

Queensland Ecotourism Development Toolkit

September 2016

**ADVANCING TOURISM
2016–20**
GROWING QUEENSLAND JOBS

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September 2016

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Introduction

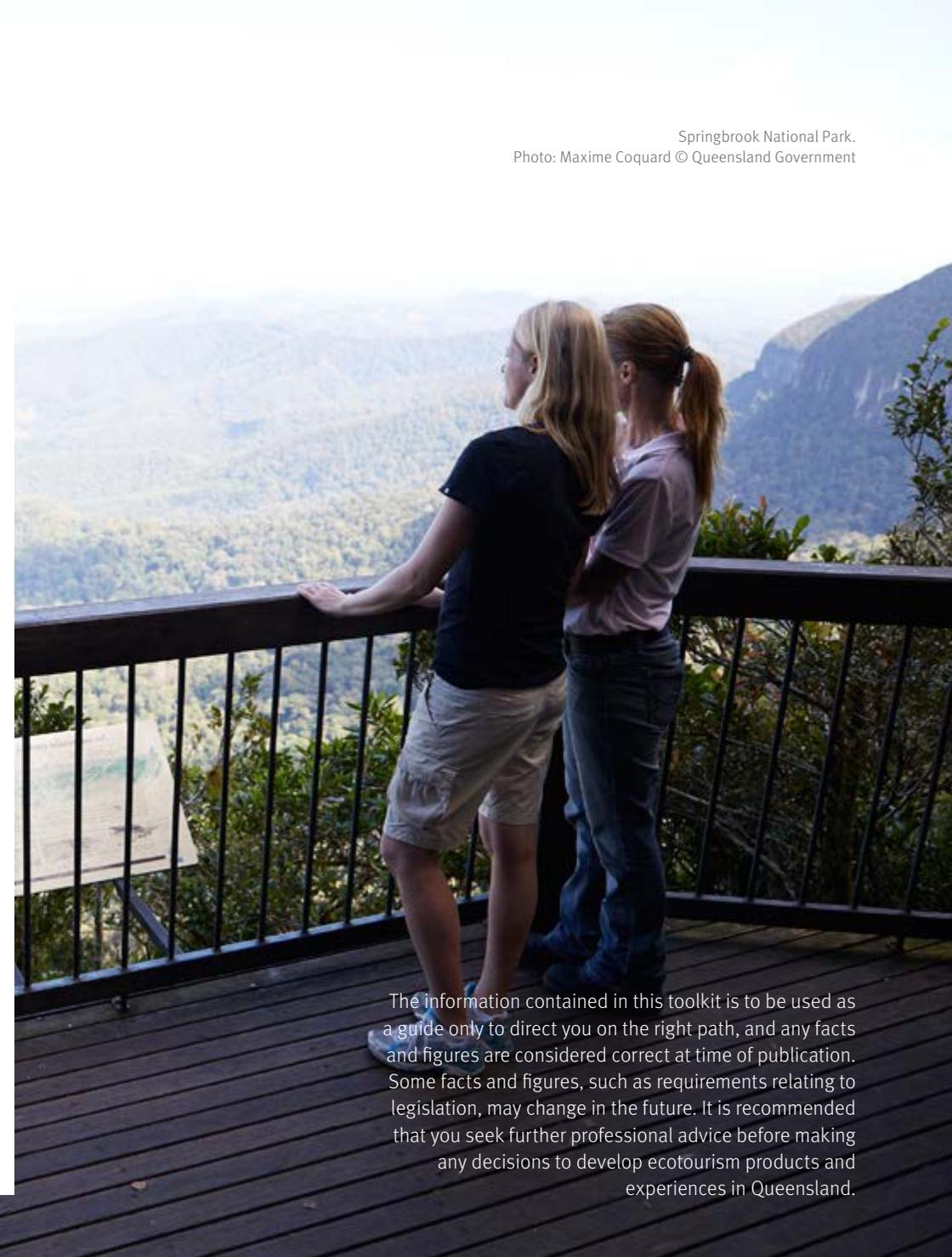
Springbrook National Park.
Photo: Maxime Coquard © Queensland Government

The Queensland Ecotourism Development Toolkit (“the toolkit”) has been specifically designed to provide you, as developers and investors, with the knowledge and guidelines to help you make informed decisions regarding the development of ecotourism products on different land tenures. This information, combined with advice and assistance from your town planner and professional advisors, can help you create an ecotourism development proposal for securing necessary approvals.

You will gain an understanding of the ecotourism development process and how to navigate the planning and regulatory approvals process. The significance of site selection, land tenure and development design is highlighted to ensure impacts on sensitive environments are mitigated and assessment processes streamlined.

This toolkit has been produced by the Queensland Government in consultation with key landholding agencies, investors, the tourism industry and other key stakeholders, and will help you answer the following questions:

- What are the key considerations for ecotourism developments in Queensland?
- What are the key steps in an ecotourism development process?
- What is the approval process for ecotourism facilities?
- When do you need a commercial activity permit?
- When do you need development approval?
- How should native title and Aboriginal and Torres Strait Islander cultural heritage be addressed?
- What other approvals may commonly be required?



The information contained in this toolkit is to be used as a guide only to direct you on the right path, and any facts and figures are considered correct at time of publication. Some facts and figures, such as requirements relating to legislation, may change in the future. It is recommended that you seek further professional advice before making any decisions to develop ecotourism products and experiences in Queensland.

Background

Ecotourism and its importance to Queensland

Ecotourism encompasses nature-based experiences that increase visitor appreciation and understanding of natural and cultural values. These experiences are managed to ensure they are ecologically, economically and socially sustainable, contributing to the wellbeing of the natural areas and local communities where they operate.

Ecotourism activities include visiting national parks, botanical gardens, wildlife parks and zoos through to bushwalking, whale watching, snorkelling and scuba diving. The most common ecotourism activities undertaken by international and domestic visitors are visiting a national park and bushwalking.

Ecotourism operators are both a partner and contributor to the conservation of Queensland's special places. By delivering best practice in ecotourism and visitor experiences, operators help to build a relationship between the visitor and the natural and cultural features of the environment, and encourage a life-long commitment to caring for them (Department of National Parks, Sport and Racing (NPSR), 2016 (a)).

Ecotourism is well established in Queensland and the state government has placed a high priority on fostering further development of ecotourism projects and experiences. As a focus for international visitation, Queensland's valuable natural attractions are the key driver of visitor demand, and offer a strong competitive advantage in a growing global tourism economy.

The tourism industry is currently worth around \$23 billion (direct and indirect contributions) to the Queensland economy, generating \$54 million a day in overnight visitor expenditure and both directly and indirectly employing 220 000 Queenslanders (Tourism and Events Queensland (TEQ), June 2016). Ecotourism is a key sector of the broader range of tourism experiences offered in Queensland, contributing to domestic and international visitor arrivals and expenditure (NPSR, 2016 (a)).

National parks are a significant contributor to the Queensland economy, with research indicating that the total spend by visitors who include a visit to a national park in their holiday itinerary contributes \$4.43 billion to the state's economy. It is also estimated that direct spending by visitors attributed exclusively to the existence of national parks amounts to over \$749 million per year, adding around \$345 million to gross state product per annum (Ballantyne, Brown, Pegg and Scott, 2008). The economic value of national parks also extends beyond the parks themselves. Queensland's natural assets drive a strong visitor economy, supporting regional economies and development, jobs and communities.

Ecotourism plays an important role in regional economies, generating economic and social benefits. Visitor and market interest in Aboriginal and Torres Strait Islander culture presents an important opportunity for employment and business development for Aboriginal and Torres Strait Islander peoples. Ecotourism investment also enhances the capacity of the broader tourism industry to provide more diversified tourism products and better services to tourists.



Hiking around the Scenic Rim near Rathdowney, June 2015.
Photo: Jason Charles Hill © TEQ

Queensland's vision

The Queensland Government is committed to creating new opportunities for investing in ecotourism accommodation, experiences and attractions that showcase the state's natural attributes, while preserving these assets for future generations. Our vision for ecotourism is:

.....
Queensland is an internationally celebrated ecotourism destination, delivering world-class interpretation and experiences that support the conservation of special natural places and unique Indigenous and cultural heritage

—Queensland Ecotourism Plan 2016–2020

Guiding documents include the *Queensland Ecotourism Plan 2016–2020* ('the Plan'), *Advancing Tourism 2016–20* (draft) and the *Best Practice Ecotourism Development Guidelines (2015 (b))*—the latter applying primarily to development in protected areas such as national parks.

The *Queensland Ecotourism Plan 2016–2020* outlines five strategic directions identified by the tourism industry, government and community stakeholders:

1. driving innovation in ecotourism experiences
2. showcasing the world renowned Great Barrier Reef
3. stimulating investment in new and refurbished ecotourism opportunities
4. expanding authentic Indigenous ecotourism experiences
5. promoting Queensland's world-class ecotourism experiences.

This toolkit addresses the strategies in Queensland's Ecotourism Plan related to driving innovation in ecotourism experiences and stimulating investment in new and refurbished ecotourism opportunities. The toolkit also addresses the strategic priorities within *Advancing Tourism 2016–20* (draft), including the development of new and refreshed ecotourism, nature-based and cultural heritage products and experiences.



International visitor research reveals Australia's biggest strength is its 'world-class nature'

—Tourism Australia, 2013

Eli Creek, Fraser Island, December 2015.
Photo: Aaron Spence © TEQ

Queensland's competitive advantage

World-class national parks and marine parks—including five World Heritage areas and a diversity of appealing landscapes and iconic wildlife—give Queensland a competitive advantage in ecotourism.

Much of the potential remains untapped, with significant opportunities yet to be sustainably developed into accessible visitor experiences. As the world's population grows and becomes increasingly urbanised, tourists will be drawn to nature-based experiences and Queensland's natural assets will become an increasingly important drawcard for locals and visitors alike (Commonwealth Scientific and Industrial Research Organisation (CSIRO), 2013).

Queensland has more than 300 national parks covering in excess of 9 million hectares, including Cape York Peninsula Aboriginal Land (CYPAL). In addition to national parks and other protected areas, the Queensland Parks and Wildlife Service

(QPWS) manages approximately 360 000 square kilometres of marine and estuarine waters throughout Queensland. This includes the Great Sandy and Moreton Bay marine parks, 70 declared Fish Habitat Areas and, jointly managed with the Commonwealth, the Great Barrier Reef Marine Park.

Many of the state's most important natural assets are found in the five declared UNESCO World Heritage Areas—Great Barrier Reef, Wet Tropics, Gondwana Rainforests of Australia, Fraser Island and Australian Fossil Mammal Site (Riversleigh). The state also has other areas of natural value that are not included in some form of protected tenure, which may also provide a basis for ecotourism.

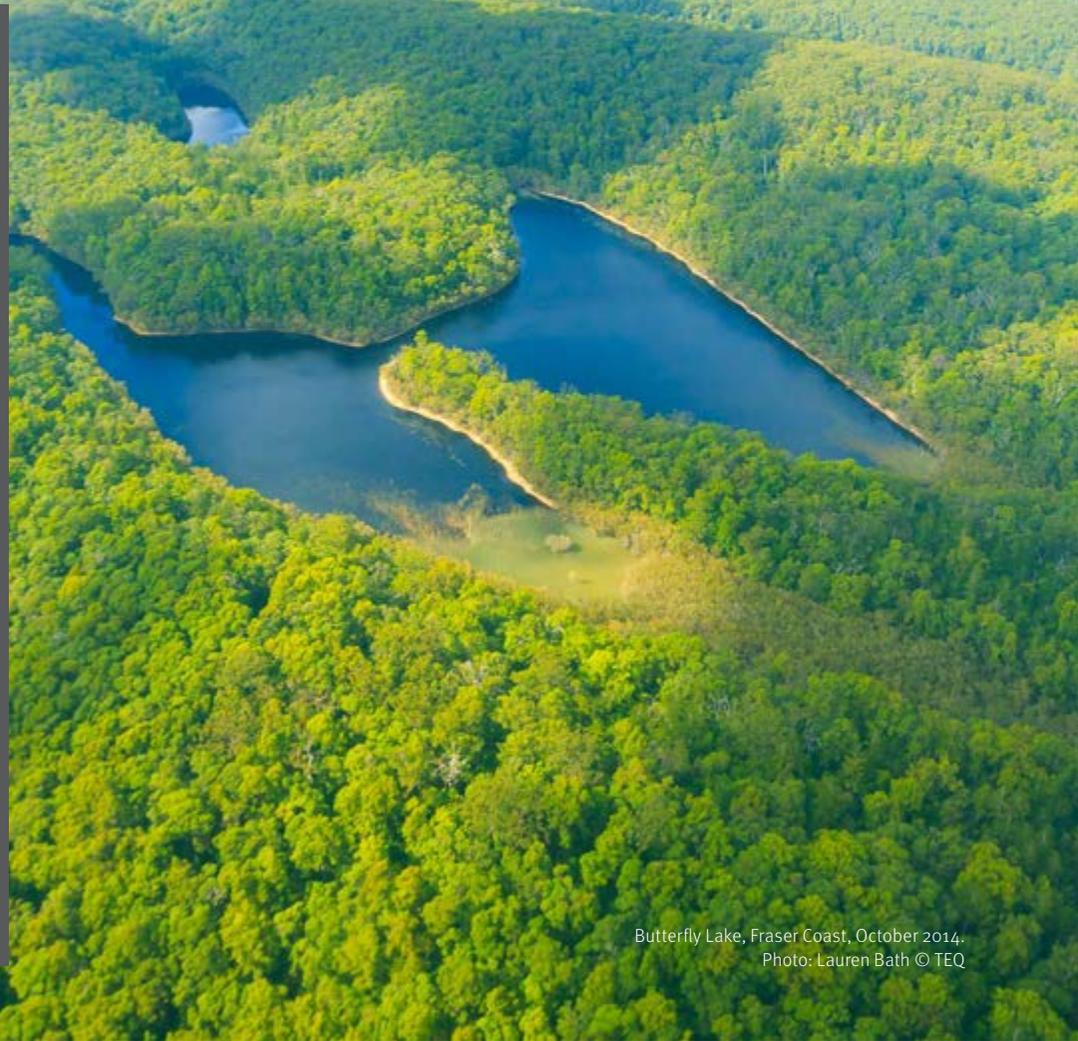
More information

Information on Queensland's ecotourism resources and tourism data for each of the state's 13 tourism regions can be found at www.stateoftheindustry.destq.com.au and www.destq.com.au.



Snapshot: Queensland's World Heritage Areas

- The Great Barrier Reef is the world's largest coral reef, stretching more than 2000 kilometres along the Queensland coastline. Covering 35 million hectares, the Great Barrier Reef is the only living structure on earth visible from outer space.
- The Wet Tropics World Heritage Area is one of a small number of areas worldwide that meets all four natural criteria for World Heritage listing. The Wet Tropics extend from Cooktown to Townsville, covering almost 900 000 hectares.
- The Gondwana Rainforests of Australia are located in both New South Wales and Queensland, and meet three of the four natural criteria for listing, including representing a major stage of the earth's evolutionary history. They are an outstanding example of ongoing ecological and biological processes, and contain the most important natural habitats for conserving biological diversity.
- Fraser Island is the world's largest sand island, lying east of Maryborough and Hervey Bay. The island has over 250 km of sandy beaches, tall rainforests on sand, dune lakes and a mosaic of landscapes.
- Riversleigh Australian Fossil Mammal Site is an area of pre-historic fossil remains in the southern section of Boodjamulla (Lawn Hill) National Park in north-west Queensland. The Australian Fossil Mammal Site (Riversleigh/Naracoorte) World Heritage Area was listed in 1994 because it represents a major stage of the earth's evolutionary history and is an outstanding example of ongoing ecological and biological processes. Source: [NPSR, World heritage areas](#)



Butterfly Lake, Fraser Coast, October 2014.
Photo: Lauren Bath © TEQ

Key considerations for ecotourism developments in Queensland

A major focus of ecotourism is to educate and inform visitors, as well as to make a contribution to the conservation and management of the natural areas and wellbeing of the local community where the ecotourism operation occurs (NPSR, 2015(c)).

Business plans and modelling for ecotourism facilities in remote and natural locations need to take into account a range of factors (that may also apply to other types of tourism ventures), including:

- access to existing or established tourist hubs
- cost of transportation
- extra costs in construction due to remoteness
- cost of services and supplies during operation associated with remoteness
- limited or lack of services and utilities (e.g. power, sewerage and water)
- attracting and retaining quality staff

- fiscal yield considerations when there are smaller tourist numbers
- seasonality and disruption to operation (e.g. natural weather events)
- unplanned evacuations and/or closures
- insurance associated with natural fires, floods and storms
- environmental consulting and eco accreditation services and fees.

Certification programs assure customers of an operator's environmental best practice standards, and are important tools to develop and promote higher ecotourism standards in Queensland.

Certification programs are based on a number of crucial elements for responsible tourism development, such as ensuring best practice in environmental management, respect for local cultures and traditions, and contribution to local conservation efforts. They include a compliance policy and independent auditing to ensure a well-managed commitment to sustainable practices by certified tourism operators.

More information about ecotourism certification can be found at: [NPSR, Ecotourism](#)

Girraween National Park, Darling Downs, January 2016.
Photo: Paul Giggle © TEQ



Purpose of the toolkit

What is the purpose of this toolkit?

This toolkit is designed to help you navigate planning and environmental regulatory and native title processes when developing ecotourism products and experiences across a range of land tenures in Queensland.

This toolkit is designed to provide practical, high-level guidance and information to help you determine the approval processes (at the time of publication) required for the construction, operation or major redevelopment of buildings and facilities associated with ecotourism facilities on different land tenures. With the exception of information regarding native title and cultural heritage, the following information may not be relevant for projects that only involve activities such as birdwatching or hiking, unless physical infrastructure is required to expand the product offering (e.g. lookouts, trails and buildings).

Application of this toolkit is most relevant during the concept formulation stage—a critical time for advice on how proposals can be designed to reflect a good fit with policy direction, current legislation and government priorities.

Three tenure classes are addressed in the toolkit—freehold, non-protected and protected areas (refer to [‘What is the approval process for ecotourism facilities?’ on p. 22](#)). Each of these tenure classes have distinct features in

their development design requirements and the applicable regulatory processes. While this toolkit does not describe every aspect of the planning and approvals process relating to different land tenures, it does provide a guide to the standard planning and regulatory approval process associated with ecotourism products and experiences.

The toolkit also highlights the significance of site selection and development design to ensure impacts on sensitive environments are avoided, minimised or mitigated and assessment processes streamlined. The underpinning premise is that by making good decisions about site selection and design, the pathway through regulatory processes will be smoother.

You are encouraged to properly investigate the market and context in which you will operate, and promote the achievement of a good fit between the formulation of the proposal and its economic, market, natural and social context. In this regard, Destination Tourism Plans have been prepared for each of Queensland’s 13 tourism regions to address market identification and policy directions. These plans have been developed based on extensive scoping work by the relevant Regional Tourism Organisations and the state government.

You may also find the [Next Generation Tourism Planning](#) guide a useful resource. The guide aims to help planners write plans or consider tourism proposals that satisfy the Queensland Government’s State Planning Policy.

Who should use this toolkit?

This toolkit is valuable for small to medium-scale developers as it provides indicative steps to deliver new ecotourism developments or redevelop an existing asset. For large-scale developers who typically engage with consultants, this toolkit provides a checklist of planning steps and government requirements.

This toolkit provides:

- a high-level indicative ecotourism development process that covers key steps to formulate a new product or redevelop an existing asset—from market identification, construction and operation through to decommissioning the infrastructure
- indicative planning and regulatory approvals processes for small to medium-scale ecotourism developments on different land tenures (e.g. freehold, leasehold, unallocated state land, reserves, national and marine parks, and conservation parks)
- information about dealing with other related approvals and native title matters.

Information about decision-making processes, timeframes, government and developer obligations, and proposal requirements will also be covered.

How should this toolkit be used?

The delivery of a new ecotourism product or the redevelopment of an existing facility is an iterative process that involves progressive development and refinement of the design. Not every section in this toolkit will apply to all proposals.

This toolkit has been divided into the following sections:

- What assistance is available?
- What are key steps in an ecotourism development process?
- What is the approval process for ecotourism facilities?

A number of flowcharts have been prepared, according to land tenure type:

- freehold land
- unallocated State Land
- leasehold
- reserves
- national parks and conservation parks
- state marine parks
- Declared Fish Habitat Areas
- Commonwealth marine parks.

- When do you need a Commercial Activity Permit?
- When do you need development approval?
- How should native title and Aboriginal and Torres Strait Islander cultural heritage be addressed?
- What other approvals may be commonly required?

Camping at Lake Moogerah, June 2015.
Photo: Jason Charles Hill © TEQ

What assistance is available?

Queensland's tourism division

The Queensland Government adopts a highly facilitative approach to tourism development, led by the Tourism Division within the Department of Tourism, Major Events, Small Business and the Commonwealth Games (DTESB). Proponents with questions about approval processes and project requirements related to an ecotourism facility can contact the Tourism Division. This division provides information to help facilitate and support potential developers with tourism projects, and can give details about current investment opportunities. This support extends to:

- Assisting investors of tourism products to navigate their way through government and streamline the development process.
- Development and delivery of information to inform potential investors about Queensland as a tourism investment destination.
- Global delivery of targeted tourism investment attraction initiatives to showcase Queensland as a tourism investment destination and attract capital for tourism developments.

The development of Queensland's ecotourism products is facilitated by DTESB's Tourism Division and when proposed on protected land, is also facilitated by NPSR. The proactive, facilitative approach of the Queensland Government towards tourism investment means infrastructure support and opportunities to invest in the state are celebrated and supported, providing a partnership approach for the future.



What are the key steps in an ecotourism development process?

