

QUEENSLAND ECOTOURISM INVESTMENT OPPORTUNITIES

Implementation Framework

Ecotourism facilities on national parks

DECEMBER 2020



Glossary

Term	Definition
Application	Proponent’s proposal for an ecotourism facility for a particular site. Encompasses the Preliminary Concept Plan or EOI (Stage 1) and attachments, and the Detailed Proposal (Stage 2).
Department	The Queensland Department of Environment and Science.
Best practice ecotourism development criteria	One of the key tools to assist proponents to demonstrate that a proposed ecotourism facility meets the requirements of the <i>Nature Conservation Act 1992</i> .
Detailed proposal	The Stage 2 submission to the department in response to the Request for Detailed Proposal.
Ecotourism facility	A facility that is designed and managed to facilitate the presentation, appreciation and conservation of the land’s natural condition and cultural resources and values. (Refer to the <i>Nature Conservation Act 1992</i> definitions for further details.)
Ecotourism operation	An ecotourism operation includes all built facilities, infrastructure and visitor activities such as tours and interpretation associated with the ecotourism facility on the national park.
Expression of Interest (EOI)	An opportunity released to market in a government-led tender process to invite applications to build and operate ecotourism facilities within a national park
Proponent	An organisation or individual that has submitted, or intends to submit an application for an ecotourism facility in a national park and, where the context allows, includes their representative officers, employees, advisers, contractors and agents.
Preliminary Concept Plan	The Stage 1 submission to the department for assessment as to whether a proposal will proceed to a Stage 2 Request for Detailed Proposal.
Site	The national park location for a proposed ecotourism operation.
Template	Both a Pre-lodgment template and a Stage 1 Preliminary Concept Plan template are used in the application and assessment process.
Traditional Owners	Has the same meaning as Aboriginal peoples as defined in the Commonwealth <i>Native Title Act 1993</i> , i.e. peoples of the Aboriginal race of Australia.

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Introduction

Experiencing nature is a primary motivator for both domestic and international visitors in Australia. Queensland has a natural competitive advantage in providing visitors with high quality ecotourism experiences because of our world-class national parks and marine parks, including five World Heritage Areas, and a diversity of landscapes and iconic wildlife.

To leverage our competitive advantage and become a celebrated international ecotourism destination, the Queensland Government supports the establishment of appropriately designed and managed, low-impact, privately-owned ecotourism facilities on Queensland's national parks. Recognising the importance of ecotourism to Queensland's future in the highly competitive tourism market, ecotourism facilities on national parks must be constructed and operated to the highest environmental standards and industry practices.

The *Queensland Ecotourism Investment Opportunities—Implementation Framework* (Implementation Framework) is designed to guide the consideration of proposals for ecotourism operations that will both protect national parks and offer world-class interpretation and experiences that support the conservation of our special natural places, heritage assets and unique Aboriginal and Torres Strait Islander history and culture.

The Queensland Government will partner with Traditional Owner and non-traditional owner ecotourism operators to deliver best practice in ecotourism and visitor experiences on national parks, for the environmental, social and economic benefit of all Queenslanders. Visitor interest in Aboriginal and Torres Strait Islander culture presents a unique opportunity to preserve and share their history, while creating and supporting Traditional Owner employment and business opportunities.

Ecotourism also enhances the capacity of the broader tourism industry to provide more diversified tourism products and better experiences for visitors.

Background

The Queensland Department of Environment and Science (the department) has developed a range of policy and legislative measures to improve opportunities for sustainable ecotourism activities and visitor use in Queensland's protected area estate.

The *Nature Conservation Act 1992* (NC Act) provides for the development of appropriately designed and managed, low impact, privately-owned ecotourism facilities on national parks. The NC Act provisions ensure that all approved ecotourism facilities are in the public interest, ecologically sustainable, and provide—to the greatest possible extent—for preservation of the land's natural condition and protection of the land's cultural resources and values. Each approved facility will be designed and managed sensitively to ensure that it is compatible with the nature and character of the site and complements the management of the national park in which it is located.

A collaborative model of engagement and development between the Queensland Government, Traditional Owners and tourism operators aims to deliver economic, environmental, and social benefits for all Queenslanders, including long-term job and business opportunities for Traditional Owners and local communities.

The nature and scale of ecotourism facilities may vary from relatively small, simple structures such as safari tents or walkers' huts to larger campgrounds or eco-cabins. Acknowledging the differences of scale and location between proposals, the department will apply a common assessment and approval process consistent with the legislative requirements.

The process for attracting investment in ecotourism operations will also vary. The Queensland Government may initiate opportunities through competitive tendering, and investors with independent proposals can make direct approaches.



Image: Undara Volcanic National Park | © Tourism and Events Queensland

Purpose and scope

The Implementation Framework, together with companion policy document, the *Best Practice Development Guidelines*, provides a robust and transparent model for the assessment and approval of proposals for ecotourism facilities on national parks. It recognises that any proposed ecotourism operations will have environmental, social and economic benefits and costs that need to be considered, and that assessment needs to be consistent with the governing legislative provisions.

The Implementation Framework informs potential investors and the broader community on how the department will assess ecotourism facility proposals, the matters that will be considered, and the approval and leasing arrangements for successful proposals.

