

*Tabled by Ms Bev Smiles
Central West Environment
Council
Sydney 5 May 2014*

centralwest
environment
council

Ringwood Rd
Wollar NSW 2850

bevsmiles@bigpond.com
0428 817 282

WITNESS SUBMISSION

Senate Standing Committee on
Environment and Communications References

Inquiry into environmental offsets

Public Hearing

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Presented by
Bev Smiles, Secretary
Central West Environment Council

Introduction:

Central West Environment Council (CWEC) is an umbrella organization representing conservation groups and individuals in central west NSW working to protect the local environment for future generations.

CWEC welcomes the invitation to present as a witness to this public hearing of the Senate Inquiry into environmental offsets.

The written submission lodged to the Inquiry outlined key concerns with the current principles and processes used to approve the ongoing loss of biodiversity values that support matters of national environmental significance as listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

This submission includes additional concerns pertaining to biodiversity management in NSW and the constraints to successful environmental offset outcomes.

The first constraint is the lack of a state wide comprehensive vegetation mapping program in NSW.

The second constraint is the lack of a requirement under the EPBC Act to consider cumulative impact of loss of habitat and biodiversity values.

The third constraint, as mentioned in the CWEC lodged submission, is the lack of an independent body of consultants that are not influenced by proponents of major developments.

This submission will summarise the issues and concerns relating to these constraints and also refer to concerns about issuing offset credits for future mine rehabilitation.

The major concern is that environmental offsetting arrangements will not prevent the ongoing decline and extinction of endangered species in NSW or Australia.

1. Lack of a comprehensive vegetation map of NSW

The lack of a comprehensive vegetation map across NSW means there is no knowledge of the extent of remnant endangered ecological communities or threatened plant species in the state.

This lack of knowledge for many areas of NSW means that often the only information available on vegetation types and associations, habitat values, landscape connectivity and condition is provided by consultants employed to

produce an environmental assessment report advocating the approval of a major development.

The detailed and complex requirements being developed in NSW under the draft Biodiversity Offset Policy and Draft Framework for Biodiversity Assessment do not acknowledge the lack of basic vegetation mapping across the state. These documents are tabled for your information.

To be able to identify if particular vegetation types exist in the same or neighbouring IBRA subregions and in what percentage or area, a comprehensive vegetation map is required.

The current process for environmental offset arrangements requires proponents to seek out properties for purchase and then to identify or massage the reporting on vegetation types to the requirements of an offset policy.

These NSW policies are aimed at providing increased flexibility for major developments rather than considering the long-term viability of endangered species, communities and populations.

The ability to identify suitable environmental offsets under the current arrangements and knowledge base, influenced by the development industry, is highly compromised and will not result in a halt in the decline of endangered native species.

CWEC is highly critical of the proposed Biodiversity Offset Policy in NSW because it focuses on the needs of developers rather than on the intricate and complex balance of biodiversity values.

2. Lack of consideration of cumulative impact

The assessment of each individual development for impact on endangered species without considering cumulative impact of loss of habitat is leading to an ongoing decline in endangered species viability.

The examples of proposed impacts of large open cut coal mine proposals in the Mudgee area of central west NSW, as lodged with the CWEC submission to the Inquiry, do not occur in isolation.

The three very large adjacent mining operations in the Ulan area are recognized as being the largest mining complex in NSW outside the Hunter coalfields.

The three mines have all been assessed as controlled actions under the EPBC Act, often for the same suite of endangered species. These include the critically endangered ecological community, Grassy Box Gum Woodland,

endangered woodland birds including the Regent Honeyeater and Swift Parrot and vulnerable mammals including the Large-eared Pied Bat and Greater Long-eared Bat.

The cumulative loss of habitat for these particular matters of national environmental significance has not been taken into account for the additional or cumulative impact from each mine expansion.

