



Manager – Natural Environment
ESDD
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ACT Environmental Offsets Policy

Thank you for the opportunity to make a submission on the proposed ACT Environmental Offsets Policy (the Policy). As you may know, the National Parks Association of the ACT (NPA ACT) is a community-based conservation organisation with more than fifty years of working to protect our natural environment through an active outings and workparty program; participation in Parkcare activities; an extensive publication program; public meetings and conferences and engagement with government policies and programs.

Key Points

- The policy and delivery framework is premised on the ACT taking up responsibility for a "One-Stop-Shop" by taking on Commonwealth environmental approval responsibilities. The NPA ACT does not support the devolution of the Commonwealth's environmental powers.
- The NPA ACT believes that offsets must be only used as a last resort. By its definition offsetting entails the destruction of environmentally important habitat. The criteria on whether an offset is adequate compensation should be extremely strict.
- There is nothing in the policy outlining the assessment processes for ensuring a developer has taken all feasible and appropriate avoidance and mitigation actions.
- There is the potential for the ACT Government to be the developer and the regulator. There needs to be clear mechanisms to avoid conflicts of interest.
- Offsets should be assessed in a strategic context as opposed to simply looking at the impacts of the individual development.
- Advance offsets are likely to lead to a reduction in the creation of conservation reserves in their own right.
- Developers need to contribute to the long term maintenance of areas used as offsets.
- Parkcare activities in areas offered as an offset should not be counted as part of the value of that offset.

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- Monitoring and reporting of offsets is vitally important and the results of these must be publicly available

Detailed comments of these and other points are included as Attachment A.

The NPA ACT would be happy to discuss any of the issues raised within its submission and can be contacted, either by writing to our office address or through email (noting that the NPA ACT office is manned by volunteers and a daily presence is not able to be maintained). Alternatively, I can be contacted on 0410 875 731.

Yours sincerely



Rod Griffiths
President
NPA ACT
10 July 2014

Attachment A Detailed Comments

Offsets In General

The NPA ACT believes that offsets must be only used as a last resort. By its definition offsetting entails the destruction of environmentally important habitat. Use of offsets means an overall reduction in a habitat unless it is being offset by the transformation of another habitat into the one being offset.

Because an offset will almost always result in a reduction in the quantum of a habitat, the assessment criteria on the adequacy must be extremely strict. The NPA ACT believes that the ACT environmental offsets calculator must be made available for public scrutiny prior to it being implemented.

Avoidance and Mitigation

There is nothing in the policy outlining the assessment processes for ensuring a developer has taken all feasible and appropriate avoidance and mitigation actions. The Policy and/or amendments to the Planning and Development Act must clearly identify this requirement. Such evidence put forward by a developer should be subject to public scrutiny.

Strategic Context

When deciding whether an offset is acceptable the decision must take into account the strategic impact of the loss of habitat. While individual losses may not be significant in their own right, the accumulative impact may be significant. If assessments are only made on a site specific basis this overall impact may be missed.

Conflict of Interest

The ACT Government is a major developer in the ACT. Where an offset is required in these circumstances there is, as a minimum, a perceived conflict of interest. The Policy does not address how such conflicts will be managed.

Existing Reserves

The NPA ACT believes that the use of existing reserves as offsets should be rare and only occur where there is an obvious and significant potential for environmental improvement in the existing reserve. The NPA ACT believes that even then the value of the offset in the existing reserve should be counted only as an indirect offset value.

Advance Offsets

The creation of advance offsets while welcomed may have a negative impact on the ACT Government's willingness to declare conservation reserves that are not linked to potential future offsets. As stated above the NPA ACT would only support the use of existing reserves as offsets in rare situations. Therefore, it would be tempting for the ACT Government to delay the gazettal of candidates for reserves to safeguard their value as potential offsets. The Policy makes no comments on this potential situation.

Long Term Maintenance of Offset Sites

The NPA ACT welcomes the Policy's statement that developers are "responsible for finding, securing and managing offsets". Any introduction of additional land to the public conservation estate increases that estate's maintenance expenses. Developers should be

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providing sufficient resources to meet any additional management costs in the public conservation estate.

Parkcare Activities

Many areas around the ACT are subject to environmental activities by Parkcare or equivalent volunteer groups. These activities can significantly enhance the environmental value of an area of land. However, where these volunteer activities have not funded by the developer, then they should not be included in the area's offset value. This approach would help ensure continued volunteer activity across all ACT land.

Offset Management Plans

"Offset Management Plans (OMP) will be required as part of conditions of approval for some developments. An OMP guides management of the offset site. It is supplementary to the conditions of approval". The Policy does not specify why OMPs do not apply to all offset affected developments.

Given the potential for a proponent to not meet the requirements of the management plans the Policy should clarify how defaults will be addressed.

"An Offset Management System (OMS) will be used to ensure conditions of approval relating to offsets are monitored and managed in the long term. The OMS ensures that offset requirements can be monitored regardless of changes in staff, land owners, or government structure." All offsets should be covered by the OMS.

Monitoring and Reporting

Both these activities are vital for the proper functioning of the offset regime. However, the Policy does not appear to specify that monitoring must be completed by an entity independent to the developer. The developer needs to bear the costs of the monitoring.

The Policy states that "(r)eporting on the broad program of offsets will occur every four years through the Commissioner for Sustainability and the Environment's State of the Environment Report. Data will be recorded in the OMS." Details of progress towards complying with management plans should be reported as part of this process.

The Policy also states that reporting "will also be undertaken for individual offset sites, in line with offset requirements, generally on an annual basis". What does 'generally' mean and will this be voluntary or required?