The development of an ecotourism product is an iterative process which involves the progressive development and refinement of a proposal based on the nature of the market and the values and sensitivities of a site. They require a high level of commitment to environmental and conservation values and their presentation by developers and investors. An important early step is the selection of an appropriate site that showcases the natural and cultural values of the landscape setting, while ensuring its ongoing preservation; that is, the right ecotourism concept, at the right site, run by the right operator.

Proposals for ecotourism facilities may require Commonwealth, state and/or local government approvals depending on location, design and scale. The key steps in developing and implementing an ecotourism product in Queensland are illustrated in **Figure 1** and identify how it is part of a process of researching, designing and implementing a project. This toolkit is heavily focused on the documentation and approval framework (step 8) applying to ecotourism facilities in Queensland.

Figure 2. Key Steps in the Ecotourism Development Process and the following sections provide detail about the ecotourism development process summarised in **Figure 1**. The process is presented step by step for ease of explanation; the steps do not always occur sequentially in the order shown, and so are indicative only. Some steps prior to step 8, for example, may be best run concurrently, or at least can be started prior to completion of an earlier step.

Figure 1. Overview of the Ecotourism Development Process

Note:

DTP – Destination Tourism Plan,
TOPS – Tourism Opportunity Plans

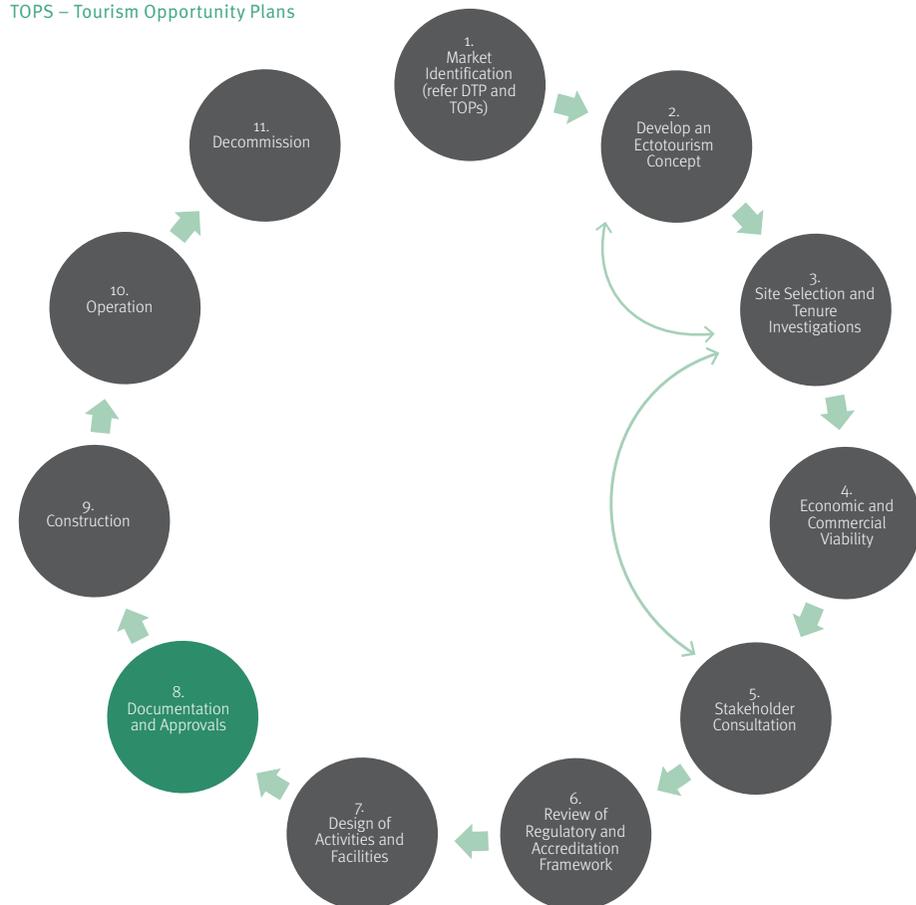


Figure 2. Key Steps in the Ecotourism Development Process

1. Identify and analyse the market

Description

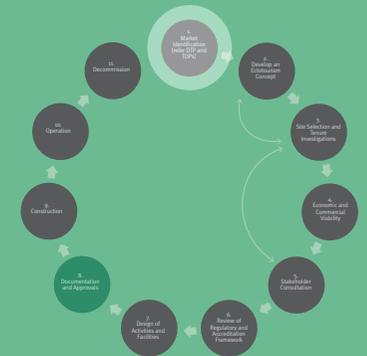
Once an initial ecotourism idea or concept has been identified, the next step is to research market trends and demand for the specific ecotourism product. Market identification involves a detailed analysis of target users of the proposed ecotourism facility and whether people will access a site/product to support a viable business. Preparation of an ecotourism concept should be informed by an assessment of the domestic and international visitor market, followed by an assessment of the opportunities presented by the natural and cultural environment.

Across Queensland, a suite of studies and plans have been prepared to identify key tourism and investment opportunities. These Destination Tourism Plans (DTPs) have been developed by Queensland’s Regional Tourism Organisations in consultation with key industry stakeholders to reflect a shared tourism vision and direction for the destination. While they are not focussed solely on ecotourism, they do provide an assessment of the key competitive strengths for the region.

It is important to find a gap in the market and not replicate, but complement the existing products and experiences in the region.

Actions

- Consult with the Tourism Division at DTESB;
- Undertake Market Identification/Analysis;
- Identify target markets – refer to TEQ’s Big Marketing Guide: www.teq.queensland.com/Industry-Resources/How-To-Guides/Big-Marketing-Guide
- Determine access to transport hubs – domestic and international airports
- Consider whether the concept fills a product/demand gap in the region
- Review Destination Tourism Plans – www.teq.queensland.com/en-IE/About-TEQ-New/Plans-and-Strategies/Destination-Tourism-Plans.



2. Refine the ecotourism concept

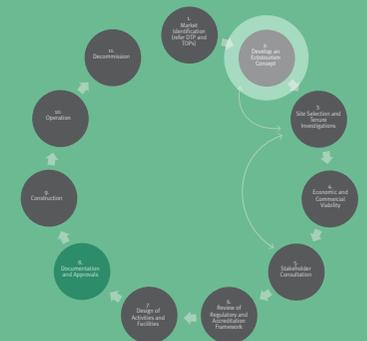
Description

Ecotourism facilities are to maintain a nature-based focus, promote environmental awareness and carry out sustainable practices. The market analysis outlined in step 1 will guide the refining of the concept. Key considerations in refining the ecotourism concept include further assessment of the potential attractions and activities to be provided and the identification of options relating to accommodation, tourist facilities, activities and services, infrastructure and transportation. The nature and scale of ecotourism facilities may vary in scale from Eco Tents (basic semi-permanent structures with canvas walls); to Glamping (luxurious semi-permanent tents), to Eco Cabins and Eco Lodges. Innovation in sustainable tourism product offerings should also be considered at the concept development stage as part of maintaining the product, and Queensland's destination competitiveness.

The vision for the facility, including its key selling points and target markets, should be detailed as part of this step.

Actions

- Review local, national and international case studies to determine new trends in ecotourism
- Review the *Best Practice Ecotourism Development Guidelines* (NPSR, 2015 (b)) – www.npsr.qld.gov.au/tourism/pdf/eoi-best-practice-ecotourism.pdf.
- Further refine Ecotourism Concept, considering the market analysis findings
- Consider undertaking market research concept testing amongst sample target users



3. Select the site and investigate tenure

Description

Sites should be selected on the basis of the functional requirements of the project, market to be served, access, tenure certainty, planning approvals and infrastructure costs. The site selection process should also optimise considerations such as using areas that are the least constrained in terms of significant natural and cultural values, while taking advantage of the intrinsically attractive qualities of the setting. Site selection needs to confirm you are filling a gap in the market.

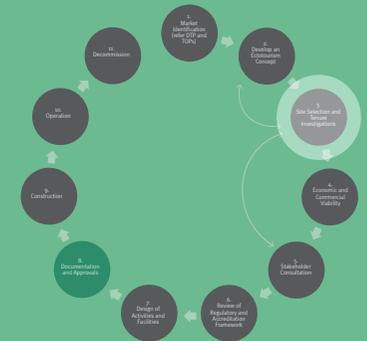
Selecting sites for ecotourism facilities should favour:

- areas which showcase the natural or cultural values of the setting
- areas supported by planning and policy settings (e.g. management plan or local government planning schemes)
- previously disturbed, developed or cleared areas to minimise impacts
- locations where access can be provided using existing infrastructure and transport networks
- lower value habitat as opposed to high value conservation areas
- locations where riparian zones can be avoided
- locations where high risk hazard areas can be avoided (e.g. coastal inundation, bushfire, flooding and landslide).

Actions

Select a site that best meets project criteria and undertake land title and tenure searches:

- Assess site suitability – refer to the *Best Practice Ecotourism Development Guidelines* (NPSR, 2015 (b)): www.npsr.qld.gov.au/tourism/pdf/eoi-best-practice-ecotourism.pdf
- All tenures – review relevant local government planning scheme (and associated state planning layers): www.dilgp.qld.gov.au/planning/local-government-planning-schemes.html
- Investigate whether referral is required under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) (EPBC Act) – www.environment.gov.au/heritage/management/referrals
- Investigate native title status (refer to **'How should native title, Aboriginal cultural heritage and Torres Strait Islander cultural heritage be addressed?'** on p. 48)
- Appoint required consultants (e.g. town planners/architect, economist)
- Undertake tenure searches – refer to Queensland Globe: www.data.qld.gov.au
- Undertake constraint mapping searches – refer to spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/da
- Undertake activities to secure access to land



4. Determine economic feasibility and commercial viability

Description

A high-level economic feasibility assessment should be conducted to assess the concept for the site and its ability to deliver ongoing financial return. This high-level feasibility assessment will also assist in defining the 'vision' for the product. This information will assist your project manager and town planner to understand what you want to achieve.

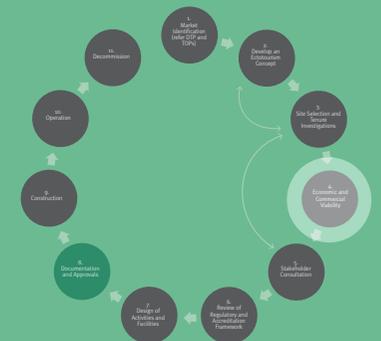
An economic and commercial assessment should include a calculation of the costs associated with:

- purchase/lease of land
- consultancy fees to design the development (e.g. architects) and to undertake studies to support the necessary applications
- development application and referral fees
- infrastructure costs (e.g. road access, water, energy, sewage treatment)
- cost of materials and labour to construct/fitout buildings
- overall operating costs (e.g. staff, hotel operator, maintenance, infrastructure, insurance, food, waste and compliance with conditions).

These cost figures can be modelled against the projected operating returns, which is particularly important if the developer intends to borrow money on the venture.

A project manager would be able to assist in undertaking the necessary economic feasibility assessments, preparing advice on the product – such as size and market positioning – and can assist with site acquisition, as well as a budget to attain the relevant approvals.

If the costs and projected returns are shown as sound following the feasibility assessment, then due diligence should be undertaken to check planning or other provisions that may restrict the use of the land, prior to the purchase or lease of the site.



Actions

- Conduct high-level economic feasibility assessment
- Appoint a project manager
- Appoint a town planner (if not already appointed at step 3)

5. Consult stakeholders

Description

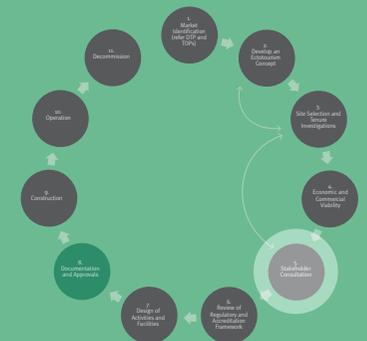
Stakeholder consultation is essential to understand opportunities that a site or concept may have in terms of linkages to other parts of the tourism industry (e.g. industry development opportunities, possible jobs) and any community concerns that should be addressed as part of refining the ecotourism concept. Key stakeholders are likely to be anyone that may be directly or indirectly impacted by the proposal, including adjoining land owners and traditional land owners.

The town planner will work with you to identify and meet with the relevant authorities. It is recommended you attend these meetings as well, so that you can understand the issues. These pre-lodgement meetings are essential to ensuring any application is properly prepared.

Actions

Once a site/s is selected:

- consult with key landholding agencies and decision makers
- organise pre-lodgement meetings
- if the site/s is a protected area, undertake consultation with NPSR and refer to *Ecotourism Facilities on National Parks Implementation Framework* (NPSR, 2015 (c)), *Best Practice Ecotourism Development Guidelines* (NPSR, 2015 (b)) and the relevant National Park Management Plan. If the site is state land and of a non-protected area tenure class, undertake consultation with the Department of Natural Resources and Mines (DNRM)
- for all sites, undertake consultation with Local Government and any other key stakeholders.



6. Review regulatory and accreditation framework

Description

Regulatory framework

Determine whether approvals are required under:

Commonwealth:

- Environment Protection and Biodiversity Conservation Act 1999
- Great Barrier Reef Marine Park Act 1975
- Native Title Act 1993
- Foreign Investment Review Board Requirements.

State:

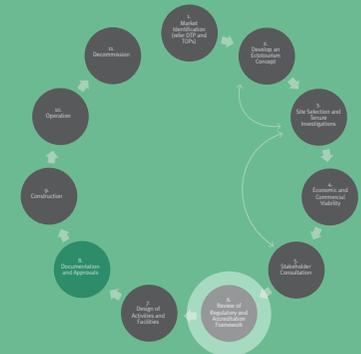
- Aboriginal Cultural Heritage Act 2003
- Environmental Protection Act 1994
- Fisheries Act 1994
- Land Act 1994
- Marine Parks Act 2004
- Nature Conservation Act 1992
- Sustainable Planning Act 2009 (to be repealed in mid-2017 to align with commencement of the Planning Act 2016)
- Torres Strait Islander Cultural Heritage Act 2003
- Vegetation Management Act (1999).

Local:

Determine whether approvals are required under a local government planning scheme.

Accreditation requirements

Ecotourism certification provides an assurance that a certified product is backed by a commitment to best-practice ecological sustainability and the provision of quality ecotourism experiences. NPSR requires mandatory ecotourism certification for ecotourism facilities and commercial tours in national parks.



Actions

Regulatory framework

- Review regulatory framework to determine whether approvals are required under relevant Commonwealth and State Acts, and local government planning schemes. The town planner will advise on what regulations apply.
- Determine whether referral is required under the EPBC Act – www.environment.gov.au/heritage/management/referrals
- For all tenure types other than freehold contact Native Title Services – www.dnrm.qld.gov.au/our-department/contact-us/native-title-contacts
- Review the relevant local government planning scheme to check approvals required – www.dilgp.qld.gov.au/planning/local-government-planning-schemes.html

Accreditation requirements

- Investigate ecotourism certification – www.npsr.qld.gov.au/tourism/ecotourism/index.html

7. Design activities and facilities

Description

Ecotourism activities and facilities should be ecologically sustainable and provide for the preservation of the land's natural condition and the protection of cultural values and resources. In protected areas, ecotourism facilities are required to be designed in accordance with the *Best Practice Ecotourism Development Guidelines* (NPSR, 2015 (b)) and meet the policy framework detailed in the *Ecotourism Facilities on National Parks Implementation Framework* (NPSR, 2015 (c)).

The *Best Practice Ecotourism Development Guidelines* can also be used for off-park ecotourism facilities to demonstrate a commitment to best practice by the proponent. The best practice principles to be considered when designing ecotourism facilities include:

- energy – installation of photovoltaic cells rather than diesel generators for power generation
- water supply – rainwater harvesting, low flow devices and use of recycled water
- architectural design – buildings should be located and designed to optimise visitors' experience of the setting, while integrating with the landscaped context. They should generally have colour palettes that respond to the colours of the surrounding landscapes to allow the buildings to blend and not stand out in their natural surroundings
- landscaping – incorporate the use of local endemic species for site landscaping
- wastewater treatment – sewage treatment should be capable of treating effluent to Class A or Class A+ quality standards
- waste management – a waste management plan should be prepared based on the hierarchy of 'Avoidance, Reuse, Recycling and Disposal'
- stormwater management – best practice stormwater and drainage design is critical to ensuring the natural hydrology is not adversely impacted
- construction materials - sustainable construction materials should be used where possible
- access – access should, where possible, follow existing dedicated roads and/or cleared trails/roads.

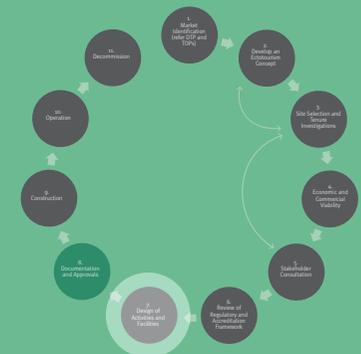
Ecotourism activities located on protected areas will require a Commercial Activity Permit or other authority under the relevant legislation.

Architect services would be required for the buildings and an engineering company that specialises in environmentally sustainable principles for the various services.

Actions

Engage services of an architect and/or tourism development, planning or environmental consultant to design activities and facilities in accordance with:

- *Best Practice Ecotourism Development Guidelines* – www.npsr.qld.gov.au/tourism/pdf/eoi-best-practice-ecotourism.pdf
- *Ecotourism Facilities on National Parks Implementation Framework* – www.npsr.qld.gov.au/tourism/pdf/ecofacilities-framework.pdf
- Accreditation requirements for Ecotourism Operations



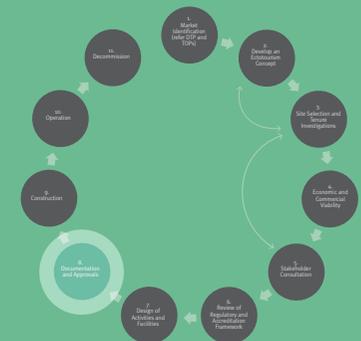
8. Prepare documentation and obtain approvals (more detail in section 6)

Description

Based on the legislative and policy framework applying to the site at the time of application, a proponent should undertake all necessary studies, and prepare and submit relevant applications to obtaining owner's consent. On state government managed land, proponents may need to address statutory native title requirements before a lease can be granted. The processes for obtaining owner's consent and leases are outlined in flowcharts included in the [‘What is the approval process for ecotourism facilities?’ on p. 22](#). As part of obtaining a lease and subsequent to obtaining owner's consent (and addressing native title), the proponent will need to prepare and submit relevant applications to the Commonwealth, state and/or local government to obtain the development and finalise tenure approvals.

Actions

- Undertake required studies to support application/s, including resolution of native title (e.g. through an Indigenous Land Use Agreement)
- Refer to the following sections for information regarding the application and approvals framework - [‘What is the approval process for ecotourism facilities?’ on p. 22](#) and [‘When do you need development approval?’ on p. 45](#)
- Negotiate and resolve Decision Notices, lease terms and other authorities
- Engage a town planner to assist with the preparation and coordination of submissions to all relevant agencies.



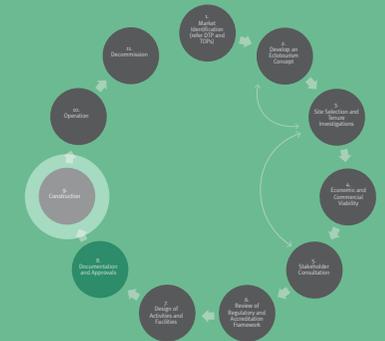
9. Undertake construction

Description

Construction activities must be undertaken in accordance with any lease or development approval conditions. A Construction Environmental Management Plan will be required and a Cultural Heritage Management Plan may also be needed. The Construction Environmental Management Plan should detail construction management methodology; site management; roles of sub-contractors; timing, and completion dates.

Actions

- Implement Cultural Heritage Management Plan (if required) – www.datsip.qld.gov.au/people-communities/aboriginal-and-torres-strait-islander-cultural-heritage/cultural-heritage-management-plans
- Implement Construction Environmental Management Plan
- Construction activities should occur in accordance with the conditions of the approval/s.



10. Commence operation

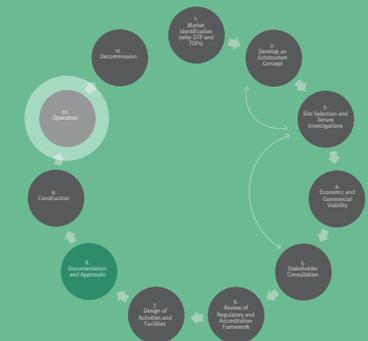
Description

Operation of the ecotourism facility needs to be undertaken in accordance with any lease or development approval conditions such as an Environmental Management Plan which should also address any monitoring requirements. The Best Practice Ecotourism Development Guidelines considered in earlier stages provide guidance on the best ecotourism practices to include in operation of an ecotourism facility.

Consideration should be given at feasibility stage on who is going to operate the facility (e.g. the developer, a third party, branded hotel operator). If a third party is to be engaged to operate the facility, then appropriate arrangements would need to be negotiated. If the developer engaged a branded hotel operator, the earlier they are identified and a management agreement secured, the sooner they can provide input into the design of the product to ensure operational efficiencies and that it conforms to the requirements of the brand.

Actions

- Comply with any relevant lease or development approval conditions
- Liaise with third-party, branded hotel operator (if required)
- Obtain ecotourism certification.



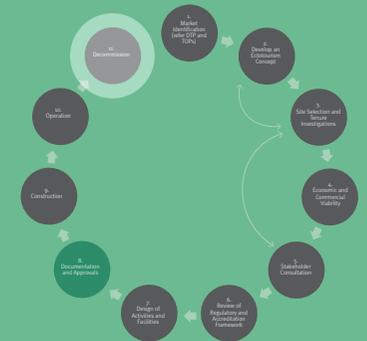
11. Decommission

Description

Depending on the nature and location of the ecotourism facility, proponents may also be required to prepare a Decommissioning Management Plan or Restoration Plan (e.g. where on national park land). Together with appropriate financial securities, this will ensure that any eventual rehabilitation of the site leaves no trace of negative impacts to ecosystems, biodiversity and water resources.

