



ACT
Government

Guidance on the planning for Kenny

Commitment 3 of the Gungahlin Strategic Assessment Biodiversity Plan

April 2024

**Plan Implementation Team
Environment Planning and Sustainable
Development Directorate**

List of Abbreviations

| | |
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| ACT | Australian Capital Territory |
| BGW | Box Gum Woodland |
| ESA | ACT Emergency Services Agency |
| FMU | Fire Management Unit |
| GSA | Gungahlin Strategic Assessment |
| GSM | Golden Sun Moth |
| HIP | Habitat Improvement Plan |
| MNES | Matters of National Environmental Significance |
| NMNR | Nadjung Mada Nature Reserve |
| PCS | ACT Parks and Conservation Service |
| PIT | Plan Implementation Team |
| the Plan | Gungahlin Strategic Assessment Biodiversity Plan |
| SDP | Subdivision Design Proposal |
| SLL | Striped Legless Lizard |

INTRODUCTION

The Gungahlin Strategic Assessment (GSA) was endorsed on 20 June 2013 and the actions associated with the development as identified in the Biodiversity Plan were approved on 17 July 2013. As a result of the approval, the [Gungahlin Strategic Assessment Biodiversity Plan](#) (the Plan) has streamlined the development application process and reduced costs and delays associated with land release by removing the need for site-by-site assessment of Matters of National Environmental Significance (MNES). The area covered by the Plan is presented in **Figure 1**, Overview of the Plan.

This document has been prepared by the Plan Implementation Team (PIT) to inform developers of the considerations required in designing the suburb of Kenny during the Subdivision Design stage.

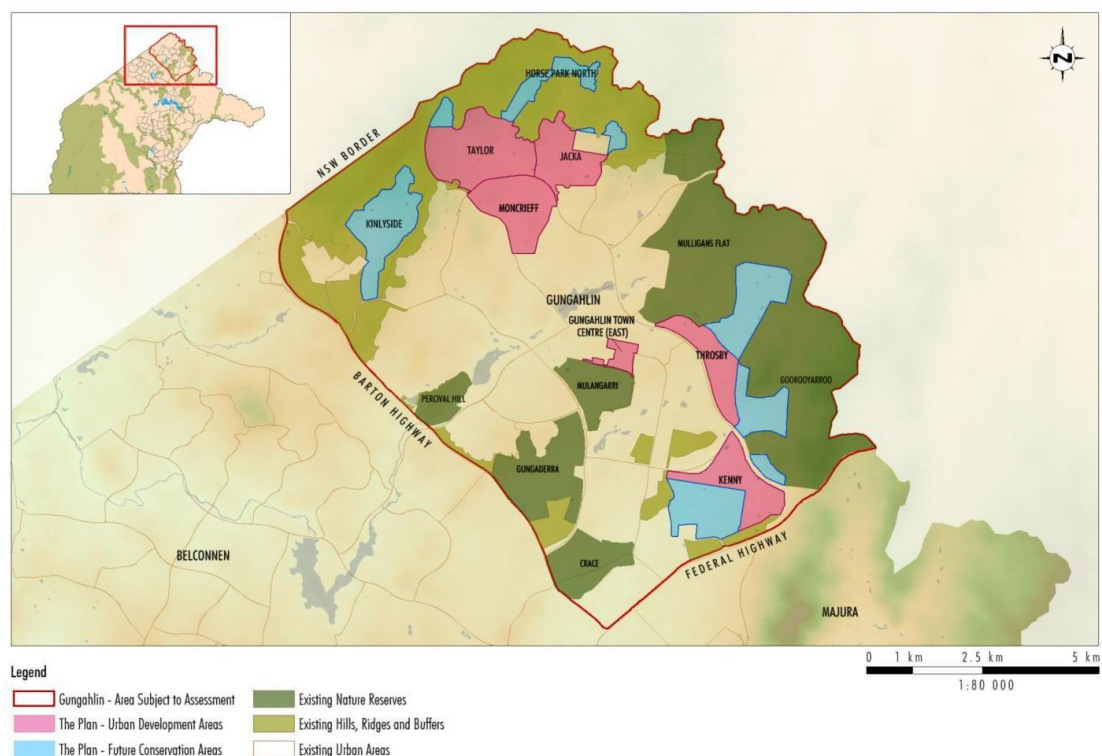


Figure 1 Gungahlin Strategic Assessment plan of development and conservation areas

LOCATION

The suburb of Kenny is located at the south-eastern edge of Gungahlin, to the east of the suburb Harrison in the district of Gungahlin. Kenny is bounded by Horse Park Drive to the north, Well Station Drive to the west and Federal Highway to the south.

