

**Environment, Planning and Sustainable
Development Directorate**

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To: Minister for the Environment and Heritage

Tracking No.: 18/38127

Date: 31 January 2019

CC: Minister for Climate Change and Sustainability

From: Executive Director, Environment Division, EPSDD

Subject: Lower Cotter Catchment Restoration Evaluation

Critical Date: 5 February 2019


Critical Reason: Commissioner for Sustainability and the Environment joint briefing with Ministers Gentleman and Rattenbury scheduled for 7 February 2019

- DG .../.../...
- DDG, Land Strategy and Environment .../.../...
- DDG, Sustainability and the Built Environment .../.../...
- COO .../.../...

Recommendations

That you:

1. Note the information contained in this brief.



Noted / Please Discuss

Minister's Office Feedback

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Background

1. The ACT Auditor-General conducted a performance audit of the restoration of the Lower Cotter Catchment (LCC) in 2015 and made twelve recommendations, one of which was for the Commissioner to evaluate restoration against the statutory management plan. The Government agreed to all recommendations.
2. The Commissioner for Sustainability and the Environment (the Commissioner) has completed the Lower Cotter Catchment Restoration Evaluation (Attachment B) and will be jointly briefing you and Minister Rattenbury on Thursday 7 February 2019. Ian Walker, Executive Director, Environment, will attend and support you at this briefing.
3. The Commissioner has made 14 recommendations. Preliminary responses to the Commissioner's recommendations are provided at Attachment A.
4. The Commissioner has indicated that the report will be presented to the Legislative Assembly by 21 February 2018. After the report is tabled, a formal Government Response to the Commissioner's recommendations will be prepared.
5. Also included in the Commissioner's report are updates on the implementation status of the twelve Auditor-General's recommendations and the seven recommendations made by the Standing Committee on Public Accounts Report No. 31 into the Auditor-General's Report No. 3 of 2015 into the Lower Cotter Catchment. Brief comments on these are included below.
6. Attachment A does not include comments on the updates. A response to these will be included in the formal Government Response once the report is tabled.

Issues

Updates on the Auditor General's recommendations

7. Of the twelve Auditor-General's recommendations, nine have been met and three require urgent attention. The Commissioner has included opportunities for additional initiatives on the nine recommendations that have been met. These additional initiatives have been incorporated into the Commissioner's recommendations.
8. The three that require urgent attention are recommendations 1, 3 and 4 which respectively relate to development of a Code of Potable Water Catchment Management to direct land management activities in the LCC, an ACT Code of Practice to guide maintenance works on Controlled land, and a Parks and Conservation Service (PCS) Code of Sustainable Land Management. These three codes are being combined into one, the Code of Sustainable Land Management which is currently under development by PCS.

Updates on the Standing Committee on Public Accounts Review of the Auditor General's report

9. Of the seven recommendations, six have been met and one is in progress. The Commissioner has included opportunities for additional initiatives on four of the recommendations. These additional initiatives have been incorporated into the Commissioner's recommendations

Commissioner's recommendations

10. Attachment A includes preliminary responses to the Commissioner's recommendations. From an initial review of the fifteen recommendations, it is anticipated that the majority of the recommendations can be supported or agreed to in principle. Significant funding will need to be identified to facilitate most of the outcomes outlined in the recommendations. Only one recommendation is not agreed to as it is not considered practical nor cost effective.

Financial Implications

11. The majority of recommendations will require significant additional funding. The Commissioner has made one recommendation, (number 2.1) that discrete annual funding should be allocated 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.

Consultation

Internal

12. Parks and Conservation Service

Cross Directorate

13. Nil

External

14. Nil

Work Health and Safety

15. Nil associated with this brief.

Benefits/Sensitivities

16. Nil

Communications, media and engagement implications

17. The Commissioner has advised that there will not be any planned media associated with the report but it will be made public on the OCSE website following presentation to the Legislative Assembly.

