Information sheet

Environmental Offsets Act 2014

How to fill out notice of agreement and agreed delivery arrangement templates

This document has been developed by the Department of Environment and Heritage Protection (EHP) to assist applicants to fill out the Notice of agreement and Agreed delivery arrangement templates in accordance with the Environmental Offsets Act 2014 where conditioned on a Protected Plant Authority.

1 Background

The Environmental Offsets Act 2014 (the Offsets Act) outlines the framework for environmental offsets and how they should be provided. It supports assessment legislation by coordinating the delivery of environmental offsets across jurisdictions, and placing limits on when an environmental offset condition may be imposed. It also provides for the subsequent assessment, delivery, and compliance with offset conditions once imposed. The Offsets Act is supported by the Environmental Offsets Regulation 2014 (the Offsets Regulation) and the Queensland Environmental Offsets Policy (the Policy). The Offsets Act, the Offsets Regulation, and the Policy form Queensland’s offsets framework.

Environmental offsets compensate for unavoidable impacts on significant environmental matters, such as highly valuable species and ecosystems. An environmental offset will only be appropriate where an equivalent environmental outcome can be provided elsewhere. 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; (protected plants authority) and
- The assessment requires consideration of an environmental offset as a suitable outcome.

Conditions for environment offsets in relation to a protected plant authority will only be applied as a result of an assessment trigger under the Nature Conservation Act 1992.

2 Purpose

The purpose of this information sheet is to assist applicants in filling out the Notice of agreement and Agreed delivery arrangement templates where an offset has been conditioned on a Protected Plant authority. The ‘Notice of Agreement’ provides the ability for a proponent and the administering agency to agree with their proposed delivery approach as per section 19(3) of the Offsets Act. The ‘Agreed Delivery Arrangement’ is the document whereby the proponent and the administering agency agree about the actual delivery of the offset as per section 19(4) and (5) of the Offsets Act. The use of the templates is not mandatory.
3 How to fill out Notice of Agreement

The 'Notice of Agreement' provides the ability for a proponent and the administrating agency to agree with their proposed delivery approach as per section 19(3) of the Offsets Act.

See Attachment A.
Notice

Environmental Offsets Act 2014

Notice of Agreement

Environmental offset conditioned by protected plant authority

This notice is issued by the administering authority pursuant to section 19 of the Environmental Offsets Act 2014 to advise that the offset delivery approach stated in the notice of election is agreed upon.

To: <<Name And Contact Details>>

Your reference: <<Insert Protected Plant Permit Reference>>

Notification of Agreement

1. Details

The notice of election, made by <<Insert Applicant/Authority Holders Name >> was received by the administering agency on <<date received>> which included: (delete whichever is not appropriate)

- [IF A PROponent-DRiven OFFSET] the offset delivery plan <<Insert title, date/version numbers>>
- [IF A FINANCIAL SETTLEMENT OFFSET] the proposed offset payment calculation of <<Insert value and any title, date/version number of documentation provided outlining the calculation amount>>
- [IF A COMBINATION OFFSET -include both the above items]

The reference for the corresponding prescribed activity that will have the significant residual impact the subject of this agreement is:

- <<INSERT agency reference for application/authority for the prescribed environmental activity that will result in the impact>>
- <<INSERT detail of relevant stage of impact if this is a staged activity and offset>>.

2. Notification of Agreement

The administering agency agrees with <<Insert Applicant/Authority Holders Name >> that the environmental offset may be delivered in way stated in the above-mentioned notice of election, attached to this notice [IF A PROponent-DRiven OFFSET also include the following] and in accordance with the above-mentioned offset delivery plan attached to the notice of election.

3. Actions

Prior to <<Insert Applicant/Authority Holders Name >> commencing any part of the prescribed activity to which an offset condition relates, <<Insert Applicant/Authority Holders Name >> and the administering agency must enter into an 'agreed delivery arrangement'.

By signing and dating the attached form, <<Insert Applicant/Authority Holders Name >> will be taken to have entered into an 'agreed delivery arrangement' with the administering agency. <<Insert Applicant/Authority Holders Name >> must sign the attached form and enter into the agreed delivery arrangement within <<insert number of business days for reasonable period >> and provide a copy of the signed document to the administering agency within <<insert Number Of Business Days For Reasonable Period >> of signing the document.
Environmental Notice 2014

[INCLUDE THE FOLLOWING IF AGREED TO PRIOR TO ISSUING THE AUTHORITY]

If after entering into this agreement but no more than 10 business days after the authority for the prescribed activity is granted, the administering agency decides that the impact that is counterbalanced under this arrangement differs from the impact likely to arise from the prescribed activity, the administering agency will provide a notice that states the environmental offset is required to be delivered in a different way.

