds such as St John's wort, Paterson's curse and serrated tussock. Images of wildflowers from the rural lease are on the front cover of this issue, courtesy Jean Geue of FoAB.

Established in 1990, FoAB is a ParkCare group dedicated to conserving and promoting the bushland areas adjacent to the suburb of Aranda. The area forms a biodiversity corridor from Black Mountain to Mount Painter, the Pinnacle and Kama nature reserve, and is part of Canberra Nature Park (CNP) and the National Capital Open Space System (NCOSS).

For nearly a decade FoAB has been attempting to have the ACT Government expand CNP to include the rural lease blocks, or more recently, to create a new type of conservation lease. For many years FoAB has undertaken an annual workparty to remove woody weeds on parts of the rural lease, and has advocated that the lessee be required to comply with the land management agreement (LMA) and the Conservator's Directions, which are intended to protect the significant conservation values of the site. FoAB's concern is that despite the LMA and Conservator's Directions, the endangered biodiversity of the south Aranda woodland is becoming more critically compromised due to the lack of weed and rabbit control. Beyond the issue at Aranda, there is a general concern among ACT ParkCarers and environmental groups that there is a low level of compliance with, and enforcement of, LMAs.

In August 2012 FoAB lodged an application pursuant to the *Freedom of Information Act 1989* (ACT) regarding the rural lease. The details of the LMA were not disclosed, as the LMA was said to contain material deemed commercial in confidence, the disclosure of which would constitute a breach of confidence that could compromise 'business affairs'.

The importance and fragility of this area are largely accepted. The use of the land once resumed will be a matter for the incoming ACT Government. In the interim, the Department of Territory and Municipal Services is to consult with FoAB regarding priority land management activities, and liaise with the lessee in a bid to settle an appropriate course of action. The cost of weed management of one 15 ha block could be \$63 000 over the first six years of a ten-year restoration program. This compares with no cost to the Government when the land is managed under a rural lease and the Conservator's (largely ignored) Directions and LMA, which may partly explain the delay in resuming the land.

FoAB is of the view that weed control and stocking rates in areas of conservation value should be in the public domain. LMAs have been contentious for many years. In 1999 Greens MLA Ms Kerrie Tucker supported LMAs being publicly available disallowable instruments, approved by the Conservator and ACT Heritage Council, and overseen by a Board and with increased penalties for non-compliance. The current Attorney-General, Simon Corbell MLA, then in Opposition, also supported the conservation clauses of MLAs being publicly available.

³⁹ Nature Conservation (Species and Ecological Communities) Declaration 2012 (No 1) DI2012—11. Under the Environment Protection and Biodiversity Conservation Act 1999 (Cth), the ecological community of *White Box-Yellow Box-Blakely's Red Gum grassy woodland and derived native grassland*, is listed as critically endangered and the *Natural temperate grasslands of the Southern Tablelands of NSW and the ACT* is listed as endangered.

Weathering the Change: Action Plan 2 (AP2)

On 13 September 2012 the ACT Government released its new climate change strategy, *Weathering the Change: Action Plan 2 (AP2)*.⁴⁰ The plan updates the Government's response to climate change and responds to the targets set by the *Climate Change and Greenhouse Gas Reduction Act 2010*. The legislated targets are a 40% reduction below 1990 levels by 2020, 80% reduction below 1990 levels by 2050, carbon neutrality by 2060 and a determination setting renewable energy targets of 15% by 2012, and 25% by 2020. These emission reduction targets require a revision of the renewable energy targets. The AP2 details the revised target, which is now 90% renewables by 2020.

In summary, the plan is to achieve the 2020 reduction target by reducing emissions from electricity, gas, transport fuel and landfill sites, with a large reduction achieved by changing the mix of electricity supply. The AP2 proposes that the Territory will develop approximately 690 megawatts of large-scale renewable energy, delivering approximately 1 900 GWhours of emissions-free electricity each year by 2020.

The plan identifies five sectors responsible for the majority of the ACT's emissions and outlines how each sector can contribute to the target by pledging eighteen actions across each sector, aimed at cutting emissions by approximately 2024 000 tonnes of CO₂ by 2020.

Climate change adaption, monitoring and reporting are also included in AP2, but it is the taking of Canberra's mix of renewables to more than 90% by 2020 that is the major focus, with large-scale renewables accounting for 72% of the potential targeted emissions.

AP2 explains how each of its 18 actions will be subject to regulatory impact assessments, implementation and risk planning, along with normal budgetary processes. An assessment of potential social equity and cost of living impacts will be completed each year and reported to the Assembly.

A change in commuter behaviour is required for the goals to be achieved, with the expectation that 30% of the journeys around the national capital will be taken on public transport within eight years.

The plan contains details of the expected costs and savings across each sector, with savings resulting from improvements in household energy efficiency and costs

from renewable energy investments. Combining the two, net savings are expected at around \$30 per household per year from 2013–17. Net costs are estimated to grow from zero in 2018, peaking at around \$60 per household in 2020 before again declining. The costs of transport fuel savings are not included in this net savings calculation.

