



**CONSERVATION
COUNCIL** ACT REGION

Submission to the City and Environment

Directorate

Draft ACT Nature Conservation Strategy 2026–2036

27 March 2026

About us

The Conservation Council ACT Region is the peak body for environment and climate groups in the ACT Region. We represent close to 50 member groups, bringing together a united voice on environment and climate issues to Government, business and community.

Since 1981 we have been at the centre of the region's most important wins for wildlife, bushland, climate and communities. As a hub for the ACT Region's environment and climate movement and a not-for-profit, non-government organisation, we run campaigns, promote and upskill local groups, undertake research, advocate passionately, and engage and inform our community.

Support

The following members have agreed to be recognised here as supporting this submission: Canberra Ornithologists Group, Friends of Grasslands Inc

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Executive Summary

The Conservation Council of the ACT Region (the Council) thanks the Office of Nature Conservation for the opportunity to provide input to public consultation on the draft *ACT Nature Conservation Strategy 2026–2036* (the Strategy).

This submission has been prepared by the Council's Biodiversity Working Group.

The Council welcomes the development of the Strategy and commends the ACT Government on its shift towards nature-positive outcomes and landscape scale planning. In his *Independent Review of the EPBC Act – Final Report*, Professor Graeme Samuel AC explains good landscape-scale planning, development that genuinely avoids impacts, and restoration via ecologically feasible offsets are not three separate ideas – they are one system whose purpose is to reverse the current unsustainable environmental trajectory.¹ This submission considers these elements and this system in the ACT context.

In particular, the Council welcomes the identification and protection of Priority Conservation Areas (PCAs) within a Nature Conservation Network (NCN). The Strategy explains that PCAs will be identified and protected 'to ensure the long-term persistence of priority conservation values under current and future climate.'² Identifying and protecting and managing high value sites outside the ACT's reserve system is something the Council and Friends of Grasslands have been seeking for years via our 'Biodiversity Network' proposal.

The Council considers the management of nature planned in the Strategy is strong, including:

- completing value and threat assessments to guide the prioritisation of all management interventions
- planning to evaluate the effectiveness of management interventions
- the emphasis on standardised data collection with protocols and standards for data capture, storage and management
- the adoption of the Resist Accept Direct Framework
- planning to manage biosecurity risks like weeds, pests and disease.

The Council considers there are several critical elements that need strengthening if the Strategy is to deliver on its Nature Positive promise.

¹ Samuel, G. (2020) *Independent Review of the EPBC Act – Final Report*, www.dcceew.gov.au/sites/default/files/documents/epbc-act-review-final-report-october-2020.pdf, p. 9

² ACT Government (2026) *draft ACT Nature Conservation Strategy 2026–2036* (including three Supplements), <https://yoursayconversations.act.gov.au/nature-conservation-strategy-2025>, p. 8, Target 5a

The Council's submission argues for:

- **the identification of *sufficient* PCAs, enough to be 'adequate' to sustain our region's ecosystems, including constituent species and associated cultural values**
- **strong and permanent legal protection for both the relatively intact PCAs, and for the PCAs that connect or are under repair – otherwise, the NTG and BGGW we love, and the gains made to buffer and support and connect them, could be lost**
- **enforcement of the protections**
- **primacy for the *Nature Conservation Act 2014***
- **a seat at the table when PCA identification decisions are made**
- **consultation on amendments to the Nature Conservation Act, which will operationalise aspects of the Strategy**
- **timely development and implementation of the ACT Landscape Plan**
- **rigorous application of the mitigation hierarchy to all new developments**
- **a significant uplift in recurrent funding to ensure the Strategy can be properly implemented, including for the Parks and Conservation Service.**

Avoiding over-reliance on offsets

Given the scale of decline to date and the trajectory of the ACT environment, to achieve nature positive outcomes in a time of climate change, the Council caution against an over-reliance on offsets and restoration contributions.

The mitigation hierarchy (Avoid, Mitigate, Offset) must be rigorously applied to all new developments to avoid a 'pay-to-destroy' system of offsets in the ACT.

In relation to genuinely *avoiding* the impacts of development, the Council note the Strategy emphasises avoiding development *in PCAs*³. This limits avoidance to the broad scale. The mitigation hierarchy demands so much more.⁴ Every hectare of any intact (or relatively intact) high value ecosystem cleared for development over the decade will increase the pressure on nature with a burden that is permanent. The Council's submission argues for rigorous application of the mitigation hierarchy at broad *and fine* scales.

Where the adverse residual impacts of development *cannot* be avoided or mitigated, offsets do have a role to play. Samuel wrote offsets are to be "ecologically feasible and deliver genuine protection and restoration in areas of

³ ACT Government (Strategy) n 2, p. 21

⁴ DCCEEW (online) *Offsets mitigation hierarchy*, viewed 23 March 2026, www.dcceew.gov.au/environment/epbc/approvals/offsets/guidance/mitigation-hierarchy

highest priority.”⁵ When development is approved on a broad scale, environmental restoration must be required as compensation.

To this end, the Council supports the intention to direct work programs and other incentives toward to achieving gains in the PCAs. This is vital because, if the mitigation hierarchy is applied with rigour, offsetting alone will not be sufficient to promote the level of restoration needed.

The ecological values of grassy ecosystems cannot be replaced

We know what areas are of the highest priority for conservation. In the lowlands of the northern ACT, where we know rapid urban expansion will continue over the decade, it is the two ecological communities protected from loss to highest possible degree, i.e., Natural Temperate Grassland (NTG) and Box-Gum Grassy Woodland (BGGW). Both are listed as threatened under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) at the level critically endangered.

Gone are the days where decision-makers can simply accept that the attributes of and services delivered by NTG and BGGW can be created or restored with ease. Such claims are no longer credible.

Over time, Nature Positive outcomes depend on strong legal protection for the intact places we love and to secure the gains made that buffer and support and connect them. NTG is home to critically endangered species like the Canberra Grassland Earless Dragon and Golden Sun Moths. BGGW is home to Gang-gang Cockatoos and Hooded Robins. The Council urges that primacy is given, as promised, to the goals of this Strategy and the Nature Conservation Act.⁶ The acid test is whether this Strategy does restore species like these and the rest of their ecological communities.

Business as usual funding for nature will not be adequate to implement the Strategy

To achieve the Strategy’s Nature Positive promise, the Council urge the ACT Government to go beyond ‘business as usual’ funding and the widely-anticipated restoration contribution (offset) payments.

The implementation of this Strategy, which charts a fine course, needs real resourcing.

⁵ Samuel n 1, p. 140

⁶ ACT Government (Strategy) n 2, p. 26

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Abbreviations

ACT Offsets Policy	<i>ACT Environmental Offsets Policy (2015)</i>
BGGW	Box-Gum Grassy Woodland
Conserved Area Framework	<i>National Other Effective area-based Conservation Measures Framework</i>
the Council	Conservation Council of the ACT Region
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
Minister	Federal Environment Minister
mitigation hierarchy	Avoid, Mitigate, Offset
NC Act	<i>Nature Conservation Act 2014</i>
NCN	Nature Conservation Network
NRS	Australia's National Reserve System of protected areas
NTG	Natural Temperate Grassland
Offset Standard	Draft Environmental Offset Standard
PCAs	Priority Conservation Areas
RAD Framework	Resist-Accept-Direct Framework
RAFT	remote area fire teams
the Strategy	draft <i>ACT Nature Conservation Strategy 2026–2036</i>
TFI	tolerable fire intervals
UOS	Urban Open Space

An uplift in resourcing is necessary to implement the Strategy in full

The Council and our members are increasingly concerned about the absence of a firm commitment to resource the implementation of this Strategy.

