

Australian Capital Territory

Nature Conservation (Lower Cotter Catchment) Reserve Management Plan 2018 (No. 1)

Disallowable instrument DI2018–20

made under the

Nature Conservation Act 2014, s 183 (Draft reserve management plan—Minister to approve, return or reject) and s 184 (Draft reserve management plan—Minister’s approval and notification)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Nature Conservation (Lower Cotter Catchment) Reserve Management Plan 2018 (No. 1)* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument and to help inform debate on it. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

The statement must be read in conjunction with the disallowable instrument. It is not, and is not meant to be, a comprehensive description of the disallowable instrument. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Background

The Lower Cotter Catchment is identified on the Territory Plan as public land reserved for the protection of water supply. Section 176 of the *Nature Conservation Act 2014* (the Act) requires that the custodian must prepare a reserve management plan and that it:

- identify the reserve; and
- describe how the planning and development management objectives for the reserve are to be implemented or promoted.

The *Planning and Development Act 2007* (schedule 3) sets out management objectives for protection of water supply as:

1. to protect existing and future domestic water supply
2. to conserve the natural environment
3. to provide for public use of the area for education, research and low-impact recreation.

The Lower Cotter Catchment (6350 hectares) is undulating topography which drains into the Cotter Reservoir, primarily via the Cotter River. The area has previously supported land uses such as agriculture, plantation forestry and recreation. The 2003 bushfire swept through the Lower Cotter Catchment destroying more than 4000 hectares of pine plantation and extensive areas of native vegetation. In 2008 the Lower Cotter Catchment was reserved for the primary purpose of water supply catchment and a commitment made to return the area to native vegetation to ensure the protection of water quality in the Cotter Reservoir.

The ACT Government has enlarged the Cotter Dam, and the Lower Cotter Catchment will become a major contributor of reliable and high quality water for Canberra.

The Disallowable Instrument

The purpose of the Lower Cotter Catchment Reserve Management Plan 2018 is to:

- describe the significance of the reserve's values
- outline the legislative and policy context for management
- set the vision, goals and objectives for management
- identify policies and actions (to achieve objectives)

The plan will provide direction and guidance to the land manager, to utility operators, to volunteers, visitors, neighbours and the general public about how this area of public land will be managed.

The key desired outcomes for the ten-year life of the plan are:

- *Water Values:* Water quality benefits from improved catchment stability and appropriate controls on recreational use.
- *Natural Values:* Natural processes of recovery from past disturbance continue and are enhanced by active management where necessary to re-establish a native vegetation cover, stabilise soils, and restore naturally functioning ecosystems, where possible.
- *Research and Monitoring:* A coordinated program of research and monitoring assists in the achievement of management objectives focussed on catchment health, water quality and protection of natural and cultural values.
- *Cultural Values:* Cultural values are better understood, conserved, considered in management actions, and interpreted to visitors. Traditional Custodians are actively engaged in the protection and conservation of tangible and intangible Aboriginal cultural values.
- *Recreation:* Recreational use is managed in a manner that is compatible with achieving water quality objectives.
- *Fire Management:* The approach to fire management recognises the need to manage fire fuels within the context of a wider catchment and a recovering natural landscape.

- *Community Participation:* Active programs of community engagement and education are conducted to encourage an understanding of the inherent values of the Lower Cotter Catchment, the objectives for management, and appropriate use of the area. Community groups remain active in restoration works within the Lower Cotter Catchment.

Public consultation on a reserve management plan is required under section 179 of the Act. The Lower Cotter Catchment Draft Reserve Management Plan was released for public comment from 16 January 2017 to 10 March 2017. All comments received have been considered in preparing the final plan.

Human Rights Act

The disallowable instrument does not affect any human rights contained in the *Human Rights Act 2004*.

Scrutiny of Bills Committee Principles

The disallowable instrument is in accordance with the Scrutiny of Bills Committee's scrutiny principles.

The following addresses the Scrutiny of Bills Committee principles.

(a) is in accord with the general objects of the Act under which it is made;

The management plan is in accord with the general objects of the Act. The main object of the Act is to protect, conserve and enhance the biodiversity of the ACT. In particular the objects are to be achieved by, protecting, conserving, enhancing, restoring and improving nature conservation, including, *inter alia*, promoting and supporting the management, maintenance and enhancement of biodiversity of local, regional and national significance.

The aim of the reserve management plan is to protect the Lower Cotter Catchment from activities that may have adverse impacts on water quality and to actively promote regeneration of the catchment to a fully functioning natural ecosystem.

(b) unduly trespasses on rights previously established by law;

No rights, liberties or obligations are directly impacted by the management plan.

(c) make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions;

The management plan does not affect rights, liberties or obligations. The plan provides guidance and does not directly impose liabilities on the community.

(d) contains matter which in the opinion of the Committee should properly be dealt with in an Act of the Legislative Assembly.

It is appropriate that the matter be dealt with in a disallowable instrument rather than an Act of the Legislative Assembly. The preparation, consultation, approval and notification of such reserve management plans are provided for in the Act.

Regulatory Impact Statement

No regulatory impact statement (RIS) has been prepared in accordance with section 34 of the *Legislation Act 2001* as the disallowable instrument is not likely to impose appreciable costs on the community, or part of the community.

Further, a RIS is not required, in accordance with section 36 (1) (b) of the *Legislation Act 2001* as the matter does not operate to the disadvantage of anyone by adversely affecting a person's rights or imposing liabilities on a person.

Outline of provisions

Section 1 – Name of instrument

This section names the instrument.

Section 2 – Commencement

This section provides for the commencement of the instrument.

Section 3 – Approval

This section indicates that the final version of the Lower Cotter Catchment Reserve Management Plan 2018 is scheduled to the instrument.