Kenny is currently zoned as Residential RZ1 and has a mix of commercial, community, open space zones and a Nature Reserve (Block 820), refer to **Figure 2**.

The general design principles for Kenny outlined in the GSA include but are not limited to:

- a group centre with adjoining higher density residential development;
- government school;
- opportunities for small-scale community facility sites;
- neighbourhood oval;
- water detention feature; and
- high density and mixed-use residential areas, and a cycleway/pedestrian link.

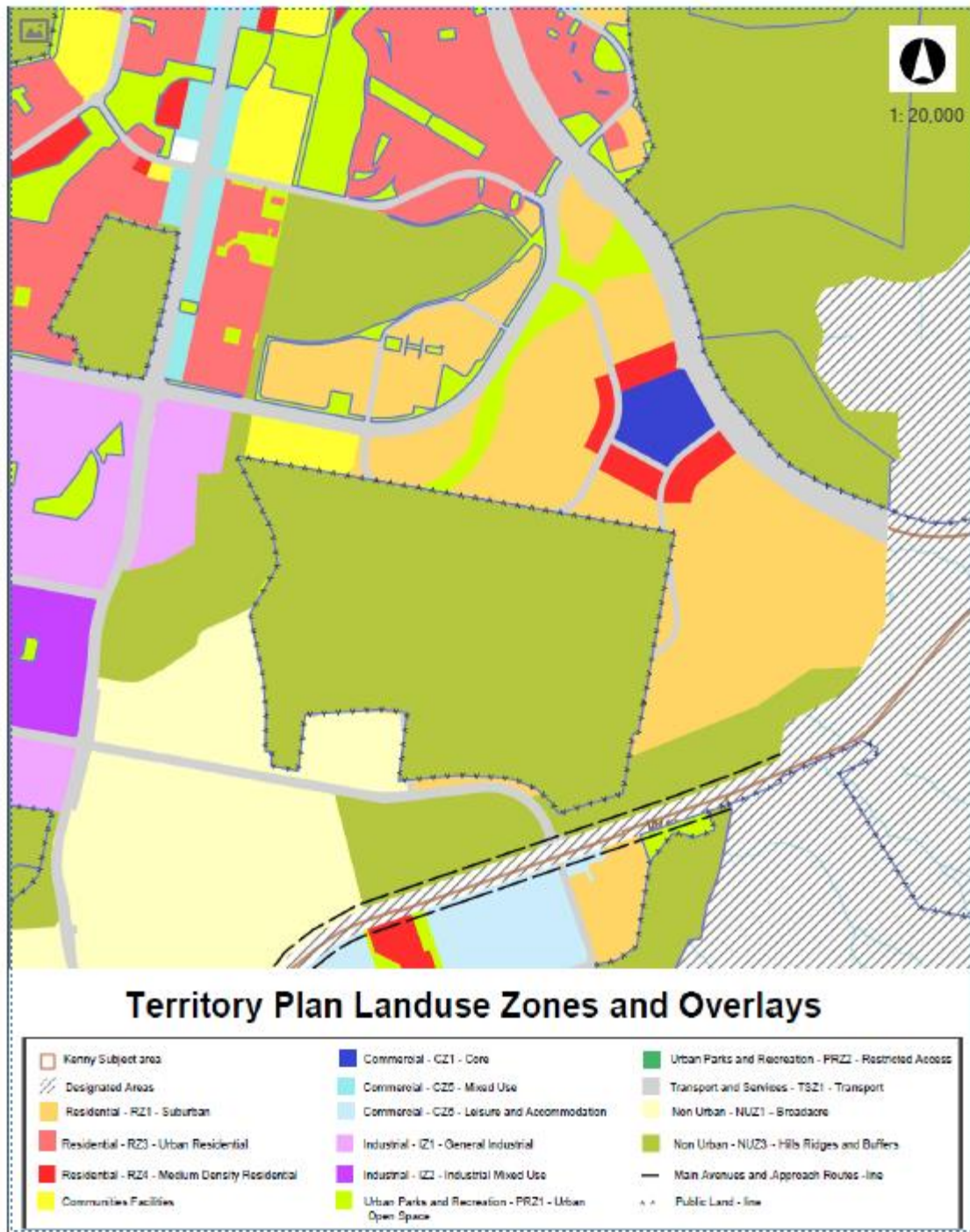


Figure 2 Kenny Landuse Zones within Gungahlin Strategic Assessment area

BACKGROUND

Commitments

Commitments under the *Environment Protection and Biodiversity Conservation Act 1999*

The Plan identifies a range of commitments to be undertaken by the ACT Government targeting MNES affected by urban development in the Gungahlin district. Commitments in the Plan build upon the long history of forward and strategic environmental planning in the ACT around the avoidance and mitigation of environmental impacts resulting from development.