In Appendix B of the Strategy, an assumption about ‘funding stability’ can be read to confirm “business as usual” funding will continue.⁷ Given the high quality of evidence business as usual funding has been insufficient to arrest the “continued, relentless degradation” of the ACT environment⁸, more funding is needed. This will be especially important if (as we anticipate) the Parks and Conservation Service is tasked with managing the NCN (outside areas managed by private leaseholders).

In the same appendix, the implications of any failure to secure additional funding via new financing mechanisms and/or an increase in recurrent funding are clear and of concern: planned restoration and conservation programs will be delayed or compromised, threatening outcomes.

The planned new measure is to “aim” to develop, resource and implement an NCN Investment Model⁹, including by “progressing” new financing mechanisms.¹⁰ The example given of a new mechanism is restoration contributions, i.e., offset payments. The Restoration Contributions Policy will govern how financial contributions for biodiversity loss are calculated, collected, and allocated to achieve nature positive outcomes.¹¹ However, this is *all* we know, and the Government has made no further commitments to provide the funding necessary to implement this Strategy.

To accompany an increase in resources, it follows that a workforce capability assessment is needed, including to examine the governance structure.

In addition, we note the Strategy includes a number of targets regarding partnering with Ngunnawal community and community groups for conservation management and practice. We welcome these partnerships and urge the ACT Government to also match these commitments with significant funding and resourcing for both Ngunnawal and other community groups.

⁷ ACT Government (Strategy) n 2, p. 24

⁸ ACT Commissioner for Sustainability and the Environment (2023) *ACT State of the Environment Report 2023*, <http://www.actsoe2023.com.au/OCSE/ACT-State-of-the-Environment-Summary-Report-2023.pdf> , p. 3

⁹ ACT Government (Strategy) n 2, p. 12 (Output 14)

¹⁰ ACT Government (Strategy) n 2, p. iii, 4, 9 (Output & Target 7), 24

¹¹ ACT Government (Strategy) n 2, p. 22

Recommendation 1: That the ACT Government:

- a. resource the implementation of this Strategy, including additional funding for the Parks and Conservation Service to manage the new NCN, and funding for both Ngunnawal and other community groups.**
- b. finalise the NCN Investment Model as soon as possible.**
- c. finalise the Restoration Contributions Policy as soon as possible.**

Recommendation 2: That the ACT Government complete a comprehensive workforce capability assessment, including to examine the governance structure.

Permanent and secure protection is needed for the NCN

Conserved area commitments alone do not achieve permanent protections

The Strategy states the NCN will be made up of protected and conserved areas¹², however, it does not state whether, outside protected areas, all PCAs will be Conserved Areas and vice versa. If there is a reason why flexibility is needed on this point, a principle should be included in the Strategy to make clear what will guide these decisions.

The Council is concerned that the Strategy does not commit to *permanently* (legally) protect these 'conserved areas', outside the ACT's protected areas, in Urban Open Space (UOS), on rural leasehold and potentially on other tenures.

As Australia strives to meet our commitment to protect and conserve 30 per cent of land (including inland waters) by 2030, conserved areas complement protected areas. They are identified sites where it has been formally recognised conservation outcomes are being and will continue to be achieved, however, 'formal protection is not possible, appropriate or supported.'¹³

The Council applaud every commitment to manage any area for conservation; however, the Strategy's apparent failure to commit to strongly and permanently protect any part of the NCN is an issue.

¹² ACT Government (Strategy) n 2, p. 1

¹³ DCCEEW (online) *National Other Effective area-based Conservation Measures (OECMs) Framework*, www.dcceew.gov.au/environment/land/achieving-30-by-30/conserved-areas/national-ocems-framework, viewed 19 March 2026

This is because, *on its own*, conserved area recognition provides no protection at all. The *National Other Effective area-based Conservation Measures Framework* (Conserved Area Framework) is very clear on this, stating:

Consent for a site to be recognised as a Conserved Area can be withdrawn at any time, including after a site has been recognised. If consent is withdrawn, a site would no longer be recognised as a Conserved Area.¹⁴

Intentions change.

With no more than conserved area recognition, outside any ACT protected area, the NCN will be at perpetual risk of complete loss, including offset sites¹⁵ and stewardship sites.

Neither the Conserved Area Framework nor the Strategy commit to monitor and publish the details of conserved area commitments withdrawn.

Some commitments step toward permanent secure protection

The Conserved Area Framework encourages land managers to bolster their conserved area commitments with complementary (extraneous) protection measures that may not achieve but step toward the standard set for the inclusion of any identified site in a protected area.¹⁶

Stewardship and Conserved Area agreements, and the registration of projects under the *Nature Repair Act 2023* (Cth), are all examples of mechanisms that could – depending on rules governing each mechanism – progress conserved areas including PCAs and offset sites toward:

¹⁴ DCCEEW (2024) *National Other Effective area-based Conservation Measures Framework*, www.dcceew.gov.au/sites/default/files/documents/national-oecm-framework-2024.pdf , p. 16

¹⁵ Unless protected by an extraneous mechanism, offset sites cease to be protected when the approval for the development to which they relate expires. The ACT Government has committed to protect most offset sites in the ACT as nature reserves when the approvals to which they relate expire; however, this is not always the case. For example, ‘Patch GG’ in the northern portion of the National Arboretum is an offset for the East Molonglo development shown in Figure 6 on page 14 of the endorsed *Molonglo Valley Plan for the Protection of MNES* which was approved for implementation under the EPBC Act in 2011. This offset site includes BGGW. In the Territory Plan, it is zoned for residential development within the future suburb of Sulman. As zoned, Patch GG will be mostly RZ1 ‘residential’ with some RZ3 ‘urban residential’. Its area also includes some CZ4 ‘local centre’ and an extension of Bindubi Street. In short, Patch GG is at high risk of complete loss after the Molonglo approval to which it relates expires on 31 Dec 2041; ACT Government (September 2011) *Molonglo Valley Plan for the Protection of MNES*, www.dcceew.gov.au/sites/default/files/documents/final-molonglo-valley-nes-plan-sep-2011.pdf

¹⁶ The standard for inclusion in a protected area in Australia is set out on pages 23 and 40-44 of *Australia’s Strategy for the National Reserve System 2009–2030*; Natural Resource Management Ministerial Council (2009) *Australia’s Strategy for the National Reserve System 2009–2030* www.dcceew.gov.au/sites/default/files/documents/nrsstrat.pdf

- permanent protection, i.e., at commencement, instruments can be executed to endure *in perpetuity*¹⁷ or, if not, for a minimum of 99 years and including the words ‘for the term of the lease and any extension to the lease’, or similar,
- secure protection, i.e., once executed, instruments will be difficult to vary or revoke in favour of development (including any serious intensification of an existing use).

The Council notes there is a high degree of uncertainty and interest among our members about PCA dedications; in particular, whether land managers will need to agree to the establishment of a PCA.

The recognition of a conserved area depends on the tenure term

Conserved area commitments and each of the mechanisms cited depend on long-term lease tenure; for many if not all existing protective mechanisms, it is not possible to execute a protective mechanism *without* long-term tenure. Numerous reports have explained the importance of long-term tenure on rural leases; the *absence* of long-term tenure promotes unsustainable land management practices.¹⁸

Given this, the Strategy should confirm a presumption that, wherever leaseholders commit to execute protective instruments using a secure mechanism, further leases will be granted under s 289 of the *Planning Act 2023*.

