

Environmental Offsets

Frequently asked questions relating to the State Planning Policy and local government offset requirements

FACT SHEET

State Planning Policy

How does the State Planning Policy (SPP) reflect the Environmental Offsets Framework?

The SPP July 2014 came into effect on 1 July 2014. Broadly, the amendments to the SPP relating to environmental offsets are as follows:

- the plan making policies were amended to clarify the role of local government in providing for environmental offsets;
- local government can provide for environmental offsets where the local planning scheme:
 - identifies matters of local environmental significance (MLES); and
 - includes provisions for environmental offsets consistent with the *Environmental Offsets Act 2014* (EO Act)
- the interim development assessment requirements provide that where a local government has existing provisions relating to environmental offsets in their local planning scheme, the application of an environmental offset condition must be in accordance with the EO Act;
- if a local planning scheme does not already contain provisions for environmental offsets, an environmental offset condition cannot be imposed.

What do the Environmental Offsets Framework and SPP mean for local government planning schemes that already contain offset provisions?

As of 1 July 2014, six (6) local government planning schemes with existing environmental offset provisions include:

- Brisbane City Plan 2014
- Fraser Coast Planning Scheme
- Ipswich Planning Scheme

- Logan Planning Scheme 2006
- Redlands Planning Scheme – version 6
- Sunshine Coast Planning Scheme 2014.

In accordance with the *Sustainable Planning Act 2009* (SPA), if there is an inconsistency between the SPP and a local planning scheme, the SPP prevails to the extent of the inconsistency. Existing environmental offset provisions in local planning schemes which are inconsistent with the EO Act will cease to have effect and an amendment to the planning scheme may be required.

Statutory guideline 01/14 Making and amending local planning instruments (MALPI) provides for local government to undertake a minor amendment to a local planning scheme, where the amendment is directly responding to the SPP. The process for a minor amendment under MALPI does not include Stage 2 (state interest review) or Stage 3 (public consultation).

As a result, the relevant local government should write to the planning Minister to seek confirmation that their local planning scheme either:

- (a) appropriately integrates the SPP / state interest—biodiversity, or
- (b) is consistent with the EO Act.

Local government offset requirements

Can a local government develop its own environmental offset requirements?

Yes. A local government can develop its own environmental offset requirements for MLES. However, these requirements must be developed to be consistent with the EO Act and included in the local government planning scheme.

Do local government offset requirements, developed prior to 1 July 2014, continue to have effect?

Existing environmental offset provisions in local government planning schemes which are inconsistent with the EO Act cease to have effect. The SPP was amended in July 2014 to clarify that any development application requiring an environmental offset under a local planning instrument, must be consistent with the EO Act.

Do local government environmental offset requirements need to be approved by the State?

Yes. Any environmental offset requirements included in a local government planning scheme for MLES, must be approved by the Planning Minister through the process outlined in Statutory Guideline 04/14: Making and amending a local planning instrument (MALPI).

If a planning scheme already contains environmental offset requirements, a local government may write to the Planning Minister to seek confirmation on whether it's planning scheme:

- appropriately integrates the SPP / state interest – biodiversity, and
- is consistent with the EO Act.

If the offset requirements are inconsistent with the EO Act, an amendment to the planning scheme may be required in accordance with Statutory Guideline 04/14: MALPI.

Can a local government choose to apply different multipliers when calculating offsets for prescribed environmental matters within their jurisdiction?

No. Local government offsets must still be in accordance with the EO Act, *Environmental Offsets Regulation 2014* and *Queensland Environmental Offsets Policy* (EO Policy), including caps and ratios. When calculating and imposing offset conditions, a local government cannot exceed the ratios provided in the EO Policy.

However, local government will have the flexibility to impose a financial settlement offset that is lower than the amount calculated in accordance with the EO Policy (for matters within their jurisdiction).

Can a local government require that proponent driven (land based) offset for MLES be delivered in the same local government area (LGA) when it is reasonable to do so?

Yes. A local government may prioritise the delivery of proponent driven offsets within their LGA. In accordance with the EO Policy, delivery of a land based offset should be prioritised to be in the most strategic location to achieve the conservation outcome which is generally located in the following order of preference:

- the same local government area;
- the same sub-region;
- the same bio-region or adjacent bio-region.

Where can I obtain further information regarding offsets and the planning framework?

For further information on environmental offsets and the relationship with the State Planning Policy (SPP) please contact the SPP Team:

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