4. Review of decision

Pursuant to Section 18 of the Environmental Offsets Regulation 2014, <<Insert Applicant/Authority Holders Name >> may apply for an internal review of this decision within 20 business days after receiving this notification. Application for an internal review must be made using the 'Request for an internal review' form, available on the Queensland Government website at <http://www.qld.gov.au/environment/pollution/management/offsets/>.

Delegate Signature

Date

<<Insert Delegate Name>>
<<Director, Wildlife Management>>
Delegate of the administering agency
Environmental Offsets Act 2014

Enquiries:
<<Insert Project Officer>>
<<Insert Address>>
Phone: <<INSERT>>
Email: <<INSERT>>

Should you have any questions about the notice, please contact <<INSERT>> on telephone <<INSERT>>.

ATTACHMENTS

- Agreed delivery arrangement for <<Insert Applicant/Authority Holders Name >>’s signature
- Copy of notice of election [and if relevant] and offset delivery plan.
4 How to fill out Agreed Delivery Arrangement

The ‘Agreed Delivery Arrangement’ is the document whereby the proponent and the administering agency agree about the actual delivery of the offset as per section 19(4) and (5) of the Offsets Act.

See Attachment B

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How to fill out notice of agreement and agreed delivery arrangement templates

Attachment B

Notice

Environmental Offsets Act 2014
Agreed delivery arrangement

Environmental offset conditioned by protected plant authority

This notice, once signed by the authority holder, constitutes an ‘agreed delivery arrangement, in accordance with the requirements of section 19 [IF AGREED TO PRIOR TO AUTHORITY IS ISSUED also include reference to section 19A] of the Environmental Offsets Act 2014.

<table>
<thead>
<tr>
<th>Authority &lt;&lt;holder/applicant&gt;&gt;</th>
<th>&lt;&lt;INSERT Authority holder’s name and contact details &gt;&gt;</th>
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<tr>
<td>Related &lt;&lt;authority/application&gt;&gt;</td>
<td>&lt;&lt;INSERT Protected Plant Permit Reference for the prescribed environmental activity that will result in the impact&gt;&gt;</td>
</tr>
<tr>
<td>Related &lt;&lt;notice of agreement or offset delivery plan.&gt;&gt;</td>
<td>&lt;&lt;INSERT agency reference for the notice of agreement&gt;&gt;</td>
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<<Insert Applicant/Authority Holders Name >> agrees to deliver the environmental offset condition for the above-mentioned authority in the following way:

- **[IF A PROPONENT-DRIVEN OFFSET]** the environmental offset will be delivered in accordance with the approved offset delivery plan <<insert title, date/version numbers>> attached to this agreed delivery arrangement [IF AGREED TO PRIOR TO AUTHORITY IS ISSUED also include the following] and the offset may start to be delivered before the authority is granted.
- **[IF A FINANCIAL SETTLEMENT OFFSET]** an offset payment of <<Insert value>> will be paid to the Offsets Account prior to starting any part of the prescribed activity to which the offset condition relates [IF AGREED TO PRIOR TO AUTHORITY IS ISSUED also include the following] and will not paid until after the authority is granted.
- **[IF A COMBINATION OFFSET -include both the above items]**

<<Insert Applicant/Authority Holders Name >> agrees to notify the administering agency, within <<insert number of business days for reasonable period >> of taking the following action:

- **[IF A PROPONENT-DRIVEN OFFSET]** legally securing the environmental offset in accordance with the approved offset delivery plan <<insert title, date/version numbers>> attached to this agreed delivery arrangement.
- **[IF A FINANCIAL SETTLEMENT OFFSET]** making full payment of the environmental offset payment to the Offsets Account.

<<INSERT if entered into prior to issuing of authority>>

<<INSERT applicant/authority holders name >> acknowledges that, after entering into this agreement but no more than 10 business days after the authority for the prescribed activity is granted:
- the administering agency may decide that the impact that is counterbalanced under this arrangement differs from the impact likely to arise from the prescribed activity; and
- in this event, the administering agency must provide a notice that states the environmental offset is required to be delivered in a different way.
Environmental Notice 2014

Delegate Signature

Enquiries:
<<Insert Project Officer>>
<<Insert Address>>
Phone: <<INSERT>>
Email: <<INSERT>>

Authority <<holder/applicant>> signature/Company seal

Date
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Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Heritage Protection should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved: 29 July 2016

Enquiries:
Wildlife Management Unit
wildlife.management@ehp.qld.gov.au

Version history

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