The provisions of the Implementation Framework apply to the authorisation of ecotourism facilities on land managed, or jointly managed, under the NC Act including:

- section 35 which allows for ecotourism facilities on national parks
- section 42AE which allows for joint authorisation of ecotourism facilities on national park (Cape York Peninsula Aboriginal land)
- section 42AO which allows for joint authorisation of ecotourism facilities on indigenous joint management areas on national parks
- section 34 which allows the Chief Executive to authorise uses and activities (e.g. ecotourism facilities, ongoing maintenance and monitoring) on other protected areas (e.g. conservation parks).

Joint management arrangements on Cape York Peninsula Aboriginal Land (CYPAL) and indigenous joint management areas are formalised through Indigenous Management Agreements (IMA) which provide for the involvement of Traditional Owners in national park planning and management functions. The process of identifying opportunities and assessing and authorising ecotourism facility proposals will be consistent with the provisions of the IMAs.

In this respect, the Implementation Framework is intended to guide the department and may be varied to accommodate the requirements of the Traditional Owner landholders.

For the purpose of the Implementation Framework, references to national parks will also encompass other lands managed, or jointly managed, under the NC Act unless stated otherwise.

Image: Kabi Kabi people on country discussing the Cooloola Great Walk, Sunshine Coast | © PixelFrame



Guiding principles

Seven overarching principles guide the consideration of ecotourism facilities in national parks.

Principle 1

Ecotourism facilities on national parks are located, designed and managed sensitively to ensure compatibility with the natural and cultural values of the national park

National parks represent the highest levels of conservation protection of Queensland's landscapes and biodiversity. Ecotourism facilities therefore, must be ecologically sustainable, accredited, and located and designed to protect the natural and cultural values of the national park.

Ecotourism facilities will only be considered if the proposal is reliant on the natural and cultural values of the site in which they are proposed to be located. That is, the proposal is all about the special features of the national park.

Where available, preference should be given to previously cleared or disturbed sites within national parks rather than intact natural areas (greenfield sites). We encourage adaptive re-use of redundant or under-utilised departmental buildings (such as old homesteads, workers quarters and lighthouses) to provide memorable, unique experiences with a point of difference.

Principle 2

Ecotourism facilities on national parks should offer unique or innovative visitor experiences

New ecotourism facilities on national parks will demonstrate best practice systems and services, and offer unique or innovative experiences that add to the existing tourism opportunities available in the region.

Alternatively, new facilities could provide infrastructure necessary to support an existing ecotourism activity or enhance the experience or operation of an existing ecotourism activity.

Principle 3

Diverse experiences and settings are promoted

The diverse landscapes and settings in national parks offer a wide range of visitor experiences. The type of ecotourism facilities developed and the scope of the associated activities should be sensitive to and compatible with the current or desired future settings and visitor experiences in the national park.

Where a protected area contains high-use visitor facilities, ecotourism facilities are encouraged that offer new, innovative visitor infrastructure experiences that complement the existing facilities.

Principle 4

Facilities will provide for the public interest

Privately owned ecotourism facilities on national parks should be clearly determined as the best use of the proposed site in relation to public interest.

Alternative sites offering an equivalent experience should not be reasonably available outside of the national park. The ecotourism facilities should provide the greatest net public benefit considering the environmental, social and economic outcomes of the use.

Principle 5

Successful ecotourism operations are characterised by commercial operators committed to environmental best practice

Environmental best practice is demonstrated through other ecotourism initiatives. Operators demonstrate sound commercial viability and business practice that is based on a triple bottom line approach of delivering environmental, social and economic sustainability.

As a primary element of the ecotourism proposal, ecotourism operations should make a fair and reasonable contribution back to the conservation and management of the national park, Traditional Owners and the local community.

Principle 6

The authorisation of ecotourism facilities will be consistent and transparent while protecting the intellectual property of the proponent

The process of assessing and authorising proposals for ecotourism facilities will consider all seven principles and be fair, open and impartial.

The level of assessment will be appropriate to the nature, scale and location of the proposed facility. The approval process will not compromise the intellectual property of the proponent.

Principle 7

The type and duration of authorities granted will recognise the level of investment and rate of return on investment

A lease, agreement, licence, permit or authority may be granted to authorise ecotourism facilities. The type and duration of authority granted will consider the nature of the facility, level of capital investment, rate of return on investment and the financial return to the state.

Key elements of the Implementation Framework and Best Practice Guidelines

The department will manage, evaluate and authorise ecotourism proposals in accordance with:

- legislative requirements under the NC Act
- best practice criteria
- merit criteria.

This Implementation Framework details the legislative requirements and the merit criteria, while the Best Practice Guidelines detail the best practice criteria.

The department also considers seven overarching Guiding Principles in assessing applications, which are detailed above.

In combination, these elements guide the department's assessment process to ensure that ecotourism facilities on protected areas meet the requirements of the NC Act.



Legislative requirements

The object of the NC Act is the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

Conservation is defined as the protection and maintenance of nature while allowing for its ecologically sustainable use. Section 17 Management principles of national parks in the NC Act, states that a national park is to be managed to provide opportunities for ecotourism in a way consistent with the area's natural and cultural resources and values.

