

 <p>Kingborough</p>	<h1 style="text-align: center;">Biodiversity Offset Policy</h1>	(Policy No. 6.10)		
<p>POLICY STATEMENT:</p>		<p>1.1 Kingborough Council recognises that ‘biodiversity offsets’ are an important mechanism to mitigate and compensate for the loss of biodiversity values where it has been established that all opportunities to avoid and mitigate impacts have been exhausted and the impacts will not significantly affect the conservation status of biodiversity value(s).</p>	<small>LAST REVIEW November 2016</small>	<small>NEXT REVIEW November 2021</small>
	<p>OBJECTIVE:</p>	<p>2.1 The objectives of the Biodiversity Offset Policy are to ensure biodiversity offsets within Kingborough:</p> <p>2.1.1 achieve a net gain in the extent and quality of biodiversity that is securely protected and effectively managed; and,</p> <p>2.1.2 are implemented in a transparent and consistent manner.</p>		
<p>SCOPE:</p>	<p>3.1 This policy applies to all applications assessed under the:</p> <p>3.1.1 Health and Environmental Services By-Law 3 of 2011, Clause 25;</p> <p>3.1.2 Kingborough Planning Scheme 2000, the Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area.</p>			
<p>PROCEDURE: (POLICY DETAIL)</p>	<p>4.1 Biodiversity offsets are required where there are impacts upon priority biodiversity values, including:</p> <p>4.1.1 priority biodiversity values identified in Table E10.1 of the Kingborough Interim Planning Scheme 2015;</p> <p>4.1.2 priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme 2000;</p> <p>4.1.3 priority vegetation identified in any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area; and</p> <p>4.1.4 individual trees of high conservation value (as per Table 2).</p> <p>4.2 All offsets must be consistent with:</p> <p>4.2.1 this Policy;</p> <p>4.2.2 the Guidelines for the Use of Biodiversity Offsets in the local planning approval process (Pitt & Sherry 2011) (referred to as the Regional Offset Guidelines); and</p> <p>4.2.3 the General Offset Principles for offsets under the Resource Management and Planning System (RMPS) (Appendix 4 of the Guidelines for Natural Values Surveys, Natural and Cultural Heritage Division, 2015) (referred to as the RMPS Offset Principles).</p> <p>4.3 To the extent that there is any conflict or difference between these documents, this Policy prevails.</p> <p>4.4 Offsets will only be considered where:</p> <p>4.4.1 ‘special circumstances’ can be demonstrated;</p> <p>4.4.2 the clearance and conversion or disturbance will not substantially detract from the conservation status of the biodiversity value(s) in the vicinity of the development; and,</p> <p>4.4.3 the proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on natural values, including alternative locations or designs for the development.</p>			

