



Committee Secretary

Senate Standing Committee on Environment and
Communications

Inquiry into Environmental Offsets

24/3/2014

Thank you for the invitation to comment on the Senate and Standing Committee on Environment and Communications Inquiry into Environmental Offsets. I am writing in my capacity as Conservation Officer for Birdlife Southern NSW. Birdlife Australia (BLA) is a powerful advocate for native birds and the conservation of their habitats. We have a single aim: a bright future for Australia's birds.

BLA has a policy on offsets. Our organisations starting point is that in accordance with government policy offsets should be an instrument of last resort. For all developments the hierarchy of environmental outcomes should be to avoid or mitigate habitat destruction and only offset as a last resort. With the number of birds becoming vulnerable and endangered increasing rapidly we need to take stock and preserve habitat wherever possible.

Offsetting - Is it Appropriate and Effective?

My submission covers two areas:

- a) The assessment and management of the proposed development site.
- b) The assessment and management of the proposed offset site.

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Assessment and management of the proposed development site.

Any assessment of a proposed development needs to be a rigorous scientific investigation.

Before any work is carried out on the site three impacts need to be considered –

- i) Economic
- ii) Social
- III) Environmental

Economic

The proposed project should be thoroughly costed and its economic viability established including the full environmental cost. If it is marginal in its economic perspective it may be prematurely shut down, leaving a costly rehabilitation bill. Environmental bonds should be set to ensure that all offset and rehabilitation requirements are met.

As an example BLA and the Hunter Bird Observers Club (HBOC) have identified important foraging and intermittent breeding habitats for the Regent Honeyeater (*Anthochaera Phrygia* - NSW status critically endangered). Some of this habitat, in the last decade has been zoned industrial for the Hunter Economic Zone (HEZ), despite knowledge of the Regent Honeyeater habitat. The HEZ was an economic failure and put into administration. The subsequent proposals for the land resulted in a further decrease in the safeguards for Regent Honeyeater habitat. (HBOC. Jan.'13) Implementing action plans for the recovery of critically endangered species like the Regent Honeyeater are expensive; accordingly economic appraisal of a project like HEZ should have costed this impediment on the Australian tax payer; both State and Federal governments are by law obliged to protect such species.



Social

Communities place a high value on the natural amenities in the immediate vicinity of where we live. They do not want to travel large distances to enjoy nature. This is particularly important to family's wishing to educate their children to respect and value their natural heritage. Protection of biodiversity, especially birds, is critical to all birdwatchers. Unfortunately development is attracted to the areas where we live, particularly to estuaries, which are the logistic hubs of our communities. Australia's major cities, Sydney and Newcastle in NSW, are endowed with unique natural wetlands and bush environments. Our communities are privileged, as is being increasingly recognised globally. The tourism potential of our major population centres is enhanced by their unique surrounding natural environment. This is a long term asset which must be protected. In determining the justification of project, administrators should weigh the economic benefit of the project against the social cost in dollar terms.

All occupational health and safety issues also need to be detailed. Possible air/water issues which may affect the well-being of the employees and the surrounding community need to be addressed.

Environmental

The developers need either the expertise of an independent ecology consultant or an appraisal of their submitted reports by an independent consultant. This consultant is tasked with surveying the area and cataloguing the biodiversity found therein. The effectiveness of the assessment is dependent on the expertise of the consultant and whether or not the consultant is being pressured to make a decision that favours the developer. Ideally the assessment should be carried



out over at least a twelve month period at least to take into account seasonal and annual variation in bird populations.

Migratory honeyeaters are dependant on the flowering of certain trees during their migration, usually in Autumn. If an assessment is carried out in the Spring only the effect on this bird population will not be documented.

In the case of some species, like the aforementioned Regent Honeyeater, the irregular climatic conditions of the Australian continent result in annual differences in distribution and even longer- term trends must be considered. it should be incumbent on the developer to demonstrate that they have accessed and fully considered all relevant data sources. BLA is at the forefront of bird monitoring in Australia having conducted two continental Atlas projects. It has the most comprehensive database on the occurrence of Australian birds. BLA runs a threatened species program and has expertise concerning their status.

When an assessment is finished and before approval is given for development of a site the report should be available to interested parties to show transparency of the process. Often this stage is omitted as in the case of the Whitehaven Coals Maules Creek Project. A report was prepared by an independent consultant and given to the government. At not time was the report made public before or after the approval was given.