The NC Act has several specific provisions for considering ecotourism facility proposals on protected areas, notably, section 35 of the NC Act states that the Chief Executive of the department may grant a lease, agreement, licence, permit or other authority for an ecotourism facility if satisfied that use of the land:

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

These legislative considerations and requirements are explored in further detail below.

Ecotourism facility

The NC Act defines 'ecotourism facility' as a facility that:

- 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:
 - 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 (e.g. a golf course, amusement park or casino).

The NC Act defines 'ecotourism' as tourism that is ecologically sustainable and primarily focused on experiencing an area in a way that fosters understanding, appreciation and conservation of the area and its natural and cultural values. This means an ecotourism facility should focus on presenting and appreciating an area's natural and cultural values, and not involve modification of the natural environment for activities inconsistent with this purpose.

For example, the Queensland Government has determined that ecotourism opportunities incorporating ziplines are considered inappropriate for national parks.

In deciding whether a proposed ecotourism facility meets the NC Act definition, the department will consider:

- how, and to what degree the facility will contribute to presenting, appreciating and conserving the land's natural condition and cultural resources and values (the primary purpose), including:
 - ▶ the facility should make a fair and reasonable contribution to the conservation of the protected area estate, including the park in which the facility is located
 - ▶ whether or not the facility involves activities that are consistent with presenting, appreciating and conserving the land's natural condition and cultural resources and values; and
 - ▶ if some of the activities are inconsistent, whether or not they would have significant impacts on the land's natural condition or adversely affect the land's cultural resources and values.

Each proposal for an ecotourism facility will be assessed on a case-by-case basis to ensure the requirements of the NC Act definition are met.

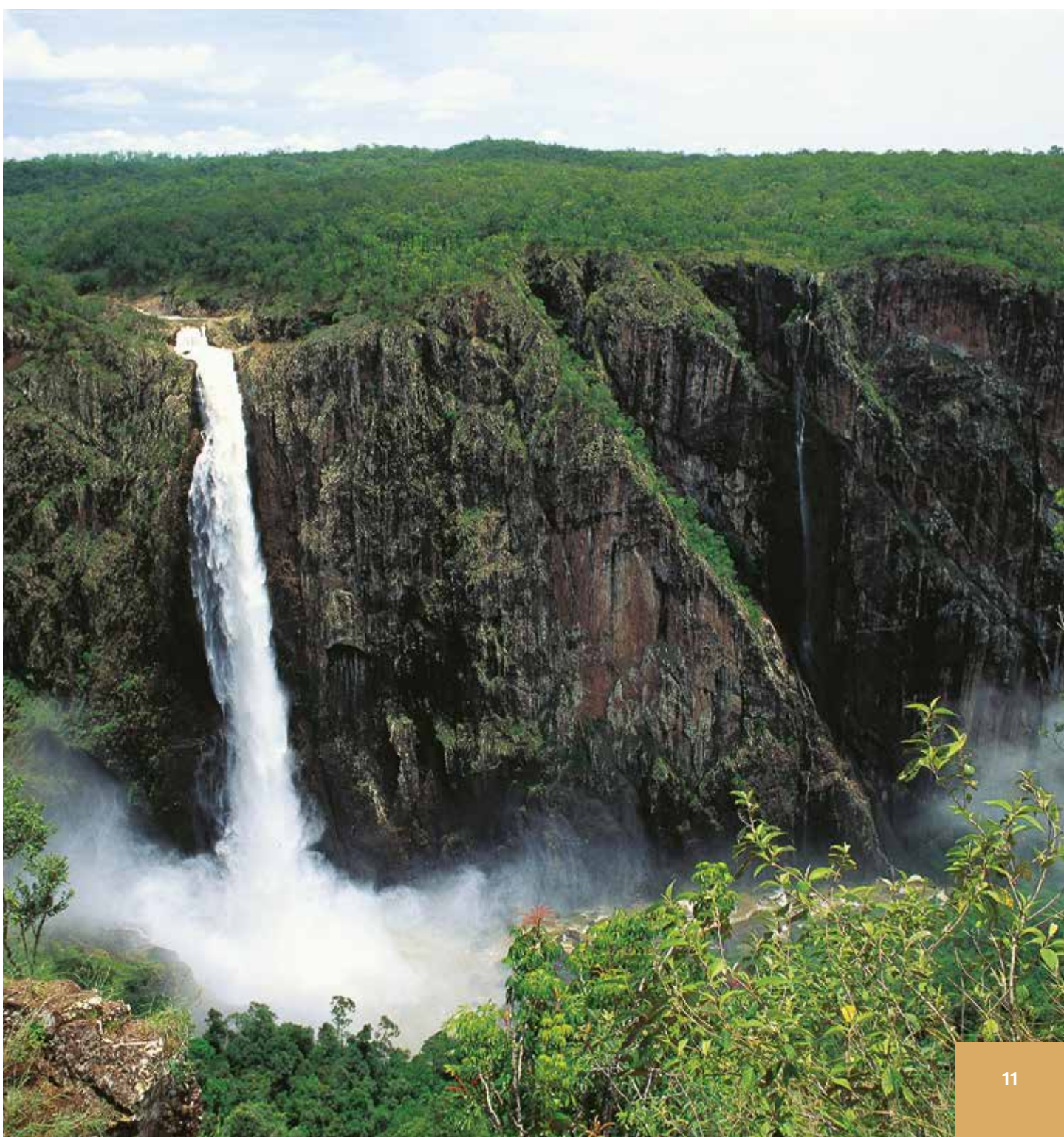
Public interest

National parks are lands in public ownership, set aside and managed by the Queensland Government to protect and conserve their special natural and cultural values, and to provide a place for people to visit and connect with nature and cultural heritage. National parks and conservation parks therefore, provide important environmental, social and economic benefits to the public.

