

Senate Standing Committee on Environment and Communications
Legislation Committee
Answers to questions on notice
Environment portfolio

Question No: 129
Hearing: Budget Estimates
Outcome: Outcome 1.5
Programme: Environment Assessment and Compliance Division (EACD)
Topic: Hand over of approval powers
Hansard Page:
Question Date:
Question Type: Written

Senator Waters asked:

1. In estimates in May, an officer asserted that mine site rehabilitation could in some circumstances be consistent with the Department's EPBC Offsets Policy. Please clarify whether this is the case.
2. The Department's own review of the EIS for the Shenhua Watermark project in July 2013, said "rehabilitation of disturbance footprints does not qualify as an offset" – at page 6 of that review. Can you please confirm that the Department's interpretation of the EPBC offsets policy remains the same as it was in 2013?
3. How is the above statement from the Department consistent with the position asserted by the officer in Estimates?
4. Did the Department ever prepare an adequacy assessment of NSW's Major Projects Offset Policy?
5. Was that assessment ever given to the Minister?
6. Did the assessment identify any defects in the policy which would prevent it from meeting the federal standards?
7. What was the general conclusion of the assessment?

Answer:

1. Mine site rehabilitation that delivers a conservation gain for matters of national environmental significance that is additional to what is already required under State or Territory law could be consistent with the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy.
2. The Department's interpretation of the offset policy has remained the same, consistent with the response to Question 1.
3. The policy states that "whether or not an offset is considered to be additional will be assessed on a case by case basis" (p.23).
4. The Department did prepare an analysis of the NSW Biodiversity Offsets Policy for Major Projects.
5. Yes.
6. No.

7. The Department was satisfied that the key features of the NSW Biodiversity Offsets Policy for Major Projects would result in broadly similar environmental outcomes over the long-term, noting that on a project-by-project basis offsets generated through the NSW methodology may vary from requirements calculated using the Commonwealth's methodology.