

24 March 2014

The Research Director
Agriculture, Resources and Environment Committee
Parliament House
BRISBANE, QLD, 4000

Dear Sir/Madam,

RE: ENVIRONMENT OFFSETS BILL 2014

Thank you for the opportunity to provide a written submission on the Environment Offsets Bill.

Please see attached our response.

Yours sincerely



for

Ben McMullen
Coordinator Environment Services

Queensland Environmental Offsets Bill 2014

Response by Noosa Shire Council

General comments

The current State Offset Policy system is complex and confusing. Enacting legislation to replace the current five policies with a single Environmental Offsets policy is supported.

It is noted that the Commonwealth Government is currently conducting an enquiry into Environmental Offsets. Consideration of the outcomes of this enquiry would help provide consistency between Federal and State offset policy provisions.

Council is interested in being further consulted during the development of the regulations, policy and guidelines.

Specific comments

Principles

Principles of Environmental Offsets are not stated in the Offsets Bill and need to be clearly articulated at all levels of legislation, policy and implementation guidelines. The principles stated in the current Queensland Biodiversity Offset Policy are recommended for inclusion:

1. Offsets will not replace or undermine existing environmental standards or regulatory requirements, or be used to allow development in areas otherwise prohibited through legislation or policy.
2. Environmental impacts must first be avoided, then minimised, before considering the use of offsets for any remaining impact.
3. Offsets must achieve an equivalent or better environmental outcome.
4. Offsets must provide environmental values as similar as possible to those being lost.
5. Offset provision must minimise the time-lag between the impact and delivery of the offset.
6. Offsets must provide additional protection to environmental values at risk, or additional management actions to improve environmental values. For example, an offset cannot be an area that is already protected by another State government law, or an area that is required to be retained as part of a development permit.
7. Offsets must be legally secured for the duration of the offset requirement.

Application of these principles is particularly important for safeguarding protected areas.

Achievement of Policy Objectives, p.4 dot point 8

The policy objective states: "Providing for a reduction in the number of environmental matters requiring environmental offsets and focusing resources on matters requiring the most protection".

Comment:

Clarification is required as to which environmental matters will be made exempt from offsetting.

Achievement of Policy Objectives, p.4 dot point 10

The policy objective states: "Introducing a single list of environmental matters to which environmental offsets apply".

Comment:

The final list is not provided in the Bill to enable Council consideration.

Achievement of Policy Objectives, p.5

This part states “the Bill will achieve its objective of removing duplication of environmental assessments by:

- Mandating the single assessment of impacts to matters of environmental significance across all levels of government for the one development activity, when one level of government has already made the decision.
- Recognising Commonwealth matters of national environmental significance in addition to matters of state environmental significance and providing for a one-stop-shop through accreditation of the state’s framework to assess matters on behalf of the Commonwealth”.

Comment:

The Commonwealth and State have different jurisdictions and interests and therefore separate approval processes. Separating Commonwealth and State responsibilities provides the necessary checks and balances for environmental assessment, and the concept of State assessing Commonwealth matters is not supported.

Achievement of Policy Objectives, p.5

One of the policy objectives states: “Ensuring the long term protection of matters by separating offsets away from competing land uses such as future mining, agricultural or urban development through the preparation of strategic offset investment corridors”.

Comment

Further clarification is required as this statement suggest that future mining, agriculture and urban development that potentially impact on matters of environmental significance may become exempt from offsetting provisions.

Clause 6, Definitions, p.12

The Bill states that “offsets are only applied where significant impacts to a matter of environmental significance will occur”.

Comment

“Significant impacts” is not defined in the Bill. The Bill discusses the “test’ of significance but does not elaborate. It is understood that guidelines are being prepared to clarify this.

Clause 7, p.12

The Bill states “an environmental offset for a matter of environmental significance that is a protected area, other than a nature refuge, may include the delivery of any activity that provides a social, cultural, economic or environmental benefit to the protected area. However this does not apply to other matters of environmental significance that may be within a protected area (such as threatened species and regional ecosystems) – an environmental offset for those matters must be designed to achieve a conservation outcome”.

Comment

Further clarification is required concerning this statement. Including social, cultural and economic benefits with an environmental offset could substantially change the overall principles and intent of the Environment Offset Bill and Environmental legislation.

Clause 8, p12

Clause 8 states that this Bill provides a definition for 'significant residual impact' in relation to protected areas, legally secured offset areas and other matters of environmental significance.

Comment:

A specific definition is not provided.

Clause 32, p.18

Clause 32 provides for the regulation to provide the chief executive with the power to amend the declaration, revoke and remake the declaration or revoke the declaration.

Comment

Add: consistent with the principles and intent of the Offset Policy.

Other comments

State Significant Projects

Comment:

State Significant Projects are not mentioned in the Bill and clarification is required as to whether offset provisions apply to these projects.

Financial settlement costs

Consideration could be given to gaining financial credits for Commonwealth offsets.

Scope of offsetting

The Bill does not clarify the scope/range of offsets such as carbon offsets, offsets for open space etc.