



Environmental Offsets Bill

Submission by National Parks Association of Queensland
24th March 2014

The National Parks Association of Queensland (NPAQ) promotes the preservation, expansion and wise management of National Parks and the wider protected area estate in Queensland. NPAQ plays a key role in advocating for the preservation of existing National Parks in their natural condition. NPAQ welcomes the opportunity to provide comments on specific issues in regard to the Environmental Offsets Bill.

Introduction

NPAQ acknowledges that offsetting environmental impacts caused by development activities may provide beneficial outcomes for biodiversity under certain circumstances.

To ensure they deliver beneficial outcomes, NPAQ recommends that environmental offsets adhere to the Business and Biodiversity Offsets Program (BBOP) standards. Endorsed by numerous governments, corporations and NGO's, the BBOP standards are as follows:

- **Mitigation hierarchy** - environmental offsets should only be considered once development proponents have clearly demonstrated that adverse impacts have been avoided, minimised and rehabilitated to the fullest extent possible - offsets should only apply to residual impacts
- **Limits to what can be offset** – development should not occur in situations where offsets cannot compensate for residual impacts to affected environmental values
- **Landscape context** – environmental offsets should be implemented at a landscape scale to ensure that biological, social and cultural values of affected species and ecosystems are effectively compensated
- **No net loss** – at minimum, environmental offsets should provide a no net loss of *in situ* environmental values
- **Additional outcomes** – environmental offsets should provide beneficial outcomes over and above environmental values affected by development
- **Stakeholder participation** – interested parties in areas where development impacts occur and environmental offsets are implemented should be involved in design, management and evaluation of environmental offsets
- **Equity** – rights, responsibilities, risks and rewards associated with environmental offsets should be equitably shared among interested parties. The rights of Indigenous peoples and local communities must be respected.
- **Long-term outcomes** – while environmental offsets should be secured for the duration of impacts caused by development activities, they should preferably be secured in perpetuity.
- **Transparency** – provision of environmental offsets should be undertaken in an open, transparent and timely manner
- **Science and traditional knowledge** – the design and implementation of environmental offsets should be informed by best available science and consideration of traditional knowledge.

Comments

1. Cumulative impacts

Under the Bill, offsets are required for ‘significant residual impacts’, which are defined as:

- *An adverse impact, whether direct or indirect, of a prescribed activity on all or part of a prescribed environmental matter that remains, or will or is likely to remain, (whether temporarily or permanently) despite on-site mitigation measures for the prescribed activity; and*
- *Is, or will or is likely to be, significant*

While the above definition addresses adverse impacts caused by individual development activities, it however fails to address cumulative impacts that potentially occur to prescribed environmental matters from multiple development activities within the same bioregion.

For example, the construction and operation of multiple open cut coalmines on a floodplain will potential result in significant cumulative impacts occurring to prescribed environmental values, which are not adequately identified or addressed by a project-by-project assessment.

Recommendation

Cumulative impacts need to be included in the definition of Significant Residual Impacts contained in the Bill.

2. Offsets required for all development activities

Along with being required for development activities that need an authority under another Act or regulation, offsets should be also required for all development activities that cause adverse environmental impacts to occur – especially in or near sensitive environmental areas such as wetlands, watercourses, and critical habitat for threatened species. Along with providing offsets for adverse impacts to species and ecosystems, proponents of development activities should also be required to provide offsets for impacts that occur to other elements of areas with Outstanding Universal Value (OUV) and World Heritage areas.

Recommendation

Direct or indirect impacts caused to sensitive environment areas, areas with OUV and WH sites by urban and agriculture development activities must be offset.

3. Legally security of offset areas

In accordance with BBOP standards, offsets should be legally secured in perpetuity. NPAQ strongly supports:

- Declaring environmental offset areas as National Parks.
- Extinguishing any mining or similar leases over environmental offset areas.
- Designating environmental offset areas as Strategic Environmental Areas (SEAs) under new generation regional plans.
- Prohibiting mining and grazing activities within Nature Refuges.

Recommendation

All environmental offset areas should be legally secured in perpetuity.

4. Direct net benefit

In accordance with the BBOP standards, existing policies (Offsets for Net Gain in Koala Habitat in South East Queensland) and the World Heritage Committee’s recommendations, offsets must provide a direct net benefit to environmental matters that have been affected by development activities.

Recommendation

Offsets (including financial settlements) must provide a direct net benefit to the environmental matter that has been affected by development activities.

5. Transparency

To ensure transparency, all information regarding environmental offsets should be freely and readily available to the general public and third parties.

Recommendation

All information regarding offsetting arrangements should be freely and readily to the general public and third parties.

6. Contents of offsets policy

To provide greater certainty the yet to developed offsets policy achieves the main purpose of the Act, section 13 of the Bill should incorporate the following proposed highlighted amendments:

An environmental offsets policy *must*:-

- a) Set out the circumstances in which an environmental offset may or may not be required; *and*
- b) Set out the *biophysical* characteristics of an area that is suitable for undertaking an environmental offset; *and*
- c) Provide for the *legal security*, ongoing management and monitoring of, and reporting about an environmental offset; *and*
- d) Provide for deciding the size and scale of an environmental offset so the offset is proportionate to the significant residual *and cumulative* impacts on a prescribed environmental matter; *and*
- e) Include any other provision relating to the main purpose of this Act; *and*
- f) *Offsets are delivered in accordance with the following principles:*
 - Offsets provide equal or greater ecological outcomes.*
 - Offsets are located in proximity to where impacts to prescribed environmental matters have occurred.*
 - Offsets provide equal or greater ecosystem functions and services than those affected by impacts to prescribed environmental matters.*
 - Offsets provide equal or greater (Indigenous) cultural and social values than those affected by impacts to prescribed environmental matters.*

Recommendation

The above-mentioned amendments be included in Section 13 of the Bill.

7. Offsets required by all development

To ensure consistency, impacts to prescribed environmental matters caused by all development activities must be offset – including development activities assessed under the *State Development and Public Works Organisation Act 1971* and the *Sustainable Planning Act 2009* by the Coordinator-General.

To give this effect, section 5 the Bill should amended to include provisions that require the Coordinator General to impose offset conditions on development activities assessed under the above-mentioned legislation

Recommendation

Amend section 5 of the Bill to include provisions requiring the Coordinator General to impose offset conditions on development activities assessed under the *State Development and Public Works Organisation Act 1971* and the *Sustainable Planning Act 2009*.

8. Offsets for impacts to protected areas

Under section 7(3) of the Bill, impacts to protected areas can be offset by an activity that provides either a social, cultural, economic or environmental benefit to any protected area.

As social, cultural or economic activities allowed under section 7(3) may not deliver a tangible beneficial outcome for the affected protected area, section 7(3) should be amended to read:

(3) However, an environmental offset for a prescribed environmental matter that is a protected area, other than a nature refuge, may include (the delivery of any activity that provides a) social, cultural *and* economic *activities* (or) *that provide direct* environmental benefits to *the affected* (any) protected area. Note: delete bracketed text.

Recommendation

Amend section 7(3) of the Bill to read as above.

Paul Donatiu
Executive Coordinator
National Parks Association of Queensland
pdonatiu@npaq.org.au
0428 670 878