Providing for multiple use

To be sure, in calling for the permanent protection of the NCN, the Council is not saying people or agricultural activities need to be excluded from the landscape; quite the contrary. On 30 June 2024, Australia’s terrestrial protected areas covered 22.57 per cent of the country.¹⁹ More than half of this area (57.59 per cent) was managed for ‘multiple use’.²⁰ Many of these multiple use protected areas are

¹⁷ The Australian Government is still exploring a ‘permanent protection method’ under the Nature Repair Act; DCCEEW (online) *Methods for the Nature Repair Market*, www.dcceew.gov.au/environment/environmental-markets/nature-repair-market/methods-for-the-nature-repair-market, viewed 22 March 2026

¹⁸ Standing Committee on Conservation, Heritage & Environment (1991) *The Environmental and Heritage Aspects of Rural Leases in the A.C.T.*, www.parliament.act.gov.au/data/assets/pdf_file/0010/379576/05_Rural_lease.pdf, chapters 4-5 on pp. 11-16; Standing Committee on Public Accounts (2020) *Inquiry into Auditor-General Report No 8 of 2018: Assembly of Rural Land West of Canberra*, www.parliament.act.gov.au/data/assets/pdf_file/0007/1619332/Report-13-Inquiry-into-Auditor-General-Report-No-8-of-2018-Assembly-Of-Rural-Land-West-of-Canberra.pdf, paras 2.12–2.15

¹⁹ DCCEEW (2025) *Collaborative Australian Protected Areas Database 2024: Terrestrial CAPAD 2024 National summary*, www.dcceew.gov.au/sites/default/files/documents/capad-2024-terrestrial-national.xlsx, any of ‘Jurisdiction’, ‘Governance’ or ‘IUCN category’ tabs.

²⁰ DCCEEW n 19 (CAPAD 2024), ‘IUCN category’ tab.

Indigenous Protected Areas.²¹ In the ACT, there are no Indigenous Protected Areas and not a single hectare dedicated as a multiple use protected area. We believe the latter situation arises because to date there has been no mechanism available to enable rural leaseholders to voluntarily commit to permanently protect rural leasehold land.²²

Land in the northern ACT can and we say must be *able to be* dedicated to both maintaining biodiversity *and* where feasible encouraging other uses not inconsistent with the retention of natural and associated cultural values. The Council considers there is a strong potential to manage rural land to maintain nature and sustain food and fibre production, simultaneously.

Providing protection for land under repair, or that buffers or connects

The Council has argued previously that legal mechanisms are needed in the ACT to permanently protect:

- relatively *intact* land managed by non-government entities, sufficient for it to be included in Australia’s National Reserve System (NRS), and, separately,
- land in need of repair that is not, or is not yet, suitable for inclusion in the NRS.²³

Recommendation 3: That the ACT Government legislate to provide for the execution of Stewardship Agreements over rural leasehold tenure in the ACT. The provisions enabling this mechanism should provide for the establishment of multiple use protected areas, including Indigenous Protected Areas.

²¹ DCCEEW (online) *Indigenous Protected Areas*, www.dcceew.gov.au/environment/land/indigenous-protected-areas, viewed 19 March 2026

²² Other Australian and jurisdictions overseas provide for the permanent protection of land, including leasehold land, outside protected areas. The ACT Government obtained a review of mechanisms in 2023. The Australian Conservation Foundation reviewed Australian mechanisms in 2024; Rooftop Social (2023) *Review of the ACT Environmental Offsets Policy*, www.parliament.act.gov.au/data/assets/pdf_file/0007/2983021/CED1A~3.PDF, pp. 29-56; Australian Conservation Foundation (1 May 2024) *Set and forget: How offsets under national environmental law drive habitat destruction*, www.acf.org.au/news/set-and-forget-how-offsets-under-national-environmental-law-drive-habitat-destruction, including the linked report *and* the linked appendices.

²³ Conservation Council ACT Region (2024) *Submission to the Review of the Nature Conservation Act*, <https://conservationcouncil.org.au/wp-content/uploads/Nature-Conservation-Act-Review-CCACT-Final-Submission-0624.pdf>, Recommendations 40–52 on pp. 12–16

Recommendation 4: That, for rural lease holders willing to dedicate all or part of their leases to the conservation of nature, by executing instruments using mechanisms including but not limited to:

- a. Stewardship and Conserved Area agreements, or
- b. the registration of projects under the Nature Repair Act,

the ACT Government commit to the presumption that long-term lease tenure will be offered.

Recommendation 5: That, on all tenures outside the ACT's protected area system, the ACT Government commit to permanently protect the NCN.

This includes ensuring commitments to legal protection:

- a. can endure for the long term, and
- b. once executed, will be difficult to vary or revoke in favour of development (including from any serious intensification of an existing use), and
- c. will bind successors in land or lease title.

Recommendation 6: That the ACT Government monitor and publish details of all conserved area commitments withdrawn.

No good reason is provided to justify a series of lengthy delays

There is no explicit timeframe for the proposed ACT Landscape Plan, which means it is potentially years away. We note it will take longer if it becomes a 'Bioregional Plan' under Part 12A of the EPBC Act²⁴, and that has been flagged by the Minister as a distinct possibility.²⁵ The significance of a long delay in finalising this plan is not

²⁴ Part 12A of the EPBC Act will come into effect on or before 1 Dec 2026. We understand Landscape Plans and Bioregional Plans do much the same thing. Prof Graeme Samuel said as much when he noted regional plans "should be the subject of an environmental standard which will describe what regional planning ought to be. 'Landscape plans' is perhaps the other way of describing it."; Samuel, G. (14 Nov 2025) *Hansard evidence: Senate Environment and Communications Legislation Committee Environment Protection Reform Bill 2025*, https://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/29094/toc_pdf/Environment%20and%20Communications%20Legislation%20Committee%202025%2011%2014%20Official.pdf;fileType=application%2Fpdf#search=%22committees/commsen/29094/0000%22, viewed 16 March 2026, p. 8. We understand Part 12A of the EPBC Act will come into effect on 1 Dec 2026 if not proclaimed earlier, and that Part 12A is available for viewing; Federal Register of Legislative Instruments (online) *Future Law Compilations: Environment Protection and Biodiversity Conservation Act 1999*, Volume 1, www.legislation.gov.au/files/EPBC_Volume_1_PDF.pdf, see pp. 395–456

²⁵ Orr, S. (2026) *Ministerial Statement Conserving Nature in a Growing City and Government Response to Special Report by the Commissioner for Sustainability and the Environment Close to the Edge, an Investigation into the effects of urban expansion on the environment of the ACT (2025)*

at all clear. What we do know is the Strategy states the NCN will be “identified and defined within the ACT Landscape Plan”²⁶, so the delay appears to be an issue.

The Conserved Area, Restoration Contributions and uplifted Offset policies are not scheduled to come into effect before 2029. The Restoration Contributions Policy is discussed above, in relation to resourcing. The Conserved Area Policy will guide the identification, management of PCAs located outside ACT protected areas.²⁷

The same timeframe appears to apply to the reportedly complex amendments needed, to the *Nature Conservation Act 2014* (NC Act), to support implementation of the Strategy.

Given the declining state of the ACT environment, these are long periods for nature to have to wait.

Other matters where time is important

The Council understand consultation has already occurred between officials and a small group of community stakeholders over the criteria for identifying PCAs. We note it appears these criteria will be agreed before the Strategy is finalised. For transparency, if the criteria *are* finalised before the Strategy is finalised, it would be good to include them in the Strategy.

We understand the finalisation of the Implementation Roadmap is months if not years away. We urge the ACT Government to prioritise and resource the implementation of this Strategy.