Privately owned ecotourism facilities on national parks should represent the greatest net public benefit for the land, considering the environmental, social and economic outcomes of that use.

In determining the net public benefit of a proposed ecotourism facility, the relative balance between public and private interest, and between competing public interests, will be considered.

Image: Wallaman Falls, Girringun National Park | © Peter Lik for Tourism and Events Queensland



This assessment may include public consultation to canvas views about the proposal, for example, with Traditional Owners, stakeholders and the broader community.

In determining public interest, the following considerations will be taken into account:

- environmental outcomes:
 - ▶ ecological sustainability and the impact on natural and cultural values (see below section: Ecologically sustainable use)
 - ▶ environmental management plans
 - ▶ partnerships or contributions to national park management activities or conservation programs.
- social outcomes:
 - ▶ enhancements of community and Traditional Owners access to existing public facilities, iconic places, waterways, beaches and foreshores within or accessed through the national park
 - ▶ interactions with existing recreational and commercial uses of the national park and future opportunities for other recreational and commercial uses
 - ▶ how, and to what degree, the facility will limit or restrict public or Traditional Owners access. The department will ensure that exclusive use areas are restricted to only those areas that are necessary for operational requirements (that is, large sections of park are not to be excluded from public access)
 - ▶ general suitability of the proposed location for the purpose
 - ▶ advice received through consultation with the public, stakeholders and Traditional Owners.
- economic outcomes:
 - ▶ the financial and managerial capability of the proponent to establish the facility and sustain its long term viability
 - ▶ local job creation and support for existing jobs
 - ▶ economic benefits to the local community and Traditional Owners

- ▶ flow-on benefits to local businesses, including existing tourism businesses
- ▶ direct and indirect costs and benefits to the Queensland Government
- ▶ financial return to the Queensland Government for commercial use of public land.

Ecologically sustainable use

The NC Act defines ‘ecologically sustainable use’ as use that is within the area’s capacity to sustain natural processes while—

- maintaining the life support systems of nature; and
- ensuring that the benefit of the use to present generations does not diminish the potential to meet the needs and aspirations of future generations.

A sustainable approach to establishing facilities on land with high ecological and cultural values, such as national parks, requires structures and associated activities to be fully integrated and in harmony with the ecosystem and its environmental features and constraints.

When determining whether a proposed ecotourism facility is ecologically sustainable, the following sustainability principles will be considered:

- preserving ecosystems, natural landscapes and special species
- minimising habitat loss, wildlife displacement and weed and pest invasions at the site and along access tracks
- site designs, layouts and construction materials that incorporate natural landscape features, minimise environmental impacts and suit the landscape
- efficient and sustainable use of water and energy
- waste minimisation and recycling strategies
- minimising impacts from noise and lighting sources, and on air quality.

Minimising environmental and cultural impacts

Ecotourism facilities must, to the greatest possible extent, preserve the land's natural condition and protect its cultural resources and values.

When determining whether a proposed ecotourism facility preserves and protects natural and cultural resources and values, the Queensland Government will consider the:

- natural condition of the land and extent of any existing disturbance to the natural condition
- conservation significance of the land and its natural and landscape components
- cultural resources and values of the land, including natural, historic and indigenous places
- extent and degree that the proposed use will impact on the above, and whether strategies that minimise, adequately manage, or offset these impacts can be implemented.

The required scope of impact assessment will vary with the nature, scale and location of each proposed ecotourism facility. That is, proposals will require an environmental impact statement (EIS), environmental risk assessment (ERA) or environmental impact assessment with terms of reference appropriate to facilities level of risk.

Similarly, subsequent environmental management plans and auditing obligations will vary depending on the nature and scale of ecotourism facilities.

Ecotourism facility approvals may also require offsets under the Queensland *Environmental Offsets Act 2014* for any significant, unavoidable impacts on key prescribed environmental matters such as threatened species habitat, threatened vegetation, protected areas, wetlands and watercourses. Whether offsets will be required will be assessed as part of the environmental approvals for the ecotourism facility.



Requirement to prescribe an ecotourism facility as a permitted use under a regulation

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. Subject to approval, the department will arrange the required form of regulatory impact assessment and drafting of regulations for this authorisation to occur.