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Attachments

Attachment	Title
Attachment A	Table of Indicative Preliminary Responses to Recommendations

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ATTACHMENT A – TABLE OF INDICATIVE PRELIMINARY RESPONSES

Recommendation	Indicative Response	Comments	Financial Implications
RECOMMENDATION 1: MONITORING AND EVALUATION IMPLEMENTATION			
<p>1.1 The Lower Cotter Catchment Monitoring and Evaluation Framework be implemented urgently.</p> <p>– Stage 1 Water quality monitoring aspects of the framework to be incorporated into Icon Water’s Licence to Take Water (WU67) through existing regulatory event mechanisms.</p> <p>– EPSDD proceed with staged implementation of the remainder of the framework to align with management priorities outlined in the Reserve Management Plan 2018. Where possible, the framework will support the Conservation Effectiveness Monitoring Program.</p> <p>– Periodic review of the monitoring program every five years in line with statutory reporting against the Reserve Management Plan to ACT Government and development of the new plan every ten years.</p>	<p>Agreed in principle</p> <p>Agreed in principle</p> <p>Agreed in principle</p>	<p>Monitoring details of the Framework require more consideration.</p> <p>Review of monitoring details required prior to staged implementation.</p> <p>Subject to above review</p>	<p>Yes</p> <p>Yes, significant</p> <p>Yes</p>
<p>1.2 All existing and future Lower Cotter Catchment data should be stored in a secure central database.</p> <p>– Prioritised water data should feed into the Chief Digital Officer’s data lake.</p> <p>– All other government project, activity-based, ecological data should feed into a central database for access by internal government stakeholders.</p> <p>– Make Lower Cotter Catchment data open access data for research, education and community use. Universities and community groups can also feed data into this repository.</p>	<p>Agreed</p> <p>Agreed in principle</p> <p>Agreed in principle</p>	<p>Difficulties associated with misuse of data and data integrity require resolution.</p> <p>As above</p>	<p>No</p> <p>Yes, significant</p> <p>Yes</p>

Recommendation	Indicative Response	Comments	Financial Implications
<p>1.3 Improve consistency and coordination of monitoring, mapping and modelling resources across government, including:</p> <ul style="list-style-type: none"> – Update climate change projections for water supply modelling. Ensure they are updated every three years, and modelling should include worst case scenarios. – Ensure aerial imagery and LiDAR data are collected every two years. – Address critical gaps in mapping of restoration efforts such as weed management, erosion works and pine wildling control. 	<p>Agreed in principle</p> <p>Not Agreed</p> <p>Agreed</p>	<p>Cost effectiveness requires consideration.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
RECOMMENDATION 2: FUNDING AND RESOURCES COMMITMENT			
<p>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.</p>	<p>WOG response required</p>		<p>Yes</p>
<p>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.</p>	<p>Agreed in principle if additional funding is provided</p>	<p>Current PCS funding is already distributed for core operational requirements.</p>	<p>Yes</p>
<p>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.</p>	<p>Agreed if additional funding is provided</p>	<p>See above</p>	<p>Yes</p>

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RECOMMENDATION 3: GOVERNANCE IMPROVEMENTS			
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.	Agreed	Draft Code of Sustainable Land Management will be completed by 30 June 2019.	
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.	Agreed		Yes
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.	Agreed in principle	Management of pines may be subject to a separate plan.	Yes
RECOMMENDATION 4: COORDINATION OF EFFORTS			
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.	Agreed in principle	Monitoring and Evaluation Framework will be subject to provision of additional funding	Yes
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.	Agreed		No
4.3 The Lower Cotter Catchment become a standing agenda item on the Regional Catchment Management Group meeting schedule, to ensure the consideration of	Agreed		No

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matters concerning water security, climate change, bushfire management, water quality, and feral species, at a regional level.			
RECOMMENDATION 5: LEGISLATIVE INTERVENTIONS			
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.	Agreed		No
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.	Agreed in principle	Further investigation required on restricted access areas.	No

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