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Agriculture, Resources and Environment Committee
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Environmental Offsets Bill 2014

Capricorn Conservation Council, the principle community conservation group in Central Queensland since 1973 welcomes the review of environmental policy in Queensland.

CCC has endeavoured to make positive constructive contributions to preventing the loss of biodiversity in Central Queensland through our local knowledge and expertise in environmental impact statement submissions, engagement with industry e.g. CQ Mine Rehabilitation Group and numerous reference groups for major projects and proposals. CCC has direct communication with many development proponents promoting the opportunity to correct past practices like broadscale clearing, destruction of streams and wetlands and intertidal zones.

Our emphasis is firstly on protecting patches of remnant regional ecosystems in the location, design and operation of mines (and other projects such as ports, industrial and tourism facilities), Secondly on the need to implement rehabilitation at the outset and apply effective practices continuously through the operation, not leave it until the closure and beyond, as is 'standard accepted practice'. Thirdly CCC urges good investment in practical offsets which repair the lost connectivity from the poor legacy of land and water management.

Despite policies and decision which purport to ensure 'no net loss of biodiversity' ecosystem health indicators broadly show a continued decline. Evidence of this includes the draft Great Barrier Reef Strategic Assessment, State and Federal "State of the Environment Reports", early indications from the Fitzroy Partnership for River Health (Fitzroy Basin ecological health rated as 'C Grade'), and studies by NGOs like Birdlife Australia which show increasing threats to terrestrial and migratory shorebird populations, and habitats.

The array of offset legislation, environmental conditions and monitoring of projects has left a legacy of undelivered or undeliverable offsets. Approvals are made with offsets requirements but there is little evidence of action on implementation, public reporting or rigorous scientific monitoring.

Some local examples of this are the offset requirements of the Western Basin Dredging and Disposal Project and related Curtis Island LNG projects. The offsets are usually promoted as financial investments in migratory shorebird, fish habitat, mega-fauna and sea grass studies. While important information and practical protective actions may come from such activities the time frames for completion and implementation of corrective actions come long after the habitats have been substantially altered or lost permanently. Studies which should have been done before projects are approved cannot be claimed as environmental offsets.

CCC made recommendations in 2013 to Queensland and Federal Environment Ministers about how environmental offsets can be achieved on the remainder of Curtis Island, the largest in the Great Barrier Reef World Heritage Area.¹

CCC have previously argued that a true environmental offset is where a project proponent purchases and secures an area of equivalent of greater ecological value and invests in habitat restoration or linkages. Some offset requirements under the current policy regime simply require a developer to meet existing land management or lease requirements. This is the case of the approved but not yet commenced Great Keppel Island 'revitalisation' where the offset requirement is largely about implementing an environmental management plan for the part of their lease outside the development footprint. Despite over twenty-five years of letters and submission to leaseholders, Local and State Government departments no leaseholders have ever complied with the environmental management aspects of their GKI leases. A true offset must achieve a positive outcome for habitat and biodiversity beyond any existing statutory responsibilities.

Some habitats are unable to be offset either because of its unique geomorphology, size, location and species. For example the Capricorn Integrated Resort concept plan released for comment in December 2013 indicates extensive infrastructure over what appears to be the largest continuous intact remnant of littoral vine thicket in Queensland. The combination of parallel and parabolic dunes system combined with tidal creeks and coastal wetlands would be virtual impossible to replace in any suitable location or even to implement any effective mitigation of loss. This latter is an example where avoidance of loss would be the only acceptable option.

New legalisation and policies on environmental offsets must cater for increased variability and greater extremes of weather suggested by Climate Change modelling. The legislation must have a greater emphasis on applying the precautionary principle for predicted sea level increases, warmer sea temperatures, decreasing pH (greater acidity), longer periods of hot, dry weathers, plus more extreme storm and flood events. Not only would it be a poor investment of offset dollars, but it would be ecologically foolish to ignore these matters and approve offset deployments in areas which may be at greater risk of desertification or permanent inundation.