Additional NC Act permissions

The operation of an ecotourism facility on a national park will usually involve complementary activities that are outside of the ecotourism facility (lease) area but still within the park. This may include activities such as guided walks along a walking trail that leads to the ecotourism facility or vehicle tours to nearby natural attractions. These complementary activities require a separate Commercial Activity Agreement or permit to be issued by the department. These permits or agreements offer shorter term, flexible access to national park sites for a wide range of activities and may be varied to suit changing operational needs.

For the majority of visitor sites where the complementary activity does not require the establishment of permanent infrastructure, proponents can be granted a Commercial Activity Agreement or permit from the department. To streamline the administrative process, these permits will be dealt with when the proposal is being considered, with assessments and authorisations occurring as one coordinated process.

If a proposed site is already operating at full capacity for these complementary activities, options may be discussed with the proponent, such as modifying the scale or timing of the proposed activities, using alternative sites, or collaborating with an existing operator to share or acquire capacity.

Other approvals

Apart from approval under the NC Act, and depending on the location and scale of the proposal, ecotourism facilities may also require additional third-party approvals under local authority, State and Commonwealth laws. These could include development approval under State and local planning laws, approvals under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and any requirements under the Queensland *Environmental Offsets Act 2014*. Applicants also need to comply with State and Commonwealth native title legislation, and comply with their duty of care under the *Aboriginal Cultural Heritage Act 2003* or *Torres Strait Islander Cultural Heritage Act 2003* (see section 'Collaboration with Traditional Owners' for further information).

An ecotourism facility proponent will usually be responsible for identifying and obtaining these other approvals necessary for a proposed facility and for the costs involved with these approvals. The department may assist the proponent with these processes, for example, by providing information to the proponent that is relevant to a required approval. The extent of this assistance will be determined on a case-by-case basis. For government-initiated ecotourism investment opportunities, the government may undertake and bear the costs of some of the additional approval processes (see 'Assessment and approval').

If other approvals are required, in addition to the NC Act, the department will, as far as practicable within its jurisdiction, streamline the approval process and avoid duplication. For example, the department may refer to, or draw upon, any suitable documents already prepared by the proponent for other approvals, rather than requiring the development of new documents containing the same or similar information.

Assessment and approval

The department has adopted a dual approach for attracting investment for ecotourism facilities in the form of:

1. a government-led tender process:

- the Queensland Government identifies, assesses and prepares high quality sites with significant ecotourism potential in national parks
- the Queensland Government undertakes due diligence and preliminary assessments of environmental, heritage, infrastructure development, provision of utilities and planning issues to remove uncertainty and to release sites that are investor ready
- sites are released through a competitive expression of interest (EOI) process with the aim of attracting high quality innovative investors with the capability to realise the potential of the opportunity.

2. an investor-led process:

- investor responds to a Queensland Government invitation for ‘general’ expressions of interest for ecotourism facilities in national parks
- investor identifies a site and a concept for an ecotourism facility and makes a submission to Queensland Government for the proposal
- the investor undertakes all due diligence and is responsible for all assessments and gaining all required approvals.

Although the two approaches to proposals for ecotourism facilities will require some differences in documentation, responsibility and timing for various parts of the assessment and approval process, all ecotourism facility proposals will be assessed using the same assessment criteria from the NC Act, the Implementation Framework, and the *Best Practice Ecotourism Development Guidelines*.

Assessment criteria

All ecotourism facilities will be evaluated against a set of statutory and merit assessment criteria. The statutory criteria are the legislative requirements provided in the NC Act while the merit criteria focus on commercial aspects of proposals and their suitability as tourism products at the location. The merit criteria may overlap with the legislative requirements in some cases, for example, regarding public interest.

The key elements of the assessment criteria are:

- legislative requirements
- best practice criteria
- merit criteria.

Legislative requirements

Under the NC Act, a proposed ecotourism facility must:

- meet the prescribed definition of ‘ecotourism facility’
- be in the public interest
- be ecologically sustainable
- to the greatest possible extent, preserve the land’s natural condition and protect the land’s cultural resources and values.

(The ‘Legislation and Policy’ section provides further information.)



Image: Warumbah Creek Gorge, Carnarvon National Park | © Tourism and Events Queensland

Best practice criteria

The *Best Practice Ecotourism Development Guidelines* include six best practice criteria:

- **Best practice criteria 1:** The ecotourism operation is compatible with the natural and cultural values of the national park.
- **Best practice criteria 2:** The ecotourism operation design and layout fits within the character of the national park.
- **Best practice criteria 3:** The ecotourism operation minimises its footprint on the site.
- **Best practice criteria 4:** The ecotourism operation contributes to protecting and positively enhancing the national park.
- **Best practice criteria 5:** The ecotourism operation engages, involves and benefits Traditional Owners and local communities.
- **Best practice criteria 6:** The ecotourism operation encourages visitors to appreciate and want to protect and conserve the national park.

Merit criteria

The following merit criteria are also used to assess a proposal and what it offers as a tourism product and its commercial viability. Specifically:

- the destination fit of the proposal—a proposed facility should:
 - ▶ align with the tourism destination focus and brand developed through the government’s destination management framework
 - ▶ provide new or innovative experiences for the destination
 - ▶ demonstrate a need to be located on a particular national park within the destination.
- the commercial viability of the proposal—a proponent must demonstrate:
 - ▶ the long-term commercial viability of the proposed facility
 - ▶ the financial capacity to fulfil the obligations, responsibilities and liabilities of establishing and operating the proposed facility
 - ▶ a successful track record in delivering tourism infrastructure projects.