Attempts to streamline the development process by removing “green tape” will compromise a holistic assessment of environmental issues associated with developments. We suggest the assessment process could be shortened by moving towards contemporaneous consideration of the communities’ environmental concerns and the proponent’s proposed solutions rather than the present sequential process. BLA has identified a number of Important Bird Areas (IBAs) which support birds and bird communities considered to be of high



risk. If a proposed development impinges on an IBA developers must address the impact of their proposed development on the avian assets of that area.

If a project cannot confidently support its economic, social and environmental responsibilities the project should not proceed.

Management of the site should continue after approval for development. Habitat rehabilitation needs to be a priority and where possible should be an ongoing process from the outset. For long-term projects targets for rehabilitation should be set, reported and be a condition of ongoing consent to operate. In practice this rarely happens. Brennens Creek Valley, a tributary of the upper Georges River, is being filled with coalwash dump from BHP's Stage 3 of the Westcliff emplacement area. All the former biodiversity of the area has been lost and no prospect of habitat rehabilitation.

Where there is no prospect of biodiversity recovery the project should not go ahead.

Assessment and Management of an Offset Area

There are two approaches to offsetting habitat loss, both of which have serious limitations.

i) One option involves finding another area which has similar natural attributes to that which is to be destroyed or significantly degraded by the proposed development and managing it for its wildlife values.

Where this does, in many cases, lead to reserving wildlife habitat there is still net habitat destruction that in the case of birds inevitably causes population decline that for rare species may be critical.

Unless there are suitable habitat corridors, from the developed site to the offset site, many birds will be unable to disperse



safely. Birds such as the small woodland birds, finches, fairy wrens, scrub wrens and robins will die due to their inability to find suitable foraging and nesting sites and increased predator activity as they traverse areas with little understorey for their protection. Even if they do find suitable habitat it will probably already be at its maximum holding capacity for the displaced species.

ii) The other option is habitat creation which is a high risk approach.

While theoretically this might avoid net loss of habitat the probability is that this goal will not eventuate, particularly when unique habitats are destroyed. The cost of the development of the offset area is to be met by the developer and in many cases may not be seen as a priority. Hence as mentioned previously performance targets for the offset must be set and provision made for ongoing maintenance to achieve the promised outcome. Again annual reporting and progress against targets should be a condition of consent together with an environmental bond to cover the possibility of corporate insolvency.

If the assessment of the area that has been destroyed or significantly degraded has been accurately managed the revegetation process can be achieved. The obvious problem is the time-lag, from a mature woodland containing old growth trees providing hollows essential to many species of parrots and owls to young trees which will take many years to develop nesting opportunities for these birds.

There will always be gains and losses for populations of birds in habitat creation and 'like for like' offsets. eg. An area investigated for the creation of wader habitat on Ash Island in the Hunter valley supported Grass Owls and it was necessary to abandon that offset possibility.



General Comments

*** The provision of an offset needs to be considered well before development occurs, not as a last minute decision.**

*** It is essential that the offset areas are reserved in perpetuity_** both developers and government must accept that the definition of perpetuity is for ever and not revoke offsets for development when economic circumstances change.

*** The continual management of the offset is essential to maintain its viability as suitable habitat.** Otherwise the area will become degraded and not provide suitable foraging and nesting habitat for many birds. The use of third parties eg. conservation groups and landholders can help ensure that the area can be maintained to a standard approved by the government, but they may require financial and in-kind support at times.

*** Offsets should exceed the area to be destroyed by an amount determined by the degree of risk.**

Offsets in place before the proposed development provide lower risk and are more likely to result in the conservation gains hoped for.

The cumulative impacts of developments and the effectiveness of offsets in addressing those cumulative impacts must be taken into account in assessing the adequacy of proposed offset packages.

A good example of this is the estuaries in the Hunter.

Conclusion

Government needs to ensure that developers are complying with the Environment Offset Policy (Oct. '12). Habitat is being lost at an alarming rate and conservation of this



habitat to retain flora and fauna for generations to come should be a priority, so we can ensure a bright future for Australia's birds.

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Reference

Hunter Bird Observers Club. Submission to the Inquiry into the Effectiveness of Threatened Species and Ecological communities protection in Australia. January 2013