Despite these significant reservations CCC welcomes the endeavour to aggregate legislative offset requirements and improve both the investment and implementation of what to date has been an inadequate policy.

Comments on clauses of the Act

s.8 Significant residual impact: This is poorly defined and there is no reference to who or how this is to be assessed and reviewed. Neither is there any indication of the capacity of the Act to require actions to be stopped or altered if the impact is subsequently found to be causing irreparable harm and the approved offset ineffectual in preventive biodiversity loss or species extinction.

s.11 Conservation outcome achieved by environmental offset: Similarly the stated outcome of maintaining the 'viability of the matter', does not indicate how this is to be assessed and monitored.

s.15 Restriction on imposition of offset condition: CCC is concerned that may may that an offset will not be 'imposed' if Commonwealth/State/Local Governments have different priorities or capacity to assess and monitor. There is a need for the Bill to recognised and retain reference to tiered jurisdictional responsibilities.

Division 2 Election before starting prescribed activity - s18 Election about delivery of offset condition: There should be an independent commission to ensure integrity of assessments and financial aspects if offsets are not just paid-for destruction without any net biodiversity gain.

¹ NATURAL, CULTURAL & WORLD HERITAGE VALUES OF CURTIS ISLAND, QUEENSLAND, CCC. 2014

(3) A notice of election that involves a proponent-driven offset must be accompanied by a plan about how the authority holder will undertake the offset (an offset delivery plan).

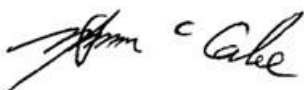
This needs to include a requirement for external peer external review

s.23 Requirements for financial settlement offsets - (a) if the offset condition relates to a matter of local environmental significance—to the local government that is the administering agency; or (b) otherwise—to the department. This can only be effective if the department has the requisite expertise. Local government's rarely have sufficient expertise or resources to obtain such to judge environmental matters, other than those connected with water sewerage and vector control. By their nature LGA do not have a focus on whole of landscape ecology, catchment health and connectivity or of offshore marine areas. This clause could result in a patchwork of offsets rather than the desired goal of biodiversity hubs and corridors across Queensland and beyond.

s.26 Duration of environmental offset agreement: Offsets periods say of 30 years are totally inadequate for most ecosystems to be repaired or re-established. A coal mine might have a productive life of 25-50 years followed by a 30 year rehabilitation phase. Current practice allows for permanent final voids (for which there appears to be no requirement for offsets) and problematic rehabilitation priorities and trial practices. Ecologically it may take 150 years for a mature sclerophyll forest to recover and provide the complexity of niches for species recovery and viability. Within a 30 year offset period a series of hot dry years could inhibit growth which could be wiped out by a series of consequently hot fires (especially with the almost certainty of invasive exotic grasses outcompeting the 'cooler burning' native ground covers. Alternatively extreme rainfall and flood events (or storm surges and permanent sea water inundation or ground water penetration in coastal areas) could change the capacity of offset areas to support regeneration of vegetation and associated fauna.

Part 12 General - s.89 Register to be kept by each administering agency - (ii) information about the prescribed environmental matter relevant to the offset condition; This can only be effective if there is acceptance of external knowledge and expertise and public accessibility to reports, ecosystem trends for offset areas. Unless the assessment of offsets to includes input from concurrent agency (EHP, DAFF, National Parks & RSR, DSITIA) and potentially from the research community the Bill will fail to provide an effective solution to the disparate array of current offset statutes.

In conclusion CCC congratulates the efforts and consultative approach of technical and senior staff in Environment and Heritage Protection for their efforts to improve offsets policy and delivery. Of particular note is the longstanding and on-going work on identifying biodiversity hubs and potential corridors. Real offset investments which connect the relatively intact Great Dividing Range forests with riparian corridors, wetlands, existing protected areas right through to the coastal ranges and dunal scrubs could be the best possible outcome for enabling resilience in natural systems.



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