Assessment process

Ecotourism facility proposals will be considered on a case-by-case basis, with proposals lodged through a government-led tender process, having the additional element of competitive selection. The nature, scale and location of proposals will influence the level of information that a proponent is required to provide to enable an informed assessment to be made. The department may request additional information from a proponent if it is necessary for an adequate assessment.

Consideration of proposals will typically begin with a pre-lodgement meeting, then move through two stages of assessment as an iterative process between the department and proponent (Stage 1 Preliminary Concept Plan/EOI, Stage 2 Detailed Proposal).

The level of information required will generally become more detailed as the proposal proceeds. This information may include environmental, business planning and development approval processes.

Initially the proponent will be provided a pre-lodgement meeting template to complete. This allows for an initial pre-lodgement meeting between the department and proponent for early consideration and discussion of the proposal. The pre-lodgement meeting with the department is also an opportunity to ensure the proponent has the current park management plan and relevant background information for the site, and fully understands the two-stage assessment process.

Image: Trail walking at Lizard Island National Park | © Tourism and Events Queensland



Stage 1: Preliminary Concept Plan

This stage requires the proponent to develop a Preliminary Concept Plan that includes:

- a description of the concept explaining the type, site location, size and capacity of intended facilities and due diligence of regulatory requirements
- the proposed services and activities to be provided
- a preliminary assessment of how the proposal will
 - ▶ meet the definition of an ‘ecotourism facility’
 - ▶ be in the public interest
 - ▶ be ecologically sustainable
 - ▶ to the greatest possible extent, preserve the land’s natural condition and protect the land’s cultural resources and values
- an outline of benefits to and impacts on the local community and Traditional Owners, including a preliminary assessment of the *Native Title Act 1993* (Cwth); the *Torres Strait Islander Cultural Heritage Act 2003* (Qld); the *Aboriginal Cultural Heritage Act 2003* (Qld); and the *Human Rights Act 2019* (Qld)
- an outline of how the proposal will meet the best practice criteria in the Best Practice Ecotourism Development Guidelines
- an outline of how the proposal will meet the merit criteria outlined in this Implementation Framework

For a competitive, government-led, tender process the initial EOI stage mirrors the Preliminary Concept Plan process, however each EOI will be unique and vary in its requirements. Prior to a government-led tender process, the department will conduct preliminary site assessments, environmental and cultural risk assessments, and due diligence for the site and present this information to prospective investors.

If a Preliminary Concept Plan proposal satisfies all the criteria in Stage 1, the proponent may be invited to develop a detailed proposal for further consideration (Request for Detailed Proposal). If a concept proposal does not satisfy the criteria it may be rejected or the proponent may be advised to significantly modify the concept and seek re-evaluation.

(The Preliminary Concept Plan template is available upon request—see ‘For further information’.)

Stage 2: Detailed Proposal

This stage requires the proponent to develop a Detailed Proposal. The content for this stage will be determined on a case-by-case basis, informed by the assessment in Stage 1. The required information will include:

- a site master plan detailing layout, design and function
- an appropriate form of an EIS and a proposed environmental management plan (EMP) for the facility:
 - ▶ for some proposals a full EIS will be required
 - ▶ proposals with a lower level of risk, or where the proponent has conducted impact studies and mitigation strategies that demonstrate lower risk may require a simpler ERA rather than a full EIS. The department will advise suitable terms of reference for an ERA.
 - ▶ all proposals will require an EMP to be maintained for the life of the facility. EMPs for most projects will be comprehensive while those for minor facilities with low risk may be minimal.
 - ▶ an appropriate form of cultural heritage impact assessment and, if required, a cultural heritage management plan. This assessment will involve consultation with the relevant Traditional Owners.
 - ▶ full details of how the proposal meets environmental, economic and social sustainability outcomes in the *Best Practice Ecotourism Guidelines*, legislative requirements and merit criteria.
 - ▶ a full business case with financial projections including evidence of the long-term commercial viability of the proposal
 - ▶ information to allow for due diligence assessment of proponents
 - ▶ dependent on the commercial model, the department may require a management agreement that sets out how the business will be operated into the future.

Assessment in Stage 2 is a more iterative process and will require discussion between the department and the proponent regarding key requirements and processes. The department may request additional information from the proponent at certain points if necessary for a comprehensive assessment.

For competitive government-led tender processes, the request for a Detailed Proposal stage represents the full proposal assessment.