Actions

- Comply with any relevant lease or development approval conditions to restore the site.



What is the approval process for ecotourism facilities?

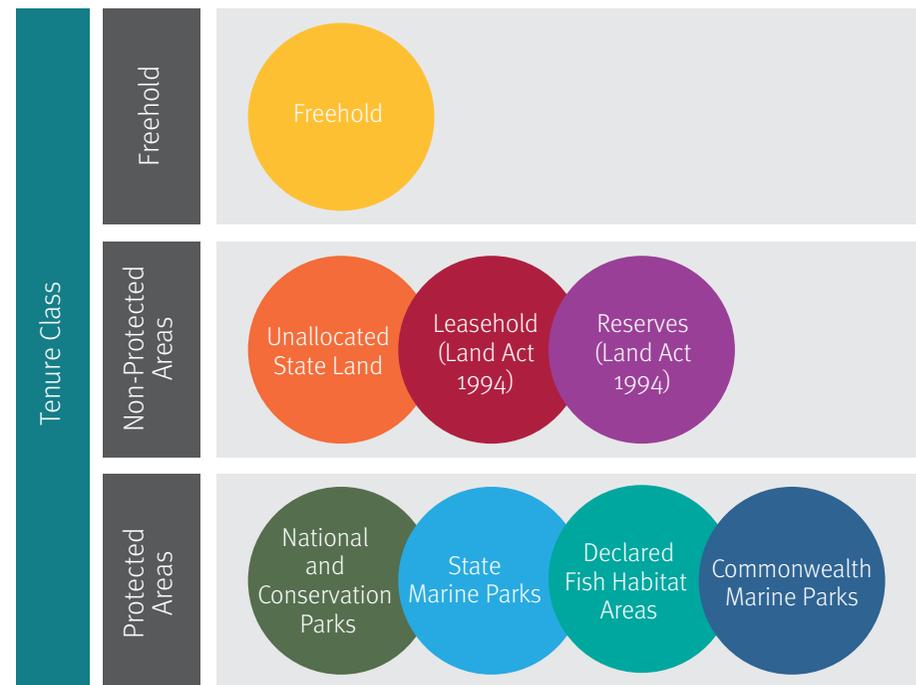
Introduction

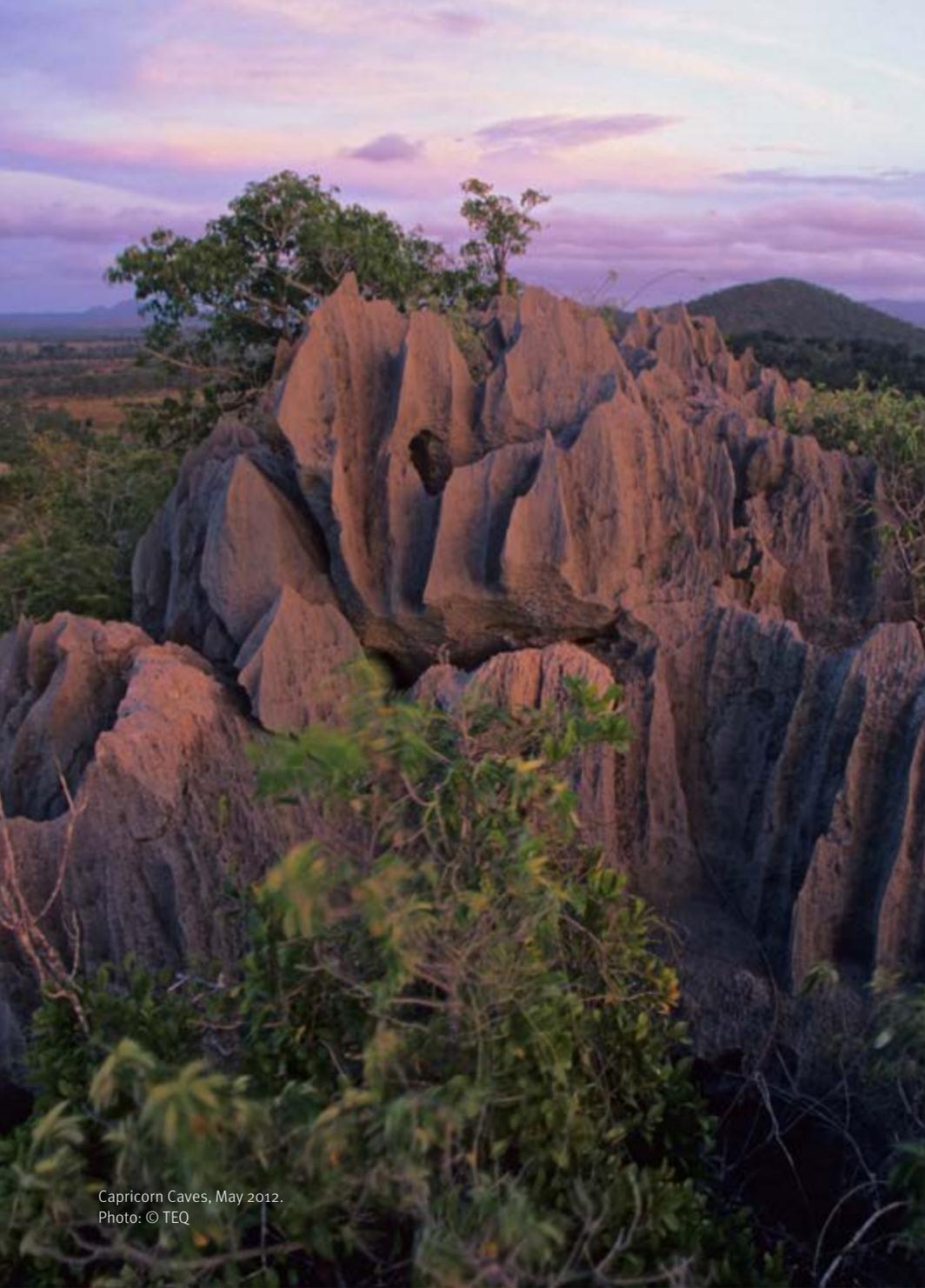
One of the most important factors that affects approval processes is land tenure. The following sections provide indicative flowcharts of the key steps in the approval processes required to develop ecotourism facilities on freehold, non-protected and protected areas across Queensland (refer to **Figure 3**). This section should be read in conjunction with [‘What other approvals may commonly be required?’ on p. 50](#), which outlines other approval processes that may be relevant to a proposal. The tenure of a property can be determined by undertaking a title search.

The approvals process flowcharts on the following pages indicate standard steps applicable to ecotourism proposals and in some instances case studies are provided. It is not unusual for ecotourism projects to straddle a number of different tenures; in such scenarios, more than one flowchart will need to be reviewed.

Note: The flowcharts indicate standard steps likely to apply to ecotourism proposals at the time of publication. Depending on the nature of the proposals, some additional or fewer steps may be required and as such, relevant authorities should be consulted to confirm and/or provide more detailed information on key requirements.

Figure 3. The different classes of land tenure.





Capricorn Caves, May 2012.
Photo: © TEQ

Freehold land

Definition

Freehold land refers to the outright ownership of land with no limitation on the period of ownership. It is recorded in the freehold land register under the *Land Title Act 1994* and is not state land nor leased from the Queensland Government. Freehold land tenure provides more investment certainty for landholders than other land tenures as it is not subject to native title considerations.

Indicative approval process

The approval process for ecotourism facilities on freehold land is summarised in [‘Flowchart 1. Freehold land’ \(p. 25\)](#). The process is potentially more streamlined as issues concerning native title do not need to be addressed on freehold land. The assessment process is determined by the *Sustainable Planning Act 2009*, with a local government planning scheme prescribing ‘levels of assessment’ and ‘applicable codes’. This process is subject to change pending the commencement of the Planning Act in 2017.

Case study

A case study on how to establish an ecotourism facility on freehold land is provided.

Freehold land case study: Nightfall Wilderness Camp

Nightfall Wilderness Camp is located in the Gold Coast Hinterland. The site has an area of 105 hectares and is located on freehold land adjacent to Lamington National Park. As the site is located on freehold land, native title did not need to be investigated or addressed. Under the former planning scheme, the site was zoned rural and included in the countryside precinct. An application for 'material change of use' for tourist cabins (tourist facility) was made to Scenic Rim Regional Council. The application was supported by flora and fauna assessments and a bushfire hazard assessment. Due to the environmentally sensitive location of the site, the development footprint was selected on the basis of it being previously cleared/disturbed and the proponent demonstrated their dedication to best practice by voluntarily applying NPSR's *Best Practice Ecotourism Development Guidelines* during the design phase. The application also required referral to the state regarding vegetation management issues. The application was approved by the Council and the former Department of Environment and Resource Management in 2012, subject to conditions. The conditions addressed infrastructure provisions, natural hazard management (flooding and bushfire), car parking and access, water and wastewater, earthworks and vegetation management.

The ecotourism facility provides luxury glamping facilities for six guests at any one time in custom-designed safari tents that are approximately 62m² in size. Each tent has a micro-camp kitchen and a barbecue. The development has been designed to be carbon-neutral with electricity generated by a grid connect solar power system. It also has onsite wastewater treatment and waste minimisation strategies that include composting.

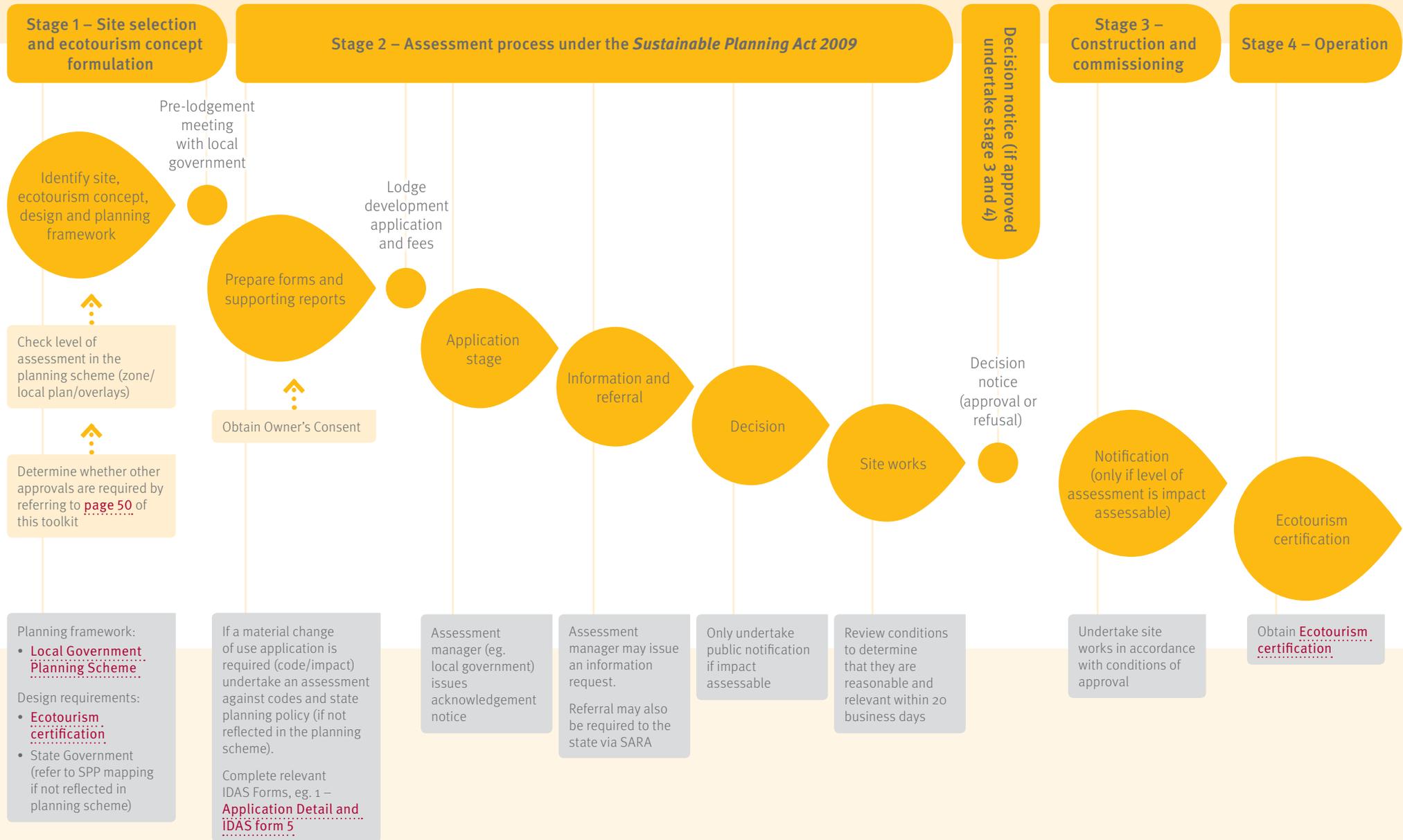
Nightfall Wilderness Camp's conservation program also seeks to restore damaged parts of the site and includes programs to monitor Christmas Creek and the glossy black cockatoo population. Activities offered include swimming, birdwatching and bushwalking. It has been designed to meet Ecotourism Australia's advanced ecotourism certification.



Nightfall Wilderness Camp, Gold Coast, June 2015.
Photo: © Heidi Ross

1. Freehold land

What is the approval process for ecotourism facilities on freehold land?



Non-protected areas

Unallocated State land

Definition

Unallocated State land is defined by the *Land Act 1994* (Schedule 6) as all land that is not:

- (a) freehold land, or land contracted to be granted in fee simple by the State; or
- (b) a road or a reserve, or a national park, conservation park, State forest or timber reserve; or
- (c) subject to a lease, licence or permit issued by or for the State, other than a permit to occupy under this Act issued by the chief executive.

Where State land is not required for public purposes, either now or in the future, the land can be offered to the public in a number of ways; for example, by offer, auction, tender or ballot.

Indicative approval process

The process for obtaining approval to establish an ecotourism facility on unallocated State land includes the need for a 'most appropriate use assessment' and native title issues also need to be addressed. A summary of the key steps in the process is included in **Flowchart 2**, being the process necessary to obtain owner's consent '[Flowchart 2a. Unallocated state land – tenure and owner's consent](#)' (p. 27) and the development assessment process '[Flowchart 2b. Unallocated state land – development assessment](#)' (p. 28).

Leasehold

Definition

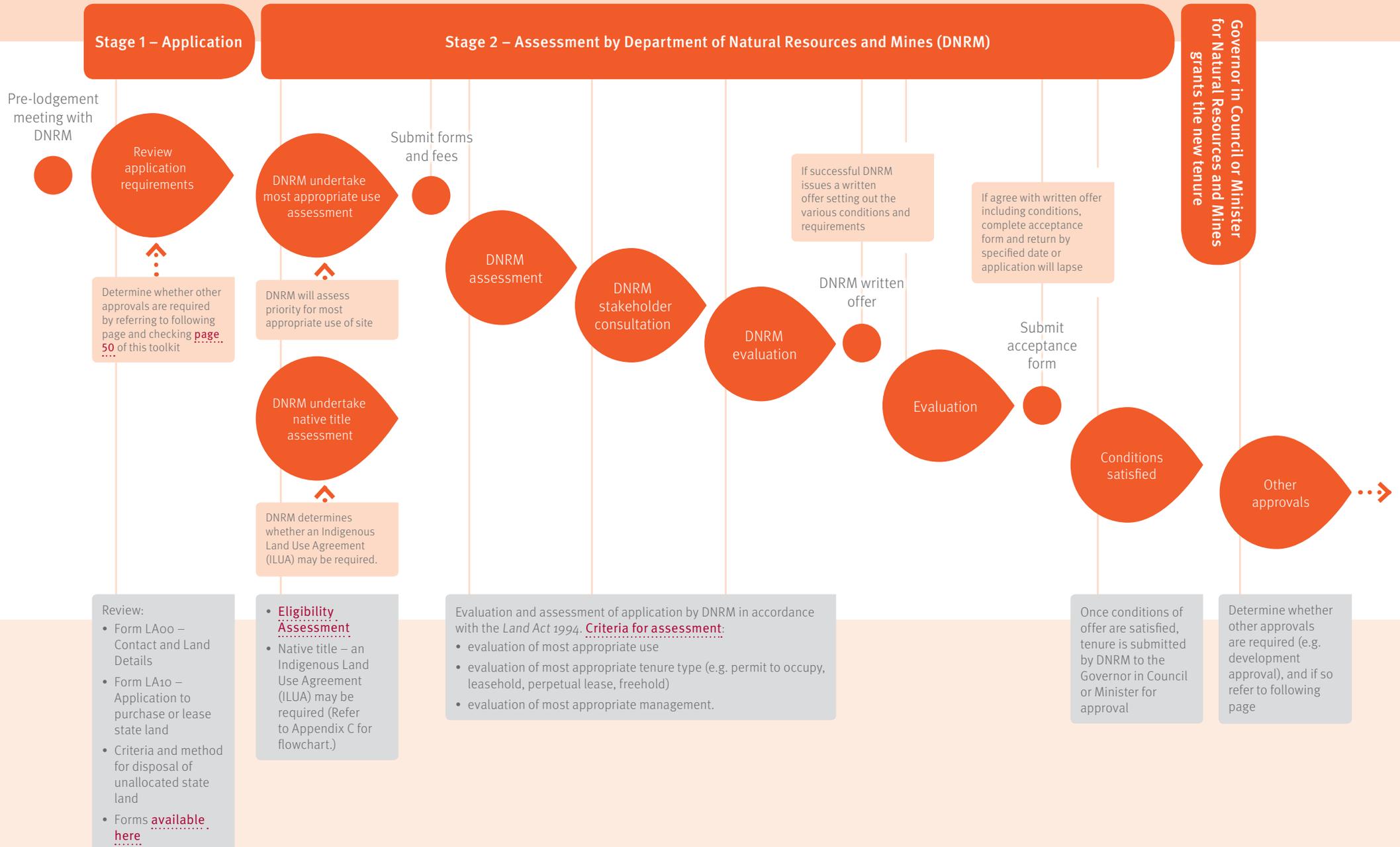
Under the *Land Act 1994* leases may be term leases, perpetual leases or a freeholding lease. Term leases are issued for terms of one to 100 years. These leases expire at the end of the last day of the lease term and the leaseholder loses possession of the land. Any improvements on the land become the property of the State, unless otherwise specified in the conditions of the lease. Landholders can apply to renew their lease prior to the expiry date. Perpetual leases are held by the leaseholder in perpetuity and issued for a specific purpose (e.g. agricultural or commercial). Freeholding leases are issued when a landholder of a grazing homestead perpetual lease, special lease or a non-competitive lease elects to pay the purchase price for their lease in instalments over a number of years. On receipt of the final instalment, the lease is converted to freehold (Queensland Government, 2016). Development and use of a site is to comply with the conditions associated with the lease. Leasehold land may only be used for the allocated purpose.

Indicative approval process

The process for obtaining approval to establish an ecotourism facility on leasehold land is summarised in **Flowchart 3**. It is broken into two key sections; the first being the process necessary to obtain owner's consent '[Flowchart 3a. Leasehold – tenure and owner's consent](#)' (p. 29) and second is the development assessment process '[Flowchart 3b. Leasehold – development assessment](#)' (p. 30).

2a. Unallocated state land – tenure and owner’s consent

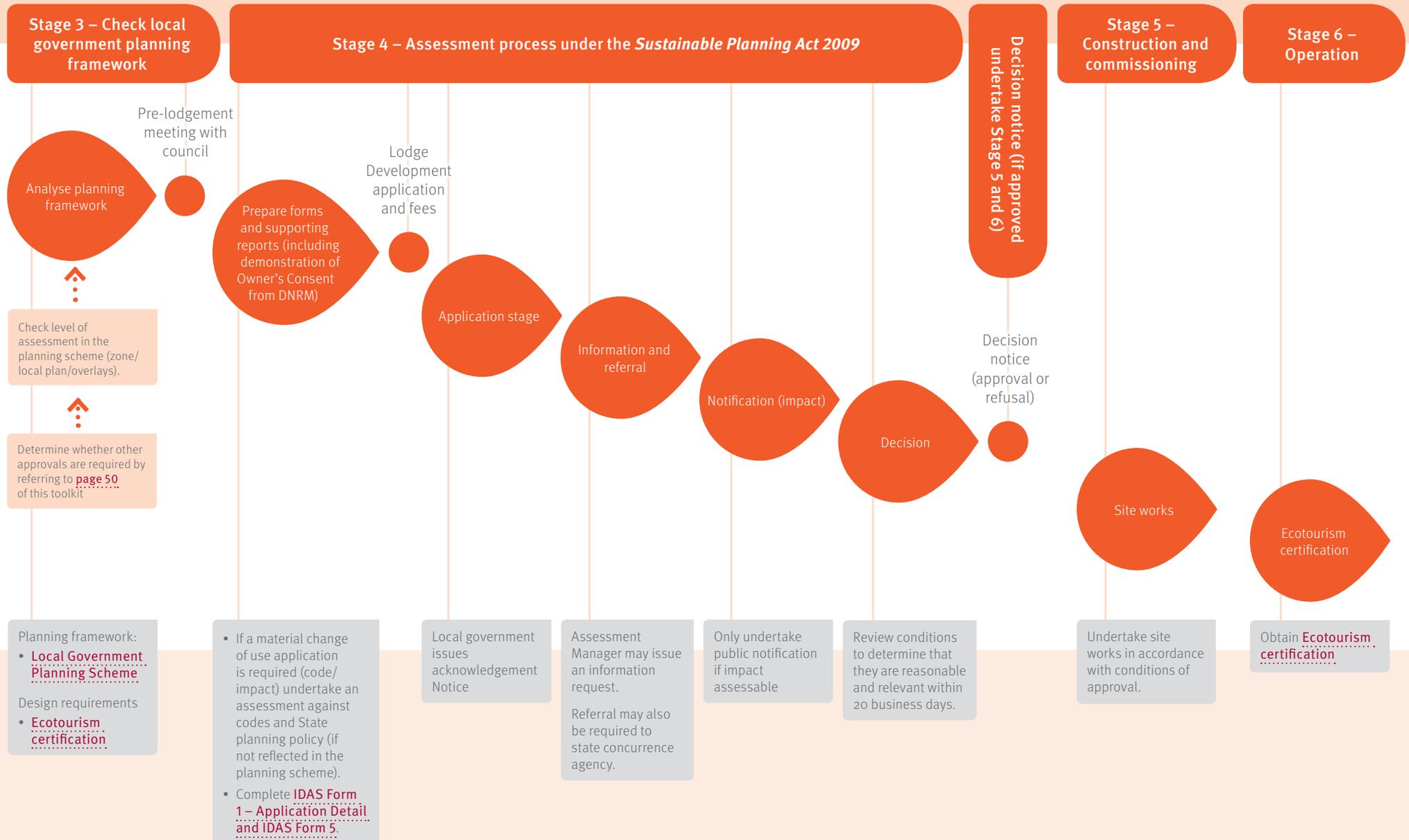
What is the approval process for ecotourism facilities on unallocated state land (tenure and owner’s consent)?



