

Contact: Melinda Loudon
Phone: (07) 4781 1619
Email: mlouden@townsville-port.com.au
Ref:



**PORT of
TOWNSVILLE**

PORT OF TOWNSVILLE LIMITED
ACN | 130 077 673

EMAIL | info@townsville-port.com.au

WEBSITE | www.townsville-port.com.au

**BENWELL ROAD | PO BOX 1031
TOWNSVILLE | QLD 4810**

TELEPHONE | **+ 61 7 4781 1500**

FACSIMILE | **+ 61 7 4781 1525**

LATITUDE 19° 15' S | LONGITUDE 146° 50' E

21 October 2011

EPBC.reform@environment.gov.au
Department of Sustainability, Environment,
Water, Population and Communities
GPO Box 787
Canberra ACT 2601

Comments on Consultation draft of the EPBC Act Environmental Offsets Policy

I refer to the draft EPBC Act Environmental Offsets Policy Consultation Draft which has been released for comment and include for your consideration the Corporation's comments.

Port of Townsville Limited (the Corporation) supports the overall intent of the policy to provide clear direction and transparency for the use of offsets under the EPBC Act, which in turn allows greater certainty and guidance on how offsets are to be determined and applied under the EPBC Act.

The draft circulated for consultation is terrestrial focused and as such has limited applicability to marine systems and marine offsets, which are most relevant areas for comment by the Corporation. Marine environments behave differently to terrestrial systems given the different connections, variables and systems that exist in marine environments.

- It is recommended that consideration is given to the inclusion of marine impacts and offsets in a revised policy, and that further consultation is sort on this revision.

The offsets assessment guide and calculator attached is difficult to interpret and in its current form does not provide benefit in providing certainty and guidance on how offsets are to be determined and applied under the EPBC Act. Again this has limited applicability to marine environments.

- It is recommended that consideration is given to the inclusion of marine impacts and offsets in the assessment guide and calculator, and that further consultation is sort on this revision.

Detailed comments are attached overleaf for your consideration. Thank you for the opportunity to comment on this draft policy, if you wish to discuss any or the above items further, or have additional drafts please do not hesitate to contact the undersigned, alternatively representatives of the Corporation would be more than happy to meet to discuss any of the issues raised in the submission.

Yours sincerely

Melinda Loudon
Environmental Project Manager (Major Projects)

Detailed comments – EPBC Act Environmental Offsets Policy, consultation draft

Marine related comments	The document is terrestrial focused and examples are not appropriate for use in marine environment given the different connections, variables and systems that exist in marine environments.	
	Ensure offset intent is appropriate for marine environments (direct and indirect offsets)	For example the current draft notes that “and improved overall conservation outcome is not achieved by an offset that simply increases the amount of habitat or ecological community that is protected by covenant or other mechanism” the Representative Areas Program in the GBRMP has shown that for marine systems this affords the highest level of protection
	The “like for like” approach needs to be considered for appropriateness in a marine system to ensure the best environmental outcome is achieved from the use of offsets.	
	Page 16 refers to quality of the environment, this is not aimed to address marine issues. It is recommended consideration is given (and consultation) for how marine values will be assessed and that this consideration includes relevant local considerations. Involvement and assessment with departmental assessment officers and consideration of a case by case basis is essential to continue to provide the best outcomes.	For example an isolated seagrass bed may be of extremely high value in one local area as it may be the only food source for a certain species, but in another area which may have hundreds of hectares of seagrass loss of the same area may not have such a significant impact.
	The offsets calculator is inappropriate for marine systems.	
Offsets	Offset packages are to include consideration of direct and indirect impacts.	Offsets assessment guide and calculator do not take into account if the impact is direct or indirect
	Page 11 notes “in the case of uncertainty, such as using a previously untested conservation technique, a greater variety and/or quantity of offsets may be required to minimise risk” this discourages innovation and use of best practice science. It is recommended that further consideration is given as to alternative methodologies for how this can be incorporated to encourage continual improvement	For example it may be possible to commit to an offset that is untested or cutting edge in Australia but have a reserve offset identified and agreed to with clear triggers for when it would be required if the “innovative” offset does not prove to meet the required outcome.
	No clear guidance is provided as to when an offset is achieved / complete	Page 15 refers to annual reports for offsets, for what duration would these be required after the success of an offset. For example if an area is fully remediated and under 3 rd party management would the annual reports still be a requirement?
	Page 16 notes “project proponents or departmental assessment officers can use the guide to help determine a range of suitable offset options for a proposed action. The guide can also be used to examine how offset	This is in conflict with the consultation paper on cost recovery under the EPBC Act that actively discourages submission of more than one footprint,

Offsets continued	requirements might increase or decrease with variations to a projects design that would result in different impacts on protected matters”.	In addition proactive proponents will go through this process years before submission of EPBC as it is often done prior to undertaking an EIS and as offsets cannot be considered at the referral stage (or earlier) effectively this consideration must be made by the proponents and as it is undertaken extremely early in project consideration.
	Page 17 refers to State and Territory offsets, it is recognised that SWEPaC is requesting early involvement in offset discussions however the Department also needs to be aware and where possible to aim to align with appropriate State and Territory timeframes for all parties to achieve the best outcomes.	This is particularly relevant where Commonwealth waters are triggered as this is unable to proceed via the bilateral process.
	It recognised that the Department supports recognised State biodiversity banking schemes it will be essential for the Department and relevant State and Territory agencies to work together to ensure that State and Commonwealth requirements can be achieved.	
Offsets assessment guide and calculator	This Environmental Offset Assessment Guide is simplistic and terrestrial based and at this stage does not provide any indication or certainty as to how offsets are to be determined and applied under the EPBC Act.	No numbers, figures or costs associated with this.
	The impact calculator implies that type of habitat should have more impact points than consideration of the conservation status of the protected matter (which I do not believe is the intent)	Arrow on top left hand side of page (indicating increasing impact points)
	How is the level of impact on a protected matter assessed?	
	How will projects with more than one trigger be calculated?	
	How will benefits from the project be considered.	For example on a reclamation area the benthic footprint is lost however the revetment wall provides habitat and food sources. How will this be considered?
	The offsets calculator is inappropriate for marine systems.	
	Definitions are required for all terms utilised	For example the length of time between action and offset delivering ecological benefit, “medium” “long” what does this mean?
	How are partial benefits recognised?	In the above ecological benefit example what if 10% was achieved in the first 12 months, 50% benefit in the second year and by year three 100% ecological benefit was experienced? How would this be recognised?
	Land tenure change and maintenance refers to habitat condition must be “good or better” There is no “good” defined in the impact calculator	Full integration of the tools is required