We understand the finalisation of the Indicator Framework is also months if not years away. We accept indicators cannot be finalised until the Strategy is settled. We note good reports has been produced in the past, e.g., to compile implementation reports on the last nature strategy.²⁸

We encourage the ACT Government to consult with interested stakeholders, including the Council, before indicator selection decisions are finalised and before monitoring regimes and monitoring result interpretation protocols are settled. This step is only necessary because the Indicator Framework is not ready now.

²⁶ ACT Government (Strategy) n 2, p. 1

²⁷ ACT Government (Strategy) n 2, p. 20

²⁸ Most recently: Conservator of Flora and Fauna (2024) *ACT Nature Conservation Strategy 2013-23 - Progress Against Implementation Plan 2 (2019-23)*, www.act.gov.au/data/assets/pdf_file/0009/2779344/act-nature-conservation-strategy-2013-23-progress-against-implementation-plan-2.pdf

Recommendation 7: That the ACT Government:

- a. prioritise resourcing the making and implementation of the ACT Landscape Plan.**
- b. note in the Strategy its intention to explore the possibility of turning the ACT Landscape Plan into a Bioregional Plan under Part 12A of the EPBC Act, and outline in the Strategy the implications of deciding to proceed with this step.**
- c. finalise the Conserved Area Policy and NC Act amendments as soon as possible.**
- d. consult with the community, at an appropriate time, about the regime for monitoring and evaluating this Strategy.**

Recommendation 8: That the ACT Government finalise the Implementation Roadmap and Indicator Framework as soon as possible.

Recommendation 9: That the ACT Government finalise the amendments needed to the NC Act, to enable full implementation of this Strategy, as soon as possible.

Recommendation 10: That the ACT Government to consult the community on the wording of proposed amendments to the NC Act.

Land management in the face of climate change

The accelerating impacts of climate change beg a new approach

Supplement A titled 'Climate adaptation for nature in the ACT' assists by making clear the logic behind the Strategy's plans, commitments and targets directly and indirectly related to managing the impacts of climate change on nature.

The Council supports the focus on building understanding and capacity to anticipate and adapt to the effects of climate change on nature. The approach is dynamic and outcomes focused. It will promote climate-ready management.

We commend the move to operationalise this focus by the adoption of the Resist-Accept-Direct (RAD) Framework. This framework will help communication and improve decision-making. It should be one of the measures mentioned in Target 10a, i.e., its integration across all aspects of ACT Government decision-making would coalesce a shared language and help clarify trade-offs inherent in a wide variety of choices.

Who manages the NCN

Outside of rural leases, the Council and our members would prefer that the Parks and Conservation Service be resourced to manage the NCN. We do understand this may not be something that will be written into the Strategy.

Data collection, handling and application

The Council is concerned there appears to be a tendency to ‘start from scratch’ rather than look to use and interpret historic data.

We note there is a great deal of existing data in access data bases to guide and strengthen knowledge and understanding. Mapping does not minimise loss. How much mapping is required before the Strategy is actually implemented?

Indeed, Target 4c outlines that: critical datasets should ensure existing data currently on the Access databases are made available and used. Other targets should also recognise actions will build on existing knowledge and data, e.g. Target 8b.

Consultation

Target 9c: On ‘consultation’ with First Nations people, the Council consider It is not adequate to only consult on management plans and agreements. This target needs to include genuine partnership with First Nations people on the application of plans and agreements; and facilitate continuing cultural practices, beyond cultural burns.

Biosecurity

Target 11a: Many points were raised with the Council about this target. If land managers need to agree to PCA dedications (discussed above), the Council expects they would *all* be keen to engage in biosecurity actions. The target therefore begs a question, about whether it can be inferred that the ACT Government will not support biosecurity activities in all PCAs.

Recommendation 11: That the ACT Government:

- a. continue to build understanding and capacity to anticipate and adapt to the effects of climate change on nature.**
- b. adopt the Resist Accept Direct Framework, across whole of government.**
- c. use historic data to build deep understandings, wherever possible.**

d. clarify the thinking, in the Strategy, behind target 11a.

Landscape Scale Planning

Hooray!

As noted above, the Council and Friends of Grasslands have been calling for years for the establishment, permanent protection and effective, coordinated management of a 'Biodiversity Network' outside the ACT's protected area system; so, we are delighted a NCN is to be established.

The Council recognises planning at this scale has the potential to de-conflict conservation from development and to avoid unforeseen cumulative impacts; in short, it is efficient. We recognise that pursuing a landscape scale planning approach to conservation and development will minimise impacts on nature as well as culture and the land's capacity to produce food and fibre.

For these reasons, the Council supports the plan to 'identify and protect PCAs that reflect critical habitat'.²⁹ Adequacy

We note many governments in Australia already maintain registers of critical habitat or similar; however, there have been very few listings.

We recognise a lot of background work (Outputs 1-4) is being done and will contribute to the identification and mapping of PCAs (Output 5).

With no indication of their likely extent within or outside the ACT's protected area system, the Strategy says PCAs 'will ensure the long-term persistence of priority conservation values under current and future climate'.³⁰

Acknowledging more PCAs can be added, the Council is concerned that , even with the best of management (Outputs 10-13), good resourcing (Output 14) and wise adaptations (Outputs 14-15), only time will reveal if the priority conservation values are adequately sampled in PCAs, and whether the quality and extent of the identified PCAs will be sufficient to sustain those values.

To consider the PCAs sufficient and this Strategy effective over time, the Council needs to see an adequate sample of nature (represented by these *priority* conservation values) maintained and restored for not just the human population

²⁹ ACT Government (Strategy) n 2, p. 8 (Target 5a)

³⁰ ACT Government (Strategy) n 2, p. 8, underline added; This is detail in support of Output/Target 5a.

but for all the biota in our region's ecosystems and for all the services they provide, including in the face of climate change.

In conservation parlance, this is 'adequacy'. Adequacy commitments are not new. In 2005 and again in 2009, the Australian and all state and territory governments committed to protect and manage an adequate sample of relatively intact 'protected areas', i.e., the NRS.³¹ Our governments are still implementing the 2009 strategy.³² The 2009 strategy states adequacy refers to:

how much of each ecosystem should be sampled to provide ecological viability and integrity of populations, species and ecological communities at a bioregional scale. The concept of adequacy incorporates ecological viability and resiliency for ecosystems.³³

What is new is that, under the Strategy, the sample in PCAs will include not just relatively intact places but other areas too, areas:

- that will buffer and support and connect PCAs
- to be the targets for restoration programs and investments³⁴
- where the spatialised community conservation guide will 'prioritise threat management and ecological restoration.'³⁵

PCAs *should* include a buffer, e.g., for targeting invasive species. Control within PCAs requires targeting threats emanating from and outside PCA boundaries. Investments do need to be targeted and well directed.

Hence, the above is all good *subject to* the PCAs identified being sufficient to support adequacy as described.

The PCA identification process

Assuming the forecasts of the Planning Minister and experts like the Centre for Population will be realised, the imminent PCA identification decisions could not be

³¹ Natural Resource Management Ministerial Council (2005) *Directions for the National Reserve System – A Partnership Approach*, <https://www.dcceew.gov.au/sites/default/files/env/pages/35ded9a1-0a17-47fa-a518-05f7bfe045ce/files/directions.pdf>, pp. 8, 26; Natural Resource Management Ministerial Council (NRS Strategy) n 16, pp. 4, 10, 13

³² Commonwealth of Australia (2024) *Achieving 30 by 30 on land: National Roadmap for protecting and conserving 30% of Australia's land by 2030*, www.dcceew.gov.au/sites/default/files/documents/30-by-30-national-roadmap.pdf, p. 19

³³ Natural Resource Management Ministerial Council (NRS Strategy) n 16, p. 10

³⁴ ACT Government (Strategy) n 2, pp. 3, 20; The second paragraph is possibly the clearest statement of the intention to focus resources on sustaining and restoring PCAs. See also the definition of the Conserved Area Policy on p. 20.