Governor in Council or Minister for Natural Resources and Mines grants the new tenure

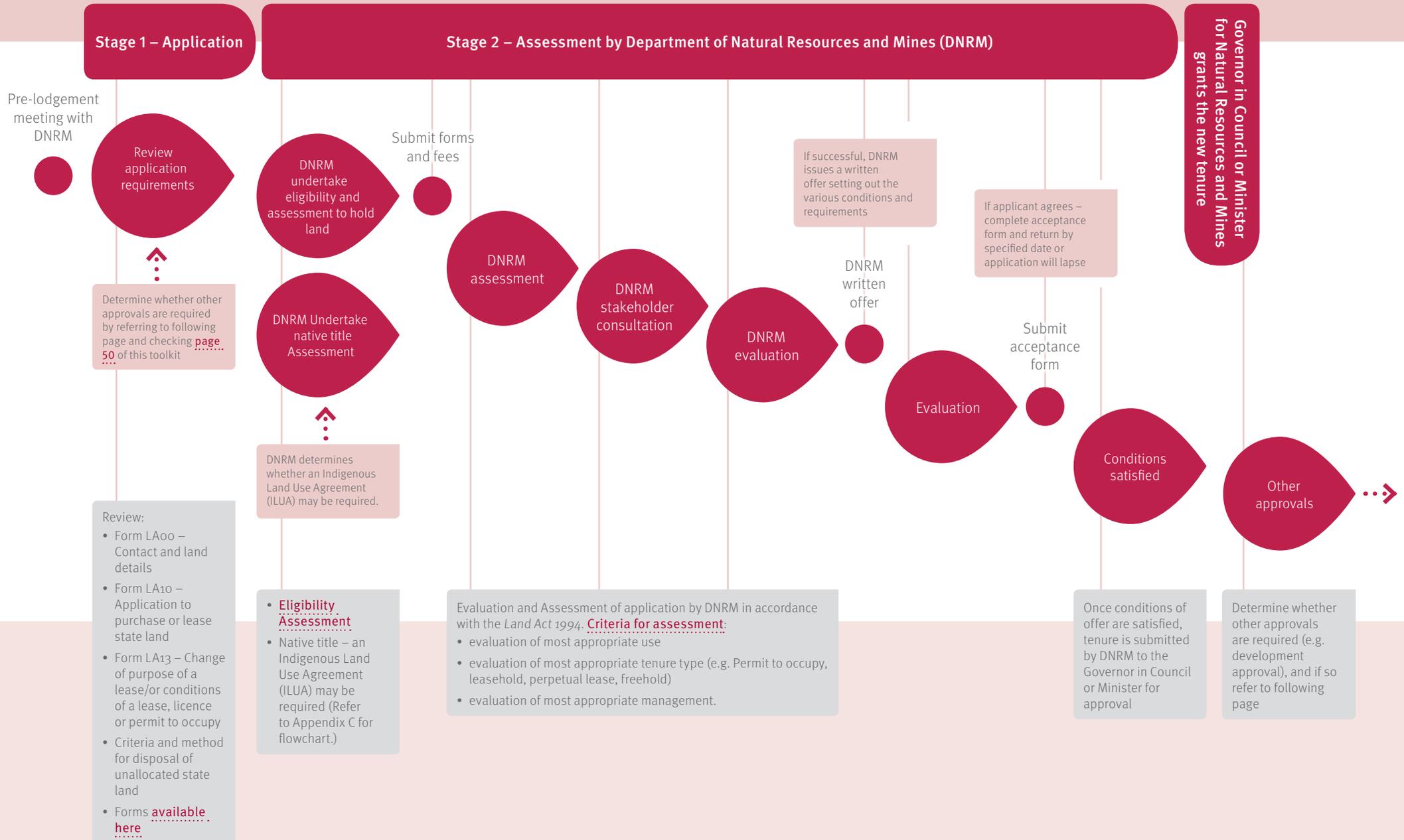
2b. Unallocated state land – development assessment

What is the approval process for ecotourism facilities on unallocated state land (development assessment)?



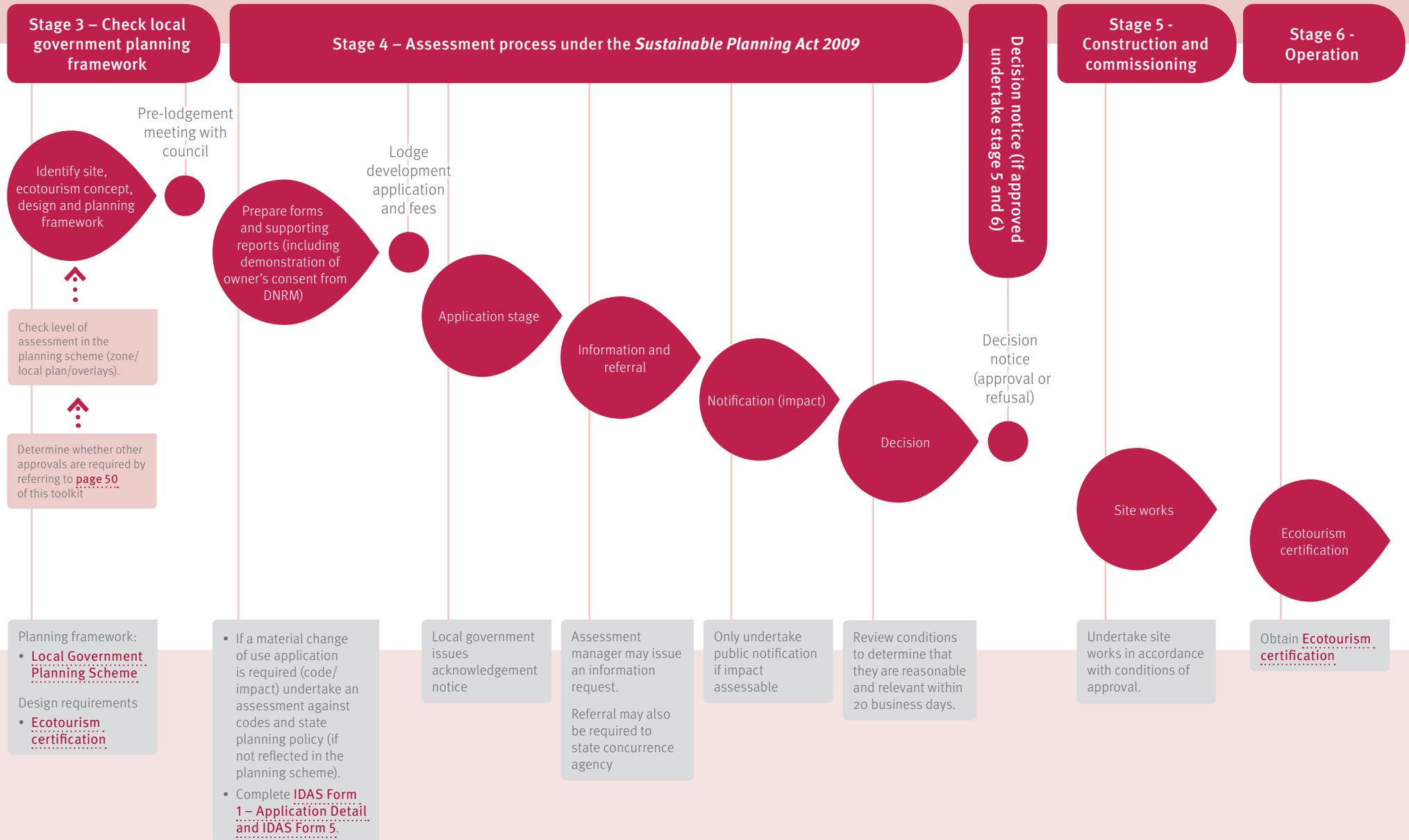
3a. Leasehold – tenure and owner’s consent

What is the approval process for ecotourism facilities on leasehold land (tenure and owner’s consent)?



3b. Leasehold – development assessment

What is the approval process for ecotourism facilities on leasehold land (development assessment)?



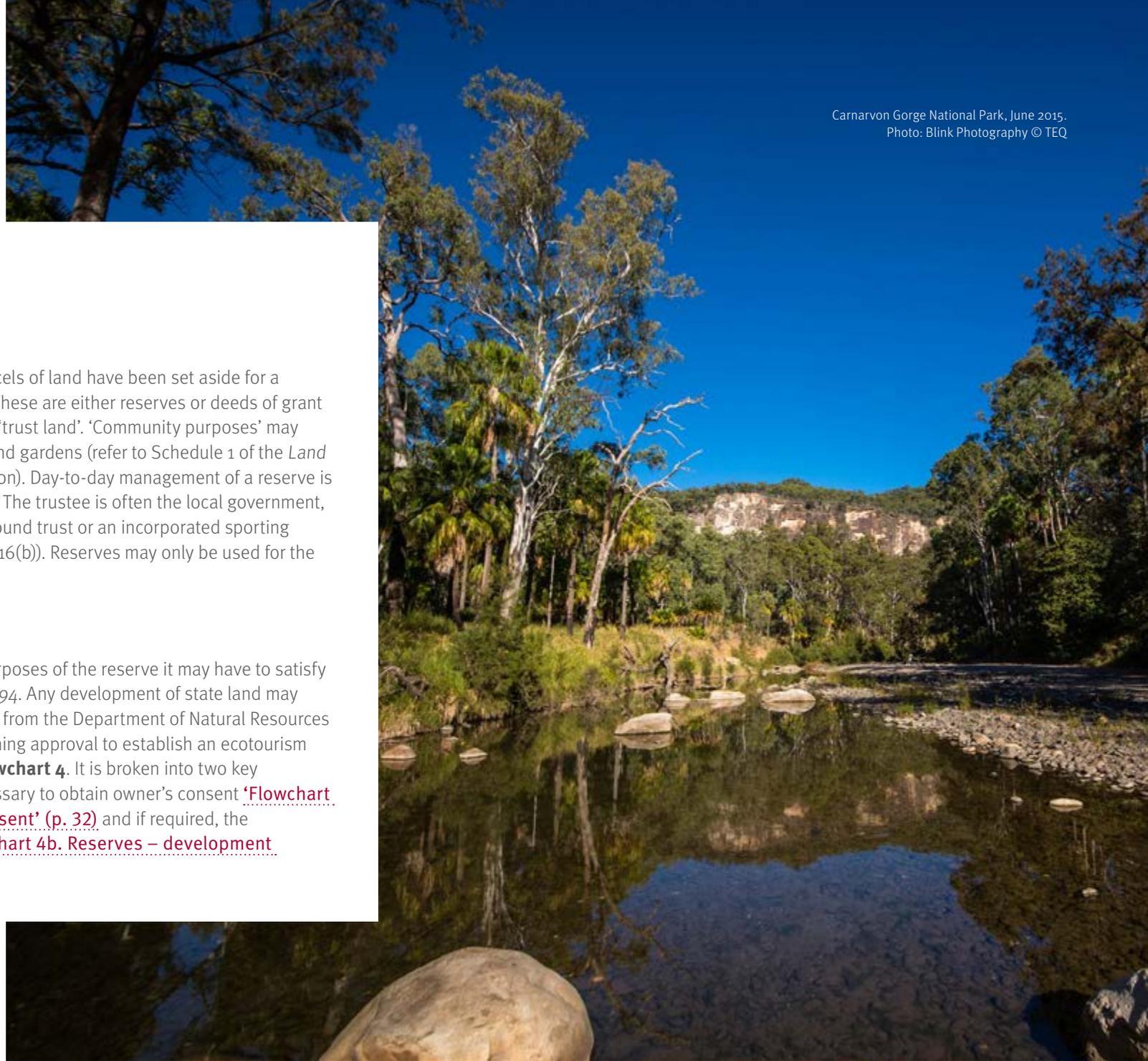
Reserves

Definition

Under the *Land Act 1994* over 27 000 parcels of land have been set aside for a particular public or community purpose. These are either reserves or deeds of grant in trust and are collectively referred to as ‘trust land’. ‘Community purposes’ may include cemeteries, open spaces, parks and gardens (refer to Schedule 1 of the *Land Act 1994* for Community purposes definition). Day-to-day management of a reserve is generally the responsibility of the trustee. The trustee is often the local government, but can also be groups such as a showground trust or an incorporated sporting association (Queensland Government, 2016(b)). Reserves may only be used for the allocated purpose.

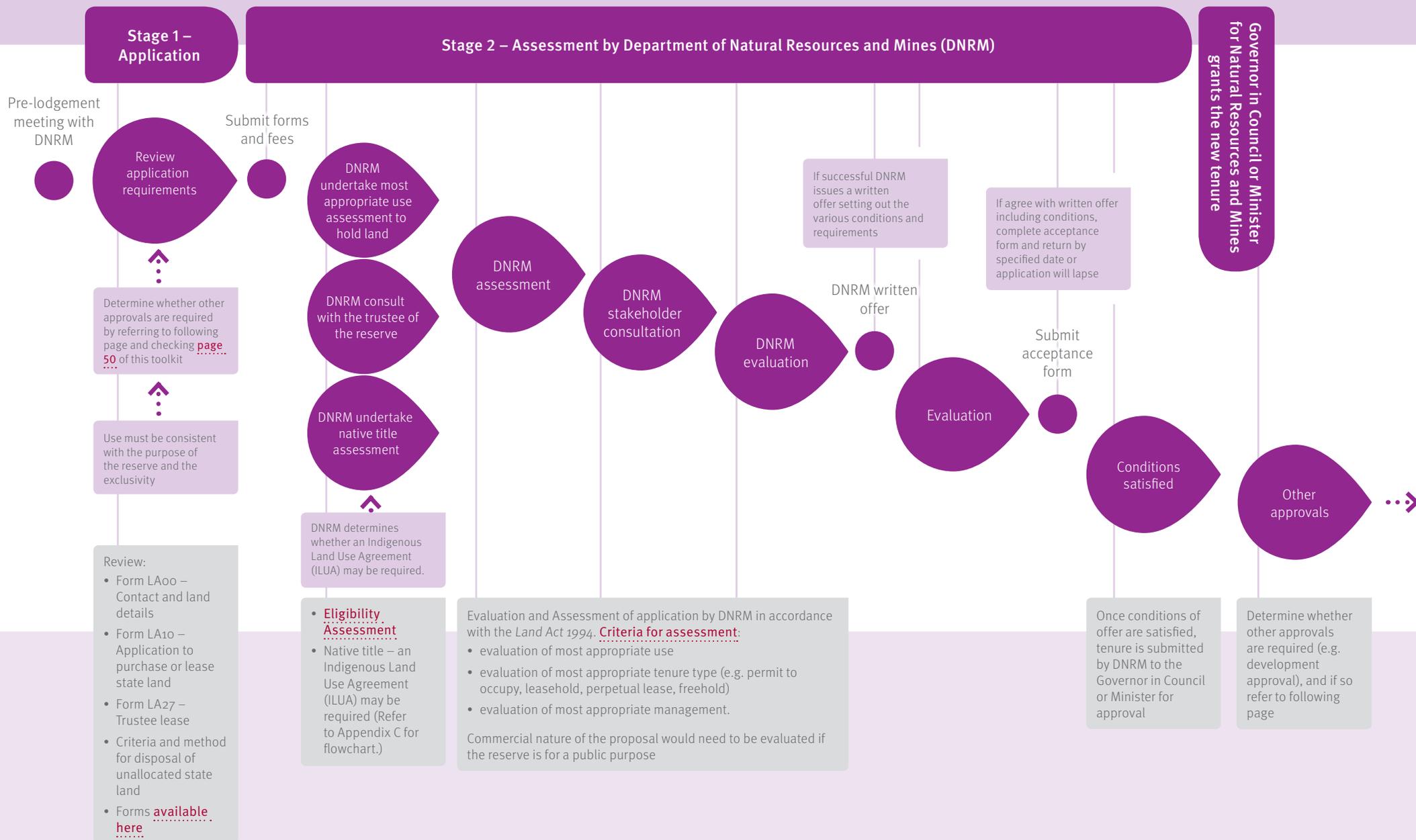
Indicative approval process

If a proposal is not consistent with the purposes of the reserve it may have to satisfy other requirements under the *Land Act 1994*. Any development of state land may also require resource entitlement consent from the Department of Natural Resources and Mines (DNRM). The process for obtaining approval to establish an ecotourism facility on a reserve is summarised in **Flowchart 4**. It is broken into two key sections; the first being the process necessary to obtain owner’s consent [‘Flowchart 4a. Reserves – tenure and owner’s consent’ \(p. 32\)](#) and if required, the development assessment process [‘Flowchart 4b. Reserves – development assessment’ \(p. 33\)](#).



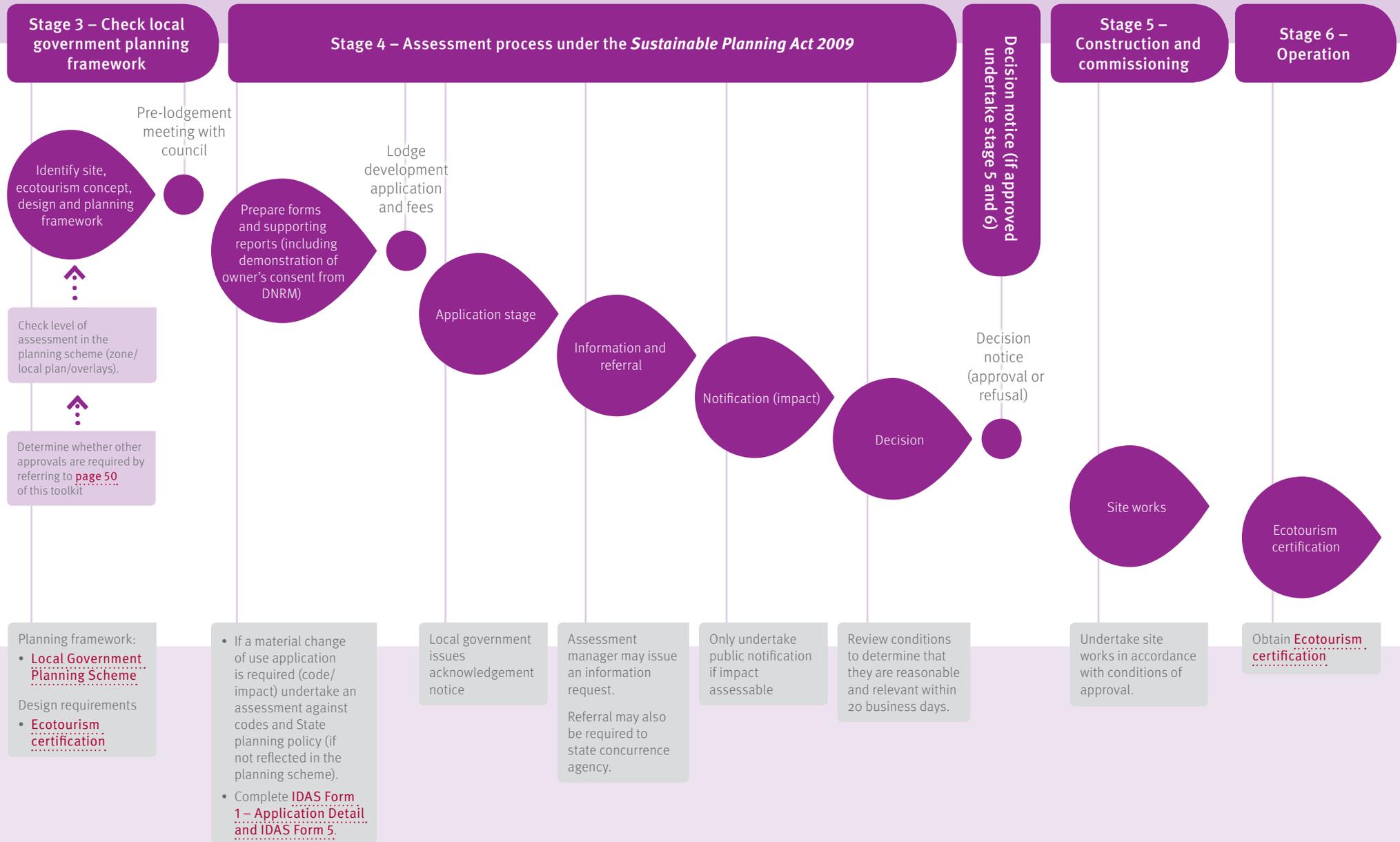
4a. Reserves – tenure and owner’s consent

What is the approval process for ecotourism facilities on reserves (land tenure and owner’s consent)?



4b. Reserves – development assessment

What is the approval process for ecotourism facilities on reserves (development assessment)?