Commitments in the GSA and within this planning guide for Kenny are targeted to the affected MNES, however, also consider broader biodiversity and conservation management objectives. These objectives are important not only to the ACT under Territory legislation but also matters of significance at other scales including regional connectivity in the southern tablelands. To this effect, implementation of the Plan not only serves to maintain or enhance the conservation status of affected MNES in the ACT but also results in a beneficial effect to biodiversity in general.

The key commitments include:

- **Avoidance of areas that support habitat for MNES on land presently designated as developable (including Future Urban Area or NUZ1 - broadacre Area)**

Approximately 160ha in the south-western part of Kenny was identified to establish the Nadjung Mada Nature Reserve (NMNR) in recognition of significant Box Gum Woodland (BGW) and Striped Legless Lizard (SLL) habitat. The creation of the nature reserve enables the protection and preservation of SLL habitat and the retention of 90% of Kenny's BGW and the majority of the 300 old, large trees.

As a result, the development area for Kenny has been reduced to avoid the nature reserve and is predominately located in the north-west of the suburb.

- **Creation of Nature Reserve in Kenny**

[Territory Plan Variation 379 \(TPV379\)](#) rezoned land within the future suburb to formally establish the Kenny Nature Reserve (now NMNR). TPV379 commenced during 2020-21 and was approved by the Minister for Planning and Land Management on 2 August 2021. Management and monitoring activities have since commenced in the nature reserve.

The ACT Parks and Conservation Service (PCS) is the land custodian of NMNR. PCS must be consulted in relation to buffer design, infrastructure design, public and management access (e.g. access for fuel and fire management and weed control activities) and appropriate usage of reserve spaces and their immediate surrounds. This is critical to protecting reserve values and restoration/improvement investment and success for this Offset Reserve. Key measures include:

- Buffer areas should occur only within the urban footprint and must not be located within the nature reserve. The location, design and management of buffers should be determined in consultation with PCS Offsets and the Office of Nature Conservation.
- Any required Asset Protection Zones must be contained within the urban footprint and must not infringe on the nature reserve.
- Sustainable urban water management measures and the related Stormwater Master Plan must be prepared in consultation with PCS.
- Impacts to nature reserve values from suburb infrastructure (e.g. sewer line duplication, service upgrades/installation, high-pressure gas facility and pipeline easements etc.) must be avoided and minimised to the greatest extent possible. Agreement from PCS must be obtained on final remediation measures and outcomes where impacts to nature reserve areas have the potential to occur. Maps of nature reserve values and related management areas can be obtained from PCS for further planning around 'high risk' areas.

- **Increased investment in habitat enhancement beyond the minimum level required under the Territory's statutory obligation**

As [Habitat Improvement Plans \(HIPs\)](#) are implemented for each MNES, and nature reserves and conservation areas come under Territory management, enhancement and monitoring of values

will be set in place. Land Management Agreements are also under consideration between rural land holders and the Conservator of Flora and Fauna.

Due to the development falling into a (if not the) primary Superb Parrot movement corridor from Throsby (refer to Figure 3), any mature eucalypts within the development area and adjacent to NMNR must be protected from direct (e.g. felling or removal) and indirect impacts (e.g. ground compaction, hydrology changes) and be buffered appropriately. Further advice and information relating to this species and movement corridor (e.g. Bird movement data etc.) can be obtained from PCS.