	<p>4.5 Council will assess each offset proposal on a case-by-case basis in accordance with this Policy, the Regional Offset Guidelines and the RMPS Offset Principles. Council has the discretion to reject a proposal where it has not been demonstrated that the scale, scope and suitability of the offset delivers a new benefit for biodiversity conservation.</p> <p>4.6 This policy should be reviewed within 5 years or following any changes to planning instruments, by-laws, state policies or regional policies relating to offsets, whichever is the sooner.</p>
<p>GUIDELINES:</p>	<p>5.1 A biodiversity offset proposal must include one or more of the offset measures in Table 1 and must include at least one of options (a), (b) or (c).</p> <p>5.2 All offset proposals must be consistent with the replacement ratios in Table 3.</p> <p>5.3 Where demonstrating 'special circumstances' relies upon 'special circumstances (iii)', then a substantial proportion of the offset must be achieved via option (a) to the extent practicable, with any residual loss offset via options (b)-(e).</p> <p>5.4 Where demonstrating 'special circumstances' relies upon 'special circumstances (iv)' and the development is located in the Low Density Residential, Rural Living or Environmental Living Zone, then a substantial proportion of the offset must be achieved via option (a) to the extent practicable, with any residual loss offset via options (b)-(e).</p> <p>5.5 A biodiversity offset proposal only involving either option (a), (b) or (c) in isolation may be considered where it can be demonstrated it is consistent with the objectives and provisions of this Policy.</p> <p>5.6 A biodiversity offset proposal involving (a), (b), (d) or (e) must be accompanied by an offsetting plan for the 'recipient land' that is consistent with this Policy, outlines the offset options proposed and contains the relevant land owner consents.</p> <p>5.7 As a result of implementing an offsetting plan, the 'recipient land' must become 'secure conservation land'.</p> <p>5.8 Upon approval of an offsetting plan, the 'recipient land' must be subject to a conservation management plan. Management costs for the first 5 years of implementing the conservation management plan must be met by the applicant and after this by the land owner or manager.</p> <p>5.9 Council has a responsibility to monitor the management of 'secure conservation land' to ensure compliance with the offsetting plan and conservation management plan.</p> <p>5.10 All offsets must aim to be like for like and contain equivalent biodiversity values in equal or better condition than those being impacted. Offsets that are not like for like will only be considered where it is demonstrated that this achieves a significantly enhanced conservation outcome and has been subject to third party validation by the State or another peer review body nominated by Council.</p> <p>5.11 Financial offsets are only appropriate where the loss is small relative to the biodiversity value being impacted, there is no meaningful opportunity for on-site offsets and a more strategic outcome can be achieved by pooling resources. The appropriateness of a financial offset is determined on merits by Council on a case-by-case basis.</p> <p>5.12 The financial offset charge must be paid into the Kingborough Environmental Fund established by Council for this purpose.</p> <p>5.13 All expenditure of financial offsets must be in accordance with Councils endorsed Guidelines for Expenditure of the Kingborough Environmental Fund.</p>

Table 1: Offsetting Options

Option	Description
(a) In situ conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to public ownership	Covenanted or protected in perpetuity remaining areas on the subject land with comparable values.
(b) Ex-situ conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to public ownership	Covenanted or protected in perpetuity an area of sufficient size and with comparable values to those being lost, but off-site.
(c) Financial offsets	Financial offsets calculated at a rate of: <ul style="list-style-type: none"> • up to \$500 per tree of very high conservation value and up to \$250 for high conservation value as identified in Table 2; or, • \$12,000 per hectare of high and moderate biodiversity values as identified and subject to the replacement ratios in Table 3. These financial offsets are inclusive of a 20% administration fee.
(d) Restoration	Restoration of areas on or off site with similar values but in poorer condition to improve their condition and increase their long-term viability. Note this option must be used in conjunction with offsetting options (a), (b) and/or (c).
(e) Revegetation	Revegetation and rehabilitation of degraded areas on or off site with the aim of restoring values equivalent to those being lost. Note this option must be used in conjunction with offsetting options (a), (b) and/or (c).
(f) Recovery actions	Implementation of recovery actions, including surveying and mapping of significant values to inform their ongoing strategic management and conservation. Note this option must be used in conjunction with other offsetting options (a), (b) and/or (c).

Table 2: Conservation Value of Individual Trees

Species	Characteristics	Rationale	Conservation Value
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >70cm	Swift parrot foraging habitat	Very high
<i>E. viminalis</i>	DBH >25cm and within or directly adjacent to significant forty-spotted pardalote habitat	Forty-spotted pardalote habitat	Very high
Native trees with known or potential nesting hollows	Hollows present; and/or, DBH > 70cm in dry forests or cleared settings; or, DBH >100cm in wet forests	Habitat for hollow dependent species	Very high
<i>Eucalyptus globulus</i> or <i>E. ovata</i>	DBH >40cm and <70cm	Swift parrot foraging habitat	High
<i>E. viminalis</i>	DBH >25cm and within 3,000m of significant forty-spotted pardalote	Forty-spotted pardalote habitat	High

	habitat or within potential forty-spotted pardalote habitat		
A species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999 (C'th)</i>	N/A	Listed threatened species	High

