



ACT
Government

2019

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO THE OFFICE OF THE COMMISSIONER
FOR SUSTAINABILITY AND ENVIRONMENT REPORT – the Heroic and
the Dammed – Lower Cotter Catchment Restoration Evaluation**

**Presented by
Shane Rattenbury MLA
Minister for Climate Change and Sustainability**

Introduction

The Government thanks the Office of the Commissioner for Sustainability and Environment for the report evaluating the restoration of the Lower Cotter Catchment and the recommendations therein, tabled 21 February 2019.

The Commissioner's report was developed at the direction of the Minister based on recommendation 12 of the *Auditor General's Report: Restoration of the Lower Cotter Catchment Report No. 3 (2015)* which stated:

The Commissioner for Sustainability and the Environment should evaluate the restoration of the Lower Cotter Catchment against the Management Goals contained in the Strategic Management Plan, and report to the Minister for the Environment on priorities to be identified for the next decade.

In the course of developing this evaluation report, and with the permission of the Minister, the Commissioner's office expanded the Terms of Reference to include an update on the implementation of all of the Auditor General's recommendations, as well as the subsequent Standing Committee on Public Accounts Report, and a broader evaluation of the continuing restoration efforts in the Lower Cotter Catchment.

The report both highlights achievements and identifies areas for improvement in the management of the Lower Cotter Catchment, and makes 14 recommendations comprising the themes of:

- governance and coordination,
- funding and resourcing; and
- monitoring and evaluation.

The monitoring and evaluation theme, on which a large proportion of the Report's recommendations focus, the report presents a water quality and ecological monitoring framework as a mechanism to better inform management practices. Also articulated in the report are legislative considerations that aim to improve the administration and management of public use of the Lower Cotter Catchment.

The government agrees or agrees in-principle to thirteen of the fourteen recommendations in the Commissioner's Report, noting that many are already underway within the existing management framework. Detailed responses to each recommendation, are provided below.

Recommendations

No.	Recommendations
1.1	The Lower Cotter Catchment Monitoring and Evaluation Framework be implemented urgently
1.2	All existing and future Lower Cotter Catchment data should be stored in a secure central database
1.3	Improve consistency and coordination of monitoring, mapping and modelling resources across government
2.1	Allocate discrete annual funding from the Water Abstraction Charge directly to catchment management for the life of the Reserve Management Plan 2018. This is in addition to existing recurrent funding. Financial year budget rollover is necessary to reflect the contract management cycles for land management works.
2.2	Distribute Parks and Conservation Service (PCS) funding discretely for core ongoing operational and strategic long-term management. Allocation of resources between business units within PCS should reflect reserve management responsibilities outlined in the implementation plan.
2.3	Allocate funding specifically for the implementation and ongoing costs of Recommendation 1 (Monitoring and Evaluation Implementation) across PCS, Conservation Research, Water Policy, and the Environment Protection Authority respective of their individual contributions.
3.1	Complete outstanding Auditor-General's recommendations, specifically recommendations 1, 3 and 4, as a matter of priority by no later than 30 June 2019. This includes undertaking an internal review to confirm completion of all recommendations in consideration of observations made in this report.
3.2	Review and update the Lower Cotter Catchment Risk Treatment Plan quarterly as per ACT Insurance Authority requirements. Include risk management as a standing agenda item on the Lower Cotter Catchment Implementation Coordination Group meeting agenda.
3.3	Develop the Reserve Management Plan 2018 Implementation Plan as outlined in the plan and under the Nature Conservation Act 2014 by no later than 30 June 2019. This should include the strategic long-term management of commercial pine plantations, non-commercial pine plantations, and pine wildling regrowth.

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- 4.1 Review the Terms of Reference for the Lower Cotter Catchment Implementation Coordination Group, including relevant attendees, and revert to 'Phase 1' until all high and medium priority management actions outlined in the Reserve Management Plan 2018 are complete. This Group will then be critical to review and assess the Lower Cotter Catchment Monitoring and Evaluation Framework at set intervals over time to facilitate adaptive management.
- 4.2 The Lower Cotter Catchment be placed as a standing agenda item on the Director's-General Water Group meeting for the life of the current Reserve Management Plan 2018. The Implementation Coordination Group Chair or a delegate should report to the meeting.
- 4.3 The Lower Cotter Catchment become a standing agenda item on the Regional Catchment Management Group meeting schedule, to ensure the consideration of matters concerning water security, climate change, bushfire management, water quality, and feral species, at a regional level.
- 5.1 ACT Government amend the Road Transport (Safety and Traffic Management) Act 1999 to allow for the immediate removal of abandoned vehicles by government authorities.
- 5.2 ACT Government amend the Lower Cotter Catchment Activities Declaration to allow the restriction of public vehicular access to ecologically sensitive and isolated parts of the Lower Cotter Catchment.
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ACT Government Response to the Office of The Commissioner for Sustainability and Environment Report – the Heroic and the Dammed – Lower Cotter Catchment Restoration Evaluation – December 2018

The following summarises the Government Response to recommendations:

1.1 The Lower Cotter Catchment Monitoring and Evaluation Framework be implemented urgently

Government Response: Agreed in-principle

The ACT Government supports the intent of the robust monitoring framework proposed in the report while noting that the framework is broader than that required to inform management practices in the catchment.