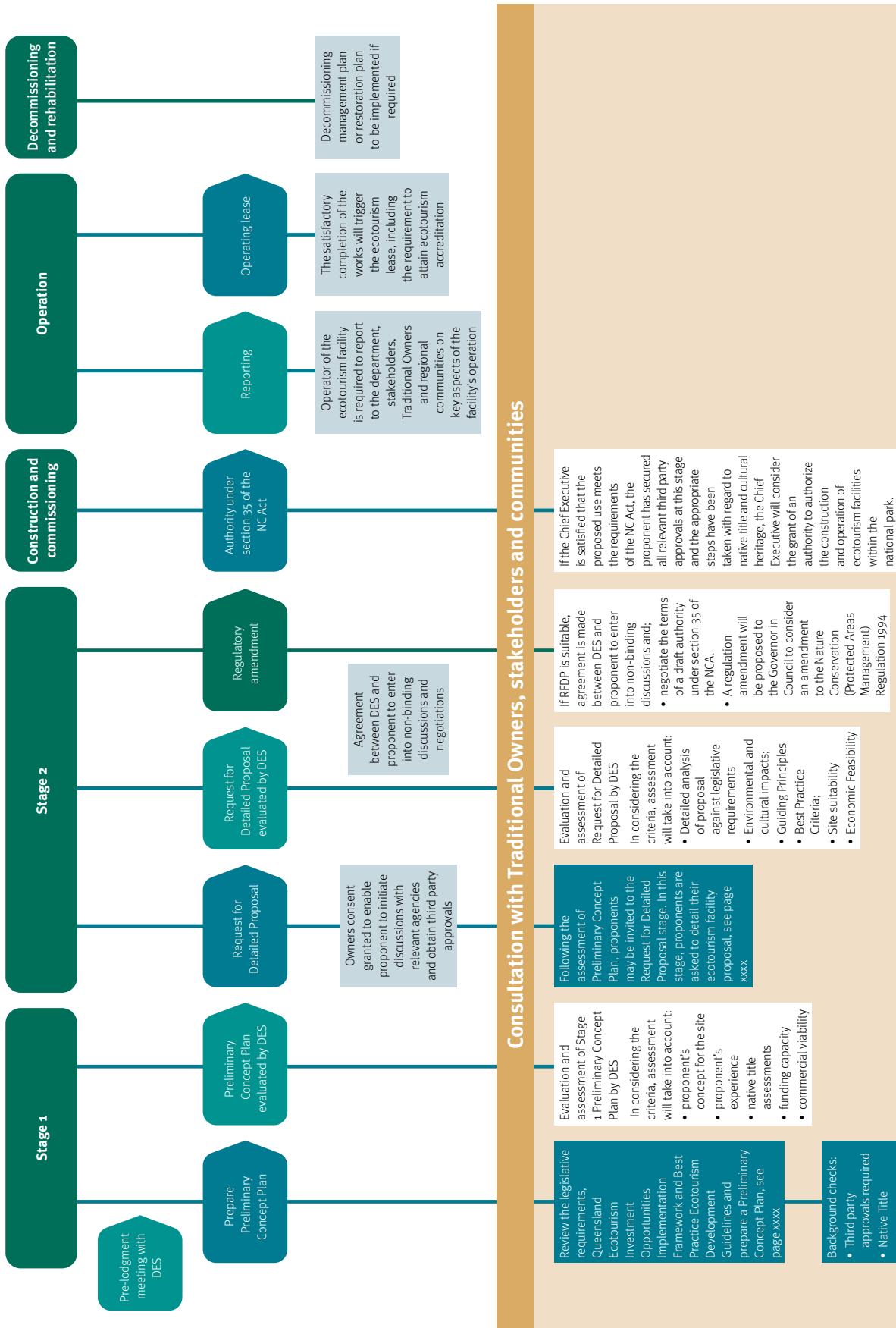


Figure 1: An overview of the two stages of assessment of ecotourism facility proposals

Public consultation

Consultation with Traditional Owners, local communities and key stakeholders is an integral part of the process for proponents from the initial assessment of the impacts of a proposal through to its Stage 2 assessment and final approval.

Public consultation may also be needed to gain other required statutory approvals such as EIS or local government development approvals.

Consultation should commence once the proposal has been considered by the department as consistent with the legislative requirements. When the ecotourism proposal is brought to market through a competitive tender process as a government-led investment, the initial engagement with Traditional Owners will be undertaken by the State.

The department will, as far as practicable within its jurisdiction, avoid duplication of public consultation actions and, if feasible, consider the results of other consultation processes in assessments.

Collaborating with Traditional Owners

The department is committed to working with Traditional Owners and expects proponents to work with Traditional Owners too. Ecotourism proposals should be inclusive of Traditional Owners.

Collaborative relationships with Indigenous agencies, land councils and Traditional Owners are essential to build understanding and deeper respect for culture and deliver effective social and economic benefits. As noted earlier, consultation with Traditional Owners is expected to be an integral part of any ecotourism proposal process. Wherever possible, ecotourism proposals should support employment and business opportunities for Traditional Owners and their future generations.

Native title status

Native title rights and interests exist over many national parks and must be considered as part of any ecotourism facility proposal.



Image: © Quandamooka Yoolooburrabee Aboriginal Corporation

Under State and Commonwealth native title legislation, consent may be required from native title parties for the establishment and operation of an ecotourism facility, including the granting of a lease or other authority. This consent will usually need to take the form of an Indigenous Land Use Agreement (ILUA).

Ecotourism facility proponents will usually be required to establish the native title status of a site or an area proposed for an ecotourism facility, and to undertake negotiations if an ILUA is required.

