

Implementing Biodiversity Offsets under the *Land Use Planning and Approvals Act 1994*

Pre-lodgement of the Application

- Pre-lodgement advice provided by Council on the proposal to flag potential issues and/or information requirements.
- Suitably qualified person engaged to provide advice at the concept stage to ensure impacts are avoided to the greatest extent practicable.
- If offsets involve other land managers/owners or transferral to public ownership, in-principle support is obtained.

Lodgement of the Application

- Natural values assessment, including site plan, submitted providing details of the values on site and the nature and extent of likely direct and indirect impacts.
- Offset plan forms part of the application and includes details of the offset measures proposed and demonstrating consistency with the guidelines (see assessment of application below).
- Consent of land owners/land managers provided where offsets are offsite or involve transferral to public ownership.

Request Further Information in accordance with Section 54 of LUPAA

- Where there is insufficient information included in the application, further information has been requested & provided.
- A referral by the applicant to the Policy Conservation and Assessment Branch of DPIPW may be requested where the proposal impacts upon threatened species listed under the *Threatened Species Protection Act 1995* or communities listed as threatened under the *Nature Conservation Act 2002*.
- A referral by the applicant to the Australian Government may be requested where the proposal impacts upon threatened species listed under the *Environment Protection and Biodiversity Conservation Act 1999*.

Public Notification Requirements

- Information available during advertising includes the natural values assessment and offset plan.
- Where an off-site offset is proposed, the development application is advertised as relating to both the site of impact and the offset site.

Assessment of Application against All Principles

The proposal demonstrates:

- Direct and indirect impacts have been avoided and minimised to the greatest extent practicable and alternatives thoroughly investigated (Principle 1).
- The offset site will result in a permanent 'net positive gain' (Principle 2) taking into consideration:
 - the proposed offset ratios;
 - the suite of actions proposed;
 - the potential risk of failure;
 - the condition of the values being impacted and those proposed for protection; and
 - the vulnerability of the biodiversity value(s) proposed to be protected or enhanced.
- The proposed offset measures demonstrate how they will deliver a permanent conservation outcome, including the proposed protection mechanism and how the offset will be implemented and monitored over time (Principle 3).
- The offset conserves 'like' biodiversity values, unless it can be demonstrated this is not appropriate and the offset has been subject to third party validation (Principle 4).
- Indirect offsets are only proposed as part of an offset package or where the impact of a proposal is small and it is demonstrated they will achieve a greater net benefit for biodiversity (Principle 5).
- The proposed offset preferences formal protection and management on site, contiguous with, or protected areas or is within the same neighbourhood, suburb or catchment as the impact (Principle 6).
- The proposed offset is located within the planning area of the relevant Planning Authority (Principle 6)
- Demonstration that the offset proposal has the in-principle consent of any third parties and specification of proposed contractual arrangements to secure the proposed offset if a permit is issued (Principle 7).

Approval and the Permit Conditions

Conditions are included on the permit that:

- Specify the offset required, including the location by title reference, what and how the values are to be conserved and the means to secure the offset.
- Secure the offset proposal prior to start of works (not subdivision) or Sealing of a Final Plan of Survey (subdivision), including:
 - Protection in perpetuity of the offset site
 - Development of a detailed management, monitoring and reporting plan for the offset site(s), including costing of all actions, timeframes and identification of responsibility for implementation
 - Bonding of costs of implementing actions for first 10 years to Council
 - Payment of any contributions to relevant fund
- Require implementation of primary actions in the management plan prior to Sealing of the Final Plan of Survey (subdivision) or commencement of operation (change of use) or specified timeframe (other).
- Require development of a vegetation clearance plan for the construction phase prior to start of works identifying:
 - Protocols and mitigation measures to protect values being retained eg silt fencing, sediment curtains, tree protection measure
 - including specifying management prescriptions and identifying protocols
- Require implementation/establishment of on-site mitigation measures prior to start of works.