³⁵ ACT Government (Strategy) n 2, p. 10, Target 9a

more important. In a decade where rapid population growth is almost certain, the Council understands the Strategy's intent is to focus recovery programs and financial incentives on PCAs. This is where measurable improvements are anticipated in biodiversity, ecosystem function and climate resilience³⁶. At a time when homes and jobs will be needed for the expected 17 per cent increase in the human population, i.e., from ~479,000 to ~561,000 by 2036³⁷, measurable improvements will be no easy task. Both the Commissioner for Sustainability and the Environment, and the Council, are on record supporting densification over an expanded urban footprint.³⁸

Recognising broad-scale planning, development and conservation decisions involve *fundamental* trade-offs that will shape the ACT and our region for the long term, the Council considers it *critical* that key stakeholder groups have an opportunity to participate in the PCA identification process. At present, this process is proposed to be conducted 'behind closed doors'.³⁹

PCAs within ACT protected areas?

The Strategy says PCAs, described as the 'backbone of landscape scale planning'⁴⁰, will be identified both outside *and within* the ACT's protected areas.

Establishing PCAs within the ACT's protected areas is a challenging concept, particularly so noting PCAs 'will provide focus for recovery programs and financial investment'.⁴¹ For instance, it will be difficult to show restoration actions are not already required in protected areas. This increases exposure to the perception of, if not actual, cost shifting.

While it's understood a focus for programs and investment may have benefits, it is not clear from the Strategy whether this new narrower focus is needed. For years we have heard the NRS is the cornerstone of national efforts to protect terrestrial

³⁶ ACT Government (Strategy) n 2, p. 16

³⁷ Centre for Population (2025) *2025 Population Statement Australian Capital Territory snapshot*, <https://population.gov.au/sites/population.gov.au/files/2026-01/ss-2025-pop-statement-act.pdf>

³⁸ ACT Commissioner for Sustainability and the Environment (2025) *Close to the Edge An Investigation into the effects of urban expansion on the environment of the ACT*, https://envcomm.act.gov.au/wp-content/uploads/2025/05/OCSE_Close-to-the-Edge.pdf ; Conservation Council (online) *How urban expansion is threatening Canberra's natural legacy*, <https://conservationcouncil.org.au/blog/2025/05/21/how-urban-expansion-is-threatening-canberras-natural-legacy> , viewed 19 March 2026

³⁹ ACT Government (Strategy) n 2, Supplement B, pp. 5-6

⁴⁰ ACT Government (Strategy) n 2, Supplement B, p. 4

⁴¹ ACT Government (Strategy) n 2, p. 1

biodiversity (including inland waters).⁴² The NRS Programme was once described as a ‘flagship programme that stimulated biodiversity conservation in Australia.’⁴³

The change could be taken to suggest the ACT community must accept it is no longer possible to care for nature throughout the extent of the ACT’s protected areas, i.e., we must settle for protecting and managing less. This obvious question is not addressed in the Strategy.

PCAs on other tenures

The Strategy refers to the potential for PCAs to be established on rural lease and UOS tenures.

The Council considers PCAs should be identified on other tenures also, including but not limited to:

- unleased lands managed now by the Parks and Conservation Service, including Travelling Stock Reserves
- horse paddocks
- other government-managed land including land managed by ACT Heritage
- urban leases.

The Council notes multiple targets relate, or could relate, to tenures other than UOS and rural leases, e.g., Targets 6b, 13a and 13b.

Wherever PCAs are established outside the ACT’s protected areas, the Council considers each PCA should have long-term tenure (this point is covered in more detail above).

Recommendation 12: That the ACT Government:

a. identify PCAs.

b. ensure *enough* PCAs are established:

i. with sufficient quality and extent to be adequate.

ii. sustain regional ecosystems and associated cultural values, including the identified priority conservation values.

⁴² Natural Resource Management Ministerial Council (NRS Strategy) n 16, p. 2

⁴³ Gilligan, B. (2006) *The National Reserve System Programme 2006 Evaluation*, <https://www.dcceew.gov.au/environment/land/nrs/publications/nrs-programme-evaluation> , p. 4

- iii. **with capacity for gains, via restoration programs and investment, in areas that will buffer and support and connect PCAs and other areas of high conservation value.**

Recommendation 13: That, for transparency, the ACT Government invite the Council and representatives of interested member groups to participate in the strategic decision-making process by which PCAs will be identified.

Recommendation 14: That the ACT Government clarify, in the Strategy, whether PCAs can be established on tenures other than on rural lease and Urban Open Space.

Recommendation 15: That the ACT Government not identify PCAs within ACT protected areas unless further information can be provided that demonstrates it is more efficient and effective to do so.

Nature Positive

The Strategy's core promise is "a Nature Positive future⁴⁴ for the Territory."⁴⁵ Nature Positive is a global societal goal aligned with the mission and outcomes of the Global Biodiversity Framework. The link in the above direct quote connects to the global initiative's website. Globally, Nature Positive is defined as:

Halt and Reverse Nature Loss by 2030 on a 2020 baseline, and achieve full recovery by 2050'. To put this more simply, it means ensuring more nature in the world in 2030 than in 2020 and continued recovery after that.⁴⁶

In the Strategy, Nature Positive is defined as:

A term used to describe circumstances where nature – species and ecosystems – is being repaired and is regenerating rather than being in decline.⁴⁷

The definition of Nature Positive in the Strategy, which is based on avoiding decline, is not strong. The Strategy's definition does not reflect the positivity expressed in either the global societal goal or in the Strategy. The Strategy states, for example, that:

⁴⁴ [Nature Positive Initiative: A Global Goal for Nature](http://www.naturepositive.org) (www.naturepositive.org)

⁴⁵ ACT Government (Strategy) n 2, p. 1

⁴⁶ Nature Positive Initiative (online) *The Definition of Nature Positive*, www.naturepositive.org/app/uploads/2024/02/The-Definition-of-Nature-Positive.pdf, viewed 19 March 2026

⁴⁷ ACT Government (Strategy) n 2, p. 21

A core ambition ... is to deliver Nature Positive outcomes: measurable improvements in biodiversity, ecosystem function, climate resilience and social and cultural connection.⁴⁸

Recommendation 16: That the ACT Government strengthen the definition of Nature Positive in the Strategy.

Rigorous application of the mitigation hierarchy is required

Some development should be prevented

Achieving Nature Positive outcomes will depend on, among other things, the ACT Government's application of the mitigation hierarchy and its approach to and its practice of offsetting.

Minimising losses is the place to start. Wherever it is considered essential, every hectare of intact (or relatively intact) nature cleared for development over the life of the Strategy will increase the pressure on nature and make it more difficult to achieve measurable improvements overall.

The Strategy does not acknowledge that there are some places that must *never* be developed, i.e., places where impacts will always be unacceptable.

The ACT Government, through this Strategy, should commit to *preventing* development at irreplaceable natural and cultural heritage sites.

The Strategy commits to 'protect the NCN from loss and degradation', with a target of 'reducing to near zero any loss of PCA extent'.⁴⁹ However, neither the Strategy nor the *Planning Act 2023* provide for preventing development *anywhere* in the ACT. As mentioned above, even with the best of intentions, plans change.

