



**To: Nature Repair Committee Secretariat**

**Re. Proposed Nature Repair Method - Replanting Native Forest and Woodland Ecosystems**

Friends of Grasslands (FOG) is a community group dedicated to the conservation of natural temperate grassy ecosystems in south-eastern Australia. FOG advocates, educates and advises on matters to do with the conservation of native grassy ecosystems, and carries out surveys and other on-ground work. FOG is based in Canberra and its members include professional scientists, landowners, land managers and interested members of the public.

The Conservation Council ACT Region (Council) is the leading environmental advocacy organisation and hub for community groups in Canberra. Our mission is to protect nature and create a safe climate future in the ACT and region.

Thank you for the opportunity to comment on the detailed outline of the proposed 'Replanting Native Forest and Woodland Ecosystems' method (draft 'Method').

## **GENERAL**

From an ecological perspective, we are pleased with the draft Method. We like the fact applicants must identify and work toward repairing the locally appropriate reference ecosystem(s), carefully defined. We trust the Regulator will have access to high-quality information at fine scale sufficient to confirm areas that should be or remain grassland will not become new woodland or forest ecosystems.

Given the definition of 'comprehensively cleared' relates only to the comprehensive removal of native *trees*, we note the Method will apply across a broad spectrum, to the 'derived native grassland' forms of two threatened woodland communities at one end (DNG), to land ploughed and fertilised on multiple occasions on the other. In cases where DNG exists, regardless of what community it was derived from, due consideration should be paid to any values that exist, e.g., biodiversity values associated with the groundlayer such as floristic and fauna (e.g., reptiles, invertebrates), and especially threatened species.

We note project plans must specify species to be planted, and target density, to align to the reference ecosystem. We think project plans should specify additional matters, i.e., for each activity area, the: habitat elements to include, e.g., fallen timber, rocky outcrops even nesting box density; and the measures that will avoid undesirable range expansion by aggressive Australian native species.<sup>1</sup>

From a market integrity perspective, we are concerned only low-quality summary details will be readily available to investors and the public concerning the outcome to be achieved by each project. In the absence of a common metric, this could not be more important. We understand:

- The Method requires that the Register state the reference ecosystem for each activity area, and some other classifying information for each project area; that aspect is fine.
- Beyond that, however, for each project, it appears investors will have no more than: one aggregated 'starting ecological condition' state, i.e., one of three scores (a), (b) or (c)<sup>2</sup>; and one

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<sup>1</sup> draft Method, section 8, point 6

<sup>2</sup> draft Method, section 6.5

aggregated ‘target level’, i.e., one of four scores (1) to (4).<sup>3</sup> Further detail will be available, but only by reference to a project plan(s) and/or a report(s).

- We therefore consider it *essential* the Rules set an appropriate standard for “the description of the project” to be included on any biodiversity certificate (under s 70(3) of the Act) and in the Register (s 162(1)(c)).

## **SPECIFIC**

### **Risk management**

Every application to carry out a project, and every registered project, should have a project plan. In the absence of Rules to this effect, we agree every project applying this Method must have a project plan.<sup>4</sup>

A vital purpose of these plans should be to document the management of risks to the achievement of the project’s outcome. The standard for these risk assessments should be the Australian Standard.

Proponents should be required to review and where necessary update their assessment of risks, in their project plan, at minimum, every time their project plan is due for review. This way, the project plans will continue to show contemporary, specific, measurable and timetabled risk management measures.

By contrast, the draft Method states each project plan will include no more than an ‘*outline* of the adaptive management strategies to be implemented during the project period’.<sup>5</sup> Compared to what is best practice (above), this is unsatisfactory.

The draft Method is not even consistent with the standard required in the DCCEEW *Environmental management plan guidelines*.<sup>6</sup> These guidelines require that plans identify corrective actions, and trigger values for corrective actions, for each identified contingency.

The draft Method states the DCCEEW is continuing to consult on whether Category A biodiversity project reports will be required to include information about adaptive management. Section 14.3 sets out what is contemplated, i.e., *once it is known* a “project has not or is unlikely to achieve the expected biodiversity outcome”, only then would it be necessary to document “the action(s) to be carried out to get the project back on track”. For foreseeable risks, corrective action can and should be documented in advance. Reports should not be the only place planned corrective action is documented.

Repeating what we have stated elsewhere, the Rules, and if not the Rules then every method, should require that every version of every project plan made should be published on the Register for the duration of a project’s permanence period.

### **Protection**

It is entirely foreseeable that the holder of a biodiversity certificate may, during any project’s permanence period, decide an alternative form of land use over some or all of a project area or an activity area has become more economically attractive.

It is in this context that we have reviewed the draft Method’s prescription on the ‘protection of biodiversity in native species in Australia’. It states projects with a permanence period of 100 years must

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<sup>3</sup> draft Method, sections 6.13.1 to 6.13.2, including Table 7

<sup>4</sup> draft Method, p. 32

<sup>5</sup> draft Method, section 8, point 7(e)

<sup>6</sup> DCCEEW (2024) *Environmental Management Guidelines*, [www.dcceew.gov.au/sites/default/files/documents/environmental-management-plan-guidelines.pdf](http://www.dcceew.gov.au/sites/default/files/documents/environmental-management-plan-guidelines.pdf), p. 11

“establish the change in the commitment to protection from the project, taking into account any existing conservation covenants”.<sup>7</sup>

What type of change will be needed in the commitment to protection? Do you mean the project area must somehow have more protection? If so, how will a project or activity area have more protection? We fear the standard will be that the holder of a biodiversity certificate intends, when they acquire that certificate, to hold it for the duration of the permanence period. If that is so, then the so-called ‘protection’ will be limited to the monetary value of the biodiversity certificate to the holder of that certificate. We call for strong Rules to limit the voluntary relinquishment of biodiversity certificates.

#### **FINE DETAIL**

6.12 and 7(n): What is the scope of “other legal encumbrances”? Are any of the EPBC Act, a lease condition or a Council by-law a ‘legal encumbrance that imposes obligations related to the protection or management of the land’? If these sections are intended to support claims of additionality, the standard set is not strong.

6.14: The draft Method states the project proponent is required to minimise and manage threats from natural disturbance events, weeds, feral animals and grazing pressure from overabundant native species (section 10). In this light, the prescription in section 6.14(2) is very confusing.

6.3: The second dot point in section 2.5.2 of the Biodiversity Assessment Instrument (BAI) indicates the BAI would require that methods include provisions that “identify and describe reference ecosystem(s) for the project area”.

- Given what has been included in section 6.3 of the draft Method, which we agree with, we are suggesting separately, via a submission on the Biodiversity Assessment Instrument (BAI), that the word “describe” in section 2.5.2 of the BAI is replaced with the words “determine from published or expert sources”.

9.1, paragraph 2: As noted above, this Method provides for the repair of ‘derived native grassland’ forms of two threatened woodland communities. In these areas any disturbance of soil, other than to plant the trees to be inserted into the landscape, would be unacceptable. This prescription should be tightened.

For any further information about our submission, please email [advocacy@fog.org.au](mailto:advocacy@fog.org.au).

Yours sincerely

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<sup>7</sup> draft Method, point 6.14(3b)