

OPEN SESSION RESUMES

14 PETITIONS STILL BEING ACTIONED

There are no petitions still being actioned.

15 PETITIONS RECEIVED IN LAST PERIOD

At the time the Agenda was compiled no Petitions had been received.

16 OFFICERS REPORTS TO COUNCIL

16.1 BIODIVERSITY OFFSET POLICY REVIEW

File Number: 12.155

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Strategic Plan Reference

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| Key Priority Area: | 3 | Sustaining the natural environment whilst facilitating development for our future. |
| Strategic Outcome: | 3.1 | A Council that values and prioritises its natural environment, whilst encouraging investment and economic growth. |
| | 3.4 | Best practice land use planning systems are in place to manage the current and future impacts of development. |

1. PURPOSE

- 1.1 The purpose of this report is to consider the recommended amendments to Council's Biodiversity Offset Policy to ensure consistency with current regulations and incorporate feedback from relevant experts as part of the recent technical review of Council's Biodiversity Offset Policy (6.10).

2. BACKGROUND

- 2.1 Biodiversity offsets are defined as: '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' (Pitt & Sherry 2011, Regional Offset Guidelines).
- 2.2 Council has been using biodiversity offsets since 2003. Early offsets in Kingborough were largely the result of the requirements of the Forest Practices System. Until 2009 all clearing was regulated under the Forest Practices Systems and Council would incorporate their offset requirements into planning permits.

- 2.3 In 2009 the Forest Practices Regulations were amended to explicitly exempt clearing associated with urban and peri-urban development, where this development has been authorised in a permit issued under the *Land Use Planning and Approvals Act 1993* (LUPAA).
- 2.4 In response to the changes to the Forest Practices Regulations, Council endorsed the Biodiversity Offset Policy in 2010 (Policy 6.10), which was reviewed in 2016. The purpose of this Policy has been to formalise Kingborough Council's approach to and use of offsets to:
- ensure consistency and transparency both for Kingborough Council and for developers, and
 - support Council's associated planning decisions that might be subject to appeal.
- 2.5 Since the introduction of the Offset Policy, the Regional Offset Guidelines have been endorsed and the Regional Land Use Strategy developed. In addition, in 2018 Council began the implementation of offset projects under the Kingborough Environmental Fund, which has received over \$1 million in financial offsets.
- 2.6 The current Policy was due for review in November 2021.
- 2.7 As part of this review, targeted consultation has been undertaken with experts in the field.
- 2.8 The Policy has also been reviewed internally to assess the effectiveness of the current Policy and identify any required changes, incorporate the feedback from the targeted consultation, and ensure any amended Policy is consistent with current and future regulations including:
- Kingborough Planning Scheme (KPS) 2000 to the Kingborough Interim Planning Scheme (KIPS) 2015, which will soon be moving to the Tasmanian Planning Scheme.
 - The Health and Environmental Services By-Law 3 of 2011, which was removed during a review period and may be reintroduced as a new By-Law in 2022.
- 2.9 A workshop with Councillors was held on the 25 July 2022 to provide a high level summary of the proposed changes and answer any early questions.

3. STATUTORY REQUIREMENTS

- 3.1 The head of power for offsets are established under the Planning Scheme and any By-Laws in effect. The requirements in these instruments essentially specify when an offset is necessary for Council to exercise its discretion and allow a development or tree removal to proceed.
- 3.2 The current planning scheme is the Kingborough Interim Planning Scheme 2015 and the Policy is currently consistent with this Scheme. However, Council is in the process of finalising the Kingborough Local Provisions Schedule and once in effect, will be operating under the Tasmanian Planning Scheme (TPS). To avoid further amendments to the Policy when the TPS becomes effective, it is critical that the Offset Policy is applicable under both instruments.
- 3.3 As the Health and Environmental Services By-Law 3 of 2011 is no longer in effect and a proposed new by-law is drafted but not in effect, to avoid further amendments to the Policy if the proposed Trees on Private Land By-Law becomes effective, it is critical that the Offset Policy is applicable under the new by-law.

- 3.4 Where the planning scheme and by-laws establish the requirements for offsets, the Offset Policy itself provides the operational and procedural detail for implementation of the offset requirements in these statutory instruments, including:
- procedures for offsetting;
 - the size an offset needs to be relative to the loss, referred to as the replacement ratio;
 - what the offset options are, including when each option is or isn't appropriate;
 - rates for financial contributions; and
 - key definitions.

