



Environment Institute
of Australia and
New Zealand Inc.

14/11/2022

Via email to:

environment.policy@nt.gov.au

Dear Sir/Madam

Re: Submission to the Draft Territory Biodiversity Offsets Policy and Technical Guidelines

Thank you for the opportunity to make a submission to the above policy and guidelines.

The Environment Institute of Australia and New Zealand (EIANZ) represents environmental professionals working in environmental science, land management and related professional services such as cultural heritage, legal, community engagement, advocacy, social science, academia and research.

The broad agenda of the EIANZ is to ensure that policy is not only underlined by the principles of sustainability but also that it is practical: it is EIANZ members who typically operationalize environmental policy.

The NT EIANZ Division has a keen interest in environmental policy and legislation development and appreciates the invitation to make a submission. We previously made a submission in February 2020 on the then Draft Offsets Policy.

Overall Comments

We applaud the NTG for attempting to address the management of significant residual impact.

We acknowledge that the policy recognises the specific ecological and socio-economic attributes of the NT, and believe it is an appropriate model for facilitating ecological compensation of a type and at a scale that is likely to achieve desirable ecological outcomes.

But, we argue, the habitat condition approach - where a few known threatening processes are managed - may not deliver an offset objective. In south-west Western Australia, for example, foxes were baited to remove what was perceived as the primary threatening process for native mammalian fauna. This worked, for a while. However, it now appears that removing foxes may have led to an increase in feral cats leading to a decrease in native mammals again.

Furthermore, offsets (habitat management) as described in this policy are not perpetual so we can expect the habitat to decline when management ceases to its pre-offset state and the gains from management will be lost.

Because of this we conclude that this policy will, at best, result in a temporary offset for a threatened species.

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Specific Comments

- We struggle to see how this policy conforms to its own *Offset Principle 3 - Benefits of offsets must be ... secured*. Offsets in this policy are temporary whereas in other jurisdictions they are perpetual.
- Offsets will apply only for a residual significant impact so we struggle to understand how research can be seen as an appropriate response.
- The policy is about improving habitat condition. Habitat is a species-specific construct but is conflated with 'ecosystem' (multispecies community) in the policy/guidelines. There is a disconnect between the objective to enhance 'the capacity of an ecosystem to support the suite of species expected to occur there and associated ecological processes' and the response of a single-species that the offset was required for. Clearly finer scale actions will be required.
- Biodiversity Offset Plan (BOP):
 - we assume – as neither the policy nor guidelines inform us otherwise- that the BOP will only obligate the developer for a defined period. What happens if the BOP's objectives are not met within this time? There is a risk that the development will be completed but further funds will not be available to ensure the objectives are met.
 - the BOP needs to be adaptive to allow proponents to learn by doing.
 - because of the uncertainty in the offset outcomes the BOP needs to establish research to further inform management and be adaptive.
- Translocation is not an appropriate offset as there is too much uncertainty in the outcome.
- Draft Policy (pg. 11) – can policy or technical guidelines point to published examples of 'leading practice' landscape-level threat management in the NT? Are there guidance documents, threat management manuals etc. upon which to base offset plans? If there are no such examples/guidelines of 'leading practice', what are the expectations of regulators with respect to what constitutes acceptability of 'on-ground' actions in submitted offset plans?
- Offsets Principles (section 2) states, "Offsets must contribute to relevant Territory targets." We are unsure what the relevant Territory targets are. The Policy and Guidelines discuss targets frequently but not at the Territory level.
- Reporting needs to be public.

Again, thank you for the opportunity to make a submission for this important policy.

I'm happy to discuss our comments further.

Yours sincerely,



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