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Nature Repair Committee
Department of Climate Change, Energy, the Environment and Water
John Gorton Building
Parkes ACT, 2600
Via email: naturerepaircommittee@dcceew.gov.au

4 November 2024

Dear Nature Repair Committee,

RE: Submission on the Replanting Native Forest and Woodland Ecosystems method

The Australian Land Conservation Alliance (ALCA) welcomes the opportunity to provide a submission on the draft Nature Repair Market method, *Replanting Native Forest and Woodland Ecosystems*.

The Australian Land Conservation Alliance (ALCA) is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

The land conservation efforts of ALCA's nineteen member organisations have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds $370 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding, and using nature-based solutions to tackle climate change.

Please note that ALCA is happy for this submission to be published in full.

ALCA iterates three top-level principles to help guide the Committee's contemplation of methods and other Nature Repair Market architecture, namely – and noting the tensions between them – balancing the following three objectives:

- High integrity;
- High quality; and
- Low transaction costs.

We also highlight the importance of harmonisation, wherever possible, with existing State and Federal Government processes and methods[1], and the importance of the Federal Government developing a Biodiversity Investment Strategy prior to the launch of any methods[2].

Further, in providing recommendations, ALCA notes that the Nature Repair Market is still in a nascent stage of the development, and that our views (and the views of our members) will develop further as the different elements of the market infrastructure mature.

[1] For example, investigating opportunities to convert BAM/Rapid assessments to Nature Repair Market method assessments to minimise transaction costs and avoid duplication.
[2] The rational for such a Strategy has been detailed extensively, for example, in ALCA's submission to the Senate Inquiry into the Nature Repair Bill; see: p3, https://alca.org.au/wp-content/uploads/2023/06/20230601-ALCA-submission-Nature-Repair-Market-Bill_web.pdf

1. Method overview

ALCA notes that restoring moderately to heavily degraded habitat may be more cost-effective and ordinarily more ecologically effective than restoring 'comprehensively cleared' sites as contemplated by the method. The 'comprehensively cleared' requirement may therefore create incentives (despite best efforts at safeguards) that could redirect efforts towards more costly ecosystem restoration. However, ALCA does also recognise the benefits for a method to focus on stacking with carbon projects.

2. Method title

No comments.

3. Definitions

'Comprehensively cleared'

As above, whilst recognising there is an intention to pursue a method that is more easily complementary with existing carbon methods, ALCA registers our concern with the approach in the method which preferences comprehensively cleared land rather than allowing for biodiversity projects that could target degraded forests and woodlands which are likely to be more cost-effective, and ordinarily more ecologically prospective.

Further, the Committee should explicitly exclude invasive native trees (i.e. native trees that are well outside their range and are considered weeds) from the ambit of '*comprehensive removal of native trees*'.

'Environmental planting'

ALCA notes that the proposed definition for 'environmental planting' does not appear to account for shifts in species range that are expected – and already occurring – due to climate change. Climate-change-appropriate native plantings need to be accommodated in the definition.

'*Forest*' / '*Forest potential*'

ALCA recognises that the definitions proposed have been deliberately designed to mirror the carbon market definition. However, ALCA strongly recommends that an ecological definition be adopted (which relies on independent scientific evaluation) as this would be fit-for-purpose for a nature market and would help to avoid perverse ecological outcomes.

ALCA is also concerned that the inclusion of 'some… woodlands' within the forest definition will encourage inappropriate planting densities for woodland ecosystems, and recommends that separate, ecological definition (i.e. not a carbon market forest definition) also be adopted for woodlands.

'*Planting*'

The definition should be clarified to make it clear that plantings can be propagated seedling stock, or direct seeding, **or both together**. E.g. [amendments in **bold**]:

> "*a. as a verb, to put or set in the ground native species that are eligible under this methodology determination using:*
>
> *i. propagated seedling stock;* ***and /*** *or*
>
> *ii. direct seeding, including in rows or broadcast,*
>
> *iii. for the purposes of growing project trees,*
>
> *b. as a noun, an area of native species established using direct seeding* ***and /*** *or propagated seedling stock.*"

4. Incorporated documents

No comments at this time.

