

Hi there

I was chatting with [REDACTED] yesterday morning and she said it would be OK to send you some comments this week on the Consultation draft - EPBC Act Environmental Offsets Policy.

I haven't had time to consult widely at the Authority, but will send you some of my thoughts about the draft and how it fits in with the Authority's draft policy. The Wet Tropics Management Authority supports the basic principles and process outlined in the policy. The Authority has developed a draft offsets policy using similar principles.

However, I think that there are issues with the calculator in the offsets guide to assess impacts and offsets in World Heritage Areas. It may need to be tailored specifically to suit WHAs, or used as a tool for decision making rather than an arbiter for decisions on offsets.

Assessments which may affect World Heritage values will seldom be as straight forward as comparing impacts on habitat and species impacts with offset benefits. Impacts on World Heritage Areas would best be assessed by looking firstly at the criteria for which they are listed (and there may be other impacts as well on values not explicitly included in the listing). Within the natural criteria values may include ecological processes, geological processes, particular land features, scenic beauty and aesthetic importance, as well as habitat and species considerations. Many World Heritage Areas are also listed for historical or living cultural values which are often inextricably linked with the natural values. Such cultural and social values will often have to be considered even if not included in the official listing. For instance, the Wet Tropics has been proposed for National heritage listing of its cultural values. The lack of marine considerations could also affect an assessment in the Wet Tropics where rivers, lakes, wetlands, estuaries and mangroves are important parts of the Area. Our Wet Tropics legislation explicitly asks the Board to consider the 'integrity of the Area' as a primary consideration when assessing permit applications.

It is difficult to reduce these varied processes and phenomena to a weighted formula for environmental equivalence, and it may sometimes be dangerous to try and do so if it means leaving out important factors that are not included in the weightings and criteria. In the Wet Tropics our legislation specifically allows for offsets if there is no net adverse impact on the Area's integrity, and the Board has had to make decisions on offsets under the guidance of the Wet Tropics Management Plan, which lists a series of considerations similar to the principles of the State and Commonwealth policies. For instance, the Kuranda Range Road upgrade (also assessed by the Commonwealth) required the Board to grapple with the needs of the community, increased scenic impacts, lots of temporary disruptions to rainforest ecosystem processes and the overall benefit of improvements to rainforest connectivity. Many facts and figures were brought before the Board (ala the calculator) to demonstrate the impacts and benefits, but in the end the Authority relied on a legislative process that included an independent Board which represented the community and lots of public participation and transparency. I do not think the offsets guide would have been adequate to deal with this scenario. And it may have prevented a creative solution to the scenario.

The upshot of these thoughts is that when assessment of impacts and offsets moves away from a simple direct equivalence of habitat and species, the decision making process can become complicated. The calculator incorporates the correct principles, but I think it should serve only as one tool to help determine offsets, particularly in World Heritage landscapes when other considerations apply specifically to the Commonwealth interest under the EPBC Act. While the application of stringent rules can increase certainty and transparency, it can also limit creativity and perhaps increase impacts in other areas than the environment. The most important part of the offset process is demonstrating transparency and accountability and I am not sure that the calculator in the guide does that in an equitable way. The devil will all be in the detail when allocating numbers and weightings.

A specific comment on the calculator

There has been some attempt to include socioeconomic benefits in the offset calculator and somehow equate them as a benefit against an environmental impact. However, the impacts calculator seems limited to habitat or protected matter. I would suggest that impacts can be many and varied for most developments (as described above) and include cultural or social or aesthetic impacts or impacts on integrity.

Perhaps if it is to be used, there should be scope to include other aspects of the environmental impacts.

Thanks Campbell

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