4. DISCUSSION

- 4.1 A review of the Offset Policy has been undertaken by staff. This review looked at:
- how the current policy is working and what we have achieved to date;
 - industry best practices including policies and procedures used in other jurisdictions;
 - financial offset rates; and
 - scientific data around species requirements.
- 4.2 The outcomes of this review were presented to Council at a workshop on 25 July 2022 and a copy of the presentation was made available to all Councillors.
- 4.3 In summary, this review found that our current approach to offsets has been working well, with over 150 hectares of threatened vegetation and threatened species habitat protected directly through on-site offsets under Part 5 Agreements and more than 22 hectares transferred to Council as bushland reserves. A further 9.5 hectares has been protected off-site through Part 5 Agreements, 12 hectares offsite protected through a conservation covenant, and more than 1.9 hectares has been restored in priority areas. The direct protection of such values is an effective and important result of the Biodiversity Offset Policy and indicates that the policy is working well.
- 4.4 The review also found that indirect offsets, such as financial contributions to the Kingborough Environmental Fund are an important offset option, with over \$1 million in financial offsets received to date. Financial contributions provide a simple mechanism to offset small losses while allowing the development to proceed quickly and affordably. By pooling the resources, it then allows Council to achieve a greater conservation gain.
- 4.5 The Kingborough Environmental Fund has currently protected 69 hectares of priority biodiversity values using conservation covenants and has another 454 hectares in progress. In addition to this, the fund has revegetated approximately 6 hectares of land, and undertaken a range of other recovery actions such as research and education.
- 4.6 While the review found that offsets are working relatively well, there are opportunities to improve the Policy. A marked-up copy has been provided, however below is an outline of the main proposed amendments.

Policy Section	Discussion and Recommendations
Policy Statement	<ul style="list-style-type: none"> - Refine terminology and reference the mitigation hierarchy
Objective	<ul style="list-style-type: none"> - Update to more achievable and realistic phrasing
Scope	<ul style="list-style-type: none"> - Ensuring consistency with current regulations – by-law and planning scheme changes
Procedure	<ul style="list-style-type: none"> - Ensuring consistency with current regulations – by-law and planning scheme changes - Update how the Policy has regard to Regional Offset Guidelines and General Offset Principals for clarity - Refine application of the policy to apply to loss of biodiversity values
Guidelines	<ul style="list-style-type: none"> - Ensuring consistency with current regulations – by-law and planning scheme changes - Clarification around offsets providing an additional gain - Refine phrasing of ‘maintain and/or improve condition’ - Conservation Management Plan minimum requirements - Clarification of landowner/manager responsibilities - Clarification and definition of specific terminology - Outline how condition of habitat is determined - Increase financial rates in line with Council endorsed report (April 2022). - Amending characteristics for ‘High’ conservation value <i>Eucalyptus viminalis</i> consistent with expert advice - Inclusion of ‘Priority species’ consistent with KIPS 2015 and the proposed tree by-law - Amending the offset ratios to differentiate between endangered, vulnerable and rare - Refine discretionary variations to replacement ratios
Communication	<ul style="list-style-type: none"> - Addition of Department of Natural Resources and Environment
Legislation	<ul style="list-style-type: none"> - Ensuring consistency with current regulations – by-law and planning scheme changes
Definitions	<ul style="list-style-type: none"> - Add definition for specific terminology consistent with regulations and expert opinions - Ensuring consistency with current regulations – by-law and planning scheme changes

- 4.7 Once the Policy has been amended, a subsequent planning scheme amendment will be required to incorporate the latest version of the Policy into KIPS 2015. Undertaking this amendment is necessary to ensure the head of power under KIPS 2015 relates to the latest Policy rather than the superseded version. A similar amendment was required following amendment of the Policy in 2016 and will also be required for any other policies recently amended by Council.

5. FINANCE

- 5.1 There are no new financial implications of the proposed amendments to the Policy, apart from costs associated with the required planning scheme amendment to ensure KIPS 2015 incorporates the latest version of the Policy.

6. ENVIRONMENT

- 6.1 The proposed amendments to the Policy will continue the positive impact on the natural environment by ensuring adverse impacts are offset in a consistent, efficient and equitable manner, where development impact cannot be avoided.

