

SENATE STANDING COMMITTEE ON ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE

On behalf of the Australian Orchid Council I extend my appreciation for the opportunity to provide some input to this inquiry. I have recently relinquished my position as National Conservation Officer for The Australasian Native Orchid Society but have forwarded the document to the person now acting in that position. I have no concerns regarding the public viewing of this response.

In response to the question of the history, appropriateness and effectiveness of the use of environmental offsets in federal environmental approvals in Australia, I can only respond to a limited number of offsets as proposed in my local area, which is the City of Shoalhaven in New South Wales.

My concerns also are the result of 10 years of active work in relation to my voluntary position as Conservation Director of the Australian Orchid Council (AOC) and my former position as National Conservation Officer for the Australasian Native Orchid Society (ANOS). During these ten years I have encountered regular neglect of environmental legislation in many states and in the federal sphere. This neglect has on occasions been aided by legislation enacted to assure an unimpeded route to development. I point to Part 3A of the former NSW Environmental Planning and Assessment Act. This act will now be supplanted by a new act to be named the NSW Planning Act. Please note any reference to the words "planning" or "assessment", which have been omitted. To me this is an indication of the line of thinking of this current NSW government.

I should also note the current federal government chooses to divest their EPBC responsibilities to NSW and other states. These are the same states which choose to permit hunting in national parks and cattle grazing in an Alpine National Park, noted by the Victorian Government as the "most pristine alpine park in Australia."

In 2008 the NSW Government proposed a Bio-Banking Scheme (BBS) for NSW which involved a "like for like" exchange of land when a development had been proposed for any given area. The system was to develop a "market based" matrix rating method which resulted in a rating for the land, depending on the type and number of threatened species flora and fauna *in situ* within the proposed development area and the overall environmental values of the wider habitat. It is my understanding the offset proposed for the Maules Creek mine is at a different altitude than the actual site. This can present a different environment and habitat and cannot be considered like for like. Many orchid species grow at altitude or sea level only and I believe any person undertaking a survey should possess this knowledge. If this is not the case then the offset theory is compromised.

Unfortunately I believe the BBS failed to recognise the connectivity of adjacent land areas in the matter of habitat corridors. This is but one flaw among several in this system and it is obvious the principles which underpin BBS have been compromised due to a lack of explanation of the system by its designers and a similar lack of understanding by developers for whom the process was designed to provide clarity and assurance.

This is a market based system which has not been activated according to the objectives as stated in the 17 page overview or the 15 page scientific assessment and personal encounters

with the system are proof of this. One example is with a current development at Vincentia (NSW) where a representative of the developer at the time (Stockland) indicated his preference to remove and relocated all 300 Schedule 1 EPBC listed endangered orchids from the site. Fortunately this did not occur. After four years the 53ha of land on which the species occurred was “gifted” to DECC (now OEH), although the conditions of the gift have not been fulfilled. I should point out this was prior to the BBS.

There are several problems relative to the BBS and they are as follows.

1. How an area proposed for a BBS is determined. Such areas should be the subject of a full Environmental Assessment by an independent body.
2. Such assessment must be undertaken over a period of at least three years to negate the impacts of natural events, such as fire flood or drought. The latter being an effect which may be in effect for more than three years.
3. The EA should be available for public comment. If local knowledge is not sought, personal experience indicates all necessary information may not be presented.
4. Following a successful BBS initiation a monitoring program by the OEH should be instituted for at least three years (see 2.) to maintain the short-term and long-term environmental integrity of the BBS.
5. If the OEH is not the chosen monitor for ongoing work, the OEH must be permitted to select a suitable body to undertake this work and determine the necessary requirements for annual reports to be issued.

In regard to the projects listed as a. – c. I will make comment on the two of which I feel able to provide some information.

1. Whitehaven Coal; Maules Creek Project.

The Leard State Forest includes the most intact and extensive stands of Box-Gum Woodland on the Australian continent. It is listed nationally as critically endangered and contains 396 species of flora and fauna, including 34 threatened species and several endangered ecological communities. Indications are that a third open cut mine will become a reality in this forest, which means more than 50% of the forest will be removed and questions must be asked about the impact.

- a. Can 50% of a nationally listed forest ecosystem be successfully rehabilitated and restored?
- b. Will all fauna species be removed from the remnant forest?
- c. Who will undertake this removal and who will pay?
- d. Where is the detailed species list which should accompany such documents as the 72 page Biodiversity Offset Strategy (ELA 2010)?
- e. Over what time frame was the assessment undertaken?
- f. Did this assessment include a reference to the NSW Wildlife Atlas and if not, why not?

In reference to the proposed area of offset, I contend the quantity of the offset should be secondary and the quality of the offset the primary concern. Without a detailed species list I have no means of assessing the validity of the alleged environmental values. I point to the lack of mention of a single orchid species within the entire report and experience indicates this should be the case. This raises more questions to which answers are not found within the 72 pages. From thirty years of field experience with orchids I would expect numerous orchid species to occur in the general area of the Maules Creek Mine. These would mainly be

of the "Rufa Group", which consist of *Oligochaetochilus* species (*Pterostylis*) some of which may be rare, uncommon or endangered. Other genera will also occur. These could be *Glossodia major*, *Glossodia minor*, more than one *Diuris* species, several *Petalochilus* (*Caladenia*) species and also *Arachnorchis* species (Spider *Caladenia*).

