

Nature Conservation (Molonglo River Reserve) Reserve Management Plan 2019

Disallowable instrument DI2019–192

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

Background

The Molonglo River Reserve follows the Molonglo River from Scrivener Dam to its confluence with the Murrumbidgee River. The total length of the reserve is 23 kilometres and its area is approximately 1,280 hectares. The winding river, its channel gorges and riverine vegetation are the key visual features of the reserve. It includes three current reserves – Kama Nature Reserve, Lower Molonglo River Corridor Nature Reserve and Molonglo Special Purpose Reserve, yet to be named, and brings them together to create one new reserve, the Molonglo River Reserve. The reserve has diverse habitats and high biodiversity values, including Matters of Natural Environmental Significance, and is a central landscape feature and recreation destination for residents of the developing Molonglo Valley urban area. The area has previously supported land uses such as agriculture, plantation forestry and recreation.

The Molonglo River Reserve is identified on the Territory Plan as public land reserved for nature reserve and special purpose reserve. Section 177 of the *Nature Conservation Act 2014* (the *Act*) requires that the custodian must prepare a draft reserve management plan for a reserve. Section 176 of the Act provides that a draft reserve management plan must:

- identify the reserve; and
- describe how the planning and development management objectives for the reserve are to be implemented or promoted; and
- for a reserve or zone that is assigned to an IUCN category –
 - be consistent with the IUCN reserve management objectives for the category; and
 - describe how the IUCN reserve management objectives for the reserve are to be implemented or promoted in the reserve or zone.

The Conservator of Flora and Fauna has assigned IUCN Category IV: Habitat/species management area to the Lower Molonglo River Corridor and Kama Nature Reserve,

which are being incorporated into Molonglo River Reserve. The primary management objective for Category IV is to maintain, conserve and restore species and habitats.

The *Planning and Development Act 2007* (schedule 3) sets out management objectives for nature reserve as:

1. to conserve the natural environment
2. to provide for public use of the area for recreation, education and research.

The *Planning and Development Act 2007* (schedule 3) sets out management objectives for special purpose reserve as:

1. to provide for public and community use of the area for recreation and education

The Molonglo River Reserve Management Plan is consistent with the management objectives in the Planning and Development Act and the IUCN objectives assigned by the Conservator.

Public consultation on a draft reserve management plan is required under section 179 of the Act. The Molonglo River Reserve Draft Reserve Management Plan was released for public comment from 8 February 2018 to 23 March 2018. All comments received have been considered in preparing the final plan.

The Minister has the power to approve a draft reserve management plan under section 183 (3) (a) of the Act. Section 184 of the Act provides that a reserve management plan is a disallowable instrument.

The reserve management plan

The purpose of the Molonglo River Reserve Management Plan 2019 is to:

- identify and 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, volunteers, visitors, neighbours and the general public about how this area of public land will be managed over the next ten years.

The vision of the reserve management plan is that “the Molonglo River Reserve is our treasured natural ‘front yard’ with its rivers and gorges, and rich biodiversity providing a variety of conservation, research, recreational and educational experiences for all”.

The plan aims to inform future decision-making with a structured evidence-based process, and foster the development of new knowledge and its application to management actions for achieving other reserve objectives. In addition, reserve boundaries, management zones and buffers will adequately protect the reserve's threatened species and communities.

Key management objectives for protecting and managing the values of the reserve are:

Geology, landforms, scenery and soils:

- Conserve the condition of the heritage geological site.
- Maintain and enhance landscape function in the long term.
- Provide community access to a diversity of scenery and views within the reserve that are dominated by natural features.

Ecological conservation

- The population size and condition of threatened species and communities is at least maintained or condition improved; the diversity of all other native species is conserved; and the ecological condition of the dryland matrix is improved.
- Improve the ecological condition in the river and riparian zone to support the recovery of native fish in the river.
- Connectivity within and outside the reserve is addressed and improved.

Cultural heritage

- Cultural heritage within the Molonglo River Reserve is identified and conserved to retain its significance.
- Cultural heritage is to be interpreted and (where appropriate) promoted to foster community appreciation of past and continuing connections.

Recreation

- Provide a range of recreation opportunities that are valued by users and that can coexist with other values and objectives for the reserve.
- Residents in Molonglo Valley view, treat and protect the reserve as their ‘treasured front yard’ and set a new high standard in the ACT for their behaviour in a reserve.
- The reserve adds value to the ACT as a distinct recreation destination, a long-distance recreation link, and an attractive contribution to the Canberra Open Space System.
- Visitor safety is addressed in the design of information, facilities and operations.

Infrastructure, fire protection and operations

- Avoid or minimise the impact on reserve values of building and maintaining infrastructure and facilities in or nearby the reserve.
- Achieve fire protection for people and property in ways that also effectively protect threatened habitat and other ecological conservation values.
- Suitable access and associated infrastructure is available for fire management.
- Minimise harm to people and the environment from reserve operations.

Neighbours and communities

- Achieve productive working relationships with neighbours that contribute to maintaining reserve values.
- Achieve strong community support for the reserve and active contributions towards its management.

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.

(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 Molonglo River Reserve Management Plan 2019 is scheduled to the instrument.