7. COMMUNICATION AND CONSULTATION

- 7.1 Technical consultation was undertaken with ecologists, government departments and non-government organisations between 3 June 2022 to 1 July 2022. Detailed feedback was provided by the Department of Natural Resources and Environment and the Forest Practices Authority.
- 7.2 Separate advice was also sought regarding targeted species from scientific experts.
- 7.3 The proposed amendments have implications for development applications that include vegetation removal and propose biodiversity offsets.
- 7.4 Council has contact details for regular applicants and ecological consultants and it is proposed that these stakeholders are notified of the revised Policy via email.
- 7.5 Broader communication about Council's Offset Policy via the Kingborough News, the Kingborough Chronicle, Council's website and in the Civic Centre is also recommended.

8. RISK

- 8.1 There are no risks associated with the proposed amendments. There is however some risk associated with not adopting the proposed amendments.
- 8.2 Without updating the Policy to reflect the TPS and any new tree by-law, there is the risk that the Offset Policy could be argued to not apply under these statutory instruments. While this wouldn't automatically preclude offsets per se, it may create legal uncertainty about the status and relevance of the Policy.
- 8.3 There is also the risk that without the proposed increase to the financial rate, the costs of offsetting may exceed the contribution, resulting in financial contributions being insufficient to achieve their required conservation outcomes.

9. CONCLUSION

- 9.1 The current Biodiversity Offset Policy has been working effectively and has resulted in environmental benefits while still allowing development to occur which would otherwise be refused.

- 9.2 However, there is the need to make minor changes to the Policy to ensure consistency with current regulations.
- 9.3 There are also other relatively minor changes needed to ensure the Policy is representative of best practice.
- 9.4 Once amended, a planning scheme amendment will be required to give effect to the amended Policy.

10. RECOMMENDATION

That Council:

- (a) adopt the amended Biodiversity Offset Policy as attached to this report with immediate effect;
- (b) communicates the amended changes to regular applicants, ecological consultants, state government, and the broader community;
- (c) reviews this Policy within 5 years to ensure it remains consistent with statutory requirements and best practice offsetting;
- (d) proceeds to initiate an amendment to KIPS 2015 to incorporate the amended Biodiversity Offset Policy.

ATTACHMENTS

- 1. Existing Policy with track changes**
- 2. Updated Policy for Approval**

EXISTING POLICY WITH TRACK CHANGES



Policy No: 6.10
 Approved by Council:
 Next Review Date:
 Responsible Officer: Biodiversity Officer

Minute No:
 ECM File No:
 Version:

Biodiversity Offset Policy

POLICY STATEMENT:	<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 <u>feasible options in the hierarchy of avoid, minimise and mitigate</u> to avoid and mitigate impacts have been exhausted and the impacts will not significantly affect <u>substantially detract from</u> the conservation status of biodiversity value(s).</p>
DEFINITIONS:	<p>2.1 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>2.2 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 provides potential or significant habitat for a threatened species listed in either of those acts and, (ii) is as specified in Table 2. <p>2.3 Potential habitat means all habitat types within the potential range of a threatened flora or fauna species that are likely to support that species in the short and/or long term. It may not include habitats known to be occupied intermittently. <u>Potential habitat is determined from published and unpublished scientific literature and/or via expert opinion, is agreed by the Threatened Species Section, DPIPW in consultation with species specialists, and endorsed by the Scientific Advisory Committee under the Threatened Species Protection Act 1995.</u></p> <p>2.4 Priority Species means a species that is not listed in the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (C'th) but is considered of conservation significance in the municipal area as determined by the Council. An example of this is candlebark (<i>Eucalyptus rubida</i>) which has been found to occur in very restricted pockets of Kingborough.</p> <p>2.4–5 Recipient land means the land upon which an offset is implemented.</p> <p>2.56 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 <u>to Council or the Crown to be managed for conservation</u> to public ownership.</p> <p>2.67 Significant habitat means native vegetation determined from published scientific literature and/or agreed by the Threatened Species Section (DPIPWE) in consultation <u>with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC) as habitat within the known range of a threatened or vulnerable flora or fauna species that:</u></p>

