



## **Red Hill Regenerators Submission on the ACT Position Paper on Environmental Offsets**

### **Introduction**

The ACT Government has invited comments on the ACT Environment Offsets Policy and Delivery Framework Position Paper (the Position Paper). The following statements form the submission from the ACT Red Hill Bush Regenerators Inc (RHRG), a park care group that cares for the Red Hill Nature Reserve.

RHRG appreciates the opportunity to comment on the Position Paper.

### **Background**

The Position Paper and draft guidelines have been made available on the ACTG website.

The ACT Red Hill Regenerators have considered both the Position Paper and the Guidelines, and representatives attended the presentation provided on 1 July 2014. The RHRG appreciates the offer from ESDD to provide further briefings with parkcare groups.

### **Summary**

The concept of environmental offsets has the potential to make a worthwhile contribution to environmental management in Australia. However, it is a challenging concept to implement effectively and the current proposal gives little indication that it will contribute positively to the management of the land in the ACT.

### **Details**

While the RHRG welcomes the development of an ACT policy, it is concerned that there is a significant risk of diminution of ecological values in the ACT. In particular:

- 1) The offsets policy does not replace the land and biodiversity that has been lost. It merely identifies a deemed equivalent existing area of land and attempts to apply some level of protection or management regime to it. This could lead to removing a valuable ecological asset and replacing it with another, which may take many, many years to reach the same value, if at all. It is therefore a least worst solution to the problem of developments which destroy valuable ecosystems. The significant downside to the policy is that it provides a mechanism to develop over existing valuable ecosystems while giving a superficial assumption of improvement.
- 2) The ACTG has indicated that offsets will be used as a last resort. This will be a 'judgment call' and there will be little or no substantial justification supporting that judgment.

- 3) The policy notes that an offset area should be improved - the term used is 'additionality'. The policy is silent on the definition of additionality and therefore could result in very little improvement being carried out.
- 4) The offset only needs to be 90% of the area of the land developed. The remaining 10% could be 'education' for example and this may have only ephemeral or temporary benefit.
- 5) Because the ACT is all leased land, it is highly likely that the only proponent of a development will be the ACTG. This will have the effect of removing other third parties eg developers, from being required to long term fund offset works (a highly unlikely prospect).
  - a) It also means that the proponent is also the approver and while there are some safeguards they are not foolproof and may be subject to call in powers and the like. While the Minister is supposed to be publicly accountable for a call in decision, in practice this has become a statement of values and judgments and no real evidence.
- 6) Much of the development and identification and management of offsets will be the responsibility of the ACTG, leading to a significant conflict of interest within government.
- 7) Because of the shortage of potential offset sites in the ACT, it is likely that existing reserves could be identified as an offset. An example of 'additionality' to an existing nature reserve is Mulligans Flat feral animal fencing and removal program. While this looks good, it seems an easy way out for the ACTG to nominate existing reserves to justify continued ecosystem destruction.
- 8) While offsets are required to be improved and managed in perpetuity, it is highly unlikely that operational funds will be earmarked or hypothecated to Parks and Conservation Services (PCS) for this purpose for the necessary periods which could be many, many years. It is much more likely that PCS will receive no extra funding and will continue to be subject to annual budget reprioritising management of offsets along with all their other responsibilities.
- 9) Because of the small size of the ACT, it is possible that offsets could be sought in NSW or elsewhere. It is entirely unclear how this would work in practice - legislation, management, funding etc.
- 10) The Conservator has only an advisory role. While there may be triggers to elevate considerations to other decision makers, this is an insufficient safeguard

The RHRG would appreciate further consultation as this policy progresses.

Ross Kingsland  
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Red Hill Regenerators  
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