Table 3: Replacement Ratios for Offsets

Value	Definition	Replacement ratio*
High priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015 As per Table s10.2 of the Kingborough Planning Scheme 2000 Priority vegetation identified in any subsequent planning scheme declared under the <i>Land Use Planning and Approvals Act 1993</i> and applicable in the Kingborough municipal area	5:1
Moderate priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015 As per Table s10.2 of the Kingborough Planning Scheme 2000	3:1
Low priority biodiversity values	As per Table E10.1 of the Kingborough Interim Planning Scheme 2015	1:1
Individual trees of very high conservation value	As per Table 3	5:1 for replanting
Individual trees of high conservation value	As per Table 3	3:1 for replanting
<p>* When determining whether a proposed offset involving option (a) and/or (b) will achieve a net benefit for conservation and satisfy the required replacement ratios, the condition of the biodiversity value(s) potentially impacted and the condition of any biodiversity value(s) proposed to be protected or enhanced must be considered using the Vegetation Condition Assessment method.</p> <p>* Where there is a high risk of failing to return a net benefit over time, the required replacement ratio may be increased at the discretion of Council.</p> <p>* Where the area being impacted contains multiple values, the offset ratio may be increased at the discretion of Council.</p> <p>* Where the 'recipient land' contains additional values to the area being impacted, the offset ratio may be reduced at the discretion of Council.</p>		

COMMUNICATION:	<p>6.1 This policy will be made available to the general public on the Council website and at the Customer Services counter.</p> <p>6.2 The following stakeholders have a direct interest in this Policy and should be notified of any amendments through direct communications:</p> <p>6.2.1 Council staff;</p> <p>6.2.2 Regular applicants;</p> <p>6.2.3 Ecological consultants.</p>
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LEGISLATION:	<ul style="list-style-type: none"> • Kingborough Planning Scheme 2000 • Kingborough Interim Planning Scheme 2015 • Health and Environmental Services By-Law 3 of 2011 • <i>Land Use Planning and Approvals Act 1993</i> • <i>Nature Conservation Act 2002</i> • <i>Threatened Species Protection Act 1995</i> • <i>Environment Protection and Biodiversity Conservation Act 1999</i>
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<p>DEFINITIONS:</p>	<p>Biodiversity offsets mean measures that compensate for the residual adverse impacts of an action on the environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social or environmental reasons for the action to proceed.</p> <p>High conservation value tree means a tree that:</p> <ul style="list-style-type: none"> (i) is of a species that is listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (C'th); and/or, (ii) provides potential or significant habitat for a threatened species listed in either of those acts and, (iii) is as specified in Table 2. <p>Recipient land means the land upon which an offset is implemented.</p> <p>Secure conservation land means land that is effectively and permanently managed for conservation under a conservation covenant under the <i>Nature Conservation Act 2002</i>, an agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferred to public ownership.</p> <p>Special circumstances means particular circumstances associated with the proposed use or development that may justify reduction in biodiversity. Special circumstances are considered to exist if one or more of the following apply:</p> <ul style="list-style-type: none"> (i) the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location or design; (ii) ongoing management cannot ensure the survival of the biodiversity values on the site and there is little potential for recruitment or for long term persistence; (iii) The extent of proposed removal of the biodiversity values on the site is insignificant relative to the extent of the values elsewhere on site; and/or (iv) the development is located on an existing title within the Inner Residential, General Residential, Low Density Residential, Rural Living or Environmental Living Zone and is for a single dwelling and/or associated outbuilding.
<p>RELATED DOCUMENTS:</p>	<p>Pitt & Sherry with North Barker and Associates (2011). <i>Guidelines for the Use of Biodiversity Offsets</i>, Southern Tasmanian Councils Authority, Hobart.</p> <p>Natural and Cultural Heritage Division, 2015. <u>Appendix 4: General Offset Principles for offsets under the Resource Management and Planning System</u>, in <i>Guidelines for Natural Values Surveys – Terrestrial Development Proposals</i>. Department of Primary Industries, Parks, Water and Environment.</p>
<p>AUDIENCE:</p>	<ul style="list-style-type: none"> • Kingborough Council Councillors • Kingborough Council staff • Applicants • Ecological Consultants • Tasmanian Planning Commission • State and Commonwealth agencies • Community