Application of the mitigation hierarchy

The Strategy proposes a very limited application of the mitigation hierarchy. The Strategy's relevant guiding principle is "Avoid [PCAs] through early-stage strategic land-use planning."⁵⁰ Application of the mitigation hierarchy should be broader than avoiding specific areas such as PCAs.

⁴⁸ ACT Government (Strategy) n 2, p. 16, underline added

⁴⁹ ACT Government (Strategy) n 2, p. 14

⁵⁰ ACT Government (Strategy) n 2, p. 5

The mitigation would be better framed in terms of reducing impacts to as low as reasonably practicable throughout the ACT. Relevantly:

- Given the NCN is defined to include the ACT's protected and conserved areas⁵¹, as well as green and blue corridors, climate refugia and stewardship lands⁵², impacts should be avoided, as much as possible, throughout the NCN. The fragmentation caused by linear infrastructure is of particular concern.
- Then comes mitigation. Within and abutting any site to be developed, some areas may be more important than others. To illustrate, impacts would be reduced overall by reducing to a minimum the clearing of mature trees, especially those with nesting hollows. This will reduce impact even if the area that will be cleared (in hectares) remains the same.
- Mitigation also involves thinking about reducing *ongoing* impacts, e.g., by adopting a reduced speed limit on a new road to reduce collisions with fauna.

Recommendation 17: That the ACT Government recognise there are places where development is simply unacceptable, places where offsetting is not feasible. Adopt a plan, in the Strategy, to amend ACT legislation to enable development to be prevented in identified places.

Recommendation 18: That the ACT Government revise the Strategy's content to present a better, wider interpretation of the mitigation hierarchy.

Good restoration practices will be vital to achieve ecological gains

Good land management and restoration practices will be vital to ensuring areas to be rehabilitated and restored achieve gains. Supp C explains in some detail the principles, methods and resources that - when developed and implemented over the decade - will enhance the extent, condition and resilience of native ecosystems across the ACT. It draws extensively on the *National standards for the practice of ecological restoration in Australia*.⁵³

⁵¹ ACT Government (Strategy) n 2, p. 1

⁵² ACT Government (Strategy) n 2, p. 21

⁵³ Society for Ecological Restoration Australasia (2021)(Ed 2.2) *National standards for the practice of ecological restoration in Australia*, www.seraustralasia.com/standards/home.html

The Council commend the relevant officers for their work developing the approach to restoration. Tools such as the ACT Recovery Wheel will enable practitioners and members of the community to monitor ecological recovery consistently, including with quantitative metrics, and enable better prioritisation of restoration actions.

Recommendation 19: That the ACT Government implement the approach to restoration set out in Supplement C of the Strategy.

Offsets: Further detail is required

background for this topic

The EPBC Act was amended in November 2025. The changes that relate to offsets will come into legal effect on 1 Dec 2026 (unless proclaimed to commence earlier). [Attachment 1](#) is an overview of the Council's understanding of these changes. Note that we are not lawyers and the following is not legal advice. The Council felt it vital to say *something* about the way a new form of offsets will be required ... from no later than 1 Dec 2026!

restoration offsets – a new way replaces protecting the best of what's left

As noted above, the ACT Government intends to adopt a new nature conservation framework based on a Nature Positive approach. Where development likely to cause residual significant impacts cannot be avoided, it is approved, and the approval holder chooses to proceed, it is expected ecologically feasible restoration works will follow in PCAs that buffer or connect high value intact PCAs.

To confirm, this *is* a new approach. The change follows extensive criticism that the old approach, followed for around the last two decades, that was described in and preferred by the 2012 *EPBC Act Environmental Offsets Policy*⁵⁴, has failed due to poor implementation.⁵⁵ Although from no later than 1 Dec 2026 the *EPBC Act*

⁵⁴ Department of Sustainability, Environment, Water, Population and Communities (2012) *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, https://www.dcceew.gov.au/sites/default/files/documents/offsets-policy_2.pdf

⁵⁵ See, for example: Department of Climate Change, Energy, the Environment and Water (2022) *Nature Positive Plan*, <https://www.dcceew.gov.au/sites/default/files/documents/nature-positive-plan.pdf>, p. 21; Department of Climate Change, Energy, the Environment and Water (2024) *Environmental Offsets Audit*, <https://www.dcceew.gov.au/sites/default/files/documents/environmental-offsets-audit-report.pdf>; Australian Conservation Foundation n 22

Environmental Offsets Policy will no longer apply and the approach is being replaced, averted loss offsets may still be used from time to time.⁵⁶ The approach involves averting the loss of high conservation value, for the period of the impact at the impact site, at 'like for like' offset sites that are under threat.

It is worth mentioning here that Samuel had no issue with securely protecting and/or properly managing like for like offset sites; he took issue with the practice, i.e., with the fact offset sites were, for example, not protected, never under threat of loss, and/or poorly managed. Repeating a quote included above, Samuel wrote offsets are to be "ecologically feasible and deliver genuine protection and restoration in areas of highest priority."⁵⁷

Finally under this heading, it is vital to note in the ACT context that, for the grassy ecosystems of concern in the ACT, management is needed continually. There is no such thing as a 'maintenance period' where no activity will be needed.

into the vacuum – a new option, paying to acquit offset requirements

Following the EPBC Act amendments, *the way* restoration will be required and delivered is new. There are still some unknowns. We start with what is known.

The amended EPBC Act provides for the collection and expenditure of 'restoration contribution charges'. For:

- new approvals granted under the EPBC Act after 1 Dec 2026, regardless of when the proposal was referred and determined to be a controlled action⁵⁸,
- where the Federal Environment Minister (Minister) has determined the action is likely to cause a residual significant impact on a protected matter(s)
- where the approval holder decides to proceed with the approved action,

it is expected a condition of the approval requiring the offset will give the approval holder the option of doing restoration works themselves or paying the restoration contribution charge.

Attachment 1 unpacks in more detail *how* the Commonwealth will require restoration works or payments, from when (in more detail), and to what extent (i.e., the magnitude of any works or charge to be required etc).

⁵⁶ Department of Climate Change, Energy, the Environment and Water n 55 (Nature Positive Plan), p. 21

⁵⁷ Samuel n 1, p. 140

⁵⁸ *Environment Protection Reform Act 2025*, Schedule 1, Part 3, clause 712; This clause provides that conditions to compensate for damage (offsets) or conditions requiring the holder of the approval to pay a restoration contribution charge can be imposed (ss 134(3)(ac)) whether the referral to which the decision relates was made before, on or after the commencement day.

The change outlined in Attachment 1 is not rocket science; yet, the Strategy does little more than allude to the fact ‘restoration contributions’ are a possibility, with a policy to be made *by 2029*. The fact is, from no later than 1 Dec 2026, the Minister will have the option of requiring the holders of new approvals to *either* compensate for damage by taking some form of action, as happens now, *and/or* pay a restoration contribution charge.

We note this approach shifts the risk Nature Positive outcomes will not be achieved from the approval holders to the relevant government authority.

Applying this new approach to the ACT situation, the holder of a new approval who chooses to proceed with an approved action expected to cause residual significant impacts to NTG or BGGW in the ACT is likely, subject to the Minister’s discretion, for approvals granted after 1 Dec 2026 (unless proclaimed to commence earlier), to have the option of paying the charge into the Commonwealth’s Restoration Contributions Special Account to acquit their offset liability in full. The Restoration Contributions Holder will then be able to expend those charges to deliver restoration actions.⁵⁹

We will have to wait and see if charges paid in these circumstances will be expended restoring, buffering or connecting NTG and BGGW extant *in the ACT*.

another vacuum – for Commonwealth accreditation, more detail is needed

The amended EPBC Act provides that, if the ACT has its development approval regime accredited by the Commonwealth, approval holders will be able to pay into a fund established and operated by the ACT instead.