	<p>(i) <u>is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or</u></p> <p>(ii) <u>if converted to non-native vegetation is considered to result in a long term negative impact on breeding populations of the species.</u></p> <p><u>It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species.</u></p> <p>2.8 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> <p>(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;</p> <p>(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 <u>irrespective of long-term management;</u></p> <p>(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</p> <p>(iv) <u>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.</u></p> <p>2.79 Substantially detract from means <u>the loss of the biodiversity value has consequences for the conservation status and viability of the value in the vicinity, including direct and indirect impacts on breeding and/or persistence in the landscape. Factors that may be taken into account include: the quality of the habitat or vegetation; the requirements of the value relative to the scale of the impact; the current conservation status; the presence/absence of the species in an area; the importance of the area for the connectivity; and the extent to which the loss may be offset through improved conservation measures within the immediate range of the affected value.</u></p> <p>2.810 Vicinity means <u>the area or region adjacent to or near the biodiversity value and varies depending upon the characteristics and requirements of the value and its range. For example, the forty-spotted pardalote has a limited range and specific habitat requirements. Therefore, what is in the vicinity relatively localised for this species. Whereas the swift parrot is a migratory species which has a much wider range, breeds in different locations from year to year depending on the flowering of the blue gum and black gum and proximity to potential nesting habitat.</u></p>
OBJECTIVE:	<p>3.1 The objectives of the Biodiversity Offset Policy are to ensure biodiversity offsets within Kingborough:</p> <p>3.1.1 achieve a net gain<u>avoid a net loss</u> in the extent and quality of biodiversity that is securely protected and effectively managed; and,</p> <p>3.1.2 are implemented in a transparent and consistent manner.</p>
SCOPE:	<p>4.1 This policy applies to all applications assessed under the:</p> <p>4.1.1 Health and Environmental Services By-Law 3 of 2011, Clause 25; Any by-law under the Local Government Act 1993 regulating the removal of vegetation in the Kingborough municipal area.</p> <p>4.1.2 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>

PROCEDURE (POLICY DETAIL):	<p><u>5.1</u> Biodiversity offsets are required where there are impacts upon priority biodiversity values, including:</p> <p><u>5.1.1</u> priority biodiversity values identified in Table 5.10.1 of the Kingborough Interim Planning Scheme 20153;</p> <p>5.1.1 priority vegetation listed under Schedule 10 of the Kingborough Planning Scheme 2000;</p> <p>5.1.2 priority values vegetation identified in any subsequent planning scheme declared under the Land Use Planning and Approvals Act 1993 and applicable in the Kingborough municipal area; and</p> <p><u>5.1.2</u> individual trees of high conservation value (as per Table 2).</p> <p><u>5.2</u> All offsets must be consistent with <u>this Policy and have regard to:</u></p> <p>5.1.3<u>5.2.1</u> 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>5.1.4<u>5.2.2</u> the General Offset Principles for offsets under the Resource Management and Planning System (RMP5) (Appendix 4 of the Guidelines for Natural Values Surveys, Natural and Cultural Heritage Division, 2015) (referred to as the RMP5 Offset Principles) <u>as amended from time to time.</u></p> <p>5.2 <u>To the extent that there is any conflict or difference between these documents, this Policy prevails.</u></p> <p>5.3 Offsets will only be considered where:</p> <p>5.3.1 'special circumstances' can be demonstrated;</p> <p>5.3.2 the clearance and conversion or disturbance loss of the biodiversity value(s) will not substantially detract from the its conservation status of the biodiversity value(s) in the vicinity of the development; and,</p> <p>5.3.3 the proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on <u>natural biodiversity</u> values, including alternative locations or designs for the development.</p> <p>5.4 Council will assess each offset proposal on a case-by-case basis in accordance with this Policy, the Regional Offset Guidelines and the RMP5 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>5.5 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>
GUIDELINES:	<p>6.1 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>6.2 All offset proposals must be consistent with the replacement ratios in Table 3.</p> <p>6.3 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 shortfall in meeting the replacement ratios for on-site adequately offset via options (b)-(e).</p> <p>6.4 Where demonstrating 'special circumstances' relies upon 'special circumstances (iv)' and the development is located in the Low Density Residential, Rural Living or Environmental Living, <u>Landscape Conservation, Rural Resource or Rural Zone</u>, then a substantial proportion of the offset must be achieved via option (a) to the extent practicable, with any shortfall in meeting the replacement ratios on-site must be adequately <u>residual loss</u> offset via options (b)-(e).</p>

