

TO: EPBC.reform@environment.gov.au

I am submitting the following comments on behalf of the Canberra Ornithologists Group.

yours sincerely

Jenny Bounds
Conservation Officer

EPBC Act Environmental Offsets Policy - Consultation Draft, August 2011

The Canberra Ornithologists Group (COG) wishes to provide comments on this Consultation Draft. COG is dedicated to the study and conservation of native birds and their habitats. COG is essentially concerned with better protection for native vegetation which provides habitat for various species of birds, especially birds which are associated with grassy woodlands. COG surveys and research show that woodland bird species continue to decline in abundance, including birds which are listed as threatened under Commonwealth and ACT legislation. The primary cause is the overall loss of woodland habitat and fragmentation of habitat, overlaid by a variety of other pressures and threats including urban related pressures around peri-urban Canberra.

In general, COG supports the principles underpinning the proposed offset policy. However, we believe this policy needs to be strengthened in a number of areas.

- The policy could give much greater stress to avoidance or reduction of impacts before offsets are considered
 - in terms of the ACT Government, there is currently no offsets policy in place, offsets are often a first option considered, and urban or infrastructure expansion continues to reduce and fragment remaining native vegetation and species habitat, in particular woodlands
- COG strongly believes the policy must ensure there is 'additionality' or a 'net gain' for the environment; it is not sufficient to simply maintain or to change a land tenure
 - we do not believe 'net gain' has been demonstrated anywhere where offsets policies or schemes have been implemented
- there is a need for comprehensive 'no-go' codes in relation to avoiding and mitigating impacts (eg in Figure 1), so governments/developers etc do not move straight to offsets; there is a need for strong incentives not to clear native vegetation in certain instances (eg Superb Parrot nesting areas/trees cannot be offset)
- the policy is not strong enough on 'like for like'; this is a critical core principle and requires significant strengthening (eg page 11, words like 'wherever possible' are too weak and too open to interpretation)
- insufficient attention is paid in the policy to the issues of management resources or to the level of commitment by jurisdictions to maintain the offset values over time
 - there should be a criterion added for consideration of whether to accept an offset; managers of the proposed offset must have already demonstrated that they have in place sufficient management and enforcement resources, an effective monitoring and enforcement framework, and a demonstrated track record in maintaining existing values similar to the proposed

- offsets, particularly those approved as 'indirect offsets', must be subject to approved monitoring and compliance measures including auditing by an independent entity (all fully funded by the proponent)
- another condition for accepting an offset should be that land-use zoning likely to affect the value being protected must occur outside the area to be protected
 - a common practice of the ACT Government in relation to reserve/urban interface design, is that wildfire management buffer zones are located inside the boundaries of nature reserves/conservation areas (largely to increase the amount of land for sale); these areas may be slashed, burned etc reducing ground layer complexity over time. While COG recognises the importance of protecting people and the built environment, when this involves management activities destructive to the biodiversity values being protected in a potential offset, the proposed offset is unacceptable
 - this practice is currently occurring in the ACTs important grassy woodland reserves of Mulligans Flat/Goorooyarroo, and potentially could impact further on those reserves and a critical breeding area for Superb Parrots if land proposed for the new suburb of Throsby is allowed to be developed; there is also potential for this to occur in the Kama reserve in Central Molonglo where an urban area will eventually abut the reserve.