In general, all or most of the costs associated with obtaining native title consent for a proposed ecotourism facility will be borne by the proponent. In some cases the department may assist with these processes. The extent of assistance will be determined on a case-by-case basis, taking account of the likely complexities and issues involved.

In some instances, native title parties may seek to address broader national park management issues in the ILUA negotiation process (i.e. issues beyond the scope of the ecotourism facility proposal). There may also be instances where an existing ILUA may require renegotiation to allow for the proposed ecotourism facility. If such broader issues arise, the department will consult with the ecotourism facility proponent about relative roles in the negotiating process and apportionment of the costs of negotiations.

As noted above, when a government-led investment opportunity is released through a competitive tender process, the initial engagement with the native title holders will be undertaken by the State.

Owner's consent

Following an assessment of an ecotourism facility proposal and prior to an authority being granted, a proponent may be granted owners consent in order for the proponent to proceed with applying for any additional environmental, planning or development approvals.

Authority type, term and conditions

Type and term of authorities

The type and term (duration) of authorities will be considered on a case-by-case basis and commensurate with the nature and scale of the proposed ecotourism facility and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

The NC Act provides for a variety of authority types that can be granted for ecotourism facilities, including a lease, agreement, licence, permit or other authority.

Most ecotourism facilities will be authorised through a lease which provide a long-term investment security. Leases may be granted for a term of up to 30 years with the ability to renew for a term commensurate with the scale of the operation and investment. Appropriate lease terms will be negotiated on a case-by-case basis.

A license, permit or agreement is usually appropriate for small scale, low impact ecotourism operations that support commercial tour activities in a national park. Permits or agreements will be granted for a period consistent with the tour operator's Commercial Activity Agreement or permit.

Determining rental arrangements

A flexible approach to setting the rental payments to the State will be adopted, with arrangements negotiated on a case-by-case basis. This approach recognises the likely variation in the nature and scale of different operations and the individual level of capital investment, risk profile and rate of return on investment for each proponent.

High start-up costs may be recognised and concessions, in the form of early lower rental rates or graduated rate increases, may be granted. Any significant contributions to national park management activities or benefits to Traditional Owners or local communities may also be considered in determining rental rates.

Rental options that can be adopted include:

- a scale of designated fees (e.g. for small, simple facilities)
- revenue sharing based on a proportion of the profit or turnover of the facility
- fee based on an independent valuation of the land to be used
- a combination of the above two options
- a negotiated fee (for any proposals that do not readily fit the other rental options)
- the highest acceptable bid received for a competitive tender process (for a specific high value opportunity).

Conditions and auditing of leases, licences permits and agreements

Leases, permits or agreements (authorities) granted for ecotourism facilities will be performance-based with conditions that hold the lessee accountable for delivering the agreed environmental, social and economic outcomes.

Authorities will be supported by appropriate environmental management plans, cultural heritage plans and/or facility operational plans. The authority will also include conditions that relate to operational compliance with these provisions such as enforcement actions and/or remedial actions for breaches of conditions.

All ecotourism facilities will undergo auditing of compliance with authority conditions at regular periods. Non-compliance with conditions will be subject to remediation processes or enforcement action.

Authority conditions will clearly identify the obligations for site rehabilitation, should an ecotourism facility cease to operate. In these circumstances, and where a facility is not taken over by another operator, the authority holder will be required to remove all traces of development and rehabilitate the site. These conditions may be supported by a requirement for the authority holder to lodge a rehabilitation bond or hold a bank guarantee at a level appropriate to the scale of the facility and required rehabilitation works.

Ecotourism accreditation

Ecotourism accreditation provides an assurance that a certified product is backed by a commitment to best practice ecological sustainability and the provision of quality ecotourism experiences.

In order to achieve best practice ecotourism standards, ecotourism facilities and associated activities will be required to be certified by suitable accreditation providers and this requirement will be included in authority conditions.

The department partners with independent accreditation providers who can demonstrate their scheme(s) meet appropriately high standards.

Assurances and accountability

While this Implementation Framework is an important means for the Queensland Government to ensure a robust and transparent assessment and approval process, there are also ongoing monitoring and reporting requirements for each ecotourism facility. Once approval has been granted, the operator of the ecotourism facility is required to monitor and report on various elements of the facilities operation to the department as part of their lease conditions.

The level of monitoring and reporting will depend on the scale and nature of the ecotourism operation and the specific lease and permit conditions for each facility.

The department continually assesses the outcomes of ecotourism facilities and operations.



Image: Lady Elliott Island Eco Resort | © Queensland Government

For further information

Learn more from the Parks section of the Department of Environment and Science website (www.parks.des.qld.gov.au) where you can download the [Best Practice Guidelines](#) and the [Queensland Ecotourism Development Toolkit](#).

Contact the Ecotourism Development Unit, QPWS, Department of Environment and Science for initial advice about ecotourism facility development on national parks, or to request Pre-lodgement and Stage 1 Preliminary Concept Plan templates. If required, you may be referred to the local QPWS regional office to discuss the suitability of your proposed concept for the park or site.

Email: ecofacilities@des.qld.gov.au

Phone: (07) 3096 6345

Image: Semi-permanent tents at Nightfall Wilderness Camp | © Tourism and Events Queensland