Protected areas

National parks and conservation parks

Definition

National parks and conservation parks are dedicated under the *Nature Conservation Act 1992* (NC Act 1992) and are Queensland's highest value conservation areas. The primary purpose of these areas is the permanent preservation and/or conservation of the land's natural and cultural values. However, where appropriate and ecologically sustainable, secondary uses such as nature-based recreation and ecotourism may be undertaken.

Indicative approval process

The scope of assessment of ecotourism facilities on protected areas will vary with the nature, scale and location of each proposed ecotourism facility. Moderate scale proposals, or those in environmentally or culturally significant locations, will generally require an Environmental Impact Statement (EIS) to be developed. Small-scale proposals may be more appropriately dealt with by a simpler environmental risk assessment. Similarly, subsequent environmental management plans and auditing obligations will vary, depending on the nature and scale of ecotourism facilities. Under the provisions of the *NC Act 1992*, before an approved ecotourism facility can be authorised through the granting of a lease or other authority, the use must be prescribed by regulation as a permitted use for the land. NPSR will arrange the required form of regulatory impact assessment and drafting of regulations for this authorisation to occur, once all requisite approvals are obtained.

The indicative process for obtaining approval to establish an ecotourism facility in national and conservation parks is summarised in **Flowchart 5/6**, noting that native title assessments are part of the overall approval process.

Case study

The following is a hypothetical case study on how to establish an ecotourism facility on national park land.



Daintree National Park, October 2011.
Photo: Brad Newton © TEQ

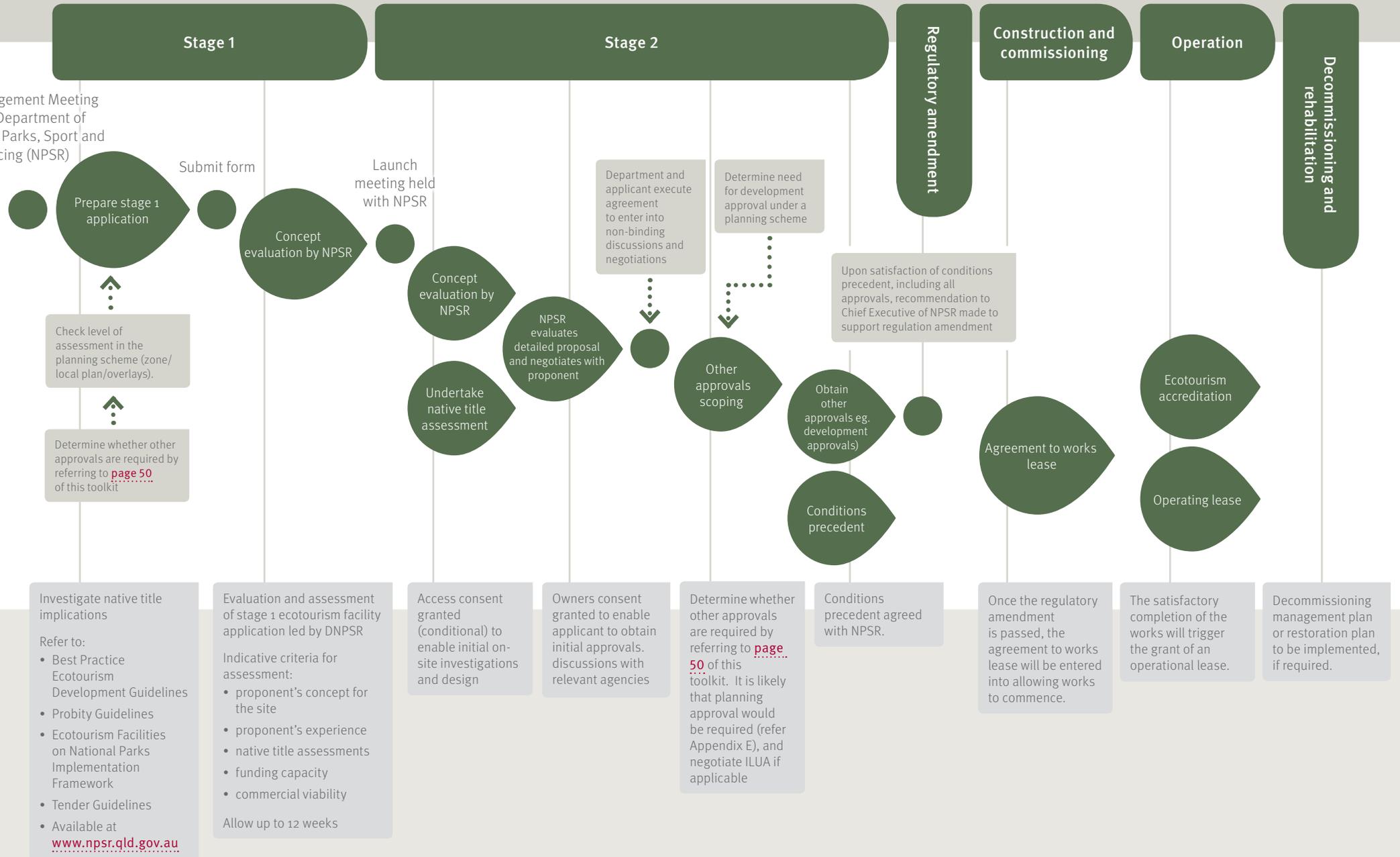
Case study: ecolodge on national park land (hypothetical)

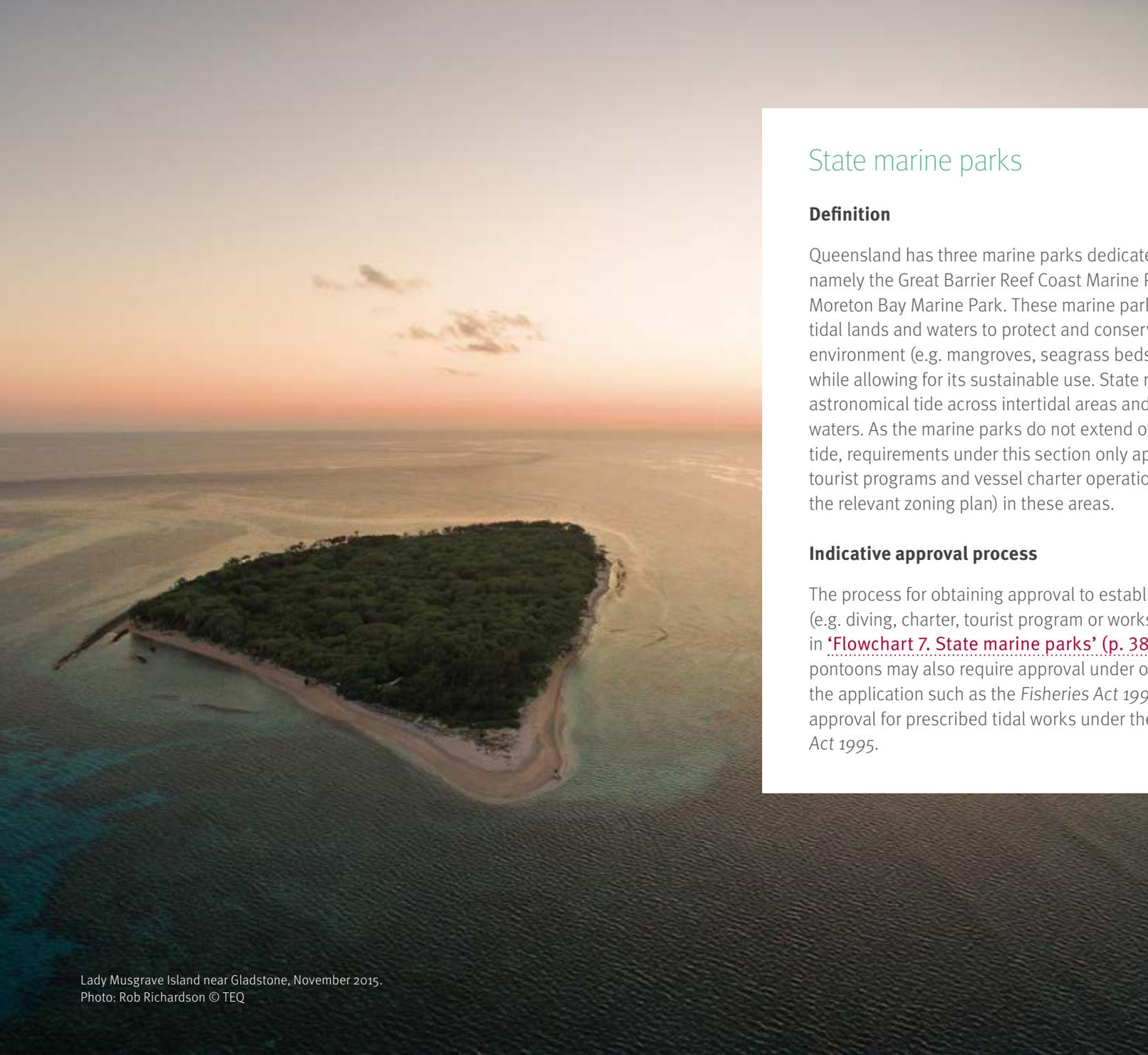
Rainforest Ecolodge Pty Ltd has established a small scale accommodation facility on previously disturbed and developed national park land. In selecting a potential site for the ecotourism facility the proponent consulted with the Department of National Parks, Sport and Recreation (NPSR) who encouraged the proponent to investigate the potential to redevelop a former car park site (brownfield site), which was previously disturbed and had existing road access infrastructure. This aligns with NPSR's *Ecotourism Facilities on National Parks Implementation Framework* (the Framework), which states that where available preference should be given to previously disturbed sites within national parks.

Rainforest Ecolodge went through a two-stage process with NPSR to obtain an operating lease for the development (refer to [‘Flowchart 5/6. National and conservation parks’](#) (p. 36)). Prior to submitting a stage one application, the proponent attended a pre-lodgement meeting with NPSR who reminded the proponent that, as stated in the Framework, they would need to establish the native title status of the proposed site and undertake negotiations if an Indigenous Land Use Agreement (ILUA) is required. The proponent discovered that native title had been extinguished over the area and therefore an ILUA was not required, but the proponent still ensured that traditional owners were consulted appropriately throughout the various stages of the project.

NPSR required that the accommodation be certified under an NPSR-endorsed ecotourism certification scheme and the proponent was required to obtain a Commercial Activity Permit for activities on national park land. A rental return to the state that reflected the nature and scale of the facility, risk profile and return on investment for the proponent was negotiated during the conditions precedent stage. Additionally, during the approvals scoping phase, the proponent discovered that under the local government planning scheme the development proposed was considered ‘code assessable’ and an approval was required from the local council. Due to the use of the wastewater storage tanks for black and grey water, other approvals were not required under the *Environmental Protection Act 1994*.

The ecotourism facility established by Rainforest Ecolodge provides accommodation for a maximum of 20 guests and – in line with NPSR's *Best Practice Ecotourism Development Guidelines* – has been designed and constructed to blend in with the surrounding landscape through the use of light-weight podium structures and colours drawn from the surrounding environment. The ecolodge relies on solar cells for power generation and uses rainwater harvesting for water supply. All black and grey water wastes are removed offsite and taken to a facility licensed to receive these wastes. The ecolodge also provides activities for guests including wildlife experience lectures and guided rainforest walks. Accurate interpretation provided by staff helps guests to better understand and appreciate the natural and cultural values of the site. As agreed during the assessment and negotiation phase of the project, Rainforest Ecolodge provides a contribution to park management and improves the visitor experience by undertaking trail care and assisting NPSR with weed control programs. Guests are provided with information on the proponent's in-kind contributions to park management and are encouraged to minimise water and electricity use.





Lady Musgrave Island near Gladstone, November 2015.
Photo: Rob Richardson © TEQ

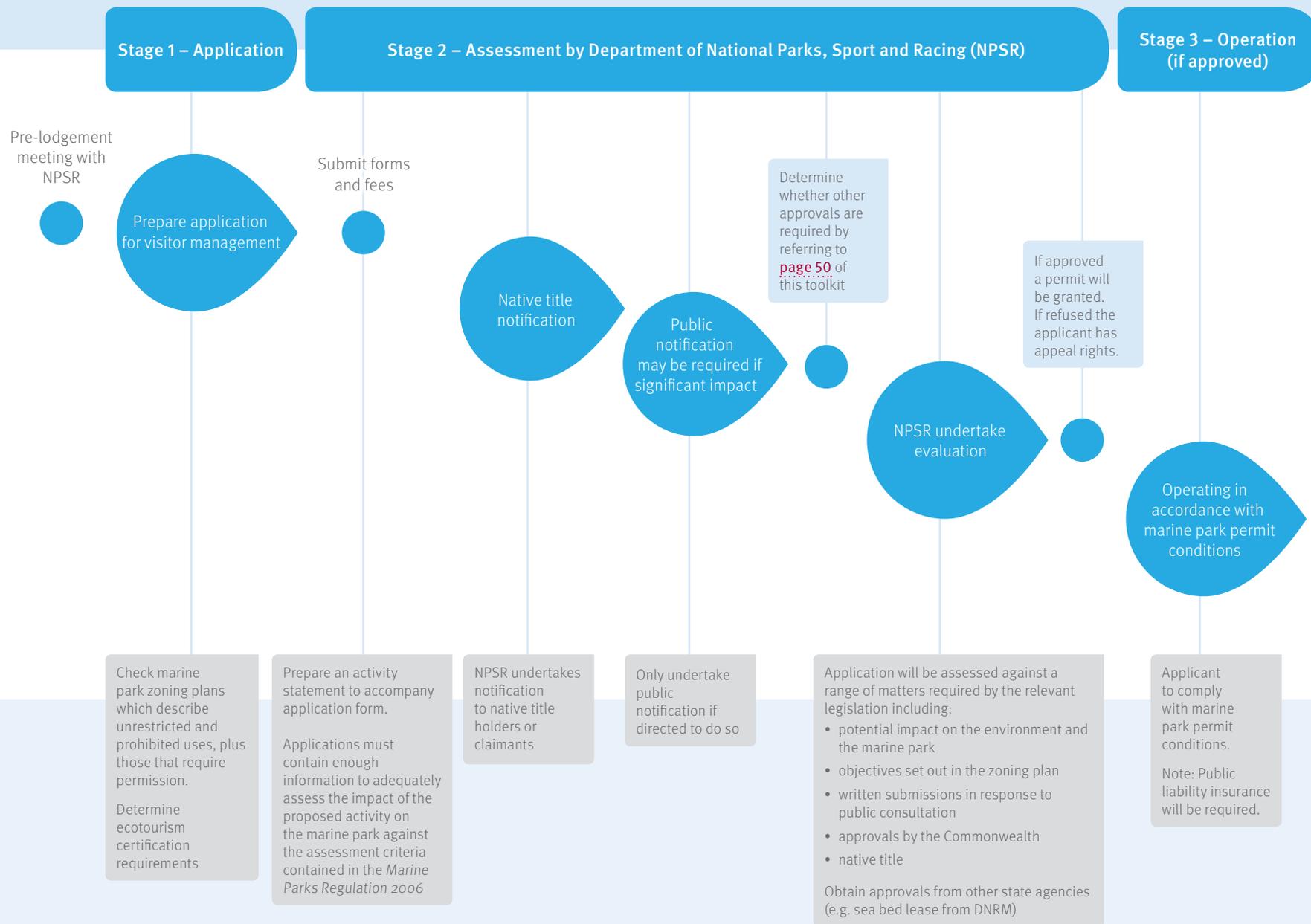
State marine parks

Definition

Queensland has three marine parks dedicated under the *Marine Parks Act 2004*, namely the Great Barrier Reef Coast Marine Park, Great Sandy Marine Park and Moreton Bay Marine Park. These marine parks have been established over tidal lands and waters to protect and conserve the values of the natural marine environment (e.g. mangroves, seagrass beds, mudflats, beaches and fringing reefs), while allowing for its sustainable use. State marine parks extend from the highest astronomical tide across intertidal areas and offshore to the extent of state coastal waters. As the marine parks do not extend over land or past highest astronomical tide, requirements under this section only apply to approvals for jetties, pontoons, tourist programs and vessel charter operations or other regulated activities (refer to the relevant zoning plan) in these areas.

Indicative approval process

The process for obtaining approval to establish an ecotourism facility or activity (e.g. diving, charter, tourist program or works) in a state marine park is summarised in [‘Flowchart 7. State marine parks’ \(p. 38\)](#). Developments such as jetties or pontoons may also require approval under other legislation in effect at the time of the application such as the *Fisheries Act 1994*, *Sustainable Planning Act 2009* and approval for prescribed tidal works under the *Coastal Protection and Management Act 1995*.



Declared fish habitat areas

Definition

Queensland has 70 declared Fish Habitat Areas (FHAs) (at time of publication) that protect more than 1.1 million hectares of high-quality fish habitats (NPSR, 2016 (b)). The declared FHA network provides long-term protection for fish habitats that are essential to sustaining our fisheries. FHAs are areas protected from physical disturbance associated with coastal development and declared under Queensland's *Fisheries Act 1994*. All habitat types (e.g. vegetation, sand bars and rocky headlands) within a declared FHA are equally protected from direct physical disturbance and coastal development. Day to day use including legal fishing and boating is unaffected.

Indicative approval process

Declared FHAs, or parts of declared FHAs, are assigned a management level - either 'A' for very strict management, or 'B', where existing or planned use requires a more flexible management approach. All development requires authorisation before activities start in a declared FHA. A resource allocation authority (RAA) issued under the *Fisheries Act 1994* is required, as well as a development approval under the *Sustainable Planning Act 2009*. An RAA may only be issued for a prescribed development purpose listed in the Fisheries Regulation 2008. The process for obtaining approval in a declared FHA is summarised in ['Flowchart 8. Declared Fish Habitat Areas' \(p. 40\)](#).