The Council see no evidence the ACT Government has even begun to consider a fund, rules, governance arrangements or a mechanism for delivering gains for nature through restoration contribution charging.

The ACT Government confirmed on 23 March 2026 that – despite what is written in the Strategy – the 2015 *ACT Environmental Offsets Policy*⁶⁰ (the 2015 ACT Offsets Policy) is still in effect. This policy states it was “developed to be consistent with the [2012] *EPBC Act Environmental Offsets Policy* and to facilitate Commonwealth accreditation of ACT processes.”⁶¹

⁵⁹ Federal Register of Legislative Instruments n 24 (Future EPBC Act, Volume 1), ss 177CP(1)(a) on p. 458

⁶⁰ Australian Capital Territory (2015) *ACT Environmental Offsets Policy*, https://www.act.gov.au/_data/assets/pdf_file/0010/2624446/act-environmental-offsets-policy-2015.pdf

⁶¹ Australian Capital Territory n 60, p. 2

Rounding off matters discussed under the previous two headings, unsurprisingly, the 2015 ACT Offsets Policy says:

- very little about restoration. The policy was not prepared with restoration offsets in mind. It is a policy written for averting the future loss of “areas of high conservation value or irreplaceable assets”.⁶²
- nothing at all about collecting and expending restoration contribution charges.

Not only is the 2015 ACT Offsets Policy no longer relevant, but it is missing key content we think the Commonwealth will seek before it will accredit the ACT’s approval regime as the functional equivalent of its own (Attachment 1 includes information about how this works).

This Strategy could plug this gap; however, the Strategy includes no direction concerning the establishment of a fund, rules, governance arrangements or any mechanism for delivering gains following the imposition of restoration contribution charges.

For this reason alone, the Council cannot see how the 2015 ACT Offsets Policy, the Strategy, or any combination of both, will be accepted by the Commonwealth for the purpose of accrediting the ACT’s approval processes.

Not outlining these details risks frustrating the intention of the EPBC Act amendments that passed the Federal Parliament in November 2025, more than five years after they were recommended by Samuel in October 2020.

The amendments were intended to streamline regulatory approvals.

Other matters related to offsets, that we say *should* be included in the Strategy to establish an appropriate standard for offsetting, are set out below.

Commonwealth accreditation of the ACT approval regime: what else is needed

This point relates to the unknowns. We know the Federal Environment Department has already invited comment on a preliminary Draft Environmental Offset Standard (Offset Standard).⁶³ What remains is for the Commonwealth to make that Offset Standard. We expect this will happen in 2026, but it could be later.

An option exists to make regulations that could include: the metrics, calculation rules, baselines, and evidence requirements for restoration contribution charging;

⁶² Australian Capital Territory n 60, Objective 1 (or 2) on p. 4

⁶³ Department of Climate Change, Energy, the Environment and Water (2025) *Consultation hub: National Environmental Standards for Matters of National Environmental Significance (MNES) and Environmental Offsets*, <https://consult.dcceew.gov.au/natl-environmental-standards-mnes>

and set out a net gain test. We expect this will happen in 2026, but it could be later.

The Council considers, given:

- so much *is* known about the Commonwealth's restoration contributions charging system
- we have a sense of what will be included in the Offset Standard
- regulations can and are likely to be made in 2026, and
- principles *could* be included to establish guardrails for an offsetting regime in the ACT,

it is disappointing the Strategy does not include any contemporary prescriptions and principles that would set an appropriate standard for offsetting practice necessary to deliver Nature Positive outcomes in the ACT.

The Strategy could include a suite of enforceable offset policy principles

To cover the period until an Offset Standard is made, the Council urges the ACT Government to include in the Strategy a suite of fit for purpose offset policy principles that will be ready for implementation as soon as the Strategy comes into effect. Soft language must be avoided in favour of enforceable principles.

The Council suggest the following principles:

Offset sites being retained and restored must:

- be, or have the potential to be restored to be, *like* the place being impacted ('like for like')
- have, or have the potential to be restored so they have, high conservation value (valuable)
- be formally (legally) secured for the duration of the impact at the impact site (gains are secure).

Offset outcomes to be delivered must:

- be additional – for PCAs in protected areas, practice must demonstrate cost shifting will be avoided
- achieve net gains against a fixed baseline with quantitative metrics (gains are measurable)
- achieve gains *before* the impact will be allowed to occur at the impact site (gains are timely).

If the intention is to allow damaging actions to commence *before* ecological gains are achieved, the Strategy should include a principle specifying the

level of confidence required – that the habitat-replacement outcome will in fact be delivered before any damaging action can commence.

provide for offsetting impacts to matters protected in the ACT, only

The Council consider the ACT Government needs to include in the Strategy a process for working out what it will accept as ‘net gain’ when matters protected under the NC Act will be impacted, and those matters are not matters of national environmental significance protected under the EPBC Act.

Passively accepting whatever the Australian Government accepts as net gain, whether by regulations or simple acceptance by the Federal Minister, is not satisfactory. Residual significant impacts on matters protected under the NC Act only must be accounted for consistent with the ACT Government’s laws and policies; otherwise, listings on the threatened native species list⁶⁴ and threatened ecological communities list⁶⁵ have no legal effect.

Recommendation 20: That the ACT Government establish an environmental offsetting regime that is transparent, enforceable, will deliver measurable improvements in ecological outcomes, and is capable of achieving net gain consistent with Commonwealth requirements.

Recommendation 21: That the ACT Government revise the ACT Environmental Offsets Policy as soon as possible, including to:

- a. explain how offsetting will work in the ACT with a restoration focus**
- b. establish, as soon as possible, a fund, rules, governance arrangements and a mechanism for delivering gains for nature through restoration contribution charging.⁶⁶**
- c. confirm that the gains, and the associated offset site protections, must endure for the duration of the impact at the impact site.**
- d. confirm that, in the ACT context, when offsets compensate for impacts to grassy ecosystems, there will be no such thing as a maintenance period where no activity is required.**

Recommendation 22: That the ACT Government provide for offsetting impacts to matters protected in the ACT, only.

⁶⁴ *Nature Conservation Act 2014*, s 62

⁶⁵ *Nature Conservation Act 2014*, s 68

⁶⁶ If needed, attach some caveats; however, if accreditation of the ACT’s approval processes is to be sought, saying nothing on this matter is not an option.

Recommendation 23: That the ACT Government promote Nature Positive outcomes from the moment this Strategy comes into effect, the ACT Government include a suite of offset policy principles in the Strategy.

Primacy must be given to the *Nature Conservation Act 2014*

The Council notes the Strategy indicates the NC Act has primacy. It includes an assumption that:

ACT agencies understand the primacy of the Nature Conservation Act and NCS goals in relation to other planning and infrastructure frameworks.⁶⁷

With respect, this is not our experience, i.e., we do not see the NC Act as having primacy.⁶⁸ We wish it did. Wendell Berry sums up our view:

Whether we and our politicians know it or not, Nature is party to all our deals and decisions, and she has more votes, a longer memory, and a sterner sense of justice than we do.⁶⁹

Recommendation 24: That the ACT Government give primacy to the NC Act.

Further detail is required on appropriate fire regimes in the NCN

The Council supports the National Parks Association of the ACT's commentary on this issue.