5. Conditions for registration of a biodiversity project

Eligible land

It should be clarified that the list provided is not intended to be the exhaustive positive list, and that it is a subsequent clarification regarding what is also included as plantings on land, as follows [suggested amendments in **bold**]:

> "Projects will be restricted to plantings on land**.** This ~~**including**~~ **includes**:"

Eligible regions

It is unclear why the method has been restricted to certain IBRA regions and subregions when forests and woodlands that can meet the proposed definition for 'forest' can occur in many locations *outside* the proposed list of designated IBRA regions and subregions. ALCA contends that all re-plantings that meet the 'environmental planting' and 'forest' definitions should be included. It would appear to be reasonable – and simpler – to let the market decide.

However, if a market-based approach is not adopted, then the currently proposed list of IBRA regions and subregions should be independently revised, as large areas of previously and/or currently forested ecosystems are missing – this includes, just for example:

- The Liverpool Plains subregion (which is missing from the DCCEEW list, although is included in Map 1 in the proposed method);
- The western half of Tasmania (noting that its inclusion should be separate to any consideration of the dominant tenure arrangements in that part of the State which appears, prima facie, to be the basis for its exclusion);
- The Atherton Tablelands, Daintree, and other Queensland wet tropics subregions require review, with some appearing to be excluded that should not be;
- A range of Threatened Ecological Communities appear to be unduly excluded.

Stratification of eligible land

As above (see: '*Comprehensively cleared*' under Definitions), 'native vegetation' [3b] is utilised here without excluding native weeds; this should be addressed.

'Damage' [3b] should also exclude activities which, whilst strictly damaging native vegetation, may still provide greater ecological benefit to a subsequent biodiversity project.

'Damage or destroyed' [3b] should also include any activity that deliberately damages or destroys native vegetation with clearance as its primary intention (e.g. setting fires for the primary purpose of destroying native vegetation rather than fire management, grazing, etc.).

Again, the use of the carbon market forest definition [3c] is inappropriate as the focus is on ecological outcomes; ALCA recommends this be amended as follows [amendments in **bold**]:

> "*Land must only be included in an activity area if, prior to being comprehensively cleared, it supported, or is likely to have supported, native* ***vegetation****.*"

ALCA presumes that the requirement that plantings must occur at the date of project application [3di] is an error; this needs to be reworded appropriately.

As above (see: Method overview, 'Comprehensively cleared' in Definitions), ALCA disagrees that land must be so comprehensively cleared as to disallow land with some reasonable remnant vegetation. Within the context of the definition here, this is particularly problematic where land still has good crown cover but limited remnancy (for example, predominantly grazing land albeit with decent 'paddock tree' coverage). Also as above (see: Definitions, '*Forest*' / '*Forest potential*'), ALCA contends that an ecological rather than carbon market definition be utilised.

Given the fine-scale challenges that can be associated with different plantings at the 10m x 10m level (dependent on localised soil type, geography, etc.), it may be more appropriate to regulate densities at a 100m by 100m (i.e. 1 hectare) level.

ALCA notes that 'local' does not appear to have been defined [see: "*Land included in activity areas…*"] and recommends that an appropriate definition be included.

6. Initial site assessment

Please refer to comments above relating to utilising ecological definitions as more appropriate than mirroring the carbon market definition; issues relating to excluding invasive native plants from the definition of native vegetation; and issues relating to future-proofing the method for ecosystem change due to climate change pressures.

Identification of the Reference Ecosystem(s)

ALCA understands that Western Australian Vegetation Associations are broadly defined and may need a finer-scale revision for the purpose of this method.

Process for assignment of reference ecosystems

The relevance of the carbon market approach to the assignment of reference ecosystems requiring a "*maximum scale of 3 hectares, with a minimum width of 50 metres for linear features*" requires particular further consideration, especially in heavily cleared regions where the minimum width requirement for a reference ecosystem may not be achievable within 5 km of a proposed project.

It is unclear whether 'vegetation groups' [6.2] and 'vegetation types' [6.3.1] are differently defined, and if so, how they are differently defined.