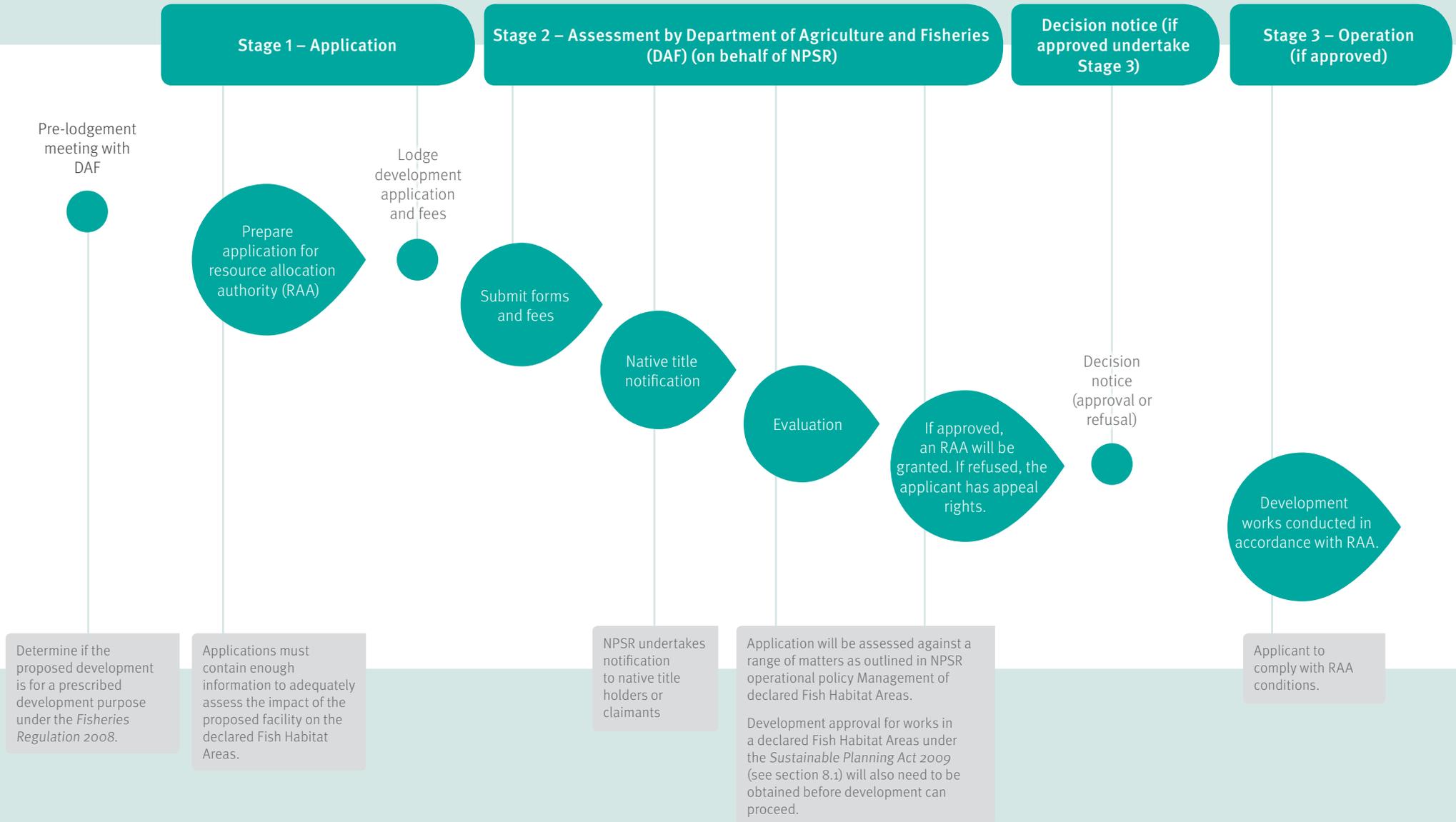


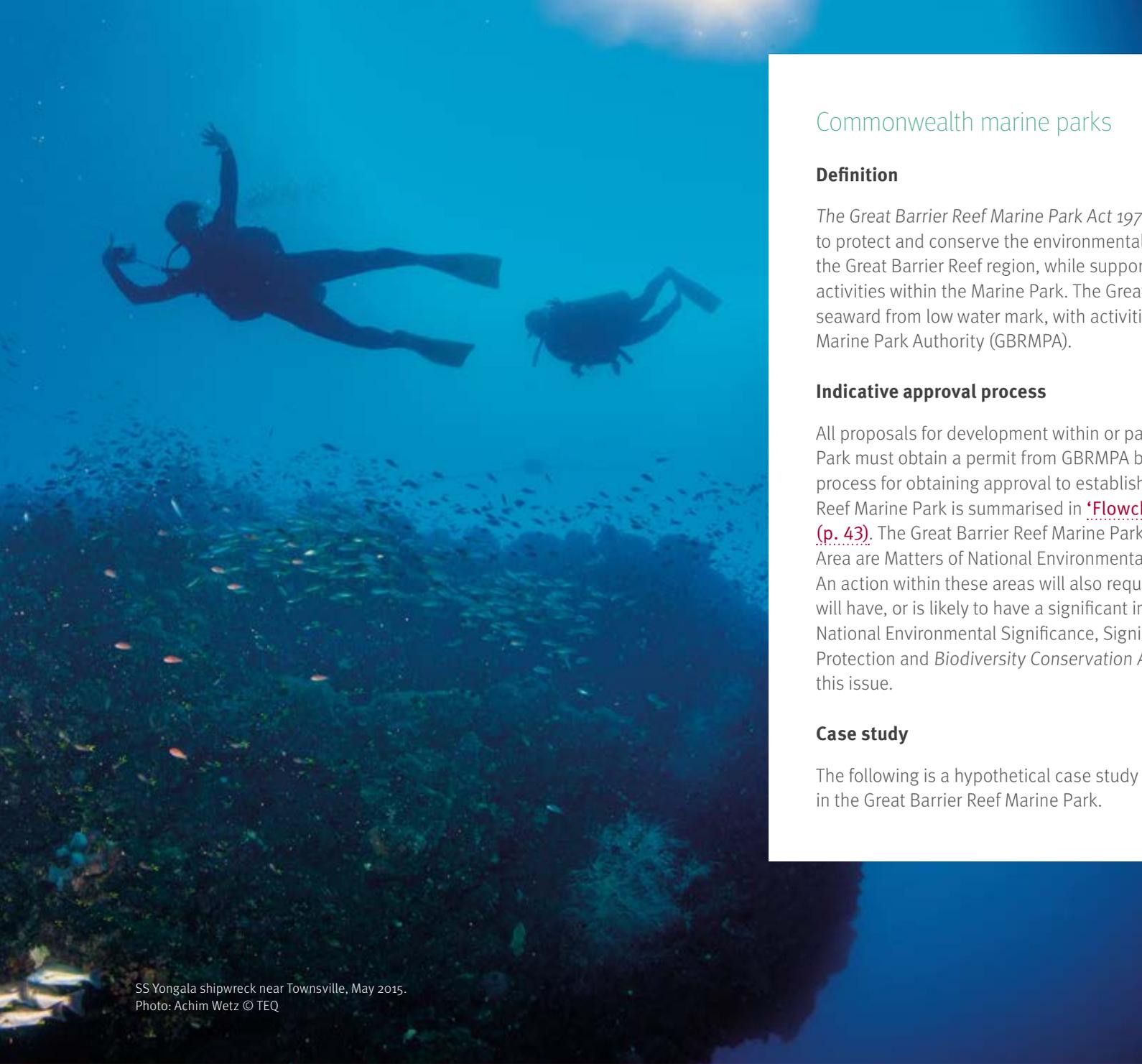
Corio Bay declared FHA, central Queensland.
Photo: © Queensland Government

8. Declared Fish Habitat Areas

What is the approvals process for ecotourism facilities in declared fish habitat areas?

Source: adapted from [NPSR operational policy Management of declared Fish Habitat Areas](#)





SS Yongala shipwreck near Townsville, May 2015.
Photo: Achim Wetz © TEQ

Commonwealth marine parks

Definition

The *Great Barrier Reef Marine Park Act 1975* and its associated regulations seek to protect and conserve the environmental, biodiversity and heritage values of the Great Barrier Reef region, while supporting recreation, economic and cultural activities within the Marine Park. The Great Barrier Reef Marine Park extends seaward from low water mark, with activities regulated by the Great Barrier Reef Marine Park Authority (GBRMPA).

Indicative approval process

All proposals for development within or partly within the Great Barrier Reef Marine Park must obtain a permit from GBRMPA before any work can commence. The process for obtaining approval to establish an ecotourism facility in the Great Barrier Reef Marine Park is summarised in [‘Flowchart 9. Commonwealth marine parks’ \(p. 43\)](#). The Great Barrier Reef Marine Park and Great Barrier Reef World Heritage Area are Matters of National Environmental Significance under the EPBC Act (1999). An action within these areas will also require EPBC Act approval if the action has, will have, or is likely to have a significant impact on the environment. The Matters of National Environmental Significance, Significant impact guidelines 1.1 Environment Protection and *Biodiversity Conservation Act 1999* provides further information on this issue.

Case study

The following is a hypothetical case study on how to establish an ecotourism facility in the Great Barrier Reef Marine Park.

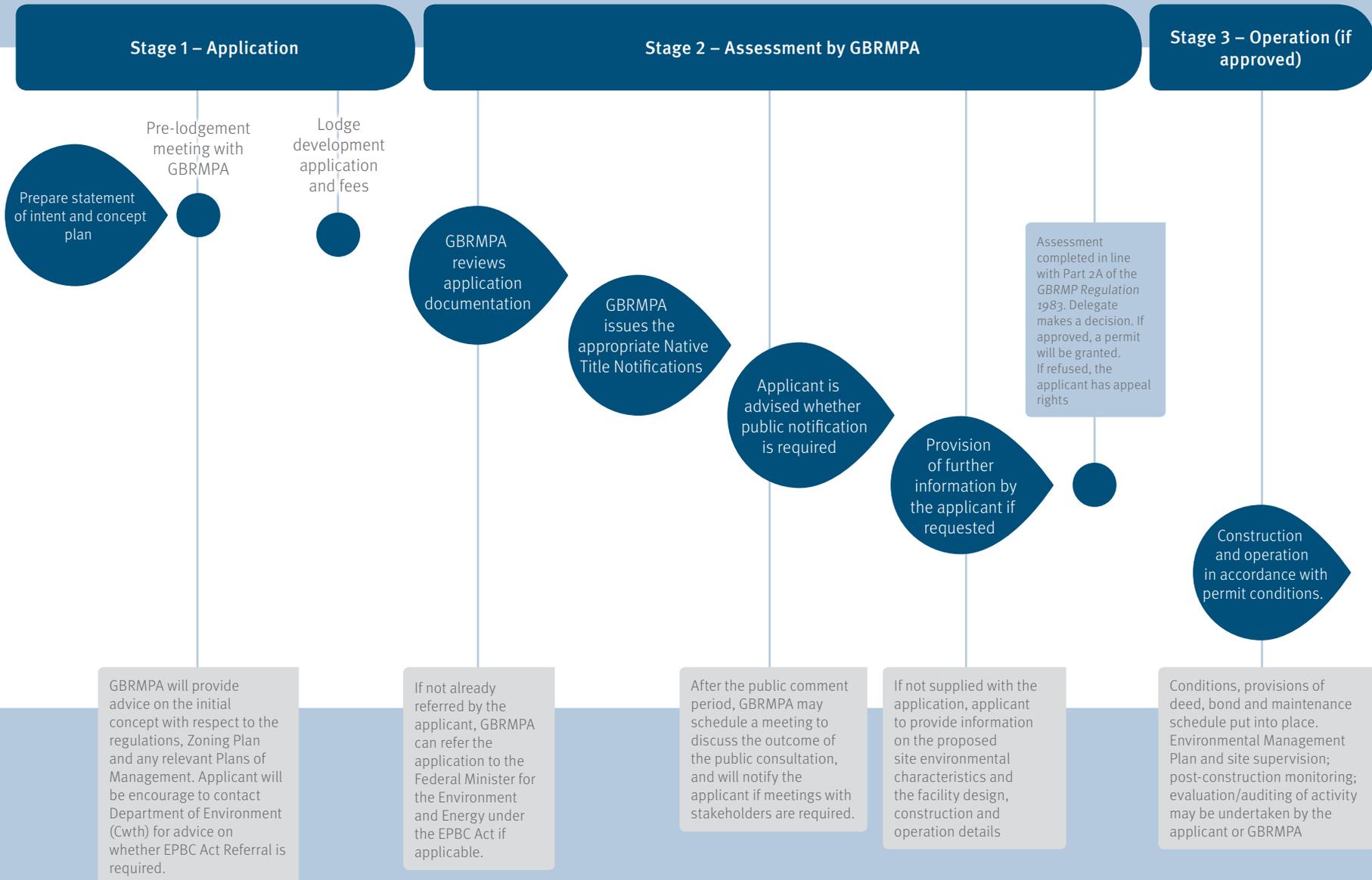
Case Study: Great Barrier Reef Marine Park floating pontoon (hypothetical)

Invest Sea Pty Ltd has proposed a floating pontoon to accommodate maxi-boats within the Great Barrier Reef World Heritage Area as part of their scuba diving operations. Pontoons on the outer reef that the maxi-boats visit are privately owned and administered under the *Great Barrier Reef Marine Park Act 1975* (Cwth). To identify potentially suitable sites for the pontoon, Invest Sea reviewed the Cairns Area Plan of Management (CAPOM). The Cairns Area Plan of Management provides the basis for allocating tourism permissions, including moorings and pontoons. It also provides restrictions on the types of activities that can be conducted at specific locations and limits the number of moorings and pontoons located at each reef. Invest Sea identified a site on a reef that still had capacity. They then developed an ecotourism concept for consultation with the Great Barrier Reef Marine Park Authority (GBRMPA). The concept detailed the proposed operations including the proposed daily number of boats, number of visitors/staff, baseline survey information of the proposed site, including the existing water depth, currents and benthic environment, construction/anchoring techniques and strategies regarding waste management. Following the meeting with GBRMPA, Invest Sea lodged an application for a Marine Park Permit and then produced final plans of the pontoon and mooring system that were certified by a Marine Engineer. The application required public notification, and following that period was assessed and then approved subject to conditions.

The conditions included the requirement for an Environmental Management Plan/s, Deed of Agreement and the payment of a bond, cyclone contingencies, and regular maintenance requirements. Operation of the pontoon and any associated tourism program requires ongoing Environmental Management Charge obligations.

Refer also to: Pontoon operations





When do you need a Commercial Activity Permit?

Activities requiring a Commercial Activity Permit

The operation of an ecotourism facility in or adjacent to a national park will usually involve activities in the park conducted outside the proposed facility, such as guided tours. These activities may require a separate Commercial Activity Permit (CAP) or agreement to be granted by NPSR. The granting of a CAP will require native title assessment and may also be considered under the requirements of an Indigenous Land Use Agreement (ILUA) if one is in place for that location. A CAP is legally required to conduct commercial activities in certain NPSR-managed areas, such as those listed below:

- state forests and forest reserves including plantation forests
- national parks
- conservation parks
- resources reserves
- recreation areas, including:
 - Moreton Island Recreation Area
 - Minjerribah Recreation Area
 - Bribie Island Recreation Area
 - Fraser Island Recreation Area
 - Inskip Peninsula Recreation Area
 - Cooloolool Recreation Area
 - Green Island Recreation Area.

NPSR is implementing the Queensland Eco and Sustainable Tourism (QuEST) policy framework for ecotourism operators accessing high visitation national parks (NPSR, 2015 (a)). Authorised ecotourism operators in national parks will be offered commercial activity agreements. Benefits of QuEST include business certainty, best practice standards, support for authorised tourism operators, opportunities for growth and streamlined administration.

Further information can be found at: www.npsr.qld.gov.au/tourism/quest/.

Approval process

A pre-lodgement meeting with NPSR regional staff for a CAP application is recommended to assist in streamlining the assessment process. Once a valid application form and permit fees have been received, the assessment process commences. Depending on the proposed commercial activity, NPSR may request that the applicant give public notice, and any written submissions will be considered during the assessment.

NPSR has up to 40 business days to assess a CAP application. However, if more information is required to assess the application, NPSR will request this information from the applicant and must then make a decision whether to grant or refuse the application within 40 business days of receiving the additional information. Furthermore, to obtain approval for a CAP, workers' compensation insurance, public liability insurance and other insurances and indemnities (depending on the type of activity proposed) may be required (QLD Government, 2016(c)).

Further information including lodgement of applications can be found via the [Business and Industry Portal website](#).

Falls at Hinchinbrook Island near Townsville, December 2015.
Photo: Aaron Spence © TEQ

When do you need development approval?

Sustainable Planning Act 2009 and State Assessment and Referral Agency (SARA)

At the time of publication, the *Sustainable Planning Act 2009* (SPA) and the *Sustainable Planning Regulation 2009* (SPR) provide a framework to integrate planning and development assessment, so that development and its effects are managed in a way that is ecologically sustainable. The Act defines 'development' as any of the following:

- Making a material change of use of premises (e.g. changing a use or intensity of use)
- Reconfiguring a lot (e.g. subdividing lots)
- Operational work (e.g. clearing native vegetation; disturbance of marine plants)
- Building work
- Plumbing/drainage work.

Under the *Sustainable Planning Regulation 2009* certain types of development will require referral to the State or SARA for assessment (e.g. development in a coastal management district or within 25 metres of a State Controlled Road). It is recommended that developers consult with local governments early in the formulation of the ecotourism concept to determine development assessment and State referral requirements.

Note: The *Planning Act 2016* (Planning Act) was passed by the Queensland Parliament on 12 May 2016. Commencing mid-2017, the Planning Act will replace the SPA.



Wallabies on the beach at Mackay, December 2015.
Photo: Aaron Spence © TEQ

Local government planning schemes

Planning schemes seek to advance state and regional policies through more detailed local responses, taking into account the local context. The schemes are prepared in accordance with planning legislation (currently Chapter 3 under SPA). Ecotourism facilities will typically require assessment in accordance with the provisions of a planning scheme. To determine what requirements apply:

- Definitions: Check how ecotourism is defined by referring to the definitions in the planning scheme. Ecotourism facilities may be referred to as ‘nature-based tourism’ or in the absence of such a definition could fall within the definition of a ‘resort complex’, ‘short term accommodation’, ‘tourist facility’ or ‘tourist park’.
- Zones, local plans and overlays: Check mapping applying to the site to determine what zone (e.g. Conservation, Rural), local plan (if any) and overlay maps (e.g. habitat and biodiversity).
- Tables of assessment: On the basis of the mapping searches, check the relevant tables of assessment to determine whether an ecotourism facility is exempt, compliant, self-assessable, code assessable, impact assessable or is a prohibited development and the applicable codes (if any).
- Significantly:
 - Exempt development does not require any further assessment.
 - Self-assessment does not require a development application if the relevant code provisions can be met.
 - Compliance and Code assessment requires applications to be made but does not require public notification.
 - Impact assessment requires public notification and attracts third party appeal rights.
- Codes: Check codes triggered by the mapping layers and also use these to determine the assessment and design requirements for a particular use, zone, local plan or overlay.

Ecotourism facilities are likely to be identified as code or impact assessable under a planning scheme and will require approval under the *Sustainable Planning Act 2009* and *Sustainable Planning Regulation 2009* (refer to [‘Appendix E: Sustainable Planning Act—development assessment’ on p. 67](#)). Such an application would generally be lodged with the local government but may also require referral to the state for assessment (SARA).

Usually code assessable development applications are cheaper and faster to assess than impact assessable applications which also require public notification. Depending on the location and nature of an ecotourism facility it may also require assessment against the State Planning Policy, State Development Assessment Provisions or a Regional Plan, to the extent that such policies are not reflected in the planning scheme.

Material Change of Use and types of assessable development

A Material Change of Use (MCU) is defined as the start of a new land use, the re-establishment of an abandoned use or a material increase in the intensity or scale of an existing land use. Typically, a new ecotourism development proposed on a lot which is currently used for low scale rural activities will represent the start of a new land use on a site. Whether or not a material change of use requires approval will depend on the tables of assessment within a planning scheme and the provisions of the *Sustainable Planning Regulation 2009*. A land use may be exempt from assessment, or require compliance, self, code or impact assessment due to zoning, overlay or local plan considerations. If an ecotourism facility is defined as ‘code’ or ‘impact’ assessable by the table of assessment in a planning scheme, it will be necessary to lodge a development application with ‘the assessment manager’, typically the local government.

Development assessment road map

If a development application is code or impact assessable based on the tables of assessment under a planning scheme or Schedule 3 of *Sustainable Planning Regulation 2009* (SPR), the *Integrated Development Assessment System* (IDAS) sets out how development applications should be made and assessed. A local government is usually the assessment manager and referral of an application to the state may be required under the SPR, depending on the location, attributes of the site and intensity of development. An overview of the development assessment process (impact assessment and referral required) is represented in Appendix E and includes:

- proponent lodges the development application (IDAS Forms, Owner's Consent and accompanying mandatory reports) and application fees with the assessment manager as prescribed by the SPR. Checklists of application requirements and the relevant forms are available at www.dilgp.qld.gov.au.
- assessment manager assesses an application to determine whether it is 'properly made'. A properly made application includes all mandatory information, the owner's consent and any application fees
- assessment manager issues an acknowledgement notice for a properly made application within 10 business days and identifies any referral or notification requirements under the SPA and SPR
- application is referred by the applicant to the State Assessment and Referral Agency (SARA) (if required) and referral agency fees are paid. A referral agency

is an advice agency or a concurrence agency; the latter has power to impose conditions, approve part, approve a preliminary approval only, or refuse an application

- assessment manager and any referral agencies may request additional information or clarifications
- if any additional information is requested, the proponent must respond within six months (with potential extensions to this time available by agreement)
- referral agencies will assess the application within the limits of their jurisdiction and against any applicable codes and state or regional planning instruments
- if an application is impact assessable or is for a preliminary approval affecting how the planning scheme applies to land, the applicant is required to publicly notify the development application (for 15 or 30 business days depending on specific circumstances) and then issue the assessment manager with a notice of compliance
- assessment manager decides the application within 20 business days (with further extensions possible) and will either approve the application (in whole or in part), approve subject to conditions or refuse the application. A decision notice (attaching concurrence agency requirements if relevant) is to be provided within five business days of a decision being made.

Ecotourism proponents should consult with the local government before lodging a development application. A pre-lodgement meeting would assist in ensuring consistency with planning scheme requirements and determining information required to be lodged as part of the application process.

How should native title, Aboriginal cultural heritage and Torres Strait Islander cultural heritage be addressed?

What is native title and how is it addressed?

Native title describes the recognition by the Australian legal system of rights and interests of Aboriginal and Torres Strait Islander peoples to land and waters according to their traditional laws and customs. Native title has its source in the body of law and custom acknowledged and observed by Indigenous claimants ancestors when Australia was colonised by Europeans (National Native Title Tribunal, 2009). Ecotourism facility proponents will usually be required to establish the native title status of a site or an area proposed for an ecotourism facility. Where proponent investigations find that native title has not been extinguished and native title exists, proponents will need to comply with the *Native Title Act 1993* (NTA) before proceeding with the proposal. The type of action required under the NTA will depend on the activity and could include simply giving notification of the activity to the native title party or in some cases, reaching agreement for the activity to proceed through an Indigenous Land Use Agreement (ILUA). If a development site is on State land (either a protected area or non-protected tenure class), an ILUA may be required under the Native Title Act 1993 to negotiate native title consent for use and access rights.

ILUAs provide landholders with an option for negotiating flexible, pragmatic arrangements with a native title group. They can be negotiated whether or not native title has been determined and can be part of a native title determination or settled separately. Once an ILUA is registered with the National Native Title Tribunal, it has the same status as a legal contract. [‘Appendix C: Indigenous Land Use Agreement—native title’ on p. 65](#) provides an overview of the key steps required to prepare and lodge an ILUA.



Aboriginal cultural heritage and Torres Strait Islander cultural heritage

The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* seeks to provide effective recognition, protection and conservation of Aboriginal and Torres Strait Islander cultural heritage, including a significant Aboriginal and Torres Strait Islander area, object or archaeology. In constructing or undertaking ecotourism activities, it is necessary that all reasonable and practical measures are taken to ensure the activity does not harm Aboriginal and Torres Strait Islander cultural heritage; it is recommended that the Department of Aboriginal and Torres Strait Islander Partnerships' (DATSIP) Duty of Care Guidelines are followed to assist in conducting due diligence. The size and scale of works involved, the level of risk to Aboriginal and Torres Strait Islander cultural heritage at a site and the level of approvals required, all contribute to whether a Cultural Heritage Management Plan (CHMP) may be required. The process for undertaking a CHMP is included in ['Appendix D: Cultural heritage management plan process'](#) on p. 66

Native title contacts

Native Title Services

Department of Natural Resources and Mines

PO Box 15216, Brisbane QLD 4002

Email: nativetitleservices@dnrm.qld.gov.au

Web: www.dnrm.qld.gov.au

Department of Aboriginal and Torres Strait Islander Partnerships

PO Box 15397 City East Qld 4002

Email: enquiries@datsuma.qld.gov.au

National Native Title Tribunal

Freecall: 1800 640 501

Email: enquiries@nntt.gov.au



Laura Aboriginal Dance Festival, Cape York, 2013.
Photo: Cathy Finch © TEQ

What other approvals may commonly be required?

