



21 October 2011

EPBC.reform@environment.gov.au

Department of Sustainability, Environment,
Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Dear Sir or Madam

EPBC Act Environmental Offsets Policy – Consultation Draft

The following provides comment on the 'EPBC Act Environmental Offsets Policy Consultation Draft – August 2011' by North Queensland Bulk Ports Corporation Limited (NQBP), in consideration of the policy as it pertains to NQBP's functional role as Port Authority in Queensland.

The draft policy is silent on the particular issues facing the marine environment in which Ports operate. There are particular difficulties in identifying suitable offset areas in the marine environment, further compounded by the specific location of many of our Ports, being situated in the Great Barrier Reef World Heritage Area and alongside the Great Barrier Reef Marine Park. Both individually, and in some cases collectively, Ports experience much greater challenges in determining suitable environmental offsets than would be experienced in the terrestrial environment. In addition, Port operations are already restricted to quite small spatial areas and would certainly not be able to achieve a minimum of 75% direct offset points as determined by the draft policy.

NQBP would suggest:

- *the policy specifically consider environmental offset objectives in the marine environment;*
- *the policy provide advice on environmental offsets in the world heritage area;*
- *relaxation of the policy where applicants, and in particular ports, have limited opportunities for direct offsets; and*
- *more realistic offset ratios in consideration of limitations in the marine environment, such as a sliding scale towards 25% direct offsets : 75% indirect offsets.*

Further to the particular offsets issues facing the marine environment, *Section 6 – Offset Requirements* of the draft policy, defines that 'Protection must be matched by management of the protected matter that is impacted'. In a terrestrial environment, management of protected matters can be realistically achieved through management tools such as rehabilitation and conservation plans and as such, is a rational policy objective.

This objective may not be realistically achieved in the marine environment. For example, advances are being made in the rehabilitation and conservation of marine habitat areas, sea grass communities being one example. NQBP has undertaken over a decade of sea grass monitoring and research in some of its

BRISBANE OFFICE
GPO Box 400 Brisbane
Queensland 4001
P 07 3224 7088 F 07 3224 7234
nqbp.com.au info@nqbp.com.au

MACKAY OFFICE
PO Box 3340 North Mackay
Queensland 4740
P 07 4969 0700 F 07 4969 0799
nqbp.com.au info@nqbp.com.au

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port environments. It is evident from the work we have undertaken that the health of seagrass communities is very much dictated by a range of external factors, many of these factors being natural events and natural cycles over which Ports have no management control. As such, the policy objective in its current form is overly onerous in a marine environment.

NQBP would suggest the wording of this policy item be amended:

- ***'Protection must be matched by management of the protected matter that is impacted, where practicable'***

The overarching policy objectives, as defined on page 4 of the consultation draft, are both reasonable and realistic, although they do not appear to be reflected in the Environmental Offset Assessment Guide. Aside from there being no clear linkages to the policy objectives, the Assessment Guide itself is extremely difficult to interpret and in its present form may not be useful in assisting proponents in determining practical offset requirements for an action. In addition, the outputs of the Assessment Guide offer little in the way of clarifying how the assessment translates into either direct or indirect offset options, such as environmental values, hectares of land or even financial contribution.

Figure 1 of the draft policy provides a decision flow diagram for determining when to apply the Environmental Offsets Policy. When determining whether a proposed action is acceptable, specific reference is made within the flow diagram to having regard to.....environmental and social factors. This appears not be reflected in the Assessment Guide by way of considering the proportionate size and scale of the environmental impacts of the action on the environment.

NQBP would suggest the Assessment Guide be developed further by,

- ***providing clearer linkages to the policy objectives;***
- ***being less cluttered and offering greater 'ease of use';***
- ***translating into realistic offset outputs such as environmental values, hectares of land, financial contribution and the like; and***
- ***incorporating measures to ensure the calculation of offsets is proportionate to the predicted impacts of the action on the environment.***

The delivery of offsets options is discussed in section 8 of the draft policy, in which the Government encourages the use of third parties to deliver the offsets. In practice this policy item may be very hard to achieve, as the availability and skill base of suitable offset delivery providers varies significantly. The process of having third party delivery providers accredited is likely to be significant a burden on the assessment process, at least until a modest register of accredited providers is established.

NQBP would suggest the policy:

- ***acknowledge the likely assessment delays in delivering this policy item and provide alternative means to deliver offset options whilst a bank of accredited providers is being developed.***

Thank you for the opportunity to provide comment on the EPBC Act Environments Offsets Policy – Consultation Draft. I hope the comments provided herein assist in the delivery of a clear and useful policy document.

Reference -- E11/56444

If you have any questions on the content of this submission or would like to discuss the matter further, please feel free to contact me on [REDACTED]

Kind Regards

A handwritten signature in black ink, appearing to read 'Kevin Kane', with a horizontal line extending to the right.

Kevin Kane
Group Manager -- Environment