Photo point monitoring

It is unclear why this clarification is required: "*Photo point monitoring may be undertaken by the proponent or a party acting on behalf of the proponent.*"

There should be an allowance for the photopoint to be within a certain reasonable distant of the initial photopoint such that the camera does not end up within vegetation.

The photopoint directions should be 0°, +90° and -90° relative to the transect as 180° to the transect is technically in the opposite direction (i.e. facing away) from the transect.

Height and tilt restrictions on photopoints should also be included, especially as this would help guide whether drone monitoring will be possible in practice or not.

It is unclear why the landholder rather than the project proponent is directed to store the photos; further, such directions on the storage of photos should only be included if it is deemed a legal necessity, noting that project reporting is separately expected to contain the required photos.

Data gathered through application of point intercept method

ALCA is concerned that requirement for all living plants be identified to the species-level may be cost-prohibitive; to the genus-level would be a more reasonable trade-off between cost and detail.

Setting benchmark values for reference ecosystems

ALCA encourages Table 6 (Benchmark Indicators) to explicitly constructed to, wherever possible, line up with the various State Government Assessment Methods outlined in Table 2.

Identification of threats / Threatened species and ecological communities

The assessment of the proposed 500-metre buffer areas will create significant complications where it requires access to neighbouring properties. Further, incorporating a 500-metre buffer *within* property boundaries would drastically reduce the size of project areas, and would render numerous projects impossible, and may not always be ecologically necessary.

'Surrounding landscape' should be defined.

Disturbance and land use history

ALCA presumes that instances of "*within 3 years of the date*" is intended to be "*within 3 years prior to*".

Describing the project using standard biodiversity project characteristics

It is unclear what exact meaning is intended by 'aggregate' [6.14.1a] – for example, is it intended to be a summed, average, or weighted average metric?

7. Initial site assessment report

No comments at this time.

8. Project Plan

No comments at this time.

9. Project Activities

ALCA reiterates the need to account for the potential control of invasive native plants (i.e. native plants well outside of their range) in project activities.

There may be perverse outcomes from requiring that planting activities "*Must be undertaken at the same time throughout the activity area*", especially when staggered plantings are contemplated immediately below this reference. Staggered plantings are commonly adopted.

In some cases, it would be inconsistent (and potentially legally inconsistent) with established State-prescribed land management practices for the Federal Government to prescribe 'non-lethal' management of overabundant native species [9.1c]. The term 'non-lethal' should be removed and left to the relevant jurisdiction to continue to determine.

Ground level species would not be expected to contribute to forest cover [see: *Planting Activities*, c.].

10. Management Activities

Noting that fencing appears to be optional, it is unclear why evidence of that fencing should then be required. ALCA notes that the erection and removal of fencing over the project life may form a part of preferred adaptive management measures (e.g. adding or removing grazing pressure, as appropriate).

It is further unclear why requirements have been included for other (non-fencing) infrastructure.

The fire management measures are styled towards carbon concerns and do not appear wholly relevant to ecological outcomes. It is unclear why these requirements should be included at this level of detail, given there are already relevant State requirements regarding fire

management. Further, there should be explicit support for Indigenous fire management practices.

The 1.5 metre requirement ("*90% of individual trees within the planting within the activity area are 1.5m tall*") relating to grazing pressure is inappropriate for cattle. It may be that a blanket 5-year limit would be more appropriate, and less costly to measure.

It is unclear why a 10-year time requirement is being placed on thinning when fire management is set at a 5-year time requirement.

11. Specified requirements for activities not to be carried out

Removing fallen timber is ordinarily contrary to achieving biodiversity outcomes and should be disallowed, excepting where independent expert ecological advice can provide evidence to the contrary [11a.i]. The presence of standing dead trees and woody debris is an important component of the structure of forests and woodlands and helps determine the habitat value for a wide range of fauna (Knight & Fox 2000, MacNally et al. 2001). For example, the NSW Threatened Species Conservation Act lists 'Removal of dead wood and dead trees' as a key threatening process[3].

Noting that future restoration projects may be heavily reliant on seedbanks of existing biodiversity projects, ALCA recommends that seed collection limits be set in accordance with FloraBank guidelines rather than 10% [11a.iii].

