

Submission to the **Agriculture,
Resources and Environment
Committee** on the

ENVIRONMENTAL OFFSETS BILL 2014

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QUEENSLAND TOURISM INDUSTRY COUNCIL

QTIC is the State's peak body for tourism in Queensland and represents the interests of business operators, 20 sector associations, 3,000 regional members and all of Queensland's 13 Regional Tourism Organisations (RTOs).

QTIC works in partnership with government agencies and industry bodies at a local, state and national level to strengthen the voice of tourism in all relevant policy forums. QTIC's partnerships with the industry and government enable a greater level of responsiveness to increasingly diverse policy settings.

POSITION OVERVIEW

The Queensland Tourism Industry Council (QTIC) welcomes the opportunity to provide feedback on the *Environmental Offsets Bill 2014* that was referred to the Agriculture, Resources and Environment Committee in accordance with Standing Order 131.

The Environmental Offsets Bill 2014 (the Bill) will introduce primary legislation to coordinate Queensland's environmental offsets framework, giving effect to a whole-of-government approach and replacing the complexities and duplication surrounding the five existing policies.

QTIC supports a more coordinated environmental offsets framework that will streamline applications and achieve stronger environmental outcomes through strategic offset delivery. However, as the details of the regulations are not yet released, the Bill may have potential impacts on new tourism developments particularly ecotourism developments despite their contributions to environmental conservation and presentation.

While general support is given to the intent of the Bill, the following submission seeks to identify areas of the Bill that require further strengthening.

1. THE "AVOID, MITIGATE, OFFSET" APPROACH

It is recommended that the focus for environmental assessment remains on avoiding and mitigating any impacts on biodiversity and the natural environment. Offsets are only to be considered when avoidance and mitigation cannot be reasonably achieved.

The hierarchical "avoid, mitigate, offset" approach is enshrined in both the Sustainable Planning Act 2009 and the Environmental Protection Act 1994, and is the key principle underpinning the state's decision making when it comes to environmental matters. The 3-tiered approach identifies that in terms of conservation, avoidance is the best approach. Where this cannot occur, mitigation measures should be implemented, with offsets essentially imposed as a "last resort".

As such, similar efforts in developing policies and guidelines should be dedicated to assist proponents in understanding how their developments could avoid or mitigate impacts on the environment. In turn, this

should reduce the burden on the proponent to provide an offset. This not only creates a better environmental conservation outcome, but could further reduce red tape and streamline the application process.

When it comes to offsets, evaluating the outcomes can be difficult and often more onerous than might be expected. For example, when frog habitat was destroyed during development in Sydney Olympic Park, extra habitat was created as an offset. Research looked at the population size of frogs before and after development and found that an area of habitat 19 times larger than the habitat area affected had to be created to ensure there was a no net loss of frogs. The offset ratio of 19:1 was much greater than initially expected, and this was only discovered after intensive monitoring over more than a decade.

While a capped ratio of 4:1 is essentially supported to create certainty of the maximum cost for the proponents, developments proven to far exceed this ratio should take considerable measures to reduce their impact through other means than by offsets (i.e avoid and mitigate).

2. DEFINITION OF 'SIGNIFICANT RESIDUAL IMPACT'

It is recommended that the definition of a 'significant residual impact' be strengthened to exclude developments such as ecotourism that play a major role in the conservation and presentation of the natural environment that it exists within.

A major concern with the currently drafted definition of a significant residual impact is that it does not take into account the actual activity that is being proposed. As such, an ecotourism development which may result in "the authorised clearing or inundation of all or part of the protected area for the construction of private or publicly owned infrastructure on the area" is considered to have a significant residual impact and will be subject to an environmental offset.

Activities with the primary purpose of conserving and presenting the environment, and therefore potentially producing a net positive impact on the environment, should not be considered as having significant residual impact. Any large offset conditions placed upon such activities that exist to make active contributions to nature (such as ecotourism), would be defeating the fundamental intent and purpose of the Bill.

It is recognised that under section 7(3) of the Bill that "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, economic or environmental benefit to any protected area". It is assumed however that this section refers more so to the delivery of the offset as opposed to the activity itself.

3. FINANCIAL SETTLEMENT OFFSET

It is recommended that once the applicant has avoided and mitigated impacts to the greatest extent practicable, the unavoidable environmental impacts are offset by the applicant's choice of either a proponent-driven offset, a financial settlement offset or a combination of both.

It is understood that the Bill introduces a financial offset which allows applicants to acquit their offset obligations by paying a calculated sum of money to an Offsets Account. The notification from the administering agency to the applicant will identify that the offset will be delivered as a financial settlement offset, a proponent-driven offset or a combination of both.

QTIC supports applicants having the option to choose their offset delivery as opposed to this being determined by the administering agency. Providing options is not only important for feasibility assessment purposes, but revealing the required proponent-driven offset provides a real comprehension of the extent of impact that the development is having on the environment.

Understanding the impacts from a geographical and remedial perspective allows the applicant, governments and other stakeholders to better manage our resources. This, in part, is through the collection of new data about the extent of land being cleared, as well as the size of strategic offset areas that are proposed to be set aside or in the process of being remediated.

For developments that provide a medium-long term return on investment, the choice to undertake a proponent-driven offset or to pay a financial offset would have significant effect.

FURTHER ENQUIRIES

We thank you for considering this submission and welcome any feedback you may have. For all enquiries, please contact Daniel Gschwind (07) 3236 1445 or email policy@qtic.com.au.