Introduction

This section details approvals that may be required due to the location or nature of potential impact associated with the proposed ecotourism facility. This section is not intended to be exhaustive and other less common statutes are presented in [‘Appendix A: Less common state legislation and policies relevant to the assessment of ecotourism facilities’ on p. 62.](#)

Commonwealth approvals

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) provides for the protection of Matters of National Environmental Significance (MNES). Under the EPBC Act, a person must not take an action that has, will have, or is likely to have a significant impact on any of the MNES (e.g. World Heritage properties) without approval from the Australian Government Environment Minister or the Minister’s delegate. An ecotourism development may require approval under the EPBC Act if a development has the potential to have a ‘significant impact’ on a matter of national environmental significance; in this regard, there is a Bilateral Agreement with the Commonwealth which enables a single assessment process. The matters of national environmental significance relevant to ecotourism projects include:

- World Heritage properties, including the Great Barrier Reef Marine Park
- national heritage places
- wetlands of international importance (often called ‘RAMSAR’ wetlands)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas.

[‘Appendix B: The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 referral process’ on p. 63](#) provides the flowchart for undertaking a referral under the EPBC Act.

Great Barrier Reef Marine Park Act 1975

The object of the *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) is to provide for the long-term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef. This is achieved through the establishment of the Marine Park, Marine Park Authority, Zoning Plans and Plans of Management. If an ecotourism facility is proposed within the Great Barrier Reef Marine Park, it may require permission under the GBRMP Act. If a permission is required, referral of the action under the EPBC Act is deemed to be an application under the GBRMP Act (refer to [‘Appendix B: The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 referral process’ on p. 63](#)).

Native Title Act 1993

The *Native Title Act 1993* provides for the recognition and protection of native title and establishes the processes in which future dealings affecting native title may proceed such as through ILUAs.

State approvals

Aboriginal Cultural Heritage Act 2003 (Qld)

The *Aboriginal Cultural Heritage Act 2003* seeks to provide effective recognition, protection and conservation of Aboriginal cultural heritage, including a significant Aboriginal area, object or archaeology. The Act contains ‘duty of care’ provisions which require that those conducting activities must take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage. In some cases, including when an Environmental Impact Statement is prepared, a *Cultural Heritage Management Plan* (CHMP) may be required. The process for undertaking a CHMP is included in Appendix D.

Building Act 1975 (Qld)

The *Building Act 1975* regulates building development approvals, building work, building classification and building certifiers. All ecotourism facilities that involve building work (building, repairing, altering, and underpinning, moving or demolishing a building or other structure) will require approval by a private certifier and/or the relevant Local Government.

Coastal Protection and Management Act 1995 (Qld)

The principal object of the *Coastal Protection and Management Act 1995* is the protection, conservation, rehabilitation and management of the state’s coastal resources and biodiversity by the provision, in conjunction with other legislation, of a coordinated and integrated management and administrative framework for the ecologically sustainable development of the coastal zone. Certain types of development currently prescribed under the *Sustainable Planning Regulation 2009* will require referral to the state for assessment where located within a coastal management district. Subsequent approvals for operational works within a tidal area may also be required. The State Planning Policy [interactive mapping site](#) indicates the extent of these areas.

Environmental Offsets Act 2014 (Qld)

Environmental offsets compensate for unavoidable impacts on significant environmental matters, such as highly valuable species and ecosystems. An environmental offset may be required as a condition of an authority for a proposed activity. Environmental offsets are not an assessment trigger, and are only considered where:

- An application for an authority is first required; and
- The assessment requires consideration of an environmental offset as a suitable outcome.

Conditions for environmental offsets will only be applied as a result of an assessment trigger (i.e. the requirement to make an application for an authority) under the *Environmental Protection Act 1994*, *Sustainable Planning Act 2009*, *Nature Conservation Act 1992*, or the *Marine Parks Act 2004*. These Acts govern if and when an environmental offset is required as a condition of an authority.

Offsets are not required for all environmental matters. Prescribed environmental matters for which offsets may be required are outlined in section 10 of the *Environmental Offsets Act 2014* (EO Act), and in section 5 and Schedule 2 of the *Environmental Offsets Regulation 2014*. Likewise not all activities are ‘prescribed activities’ for the purpose of the EO Act. These are identified in section 9 of the EO Act and in section 4 and schedule 1 of the *Offsets Regulation*. An ecotourism development may require an environmental offset if it is a prescribed activity and is likely to have a significant residual impact on a matter of national, state or local environmental significance. To prevent duplication of offset requirements, for example between the state and the Commonwealth (see also *Environment Protection and Biodiversity Conservation Act 1999* above for matters of national environmental significance where consideration of offsets may be required), the EO Act requires agencies to consider any existing environmental offset conditions that have already been applied to the activity and includes provisions where a proponent can seek to remove an offset condition that is duplicated between authorities.

Environmental Protection Act 1994 (Qld) (State Ecological Significance)

The object of the *Environmental Protection Act 1994* is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends. Environmental values are specified in the *Environmental Protection Act 1994* (EP Act), the *Environmental Protection Regulation 2008* (EP Regulation), environmental protection policies (EPPs) and relevant guidelines.

Nature Conservation Act 1992 (Qld)

The *Nature Conservation Act 1992* (NC Act) applies to the State's National Parks, Conservation Parks, Nature Refuges and Coordinated Conservation Areas. The NC Act seeks to achieve the conservation of nature while allowing for the involvement of indigenous people in the management of protected areas. It also provides opportunities for ecotourism facilities (refer to Glossary) that are consistent with the area's natural and cultural resources and values. A lease, agreement, licence, permit or other authority for an ecotourism facility may be granted if it:

- will be in the public interest
- is ecologically sustainable
- will provide, to the greatest possible extent, for the preservation of the land's natural condition and the protection of the land's cultural resources and values.

The operation of an ecotourism facility on a National Park will usually involve activities in the park conducted outside the facility such as interpretive walks. These activities will require a separate commercial activity permit or agreement to be granted. Under the provisions of the NC Act, before an approved ecotourism facility can be authorised through the granting of a lease or other authority, the use must be prescribed by regulation as a permitted use for the land. NPSR will arrange the required form of regulatory impact assessment and drafting of regulations for this authorisation to occur if the NC Act requirements for ecotourism facilities are met and all third party approvals are obtained.

State Development and Public Works Organisation Act 1971 (Qld)

The *State Development and Public Works Organisation Act 1971* (SDPWO Act) facilitates timely, coordinated and environmentally responsible infrastructure planning and development to support Queensland's economic and social progress. The Act gives the Coordinator-General significant powers to (among other things) declare a project to be a "coordinated project" for which an environmental impact assessment is required. While most ecotourism development by its nature will be smaller in scale and designed to mitigate environmental impacts, larger scale ecotourism projects may meet the eligibility criteria for a coordinated project declaration.

Torres Strait Islander Cultural Heritage Act 2003 (Qld)

The *Torres Strait Islander Cultural Heritage Act 2003* seeks to provide effective recognition, protection and conservation of Torres Strait Islander cultural heritage, including a significant Torres Strait Islander area, object or archaeology. The Act contains 'duty of care' provisions which require that those conducting activities must take all reasonable and practical measures to ensure the activity does not harm Torres Strait Islander cultural heritage. In some cases, including when an Environmental Impact Statement is prepared, a Cultural Heritage Management Plan (CHMP) may be required. The process for undertaking a CHMP is included in ['Appendix D: Cultural heritage management plan process' on p. 66](#).

Vegetation Management Act 1999 (Qld)

The clearing of native vegetation is regulated by the *Vegetation Management Act 1999* (VMA). Clearing remnant vegetation on a regulated vegetation management map, if not exempt, can only be done under a permit. Common exemptions include clearing for necessary fence lines, necessary road or vehicular tracks, fire management lines and fire breaks. A development application that includes vegetation clearing will require assessment by the Department of Natural Resources and Mines (DNRM).

Ecotourism facilities should be located outside of endangered regional ecosystems and where possible outside of "of-concern" areas. These areas can be identified by undertaking a [property report request form](#).

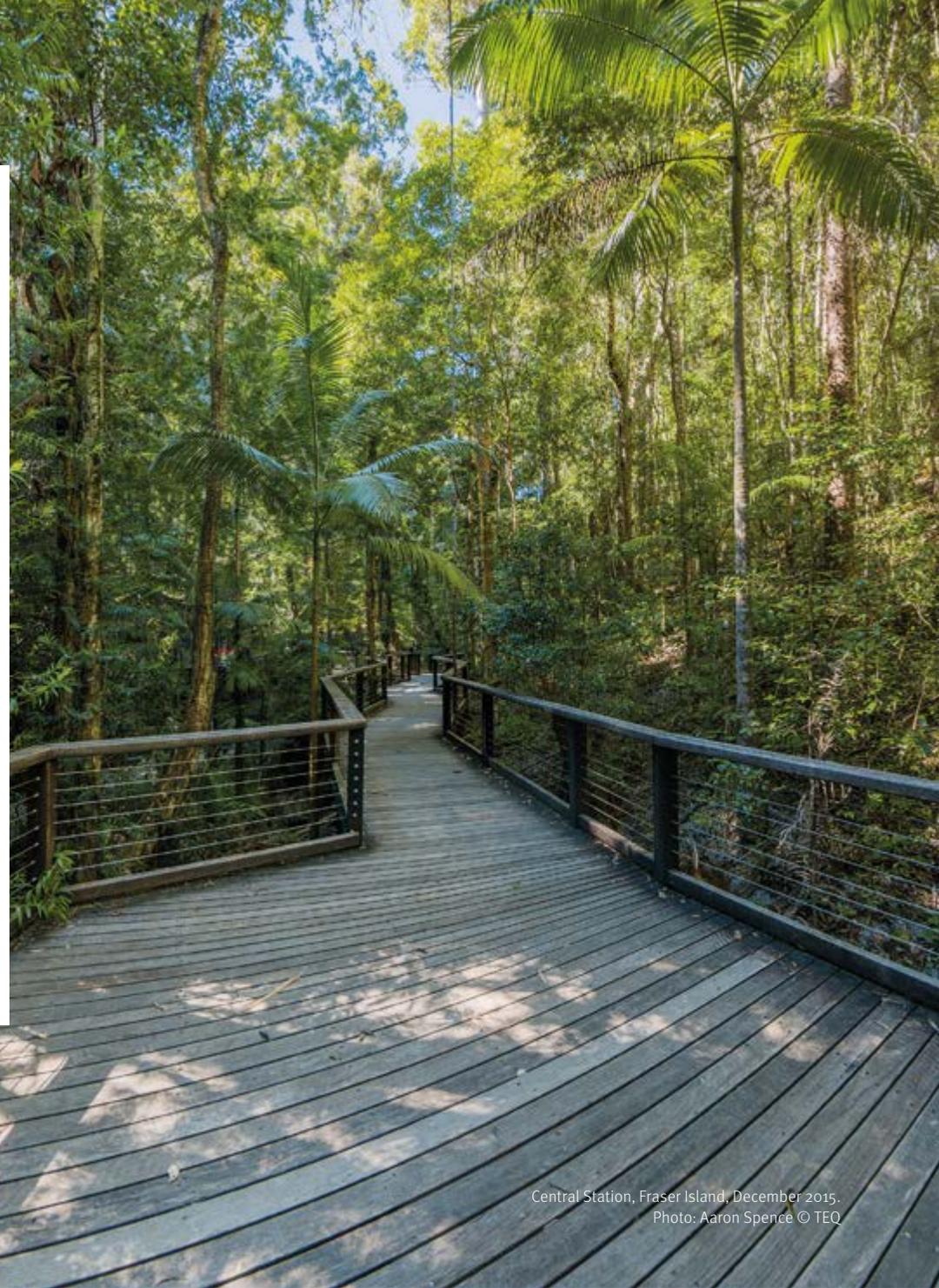
Conclusion

The Queensland Government is committed to encouraging further ecotourism developments in Queensland that showcase the state's natural beauty while preserving these natural assets for future generations.

There are significant opportunities for ecotourism development in Queensland, including on freehold land, non-protected areas and protected areas, which historically may have not been developed for this purpose. This Queensland Ecotourism Development Toolkit has been designed to assist developers and investors in navigating planning and regulatory approval processes in the development of ecotourism products and experiences. The toolkit has focused on three main tenure classes; each with distinct features in terms of development design and regulatory processes. Other typical regulatory processes that apply in particular circumstances have been tabulated in ['What other approvals may commonly be required?' on p. 50.](#)

The toolkit highlights the significance of selecting an appropriate site to ensure impacts on sensitive environments are mitigated and assessment processes streamlined. Underpinning this toolkit is the premise that by making good, well-founded decisions about site selection and design of the ecotourism product, the pathway through regulatory processes and accreditation will be made smoother.

Ecotourism projects should protect and contribute to the well-being of the natural areas and local communities in which they operate, while providing visitors with an increased appreciation of the natural and cultural values of the setting that they visit.



Central Station, Fraser Island, December 2015.
Photo: Aaron Spence © TEQ



You have made your way through the Queensland Ecotourism Development Toolkit. It can be challenging to know where to start, and discover the steps involved for an ecotourism development in Queensland. The process differs for each ecotourism development, however, the following checklist will provide you with a high level reference point.

Tick the following on the checklist to keep track of key steps in your ecotourism development journey.

Pre-approvals

- Have you identified and researched market trends and demand for the proposed ecotourism operation?
- Has the ecotourism concept been refined, including the vision developed and key selling points detailed?
- Have you identified the site, assessed its suitability for an ecotourism facility and investigated tenure?
- Has economic feasibility and commercial viability been conducted to assess the concept for the site and its ability to deliver ongoing financial return?
- Have you contacted the Tourism Division at DTESB to determine if there is any information to help facilitate the ecotourism development?
- Have you identified your stakeholders?
- Have you undertaken stakeholder consultation to understand opportunities, identify community concerns to be addressed and to help refine the ecotourism concept?
- Has the regulatory framework been reviewed to determine whether approvals are required under relevant Commonwealth and State Acts, and local government planning schemes?
- Have you conducted a review of ecotourism certification requirements and identified a preferred certification program?
- Have your ecotourism activities and facilities been designed in line with the Best Practice Ecotourism Development Guidelines ((NPSR, 2015 (b)) (as appropriate)?

The approval process

- Has the pre-lodgement meeting with the relevant authority been held?
- Have the relevant applications and requirements been prepared and submitted to the relevant authority?

At this stage, refer to the flowcharts relevant to your ecotourism development.

Construction

- Have site works been undertaken in accordance with conditions?

Operation

- Has ecotourism certification been achieved?

Depending on the nature and location of the ecotourism facility, you may also be required to prepare a Decommissioning Management Plan or Restoration Plan.

Use the information provided as a tool to direct you on the right path; do seek further professional advice to inform decisions on your ecotourism development.



Undara Volcanic National Park, Gulf Savannah.
Photo: Peter Lik © TEQ

References and resources

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Department of National Parks, Sport and Racing (2015) (c) *Ecotourism Facilities on National Parks Implementation Framework*, www.npsr.qld.gov.au/tourism/pdf/ecofacilities-framework.pdf, Accessed 21 October 2015.

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Queensland Government (2016(b)) *Reserves and trust land*, www.qld.gov.au/environment/land/state/reserves/, Accessed 30 March 2016.

Queensland Government (2016(c)) *Commercial Activity Permits*, www.business.qld.gov.au/industry/tourism/parks-recreation-forests/commercial-activity-permit, Accessed 30 March 2016.

State of Queensland (2012) *2020 Strategic Marketing Plan Tourism and Events in Queensland*, Brisbane.

Tourism Australia (2013) *2020 New research to help Australian Tourism Reach its Potential*, Sydney, www.tourism.australia.com/documents/Statistics/Research_130624_CDP6pagesummary.pdf, Accessed 14 December 2015.

Tourism and Events Queensland, *Tourism Economic Key Facts*, June 2016.

Resources (in order of appearance in the document)

Ecotourism resources and tourism data information:

www.stateoftheindustry.destq.com.au.

Ecotourism certification information:

www.npsr.qld.gov.au/tourism/ecotourism/index.html.

Next Generation Tourism Planning guide:

www.dtesb.qld.gov.au/tourism/tourism-planning.

Contact for further information on ecotourism proposals: Tourism Division; Department of Tourism, Major Events, Small Business and the Commonwealth Games; tourism@dtesb.qld.gov.au

Destination Tourism Plans: teq.queensland.com/about-teq-new/plans-and-strategies/destination-tourism-plans.

Relating to tenure, review of relevant local government planning scheme:

www.dilgp.qld.gov.au/planning/local-government-planning-schemes.html.

Tenure searches: Queensland Globe – data.qld.gov.au.

Constraint mapping searches: SPP Interactive Mapping System -

spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/da.

Determining whether referral is required under the EPBC Act: www.environment.gov.au/heritage/management/referrals and Protected Matters Search Tool - www.environment.gov.au/epbc/pmst/.

Contact for further information on native title for all tenure types other than freehold: Native Title Services -

www.dnrm.qld.gov.au/our-department/contact-us/native-title-contacts.

Local Government Planning Scheme to review and check approvals required:

www.dilgp.qld.gov.au/planning/local-government-planning-schemes.html.

Title search to determine tenure of a property:

www.business.qld.gov.au/industry/titles-property-construction/titles-property/searches-documents.

Pontoon operations: Great Barrier Reef Marine Park Authority -

www.gbrmpa.gov.au/onboard/what-you-do/pontoon-operations.

Determining whether an action is likely to have an impact on matters of national environmental significance: *The Matters of National Environmental Significance, Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999* -

www.environment.gov.au/system/files/resources/42f84df4-720b-4dcf-b262-48679a3aba58/files/nes-guidelines_1.pdf.

Queensland Eco and Sustainable Tourism (QuEST) policy framework for ecotourism operators accessing high visitation national parks: Department of National Parks, Sport and Racing - www.npsr.qld.gov.au/tourism/quest/.

State Assessment and Referral Agency (SARA) mapping -

sara.dsdip.esriaustraliaonline.com.au/saraviewer/.

Checklists for development application requirements and the relevant forms:

www.dilgp.qld.gov.au.

The State Planning Policy interactive mapping site indicating the coastal management areas:

spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/da.

Property report request form for development applications that may involve vegetation clearing:

www.dnrm.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form.

Overview of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 referral process:

www.environment.gov.au/system/files/resources/38fc57cd-c744-4727-8fa0-51ecbd6e879b/files/flow-chart.pdf.

Guidelines for negotiating an Indigenous Land Use Agreement:

www.dnrm.qld.gov.au/___data/assets/pdf_file/0008/109277/negotiating-ilua-guidelines.pdf;

and for further information:

www.business.qld.gov.au/industry/mining/land-access-environment/native-title/indigenous-land-use-agreements.

Cultural Heritage Management Plan Guidelines:

www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/chmp-guidelines.pdf.

Approval process for an Impact Assessable Development Application (for applications involving: public notification, information request, IDAS referral agencies):

www.dilgp.qld.gov.au/resources/laws/integrated-planning-act/idasflowchart3.pdf.

Glossary of abbreviations and terms

Abbreviations

CAP	Commercial Activity Permit
CAPOM	Cairns Area Plan of Management
CHMP	Cultural Heritage Management Plan
CSIRO	Commonwealth Scientific and Industrial Research Organisation
CYPAL	Cape York Peninsula Aboriginal land
DAF	Department of Agriculture and Fisheries
DNRM	Department of Natural Resources and Mines
DTESB	Department of Tourism, Major Events, Small Business and the Commonwealth Games
DTPs	Destination Tourism Plans
EIS	Environmental Impact Statement
FHA	Fish Habitat Area
GBRMPA	Great Barrier Reef Marine Park Authority
IDAS	Integrated Development Assessment System
ILUA	Indigenous Land Use Agreement
MCU	Material Change of Use
MNES	Matters of National Environmental Significance
NPSR	Department of National Parks, Sport and Racing
QPWS	Queensland Parks and Wildlife Service
QuEST	Queensland Eco and Sustainable Tourism policy framework

RRA	Resource Allocation Authority
SARA	State Assessment and Referral Agency
TEQ	Tourism and Events Queensland
TOPs	Tourism Opportunity Plans
Commonwealth legislation	
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
GBRMP Act	<i>Great Barrier Reef Marine Park Act 1975</i>
NTA	<i>Native Title Act 1993</i>
Key state legislation	
ACH Act	<i>Aboriginal Cultural Heritage Act 2003</i>
CPM Act	<i>Coastal Protection and Management Act 1995</i>
EO Act	<i>Environmental Offsets Act 2014</i>
EP Act	<i>Environmental Protection Act 1994</i>
NC Act	<i>Nature Conservation Act 1992</i>
QHA	<i>Queensland Heritage Act 1992</i>
SPA	<i>Sustainable Planning Act 2009</i>
SPR	<i>Sustainable Planning Regulation 2009</i>
SDPWO Act	<i>State Development and Public Works Act 1971</i>
TSICH Act	<i>Torres Strait Islander Cultural Heritage Act 2003</i>
VMA	<i>Vegetation Management Act 1999</i>

Definition of terms

Assessment:	A consideration of the likely impacts of a controlled action and identification of possible mitigation or offset arrangements to reduce the impact, along with a risk assessment.
Acknowledgment notice:	Notice issued by an Assessment Manager to confirm that requirements applying to application made under the Sustainable Planning Act 2009.
Assessment manager:	Entity responsible for determining an application lodged under the Sustainable Planning Act (e.g. Local Government or State).
Ecotourism facility:	<p>Ecotourism facility means a facility that—</p> <ul style="list-style-type: none"> (a) is designed and managed to facilitate the presentation, appreciation and conservation of the land’s natural condition and cultural resources and values (the primary purpose); and (b) is managed in a way that does not allow an activity to be carried out on the land that— <ul style="list-style-type: none"> (i) is inconsistent with the primary purpose; and (ii) would require a significant change to the land’s natural condition or would adversely affect the conservation of the land’s cultural resources and values. <p>Example of an activity for subparagraph (ii)— the construction of a golf course, amusement park or casino on the land.</p> <p>(Source: Nature Conservation Act 1992, Schedule 2).</p>
Freehold land:	Freehold land refers to the outright ownership of land with no limitation on the period of ownership. It is recorded in the freehold land register under the Land Title Act 1994 and is not state land nor leased from the Queensland Government.
Environmental Impact Statement:	A statement of the likely impacts of an action on the environment and how they may be mitigated or offset.
Leasehold:	Under the Land Act 1994 leases may be term leases, perpetual leases or a freeholding lease. Term leases are issued for terms of 1 to 100 years. Perpetual leases are held by the leaseholder in perpetuity and issued for a specific purpose (e.g. agricultural or commercial). Freeholding leases are issued when a landholder of a grazing homestead perpetual lease, special lease or a non-competitive lease elects to pay the purchase price for their lease in instalments over a number of years. On receipt of the final instalment, the lease is converted to freehold.