Current and future monitoring will be aligned with management needs and be cost effective so as not to compromise the actual restoration works being monitored. If future monitoring is required this can be captured under existing regulatory events from Icon Water.

The monitoring framework will be reviewed in line with the statutory requirements in the *Lower Cotter Catchment Reserve Management Plan 2018* as recommended.

1.2 All existing and future Lower Cotter Catchment data should be stored in a secure central database

Government Response: Agreed

Relevant and prioritised data will be included in the central databases as recommended. EPSDD will work across government (specifically with the Chief Digital Officer) to develop centralised databases with agreed security protocols for the publishing and accessing of the data.

1.3 Improve consistency and coordination of monitoring, mapping and modelling resources across government

Government Response: Agreed in-principle

The ACT Government agrees with the intent of this recommendation noting that much of the recommended monitoring and modelling is already being actioned.

The specific suggestion for biennial LiDAR monitoring would not be the most cost-effective means of monitoring; instead other regular remote sensing options more suitable for informing management will be implemented.

2.1 Allocate discrete annual funding from the Water Abstraction Charge (WAC) directly to catchment management for the life of the Reserve Management Plan 2018. This is in addition to existing recurrent funding. Financial year budget rollover is necessary to reflect the contract management cycles for land management works.

Government Response: Noted

The ACT Government notes the recommendation to provide additional funding for catchment management for the life of the *Lower Cotter Catchment Reserve Management Plan 2018*.

The ACT Government considers that identified priorities, such as additional funding for the life of the *Reserve Management Plan 2018* should be considered as part of the annual Budget process. This process enables all related expenditure initiatives to be assessed concurrently, and if agreed, funded on a recurrent basis through the consolidated revenue. Revenue from the WAC is not hypothecated to fund any particular expenditure, but is contributed to consolidated revenue. The WAC is designed to reflect the true value of water as a scarce resource and assists in managing demand.

2.2 Distribute Parks and Conservation Service (PCS) funding discretely for core ongoing operational and strategic long-term management. Allocation of resources between business units within PCS should reflect reserve management responsibilities outlined in the implementation plan.

Government Response: Agreed

PCS will review existing funding attributed to the region and reappropriate appropriately. Funding will be attributed by annual priorities and determined based on an implementation plan for the *Lower Cotter Catchment Reserve Management Plan*.

- 2.3 Allocate funding specifically for the implementation and ongoing costs of Recommendation 1 (Monitoring and Evaluation Implementation) across PCS, Conservation Research, Water Policy, and the Environment Protection Authority respective of their individual contributions.**

Government Response: Agreed in-principle

The monitoring framework will be reviewed in line with the statutory requirements in the *Lower Cotter Catchment Reserve Management Plan 2018* as recommended. Currently a substantial amount of monitoring is underway as outlined in responses 1.1-1.3. The Monitoring and Evaluation framework involves all relevant parties, such that funding is apportioned depending on how the monitoring applies to the differing management responsibilities.

- 3.1 Complete outstanding Auditor-General’s recommendations, specifically recommendations 1, 3 and 4, as a matter of priority by no later than 30 June 2019. This includes undertaking an internal review to confirm completion of all recommendations in consideration of observations made in this report.**

Government Response: Agreed

PCS is working to finalise a Code of Sustainable Land Management Practices to guide its activity across the whole conservation estate, the majority of which is potable water catchment. This will involve consultation with key stakeholders including throughout Government, with Icon Water and the Office of the Commissioner for Sustainability and the Environment.

- 3.2 Review and update the Lower Cotter Catchment Risk Treatment Plan quarterly as per ACT Insurance Authority requirements. Include risk management as a standing agenda item on the Lower Cotter Catchment Implementation Coordination Group meeting agenda.**

Government Response: Agreed in-principle

The risk treatment plan is a valuable tool in identifying threats to the Lower Cotter Catchment and in prioritising management actions to reduce those risks. The risk treatment plan will be a standing agenda item for the Lower Cotter Catchment implementation coordination group however the government is of the opinion that a formal review on an annual basis or as needed is sufficient.

3.3 Develop the Reserve Management Plan 2018 Implementation Plan as outlined in the plan and under the Nature Conservation Act 2014 by no later than 30 June 2019. This should include the strategic long-term management of commercial pine plantations, non-commercial pine plantations, and pine wildling regrowth.

