

Australian Capital Territory

Nature Conservation Amendment Regulation 2021 (No 1)

Subordinate law SL2021–8

made under the

Nature Conservation Act 2014, section 370 (Regulation-making power)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Nature Conservation Amendment Regulation 2021 (No 1)*. It has been prepared in order to assist the reader. The explanatory statement should be read in conjunction with the *Nature Conservation Amendment Regulation 2021 (No 1)*.

Background

The Molonglo River Reserve Plan of Management (the Plan) was finalised and notified on the Legislation Register in accordance with section 184 of the *Nature Conservation Act 2014* (NC Act) in July 2019. The Molonglo River Reserve (the Reserve) has high conservation value and is a recreation destination for residents of the Molonglo Valley urban development area. The Reserve amalgamated three existing reserves: Kama Nature Reserve, Lower Molonglo River Corridor Nature Reserve, and Molonglo River Special Purpose Reserve.

Territory Plan Variation No 360 took effect in February 2020. This variation amended the public land reserve overlay boundaries for the area of the Reserve in order to align with the requirements in the Plan. The Reserve encompasses two types of public land reserve overlays: ‘Pc – a nature reserve’, and ‘Pd – a special purpose reserve’. The definition of a ‘reserve’ under section 169 of the NC Act includes ‘Pc – a nature reserve’ areas. Section 169 also allows an area of public land reserved in the Territory Plan (including ‘Pd – a special purpose reserve’) to become a reserve under the NC Act if it is prescribed by the Nature Conservation Regulation 2015 (the Regulation).

Special purpose reserves are currently set out in Schedule 1 of the Regulation. This instrument amends Schedule 1 of the Regulation to prescribe Special Purpose Reserve North and Special Purpose Reserve South as reserves under the NC Act.

Protection of the full area of the Reserve, including the Special Purpose Reserve allows NC Act Chapter 9 offences to be applied, which supports biodiversity protection and conservation outcomes. Protection of the Special Purpose Reserves as a reserve also allows recreational activities to be prohibited or restricted as needed to ensure that the public's use of the land aligns with the objectives of the public land overlays and the Plan.

Regulatory Impact Statement

The instrument does not require a RIS due to section 36(1)(b) of the *Legislation Act 2001*.

Human Rights

The instrument does not affect any human rights.

Clauses

Clause 1 details the title of the instrument.

Clause 2 provides for commencement of the instrument.

Clause 3 details which legislation is amended by the instrument.

Clause 4 specifies the substitution of part of schedule 1 of the Regulation by this instrument.