"*Ground and rock disturbance, including ploughing, ripping or equivalent, other than necessary…*" should be allowed for fencing (where it relates to the project), and consideration should be provided for appropriate access / fire tracks [11c].

12. Permanence Period

No comments at this time.

13. Monitoring

ALCA has major concerns that the proposed monitoring methods are cost-intensive and do not appear to easily allow for future innovation. More focus should be placed upon the data and the integrity of the data being sought, rather than necessarily the specific technology being utilised (i.e. photos).

We also note that there appears to be some replication of information contained under Initial Site Assessment (see comments above, many of which also apply to this section).

It is unclear how exactly it can be certified that transects will (definitively) be representative of at least 90% of the activity area, unless a probabilistic approach is explicitly acceptable (e.g. confidence intervals).

[3] https://www2.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2000-2003/removal-of-dead-wood-and-dead-trees-key-threatening-process-listing

Further, it is also unclear if the requirement that "*qualified assessors must undertake an assessment of each planting area and record significant absences and mortality of plantings*" is additional to the transect assessments, and if so, what additional integrity benefits this extra monitoring cost could be expected to deliver.

Lastly, it needs to be explicitly clarified that the inability to reach or maintain biodiversity outcomes under the method could result in the revocation of certificate.

14. Biodiversity Reports

Initial Category A biodiversity project reports

It should explicitly state what penalty occurs if sufficient evidence is not provided, for example, that the biodiversity certificate will not be issued, and under what terms the failure to provide sufficient evidence could be remedied.

Further, it is unclear what happens after the timeframe specified by the Rules expires.

15. Certificate Application

No comments at this time.

16. Certificate Issuance

No comments at this time.

17. Register

No comments at this time.

18. Notification

ALCA recommends that the 5% tolerance for "*planting absences or mortality across… an activity area*" is unrealistically low and should be raised to at least 15% or 20%; for example, in some rainforest plantings, 25% mortality is considered an acceptable ecological outcome.

ALCA recommends that the threshold for notification of native vegetation/biodiversity harm outside of the project area, but within the property boundary should be 'significant harm' (i.e. non-trivial harm).

19. Record keeping

No comments at this time.

Thank you again for the opportunity to provide a submission on the Committee's consultation on the *Replanting Native Forest and Woodland Ecosystems* method.

Australian Land Conservation Alliance

About the Australian Land Conservation Alliance

The Australian Land Conservation Alliance is the peak national body representing organisations that work to conserve, manage, and restore nature on privately managed land. We represent our members and supporters to grow the impact, capacity, and influence of private land conservation to achieve a healthy and resilient Australia.

Our nineteen members are:

- Arid Recovery
- Australian Wildlife Conservancy
- Biodiversity Conservation Trust NSW
- Bush Heritage Australia
- EcoGipps
- GreenCollar
- Greening Australia
- Landcare Australia
- Nari Nari Tribal Council
- Nature Foundation
- North Australian Indigenous Land and Sea Management Alliance
- NRM Regions Australia
- Odonata
- Queensland Trust for Nature
- South Endeavour Trust
- Tasmanian Land Conservancy
- The Nature Conservancy Australia
- Trust for Nature (Victoria)
- World Wildlife Fund - Australia

ALCA member land conservation efforts have influenced over 9.3% of Australia with more than 4,000 landholders. We have over 70,000 supporters and our combined annual turnover exceeds $370 million. Together ALCA and its members address some of the most pressing conservation issues across the country, including restoring endangered ecosystems, building the protected area estate, tackling invasive species, expanding private conservation finance, and funding and using nature-based solutions to tackle climate change.

Through their active land management, ALCA member organisations are deeply embedded in rural communities and economies, providing jobs, securing significant regional investment, and safeguarding remaining native habitat, with its many positive spill-over effects for community, wellbeing, and food security. We seek to demonstrate the role and value of private land conservation as a cornerstone of the Australian economy.

Some ALCA members are statutory entities; the views expressed in this submission do not necessarily represent the views of the Government administering those statutory entities.