

Australian Capital Territory

Nature Conservation (Canberra Nature Park) Reserve Management Plan 2021

Disallowable instrument DI2021–268

made under the

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

EXPLANATORY STATEMENT

Background

Canberra Nature Park is over 11,400 hectares and comprises 39 nature reserves protecting remnant natural vegetation in and around urban Canberra. Many of the reserves include Yellow Box–Blakely’s Red Gum Grassy Woodland or Natural Temperate Grassland; both ecological communities are critically endangered in the ACT and nationally. A number of threatened or declining animal species that rely on these ecosystems are also found in Canberra Nature Park. The reserves are valuable wildlife corridors, supporting the movement of some species through urban Canberra and into surrounding bushland within the broader region. Protected areas like Canberra Nature Park are increasingly recognised as critical links to building and improving ecological connectivity across the wider landscape, and strengthening resilience against disturbance or threats, such as climate change.

The 39 reserves in Canberra Nature Park are identified in 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 in the reserve; and
- for a reserve or zone that is assigned to an International Union for Conservation of Nature (*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 all 39 Canberra Nature Park reserves. 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 Canberra Nature Park Reserve Management Plan is consistent with the management objectives in the Planning and Development Act and the IUCN Category IV objectives assigned by the Conservator.

Public consultation on a draft reserve management plan is required under section 179 of the Act. The Canberra Nature Park Reserve Draft Reserve Management Plan was released for public comment from 23 September 2019 to 16 December 2019. 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 Canberra Nature Park Reserve Management Plan 2021 is to:

- identify and describe the significance of the Canberra Nature Park's values
- outline the legislative and policy context for management
- set the vision, goals, key outcomes and objectives for management and identify policies and actions to achieve the objectives, and
- provide a basis for the community to understand and engage in reserve management.

The plan will provide direction and guidance to the land manager (the ACT Parks and Conservation Service), volunteers, visitors, proponents of activities and uses, the Ngunnawal Traditional Custodians, neighbours and others with an interest in the area about how this area of public land will be managed over the next ten years.

The vision of the reserve management plan is that “Canberra Nature Park’s natural and cultural heritage is conserved forever in partnership with Ngunnawal Traditional Custodians, enriching the lives of a vibrant and healthy community”.

The Canberra Nature Park Reserve Management Plan contains goals and key outcomes for protecting and managing the values of the reserves:

Plants and Animals

Goals:

- Ecosystems and species are managed, in the face of a changing climate, for long-term viability and are well connected across the landscape.

Key Outcomes:

- Structure, function, composition and extent of ecosystems are maintained and/or improved.
- Native species diversity and high value habitats are maintained and enhanced in priority areas.
- Landscape connections between ecosystems are enhanced.
- Threats, such as weeds, pest animals and inappropriate fire are managed.

Land and Water

Goals:

- Canberra Nature Park protects and contributes to the special character of Canberra as Australia's 'city in the landscape'.

Key Outcomes:

- The landscape features of Canberra Nature Park are protected to maintain the visual backdrop and landscape setting of the National Capital.

Aboriginal Connection to Country

Goals:

- Traditional Custodians' aspirations to care for Country are respected and enabled and their connection to Country is enhanced, with traditional practices enriching contemporary management and cultural, social and economic benefits accruing to Traditional Custodians and society.

Key Outcomes:

- Ngunnawal Traditional Custodians and Representative Aboriginal Organisations are involved in reserve management.
- Access to Country for cultural purposes is encouraged and supported.
- Aboriginal heritage sites are protected.

Historic (non-Aboriginal) Heritage

Goals:

- Historic heritage values are protected, interpreted and well maintained.

Key Outcomes:

- Historic heritage sites are conserved and interpreted to enhance understanding.

Nature-based Experiences

Goals:

- Canberra Nature Park makes a significant contribution to the liveability of the city and health and wellbeing of the community.

Key Outcomes:

- Nature-based experiences, including recreation and tourism, are enhanced through the provision of contemporary facilities, programs and information.
- Accessibility is increased through the use of innovative technology and enabling facilities.
- Canberra Nature Park provides a key venue for activities and experiences that improve community physical, emotional and social well-being.

Community Involvement

Goals:

- Life-long connections between people, nature and parks are created through learning opportunities inspired by nature.

Key Outcomes:

- Visitor experience is enriched by a range of opportunities and activities that promote appreciation, understanding and care of the natural and cultural values.
- Community stewardship of reserves through volunteer activities contributes to social cohesion, environmental knowledge and shared management.
- The knowledge and wisdom of Canberra's community is harnessed to inform reserve management.
- Novel and diverse partnerships with private, corporate, NGO and government sectors enhance reserve management.
- Local schools use Canberra Nature Park for nature-based learning.
- Online information about the natural, cultural and social values of Canberra Nature Park is readily accessible.

Research and Monitoring

Goals:

- Scientific evidence underpins management decisions.

Key Outcomes:

- Programs are implemented that provide an evidence-based framework for increased management effectiveness.
- Universities and other research organisations are involved in long term social and ecological research programs.

Human Rights Act

The plan positively engages the cultural rights of Aboriginal people, as provided by section 27 (2) of the *Human Rights Act 2004*, by strengthening the right for Aboriginal people to have their material and economic relationships with the land and

other resources, with which they have a connection under traditional laws and customs, recognised and valued.

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 reserve 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 of the Act are to be achieved by:

- protecting, conserving, enhancing, restoring and improving nature conservation
- promoting and supporting the management, maintenance and enhancement of biodiversity of local, regional and national significance; and
- promoting the involvement of, and cooperation between, Aboriginal and Torres Strait Islander peoples, landholders, other community members and governments in conserving, protecting, enhancing, restoring and improving biodiversity.

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

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

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

The reserve 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.