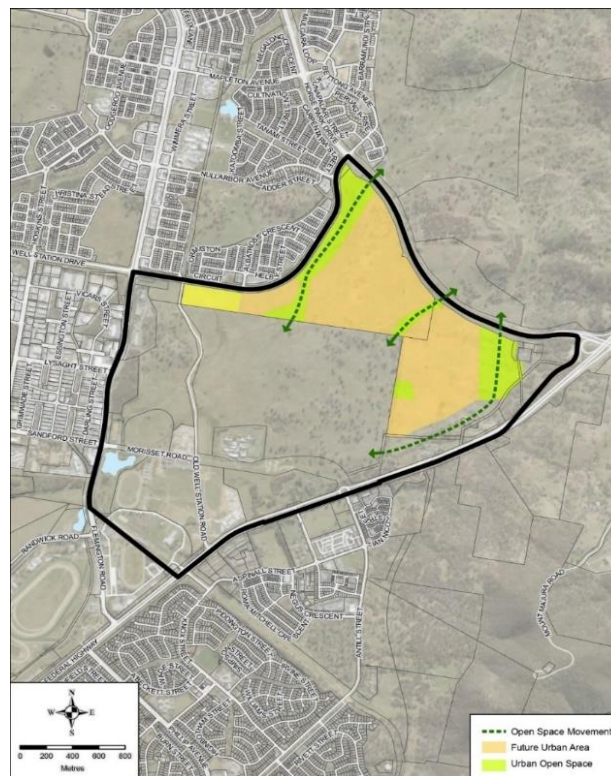


Figure 3: wildlife movement corridors

- **Increased investment in research targeted at the affected MNES and guided by action planning objectives**

In Kenny, the relevant affected MNES are SLL, BGW and Golden Sun Moth (GSM). Habitat improvement activities have been undertaken through assisted natural regeneration of areas that presently do not meet the definition of the listed BGW community in Kenny. The HIP for SLL has been revised to ensure ongoing management measures are appropriate.

Additionally, SLL translocation research is being undertaken, with individuals being salvaged from the development area and relocated into NMNR. Aside from the SLL translocation, all other research, monitoring, and habitat improvement/restoration works are being undertaken within the NMNR up to the interface boundary with the suburb of Kenny. Research projects have been designed, and timing has been recommended through the HIPs.

District Strategy

A District Strategy plan sets out broad principles and policies for the development of a future urban area. The plan is typically at the district level. It is essentially a framework of the planning intent for the area and may include information on environmental and heritage matters, future major infrastructure requirements, key features, zoning and residential densities. The applicable District

Strategy for Kenny is the [Gungahlin District Strategy](#).

District Policies

District Policies apply the principles and policies of a District Strategy for the future urban area to identify the specific planning requirements that will apply to the future detailed planning and development of the suburb. The District Policies guide the preparation, assessment and determination of the future development of the land (i.e. subdivision proposals). The applicable District Policy for Kenny is the [Gungahlin District Policy](#).

Subdivision Design Proposal (SDP) (formerly Estate Development Plans)

A SDP sets out the design and development intention of a subdivision proposal that is consistent with the relevant planning policies, including the Territory Plan 2023. It is a statutory planning process to bring land from “planning ready” to “development ready” which, once approved, can be made available for future development.

APPLICATION OF THE GUIDANCE NOTES

The Plan includes a commitment to provide guidance on estate development where required for each urban release area to ensure commitments and objectives of the Plan are implemented, particularly the identification of sympathetic development types along the urban edge to minimise impacts to adjacent MNES.

The development of the suburb of Kenny will address areas of environmental significance which are consistent with those reflected in the Plan.

This guidance document aims to provide assistance to subdivision designers on specific considerations from the Plan which are applicable to the suburb. The guide does not inform construction operations or requirements and aims to protect MNES that occur within the identified conservation areas only.

Approval from the Plan Implementation Team (PIT)

The PIT will be consulted either prior to lodgement of SDPs or during the SDP entity circulation process. The PIT will review SDPs to ensure they are in accordance with the commitments of the Plan.

Regulation and compliance

Estate Development / Subdivision Proposals are required to be assessed against the relevant planning policies and requirements of the Territory Plan 2023. Subdivision Design proposals must also demonstrate that they are consistent with the relevant district and zone assessment outcomes.

Kenny is required to be assessed against the following:

- The Gungahlin Strategic Assessment Area – [EIS Exemption Consideration Report](#).
- [Gungahlin District Strategy](#);
- [Territory Plan 2023](#) -
 - Part C: Planning Principles and Strategic Links;
 - Part D: D1: Gungahlin District Policy;
 - Part F: Subdivision Specifications;
 - Zone Specifications (as relevant); and
 - Design Guides (as relevant).

Development that occurs inconsistent with the approval issued under the *Planning Act 2023* will be subject to compliance action under that Act.