The inclusion of Target 20c in the Strategy is commendable, however lacks sufficient detail to enable members of the public to envision actions required over the next ten years. Many members of conservation groups such as NPA ACT, Park Care Groups and Urban Parks and Places Landcare groups are seeking further detail to understand the role of planned and unplanned fire and the implications for NCN.

⁶⁷ ACT Government (Strategy) n 2, p. 26

⁶⁸ For an explanation of primacy, see: Henry, K., O'Kane, M., Sanders, N. (2023). *Independent Review of the Biodiversity Conservation Act 2016: Final Report*, NSW Parliament website, www.parliament.nsw.gov.au/tp/files/186420/Independent%20Review%20of%20the%20Biodiversity%20Conservation%20Act%202016-Final.pdf

⁶⁹ The quote comes from an endorsement statement in *The Dying of the Trees* (1997) by Charles E. Little.

The research and monitoring required to determine tolerable fire intervals (TFI) is supported. However, the extent of fire-dependent vs. fire adapted plant communities should be determined before ecological fire is applied to any community. Fire should not be introduced into natural ecosystems unless there are good ecological reasons to do so. Recent research in the Fenner School in ANU has shown that forests and woodlands develop lower fuel loads with age, so maintaining long durations between fires should be an aim, both for ecological integrity and management of unplanned fire.

In grasslands and grassy woodlands cultural burns by First Nations people would be preferred in all instances as a method of completing required ecological burns because they have suitable low intensity and high patchiness. Currently, ecological burns by Rural Fire Service volunteers are usually of higher intensity, greater extent and less patchiness, so efforts should be made to modify these operations to more mimic the cultural burn practices.

Fire management of the extensive natural areas in the ranges in the western parts of the ACT should aim to increase the time since fire in all communities. There should be no broad area hazard reduction burning to protect life and property assets that are in the urban areas. Limited hazard reduction burning may be useful to protect ecological assets such as high county bogs and fens, high altitude snow gums communities, and alpine ash regeneration.

To limit the area of wildfire, all possible technology should be used in early detection of ignitions, and rapid response by fixed wing-water bombers and remote area fire teams (RAFT) supported by helicopters to minimise the areas burnt. This means an increase in the funding for the use of suitable aircraft throughout the fire season, training of sufficient dedicated RAFT crews and incident management teams, and a readiness to apply these practices by RFS and ESA.

Protection of life and property from fire in the urban areas should concentrate on fuel reduction within private property, and within 40 m of these assets on public land. This is the responsibility of urban landowners as well as professional and volunteer fire fighters. Wherever possible, this hazard reduction should not involve NCN lands.

Increased collaboration with Commonwealth land managers is needed

The Strategy does not foreshadow doing enough to collaborate with and thereby seek to influence Commonwealth land managers. The Council's members tell us

better outcomes could be achieved by promoting the recognition of important values and encouraging better management of those values by managers including Defence, the National Capital Authority and National Land leased to parties like Charles Sturt University at St Marks (which contains valuable Natural Temperate Grassland). Regional cooperation with these land managers is needed to encourage collaborative, efficient and effective pest management activities. Good collaboration with these land managers would help achieve best practice management generally.

Recommendation 25: That the ACT Government review and consider increasing its collaboration with the managers of National Land.

Attachment 1: Changes to offsets after EPBC Act amendments

The EPBC Act was amended in Nov 2025. The changes that relate to offsets are expected to come into effect on 1 Dec 2026 (if not proclaimed beforehand).

Acknowledging the Council are not lawyers and the following is not legal advice, we understand:

How will 'net gains' be required, and from when

Assume the Minister is satisfied a proposal is likely to have a residual significant impact on a matter(s) of national environmental significance, and they have decided to approve it anyway.

Once relevant provisions commence, the Minister will have the option of attaching a condition to *any* subsequent approval requiring the approval holder, if they choose to proceed with the approved action, to *either*:

- compensate for damage, e.g., to deliver an action, such as to protect and manage an offset site – this is what happens now, *or*
- to pay a “restoration contribution charge” – this is new.⁷⁰

What is a restoration contributions charge

The amended EPBC Act establishes a restoration contribution charging regime comprising a fund, rules, governance and delivery mechanisms.⁷¹ Here's how it will work:

A restoration contribution charge would be imposed on an approval to take an action ... where a condition of the approval requires the payment of a restoration contribution charge. An approval holder will be able to pay a restoration contribution charge to the Commonwealth to discharge their liability to compensate for the damage likely to be caused by the residual significant impacts of their proposed action that compensates for any such damage to a net gain.

...

The charges imposed ... would be credited to the new Restoration Contributions Special Account under the EPBC Act and will be able to be spent by the new Restoration Contributions Holder to deliver benefits for matters of national environmental significance. This includes delivering restoration

⁷⁰ Federal Register of Legislative Instruments n 24, 134(3F(a–b))

⁷¹ Federal Register of Legislative Instruments n 24, Part 12B

actions to compensate for the damage likely to be caused by the residual significant impacts of approved actions.⁷²

What constitutes a net gain, and how is that determined

Focusing on the magnitude of the compensation for damage or payment of a restoration contribution charge that will be required, the approval will need to pass a net gain test.⁷³ That is, the approval holder's compliance with the relevant offset condition(s) will need to result in a net gain for the protected matter.

What will constitute a net gain for any matter may be prescribed in regulations; if not, net gain will be to a level "the Minister is satisfied is appropriate."⁷⁴ To date, no regulations (or draft regulations) proposing the net gain test have been tabled or published.

We note the National Environmental Standard for Environmental Offsets (Offsets Standard) (in preparation) will also establish rules and principles for offsetting.⁷⁵ We expect the regulations, the Offsets Standard and other policy documents will include the metrics, calculation rules, baselines, and evidence requirements.

Accreditation of state and territory approval regimes

The amended EPBC Act allows the Commonwealth to accredit a state or territory approval regime if the jurisdiction is: operating an accredited management or authorisation framework, operating under a bilateral approval agreement, or administering an endorsed plan, policy or program report following a strategic assessment.

In each case, accreditation is only available where the Commonwealth is satisfied that the state or territory system will deliver outcomes that meet relevant National Environmental Standards and the net-gain test in s 527K.

While the amended EPBC Act does not prescribe how states and territories must administer their offset and development approval regimes, it seems clear the

⁷² *Explanatory Memorandum: Environment Protection and Biodiversity Conservation (Restoration Charge Imposition) Bill 2025*, underline added

https://parlinfo.aph.gov.au/parlInfo/download/legislation/ems/r7392_ems_8ebdf684-5813-4f4b-a5c0-12eb4573370f/upload_pdf/JC016968.pdf;fileType=application%2Fpdf

⁷³ Federal Register of Legislative Instruments (online) *Future Law Compilations: Environment Protection and Biodiversity Conservation Act 1999*, Volume 3, https://www.legislation.gov.au/files/EPBC_Volume_3_PDF.pdf, p. 254, s 527K

⁷⁴ *Ibid*

⁷⁵ DCCEEW (2025) *Exposure Draft: National Environmental Standard (Environmental Offsets) 2025*, https://storage.googleapis.com/files-au-climate/climate-au/p/prj38a8e553bef96ceb5490c/page/Draft_Offsets_Standard_legislative_instrument.pdf, s 5

Commonwealth will only accredit state and territory laws, plans, policies and processes where the jurisdiction can demonstrate its approval regime, including its offsetting and restoration-contribution arrangements, are the functional equivalent of the Commonwealth's, and therefore are capable of achieving the same standard of net-gain outcomes required under the EPBC Act.