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Submission

to

Standing Committee on Environment and Communications References Committee

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for the

Inquiry into Environmental Offsets

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For the Clarence Environment Centre

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Submission to the Standing Committee on Environment and Communications' Inquiry into Environmental Offsets

Introduction

The Clarence Environment Centre has maintained a shop-front in Grafton for a quarter of a century, and has a proud history of environmental advocacy. The conservation of the Australia's natural environment, both terrestrial and and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance.

Background

Biodiversity offsets are used to allow the destruction of native vegetation, including threatened flora species and habitat for threatened fauna, for a range of developments and infrastructure provision. The requirement for compensatory habitat where high ecological values are threatened by development has been in place in NSW, for at least 15 years. In 2007 we saw the introduction of the voluntary BioBank scheme which allows trading of 'credits' between landowners and developers, with BioBank sites supposedly protected by law “in perpetuity”, in the same way as Voluntary Conservation Agreements (VCAs) where the conservation conditions are attached to the land title.

Issues

- While offsets are supposed to ensure the protection of biodiversity levels, the reality is that even when the ratio of offset land is much greater than that being destroyed for the development, **there is always a net LOSS of biodiversity due to the fact that the offset vegetation is already there.** Nothing has been added. However, depending on the original condition of the offset, and the landowner's commitment, the ecological values of that offset may be enhanced over the long term, but are unlikely to ever fully compensate for the original loss.
- The “in perpetuity protection” claim is nothing short of fraudulent. Again the reality is that **land under VCAs, BioBank agreements, and even land classified as State Conservation Areas, has no protection against destruction to build state significant infrastructure and, worse still, can be completely destroyed by mining ventures.**

The Bimblebox Conservation Area in Queensland, and the Pilliga State Conservation Area in NSW, are two such cases, the former threatened by a coal mining, the second by gas.

- There are currently no independent checks that the values of offset sites actually mirror the values of the development site (like for like), with developers required to employ their own consultants who, if they want further employment in that field, will do their utmost to ensure the developers get what they want. The risk of false portrayal of the ecological values of offset sites has been recently highlighted in the Maules Creek case in NSW.
- There is no enforcement of the “like for like” requirement. The Coffs Harbour, Clarence Valley Regional Water Supply's Shannon Creek dam is a typical example, where the dam and associated infrastructure directly impacted 5 Endangered Ecological Communities, yet the offset contained only 2 of those communities. The compensatory habitat, with all its failings, was approved in 2005 by both NSW and Australian Departments of Environment.
- There is nothing to prevent any government from scrapping offset laws, and VCAs can be cancelled by an agreement between the landowner and the Minister. In fact the Minister can cancel the VCA if it is determined the landowner is not meeting his/her obligations.

- Ecological values of Biobank or other offset sites can be seriously diminished by action beyond the landowner's control. For example, if the offset land is a part of a wildlife corridor, the clearing of a neighbouring property may have major implications for the biodiversity of the offset site.
- Finally, there appears to be virtually no compliance monitoring, and with successive governments cutting costs, it seems unlikely that there ever will be.

In conclusion

The Clarence Environment Centre has no confidence in the claim that offsets protect, or even conserve biodiversity. Offsets are a licence to destroy high conservation value vegetation and wildlife habitat. They do not provide protection in perpetuity, are not monitored, so there is widespread abuse of the system.

Recommendations

- Offsets should only apply where there is absolutely no other option, i.e. truly critical infrastructure. In that event the offset should not only include a 'like for like' component, but also require a significant area of degraded land be rehabilitated, preferably strategically placed to enhance or complement existing conservation areas or identified wildlife corridors.
- Offsets, Biobank sites, VCAs and other state conservation reserves, must be quarantined from mining if they are to attain any credibility in the eyes of the community.
- Compliance monitoring and enforcement must be improved, including regular spot checks of Environmental Impact Statement claims, with stiff penalties and deregistration of consultants for misrepresentation.

We thank the Senate Committee for this opportunity to comment, and hope those comments are taken seriously.

Yours sincerely

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Honorary Secretary