As no orchid species have been listed, there are several assumptions I will make;

- Orchids were not a part of the environmental requirements
- Weather conditions over the past two years were unsuitable to locate terrestrial orchids
- Those undertaking the environmental assessment failed to recognise any orchids which may have been *in situ*

2. QCG's Queensland Curtis LNG Project;

Looking at the issue of Coal Seam Gas generally, I believe this industry is responsible for the greatest amount of misinformation and incorrect data one could imagine.

The first is of course that CSG will not be harmful to the environment. How can this be so when SANTOS was found guilty of a serious breach of its requirements? Unfortunately the response to this breach was completely ineffective with a paltry penalty of \$1500.

The natural gas industry quotes it is responsible for 100,000 Australian jobs last year. How can this be when only 173,537 jobs were created in Australia last year? If this is so SANTOS should be congratulated for creating 58% of all new jobs in Australia in one year. Facts indicate the total employment in oil and gas was a mere 9372 jobs. Such figures must be questioned by those with the power to challenge them and not the normally environmentally reticent graziers who now chain themselves to gates and fences. This occurs not only in the north of the state but on the NSW Southern Highlands where signs indicating the distaste farmers and graziers have for CSG are visible on a great number of property entrances.

I would hope that legislators are able to see through these false figures and creative accounting of jobs and the alleged flow-on to be created in a range of industries, some of which have no economic connectivity to CSG or any company involved in this destructive industry, which sees nothing wrong with the destruction of productive land or protected forests for CSG.

After watching the Statewide program on ABC television on Friday 14th March where a senior SANTOS executive was interviewed I feel even more concerned regarding any protection measures regarding this industry. One "spill" of a containment dam cost \$17M to clean up and was referred to by SANTOS as satisfactory. This spill followed several months of no rainfall in that area and is another indicator of the lack of concern by SANTOS. A poor quality pool liner was listed as the cause; however this activity is within the Great Artesian Basin, an area for which there are 850 CSG wells planned to be introduced over the next 40 years but in their documents SANTOS fail to mention the Great Artesian Basin. The spill contained uranium and heavy metals. This area is known by all schoolchildren but most importantly is the source of water for cattle and irrigation for this very large area.

The figures presented by SANTOS regarding the saline quality and quantity are misleading and when extrapolated by a scientist are proved to be wildly inaccurate. One point which should be noted is the fact that the impacts of heavy metals, uranium and other toxic waste are irreversible.

It is way past time that the activities of SANTOS and other companies must be more closely examined. This must begin at the initial stage of environmental assessment as if a green light is provided for a development, all manner of persons who may be affected should be provided with an assurance of zero damage to the natural environment and also that their productive livelihood does not suffer as it is quite obvious the general public are exhibiting a lack of confidence in the Coal Seam Gas industry.

3. North Queensland Bulk Port's Abbot Point Coal Terminal Capital Dredging Project;
It should be quite obvious to all that the proposal to dredge 3M cubic metres of spoil from the operation into an area where it will impact on the integrity of the Great Barrier Reef. If the project proceeds this capacity must be transferred to a land based facility where it can be put to variety of uses. It can be used as levee banks in flood prone areas or perhaps used to fill an old rubbish tip not endowed with the ability to be transformed to a waste recycling facility. It should not be used to desecrate a natural wonder and one which has provided countless jobs for Australians and a ready income stream to Queensland and Australian treasuries.

The decision by the GBRMPA was surprising but when information indicating their true intents later became public knowledge, is sufficient reason to have this decision reversed. It would appear the GBRMPA was perhaps overruled (bullied) to make a decision in favour of this most destructive operation. Water turbidity will result from spoil dumping, seagrasses and corals will be covered and photosynthesis reduced which is should be a fact obvious even to those without scientific qualifications.

A total of 233 scientists have urged the chairman of the authority to undertake a reversal of the decision. I note the federal environment minister has said he would initiate strict conditions. However I have little confidence in this becoming a reality, as many other statements made by the minister since his elevation to the position have led me to feel he and his government have little real regard for the environment and are only concerned with creating jobs at the expense of the very entity he is sworn to protect.

4. Jandakot Airport Development;
I have visited this area in September 2012 and am dismayed at the plans to expand this regional facility. Whether the mining industry in Western Australia requires expansion of a fly in fly out facility when it is alleged the industry is slowing, is an initial reason to question the viability of the expansion.

I am also aware of the "Ken Hurst Park" which will suffer from this expansion. This park is legislated as a "Forever Park" under WA legislation and I ask if that actually has any recognition or is it simply a feel-good mechanism. I am also aware Stockland has plans for a residential development and also a shopping centre in the immediate area as I was part of a team which walked over this area and discovered at least one endangered orchid species. This species, *Arachnorchis huegelii* (*Caladenia huegelii*) is also within the boundaries of Ken

Hurst Park and will be lost to actual runway and/or associated building infrastructure development required for such a facility.

Therefore, if a “Forever Park” can be lost or endangered species removed to accommodate such action then environmental legislation is useless.

I am aware of other developments, including highway and residential developments south of Perth which have been constructed over the habitat of endangered orchid species.

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