The plan acknowledges climate change and that investing in climate change mitigation often means paying now for benefits that will accrue over the medium to long term. AP2 describes the benefits of acting on climate change at both the local and global levels.

Our Future, Our Environment Conservation Forum

With the ACT Legislative Assembly elections due to be held on 20 October 2012, there was a large gathering at the ACT Conservation Council's *Our Future, Our Environment Forum* on 21 September 2012. The forum gave the three main political parties the opportunity to describe their environmental policies, how they plan to make Canberra a more sustainable city, and what they will do to ensure the ACT's biodiversity is protected. Simon Corbell MLA, Minister for Environment and Sustainable Development, spoke for the ALP; Vicki Dunne MLA, Shadow Minister on Nature Conservation and Water, spoke for the Canberra Liberals; and Shane Rattenbury MLA participated as the Greens spokesperson on Environment, and on Energy. An expert panel also put a range of questions to the MLAs.

In summary, all parties committed to making a priority the long overdue completion of the review of the *Nature Conservation Act 1980* (ACT). Both the ALP and the Greens stated their commitment to protect the proposed greenfield development area of Kinlyside in North Gungahlin from urban development. The Liberals did not rule out protection but noted they had insufficient information to be able to commit to any detail. The area includes 120 hectares of critically endangered Yellow Box/Red Gum woodland. It was flagged in the 2004 'woodlands strategy'⁴¹ as a priority area for conservation. Simon Corbell also committed to a strategic environmental assessment of North Gungahlin. The Liberals expressed their preference for integrating biodiversity and conservation administration into a single agency covering research, policy, monitoring and regulatory functions.

40 www.environment.act.gov.au/__data/assets/pdf_file/0004/254947/AP2_Sept12_PRINT_NO_CROPS_SML.pdf

41 ACT Government, *Woodlands for Wildlife: ACT Lowland Woodland Conservation Strategy*, Action Plan no 27 (2004).

All parties showed a strong commitment to improving active transport measures so that walking and cycling in the ACT might be safer and easier. The Liberals emphasised the need for improving the road infrastructure and explained their reasoning behind this.

Both the ALP and the Greens had announced their climate change policies prior to the Forum, including their strategies for achieving a 40% greenhouse gas reduction target by 2020. See: <www.environment.act.gov.au/___data/assets/pdf_file/0004/254947/AP2_Sept12_PRINT_NO_CROPS_SML.pdf and http://act.greens.org.au/sites/greens.org.au/files/CLIMATE-ENERGY_PACKAGE.pdf>

New South Wales

Dr Nicholas Brunton

NSW Planning Reform Green Paper

by Janet Mckelvey⁴² and
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The NSW Government's Green Paper, *A New Planning System for NSW*, proposes the replacement of the *Environmental Planning Assessment Act 1979* (NSW) with a Sustainable Planning Act, and a shift of emphasis from development assessment to strategic plan preparation. A codes-based assessment system and assessment tracks are also proposed. The reforms are designed to reduce complexity and costs, increase strategic planning and focus on better economic outcomes. They also aim to encourage community engagement early in the process, streamline development assessment, and improve infrastructure funding and integration.

A key driver of the reforms is the promotion of economic development and competition. There is a clear agenda to attract development back to NSW. A new 'Enterprise Zone' allows a broad range of uses to encourage innovation with few development controls, and the 'Future Urban Release Area' is proposed for high priority growth areas within a council area.

The Green Paper proposes 23 'transformative changes' to the planning system. These changes broadly address the following areas:

- plan making
- development assessment
- reviews
- delivery and funding of Infrastructure
- implementation and monitoring.

The NSW Government is considering submissions responding to the Green Paper. The Green Paper will be followed by a White Paper, and then an exposure draft Bill in 2013.

Plan making

The Green Paper proposes the establishment of a 'Public Participation Charter' and methods of community engagement through the development of evidence-based strategic plans and the use of technology to provide the public with access to planning information. The aim is to engage communities early in the strategic planning stages so that they may participate in setting broad planning outcomes for any particular area. The Green Paper focusses on strategic planning which will be implemented via the development of a range of new planning documents that are intended to be vertically integrated. The hierarchy of plans includes NSW Planning Policies, Regional Growth Plans, Sub-Regional Delivery Plans including Growth Infrastructure Plans, and Local Land Use Plans.

The 47 existing State Environmental Planning Policies will be abolished and replaced by NSW Planning Policies. The Green Paper specifies that approximately 10–12 NSW Planning Policies will be introduced to give effect to the Government's policies in a range of sectors, such as employment, mining, retail development, regional development and infrastructure. The NSW Planning Policies will not be statutory planning instruments, but will be updated and approved by Cabinet as required to set priorities and broad strategies for the delivery of development across the state.

42 Senior Associate, Henry Davis York Lawyers.

43 Senior Associate, Henry Davis York Lawyers.