GUIDANCE NOTES

In addition to the requirements of the *Planning Act 2023* and the Territory Plan 2023, the following requirements will be considered during the preparation of subdivision proposals and their assessment under the Act. Some of these considerations are included in the Gungahlin District Policy under the Territory Plan 2023:

- The estate development area will need to be fenced to appropriately delineate the rural land area from the estate, including urban open space areas. Fencing will be constructed to discourage access into the rural leased land and conservation areas. Location and alignment of fencing will need to allow for an appropriate buffer area to contain erosion and sediment controls.
- The Urban Interface Guidelines prepared by the Suburban Land Agency should be used in designing the interface between the suburb and adjacent urban open space or reserve.
- Ensure the interface with NMNR minimises impacts on and enhances opportunity to connect with the nature reserve.
- The design of the estate should consider the objectives of the [Loss of Mature Native Trees Key Threatening Process Action Plan](#) and 30% canopy and permeable surface targets of the [Living Infrastructure Plan](#). Remnant and regenerating woodland trees should be retained within the urban infrastructure.
- Provide a diverse mix of residential dwelling types, a local centre which includes community zoned land, government schools, water detention feature, and a cycleway/pedestrian link.
- Edge roads are to be utilised wherever possible as a buffer between residential development and areas of open space, particularly when the area contains substantial cultural heritage or environmental values.
- Edge road design should consider the needs of recreational users (e.g. crossing points for equestrian/multi-use trail networks) and must ensure connectivity with the PCS management trail network.
- Active travel and commuter routes (requiring hard or sealed surfaces) must be located outside the Reserve except the linkages onto Old Wells Station Road which will retain its gravel surface as per Heritage requirements.
- Aboriginal and European heritage places will be recognised, and significant sites conserved in public open space where appropriate. Land uses adjacent to places to be conserved are not to have significant adverse impacts on the retention of the place.
- Well Station Road (trail) and adjacent trees to be retained in open space.
- Conservation areas will be part of the overall landscape character of East Gungahlin. Strategies will be developed at the detailed planning stage to protect the interface of conservation from urban development impacts.
- An open space system will be maintained and created, which is representative of local natural environments, e.g. forest on protected hills, woodland on hill slopes, grassland on lowlands and wetlands in valleys and drainage lines.
- Appropriate plant selection for landscaping including consideration of incorporating landscaping species which will provide future connectivity, foraging or shelter opportunities

to wildlife. Particular consideration to be given to enhancing connectivity and flight paths for species such as superb parrot which disperse south to the Belconnen District and Molonglo Valley.

- Maintain flora and fauna connectivity and movement corridors as indicated in Figure 3.
- Major and minor open space corridors within the urban area are to be planted with local and regional native species.
- Remnant and regenerating woodland trees should be retained within the urban infrastructure where it is prudent, possible and feasible to do so.
- Appropriate precautions to control the spread of Serrated Tussock and African Love Grass, including measures to contain all fill to the site, are to be established prior to, during and post construction phase.
- Any neighbourhood ovals must be designed to avoid noise, light and nutrient rich or contaminated run off impacting the NMNR.
- Planning must consider exercise areas for dogs within the estate as dogs are not permitted within NMNR and the northern section of the Centenary Trail.
- The links between sustainable urban water management and downstream ecological impacts on flora and fauna should be recognised. The potential for urban development to alter flow rates and degraded water quality should be addressed and appropriate sustainable urban water management measures adopted accordingly.
- A stormwater masterplan must demonstrate how the NMNR will be protected from the urban catchment of Kenny. Any disturbance of the nature reserve for infrastructure (sewer and stormwater) must be rehabilitated to enhance the ecological value of the reserve.
- Stormwater detention is to be informed by the Kenny hydrology study.
- Appropriate bushfire risk mitigation measures, such as buffers are to be incorporated into the subdivision, as required and must align with the ACT Bushfire Management Standards 2023. Early consultation with the ACT Emergency Services Agency and the PCS Fire Management Unit is recommended.
- Restrict sensitive development within the high-pressure gas facility and pipeline easements.

Further Information

Information and advice from the PIT on planning requirements may be sought by emailing EPDImpact@act.gov.au.

Your email will need to include the following details:

- A contact name, and contact details (email, telephone and postal address);
- A description of your development; and
- A specific request to seek advice from the PIT on the planning requirements within the Gungahlin Strategic Assessment.

Disclaimer

The GSA was approved in 2013 and due to the passage of time, some of the requirements may no longer be applicable or may have been superseded except for specific listed commitments in the GSA.