Government Response: Agreed

An implementation plan is a requirement under the *Lower Cotter Catchment Reserve Management Plan 2018*. The implementation plan will be completed by 30 June 2019 and will focus on landscape restoration and fire hazard management; however it will include actions to mitigate the impacts from historical and current pine plantations. To this end the majority of mature pine wildling removal has already occurred and efforts will now focus on managing its regrowth in the area known as 'Blue Range'. The remaining plantations will be harvested when of an appropriate age and the area returned to native vegetation, noting that this may be in decades to come.

4.1 Review the Terms of Reference for the Lower Cotter Catchment Implementation Coordination Group, including relevant attendees, and revert to 'Phase 1' until all high and medium priority management actions outlined in the Reserve Management Plan 2018 are complete. This Group will then be critical to review and assess the Lower Cotter Catchment Monitoring and Evaluation Framework at set intervals over time to facilitate adaptive management.

Government Response: Agreed in-principle

The Lower Cotter Catchment Implementation Coordination Group was established to operate in two phases.

Phase 1 was written into the Terms of Reference of the Lower Cotter Catchment Implementation Group to enable the prioritisation of the delivery of the Auditor-General's recommendations. As this task is still being completed (three of the 12 recommendations remain outstanding), the Committee remains in Phase 1.

Once the Committee has addressed the three remaining recommendations, it is proposed the Committee will move into Phase 2, which will be amended in acknowledgement of the intent of Recommendation 4.1 to read as follows:

- *Phase 2: Key stakeholder liaison group for source water protection and land management within the Lower Cotter Catchment with an emphasis on consultation on the implementation of the Reserve Management Plan 2018 and monitoring and evaluation work.*

As outlined in the *Nature Conservation Act 2014*, the custodian retains the responsibility for the delivery of the Lower Cotter Catchment Reserve Management Plan and it is not appropriate for this task to fall to a committee.

This change to the Terms of Reference of the Lower Cotter Catchment Implementation Group meets the intent of the recommendation.

4.2 The Lower Cotter Catchment be placed as a standing agenda item on the Director's-General Water Group meeting for the life of the current Reserve Management Plan 2018. The Implementation Coordination Group Chair or a delegate should report to the meeting.

Government Response: Agreed

The Director's-General Water Group is the appropriate senior official's forum to oversee implementation of the Lower Cotter Catchment Management Plan, the group should receive regular progress reports from the Implementation Coordination Group.

4.3 The Lower Cotter Catchment become a standing agenda item on the Regional Catchment Management Group meeting schedule, to ensure the consideration of matters concerning water security, climate change, bushfire management, water quality, and feral species, at a regional level.

Government Response: Agreed

The ACT and Region Catchment Management Coordination Group is established under the *ACT Water Resources Act 2007*, to promote coordination and collaboration between Government and community stakeholders concerned with catchment management. This includes coordination between agencies in the ACT. Work to restore the Lower Cotter Catchment is an excellent test case in effective collaboration and cooperation in catchment management.

5.1 ACT Government amend the Road Transport (Safety and Traffic Management) Act 1999 to allow for the immediate removal of abandoned vehicles by government authorities.

Government Response: Agreed in-principle

The Justice and Community Safety Directorate (Emergency Services Agency) is convening a working group to strengthen operational arrangements to identify and quickly remove abandoned vehicles that pose fire risks, noting that the current legislation gives authorised officers the power to remove abandoned vehicles if they are causing a danger to the public. This includes arrangements around the sharing of information, reporting of abandoned vehicles and ensuring all relevant staff are fully aware of their existing powers. The working group will consider what operational and/or legislative changes may be needed to clarify the existing powers that the ACT holds to immediately remove abandoned vehicles and address issues with storage of such vehicles. The working group will include representation from Access Canberra, Environment, Planning and Sustainable development Directorate (EPSDD), Transport Canberra and City Services (TCCS) and ACT Policing.

Further, since the release of the OCSE report, three trial closed circuit television (CCTV) cameras have been installed on roads leading to rural areas of the ACT. These cameras are expected to act as a deterrent to people abandoning vehicles as well as an aid in the investigation of such incidents.

5.2 ACT Government amend the Lower Cotter Catchment Activities Declaration to allow the restriction of public vehicular access to ecologically sensitive and isolated parts of the Lower Cotter Catchment.

Government Response: Agreed

The Government will amend the Lower Cotter Catchment Activities Declaration by 30 June 2019. Restrictions of public vehicle access are being included to the most sensitive sites or sites that are secluded or isolated enough that they may enable anti-social behaviour including the ignition of fires. Whilst public vehicle access restriction may reduce the incidences of anti-social or illegal activity—including arson, it will not entirely prevent it.