Just for the large Moolarben Mine complex alone, with various stages of approved and proposed biodiversity impacts, 1559 ha of Swift Parrot habitat and 845 ha of Regent Honeyeater habitat is likely to be destroyed. Yet the significance of the impact of each individual expansion was considered in a standalone process. This does not include the loss of habitat for the same species at the neighbouring Ulan and Wilpinjong Mines.

The cumulative loss of cliff lines and overhangs that provide important bat habitat in the region has not been identified or considered in the approvals process. These cannot be replaced in the landscape.

As outlined in the previous CWEC submission, the concept of irreplaceable habitat values is not required to be considered under current offsetting policy.

The approval of offsets for many endangered species does not take into account the issues of site fidelity and species territorial behaviour. The concept that they can move to somewhere else has not been seriously tested or monitored in any way.

It is of great concern to CWEC, that until recently, NSW did not have a map of existing biodiversity offsets for major mine development in the state.

The ongoing monitoring and reporting on the success of previous offset arrangements in achieving outcomes for endangered species, is not transparently available and does not appear to be a consideration in the present approach to environmental offset arrangements.

3. Independent ecological consultants

While there is recognition in NSW that an accreditation process is needed for consultants and also a standard scientific method that provides clear and consistent guidance for assessing impacts of major developments on biodiversity, the issue of independence is important.

A number of ecological consultants known to CWEC have been subject to pressure from mine development proponents to alter their reports before final versions of environmental assessments are presented.

Those who have refused to give in to this pressure have found themselves blacklisted by the mining industry.

An example is a referral under the EPBC Act of a controlled action in regard to a record of a breeding pair of Regent Honeyeaters in the disturbance area for the Mt Penny open cut mine proposal near Bylong in the Mudgee area.

While the breeding pair and young were recorded on the national bird atlas, the referral report identified only three individual birds without acknowledging the fledgling. This was only one of two records of Regent Honeyeater breeding in Australia in 2010.

The consultant was pressured into altering the referral report.

While CWEC supports that major developers pay for the environmental assessment of major projects, we propose that consultants be employed under separate arrangements so that proponent pressure cannot alter the information provided in ecological reports.

The future of endangered species relies on the veracity of information relating to their presence, behavior and habitat needs.

4. Issues with Mine Rehabilitation and its use for offset credits

CWEC would like to raise the example of the Mt Owen Mine near Singleton in the Hunter coalfields. This mine was given approval to clear over half of the last remaining large vegetation remnant on the floor of the Hunter Valley, the Ravensworth State Forest. Matters of national environmental significance, including the Spotted-tail Quoll were impacted by this major disturbance.

A very extensive program of rehabilitation and re-establishment of the forest ecosystems has been carried out under conditions of approval for the mine. An extensive research program undertaken by the University of Newcastle has been underway for many years.

While there has been some success in re-establishing various stages of vegetation regrowth, electronic tracking of the Spotted-tailed Quolls surviving within the remaining original forested area indicate that they do not enter the mine rehabilitation site at all.

The time lag for mine rehabilitation to provide any biodiversity values for endangered species is unknown. The ability of Government to monitor and evaluate the success of mine rehabilitation over time is very uncertain.

Rehabilitated sites are often approved to be disturbed again in later modifications or expansions of mining operations. There is no certainty that rehabilitated mine sites can provide any habitat value for endangered species in the medium or long term

Conclusion:

If the Australian Government is serious about preventing major extinctions of native plants and animals there has to be recognition that environmental offsets will not necessarily solve the problem.

There has to be a point where remnant habitat for species critically endangered with extinction must be protected. There has to be a system that puts up the red flag, identifies the no-go zones and prevents further loss of irreplaceable biodiversity values.

The fact that the greatest current threats to endangered species in Australia seem to be large coal mines and their associated infrastructure is a major concern.

The threat of climate change to all endangered species and to the success of environmental offset arrangements is not being considered in the approvals process for major carbon emitting projects.

The protection of all our future habitat is at stake here. We can begin by protecting the needs of our unique Australian flora and fauna.