<p>National parks and conservation parks:</p>	<p>National parks and conservation parks are dedicated under the Nature Conservation Act 1992 (NC Act) and are Queensland’s highest value conservation areas; the primary purpose of these is the permanent preservation and/or conservation of the land’s natural and cultural values. However where appropriate and ecologically sustainable, secondary uses such as nature based recreation and ecotourism may be undertaken.</p>
<p>Reserves:</p>	<p>Under the Land Act 1994 land has been set aside for a particular public or community purpose. These are either reserves or deeds of grant in trust, and are collectively referred to as ‘trust land’. Day-to-day management of a reserve is generally the responsibility of the trustee. Reserves may only be used for the allocated purpose.</p>
<p>Unallocated State Land:</p>	<p>Unallocated State Land is defined by the Land Act 1994 (Schedule 6) as all land that is not:</p> <ul style="list-style-type: none"> (a) freehold land, or land contracted to be granted in fee simple by the State; or (b) a road or a reserve, or a national park, conservation park, State forest or timber reserve; or (c) subject to a lease, licence or permit issued by or for the State, other than a permit to occupy under this Act issued by the chief executive.

Appendix A: Less common state legislation and policies relevant to the assessment of ecotourism facilities

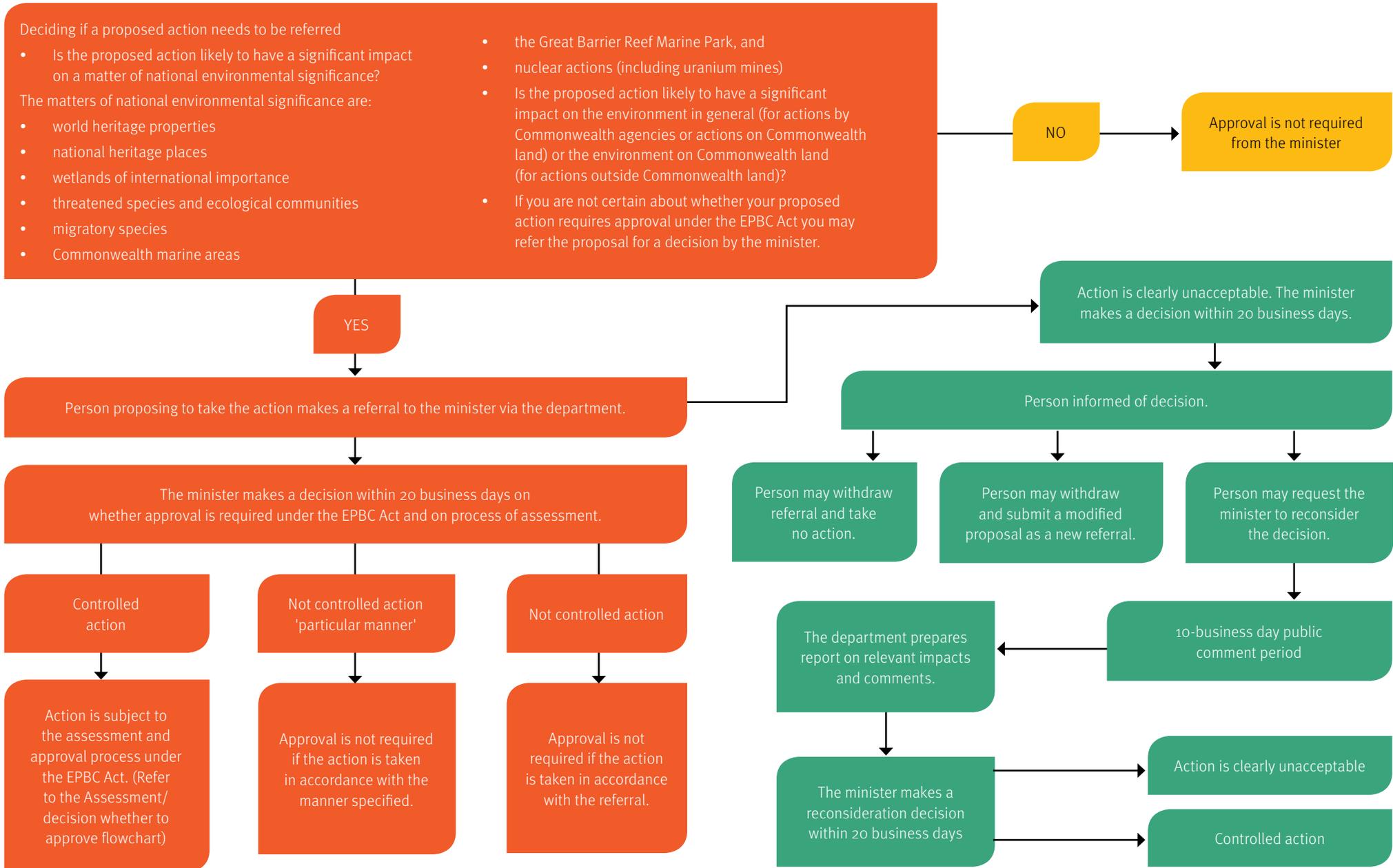
- Environmentally Relevant Activities – some ecotourism facilities may include activities that require approval under the *Environmental Protection Act 1994* (e.g. Fuel storage for generators);
- Flood prone land – building work in a flood hazard area may require approval by a local government;
- Forestry – development on State forests is regulated under the *Forestry Act 1959*;
- Heritage – development on a State heritage place may require approval under the *Queensland Heritage Act 1992*;
- Historic Shipwrecks – the *Historic Shipwrecks Act 1976* protects historic wrecks and associated relics, that are more than 75 years old and in Commonwealth waters (extending from below the low water mark to the edge of the continental shelf);
- Recreation Areas – approvals may be required under the *Recreation Areas Management Act 2006* for camping, vehicle access or commercial activities on recreation areas;
- Water – projects may require approval under the *Water Act 2000* for taking or interfering with a water resource;
- Wetland Protection Area – approvals may be required for development near or within a wetland protection area; and
- Wet Tropics – approvals may be required under the *Wet Tropics World Heritage Protection and Management Act 1993*.



Open road heading to Cairns, Tropical North Queensland, September 2015.
Photo: Oliver Vegas Montero © TEQ

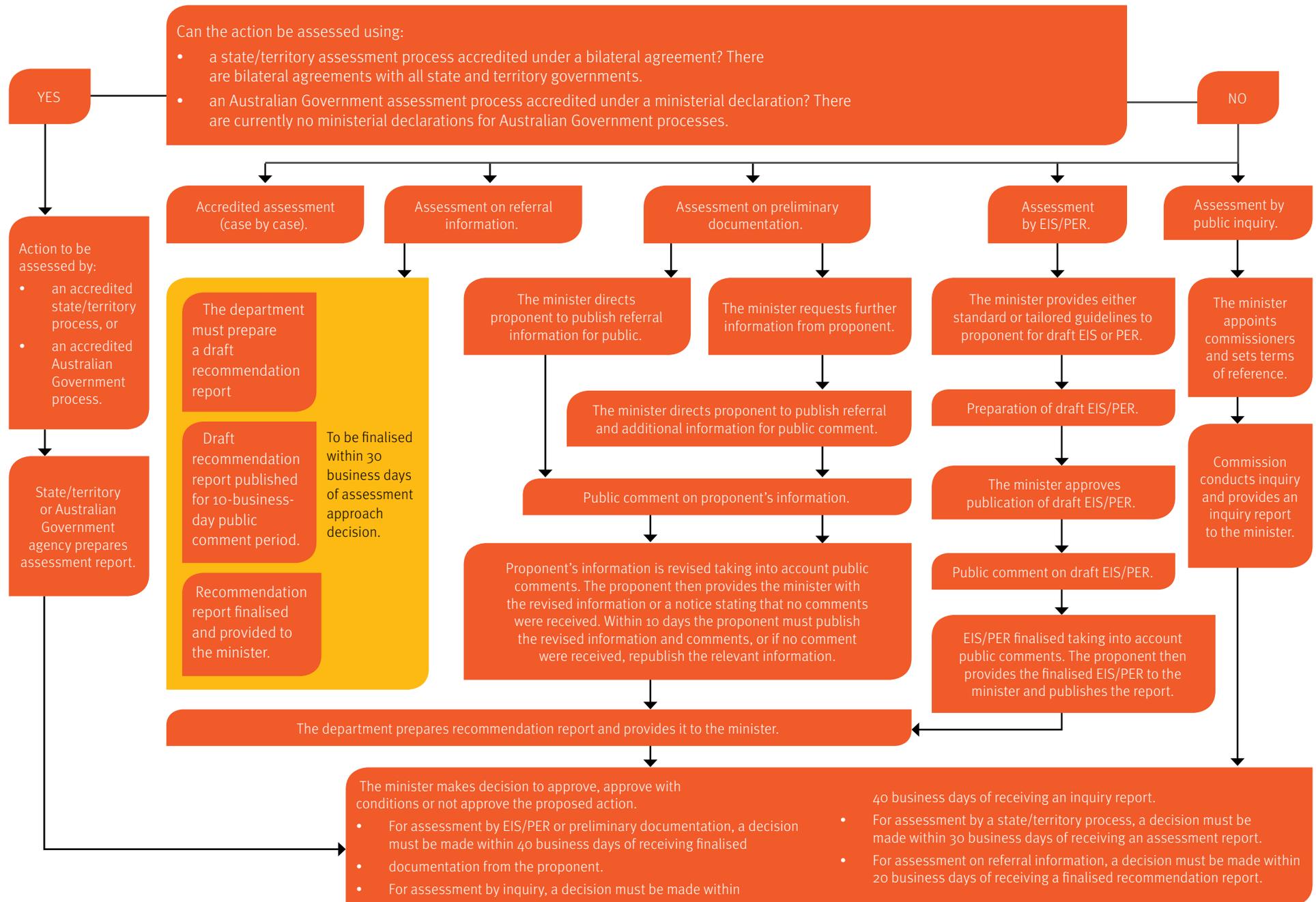
Appendix B: The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 referral process

Source: [Department of the Environment, Australian Government](#)



Environment assessment process – assessment/decision whether to approve

Source: [Department of the Environment, Australian Government](#)

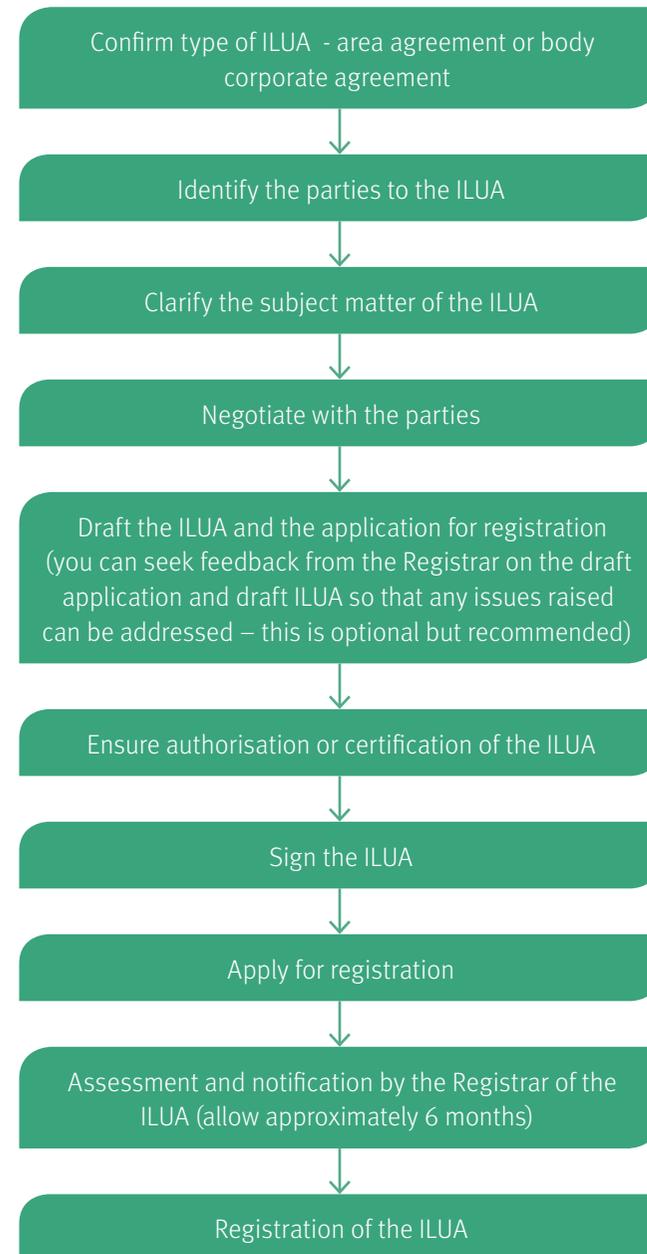


Appendix C: Indigenous Land Use Agreement—native title

An Indigenous Land Use Agreement (ILUA) is an agreement which is commonly used when changing the tenure of land (e.g. leasehold to freehold) or when granting permission to use and access State land and waters, and compensate for the loss of native title rights under the *Native Title Act 1993*. If native title has been extinguished (e.g. freehold lots) it doesn't apply. Indigenous land use agreements (ILUAs) provide landholders with an option for negotiating flexible, pragmatic arrangements with a native title group. They can be negotiated whether or not native title has been determined, and can be part of a native title determination or settled separately. Once an ILUA is registered with the National Native Title Tribunal, it has the same status as a legal contract that binds all people with a native title interest in the site. Source: [DNRM](#)

More information about ILUAs can be found [here](#).

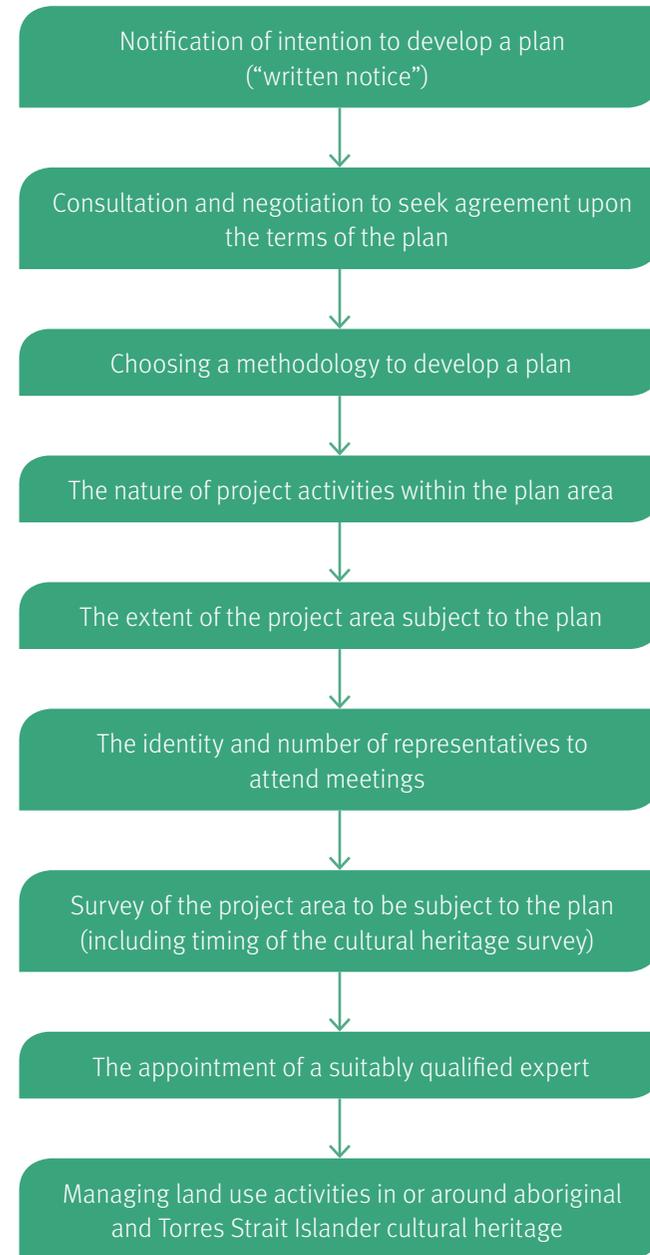
Note: Allowance should be made for one year or more for this process to be completed.



Appendix D: Cultural heritage management plan process

A Cultural Heritage management plan is an agreement between a land user (sponsor) and Traditional Owners (endorsed party) developed under Part 7 of the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003*.

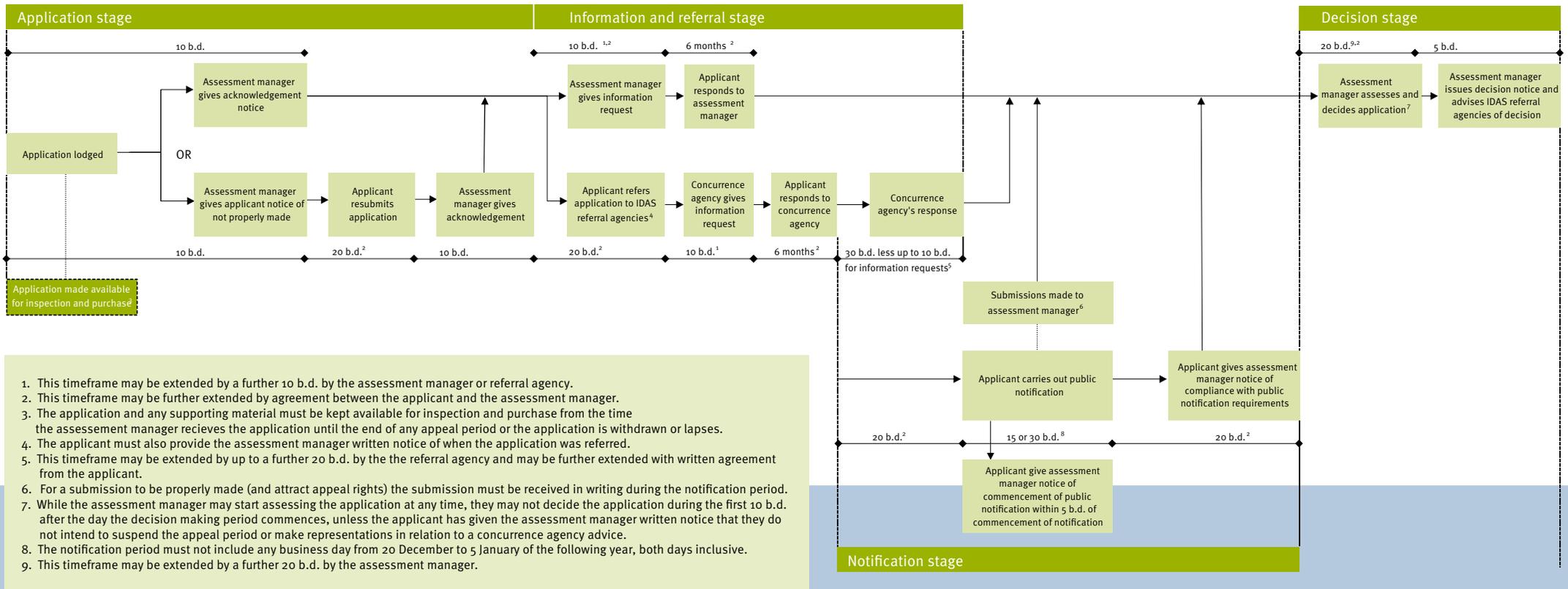
Source: Adapted from [Cultural Heritage Management Plan Guidelines](#), [Department of Aboriginal and Torres Strait Islander Partnerships](#)



Appendix E: Sustainable Planning Act—development assessment

Source: [Department of Infrastructure, Local Government and Planning](#)

For application involving: public notification, information request, IDAS referral agencies



1. This timeframe may be extended by a further 10 b.d. by the assessment manager or referral agency.
2. This timeframe may be further extended by agreement between the applicant and the assessment manager.
3. The application and any supporting material must be kept available for inspection and purchase from the time the assessment manager receives the application until the end of any appeal period or the application is withdrawn or lapses.
4. The applicant must also provide the assessment manager written notice of when the application was referred.
5. This timeframe may be extended by up to a further 20 b.d. by the the referral agency and may be further extended with written agreement from the applicant.
6. For a submission to be properly made (and attract appeal rights) the submission must be received in writing during the notification period.
7. While the assessment manager may start assessing the application at any time, they may not decide the application during the first 10 b.d. after the day the decision making period commences, unless the applicant has given the assessment manager written notice that they do not intend to suspend the appeal period or make representations in relation to a concurrence agency advice.
8. The notification period must not include any business day from 20 December to 5 January of the following year, both days inclusive.
9. This timeframe may be extended by a further 20 b.d. by the assessment manager.

Note: b.d. = business days

Disclaimer: This document is produced to convey general information. While every care has been taken in preparing this document, the State of Queensland accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, express or implied, contained within. The contents of this document were correct to the best of our knowledge at the time of publishing. Any reference to legislation contained within is not an interpretation of the law. It is to be used as a guide only. The information contained within does not take into consideration any reference to individual circumstances or situations. Where appropriate independent legal advice should be sought.

Further information

**For further information regarding an
ecotourism proposal, please contact:**

**Tourism Division
Department of Tourism,
Major Events, Small Business
and the Commonwealth Games**

Email: tourism@dtesb.qld.gov.au



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