- 6.5 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.
- 6.6 A biodiversity offset proposal involving (a) or (b) may only be considered where:
- 6.6.1 it is not part an existing natural area reserve managed by Council or part of the Tasmanian Reserve Estate.
- 6.6.2 there are no existing protections from development impacts through a Part 5 Agreement or Conservation Covenant under the *Nature Conservation Act 2002*.
- 6.6.3 there are no existing requirements for vegetation to be retained under conditions of a current development application.
- 6.6.4 there are no previous offset requirements.
- 6.56.7 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.
- 6.66.8 As a result of implementing an offsetting plan, the 'recipient land' must become 'secure conservation land' and demonstrate that the biodiversity value(s) will be maintained and/or restored to improve its condition.
- 6.76.9 Upon approval of an offsetting plan, the 'recipient land' must be subject to a conservation management plan which at a minimum must include a map of the values, baseline condition assessments, management actions and scheduled monitoring. Management ~~costs~~ actions for the first 5 years of implementing the conservation management plan must be costed and bonded. Ongoing management is the responsibility of the land owner/manager and must be undertaken in accordance with the conservation management plan ~~be met by the applicant and after this by the land owner or manager.~~
- 6.86.10 Council has a responsibility to ensure monitor the management of the 'secure conservation land' is being monitored and managed to ensure compliance with the in accordance with the offsetting plan and conservation management plan.
- 6.11 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~~ it achieves a significantly enhanced conservation outcome that takes into account ecological viability and condition, size, resilience and integrity, the landscape context, and potential future risks. ~~and has been~~ This may be subject to third party validation by the State or another peer review body nominated by Council.
- 6.12 Condition of biodiversity value(s) is determined by:
- 6.12.1 the Vegetation Condition Assessment methodology for native vegetation communities.
- 6.8-16.12.2 published scientific literature and/or agreed by the Threatened Species Section (NRE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC), for threatened species habitat.
- 6.13 Financial offsets are only appropriate where:
- 6.13.1 ~~the loss is small~~ relative to the biodiversity value being impacted; there is no meaningful opportunity for a viable on-site or off-site offsets, taking into consideration the size, shape, quality of any potential offset area, or the replacement ratios cannot be fully met on-site or off-site, 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.

6.13.2 the scale of loss is small with regards to the conservation status and specific characteristics of the value(s) being impacted. A small level of loss may be considered significant and inappropriate to offset financially for vegetation communities or threatened species that have a greater risk of extinction.

6-96.14 The financial offset ~~charge~~ must be paid into the Kingborough Environmental Fund established by Council for this purpose.

6-106.15 All expenditure of financial offsets must be in accordance with Councils endorsed Guidelines for Expenditure of the Kingborough Environmental Fund.

Table 1: Offsetting Options

Option	Description
a) in-situ On-site conservation via a conservation covenant under the Nature Conservation Act 2002, an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 or transferral to Council or the Crown to be managed for conservationtransferral to public ownership	Covenantee or protecting in perpetuity remaining areas on the subject land with comparable values.
b) Ex-situ Off-site conservation via a conservation covenant under the Nature Conservation Act 2002, an agreement under Part 5 of the Land Use Planning and Approvals Act 1993 or transferral to public ownership Council or the Crown to be managed for conservation	Covenantee or protecting 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: up to \$500-570 per tree of very conservation value and up to \$250-340 for high conservation value as identified in Table 2; or, \$12,000 13,650 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 and are reviewed periodically in conjunction with the policy.
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: For loss assessed under the planning scheme this option must be used in conjunction with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.
e) Revegetation	Revegetation and rehabilitation of degraded areas on or off-site with the aim of restoring values equivalent to those being lost. Note: For loss assessed under the planning scheme this option must be used in conjunction

	with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.
f) Recovery actions	Implementation of <u>direct and indirect</u> recovery actions, including <u>installation of nest boxes, threat abatement</u> , 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-Biodiversity Value of Individual Trees

<u>SpeciesDescription</u>	Characteristics	Rationale	<u>BiodiversityCo nservation Value</u>
<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; <ul style="list-style-type: none"> • <u>on Bruny Island; or</u> • -within 35,000m of significant forty-spotted pardalote habitat or within potential forty-spotted pardalote habitat 	Forty-spotted pardalote habitat	High
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)	N/A	Listed threatened species	High

Priority species (including <i>Eucalyptus rubida</i>)	DBH >25cm	Meets IUCN criteria for endangered within Kingborough	High
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Table 3: Biodiversity Values and the Replacement Ratios for Offsets

Value	Definition	Replacement ratio*
Very high priority values	<ul style="list-style-type: none"> Native vegetation/ecological communities listed as endangered or critically endangered under the <i>Nature Conservation Act 2002</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are: <ul style="list-style-type: none"> a) Recognised as endangered or critically endangered; or b) Largely confined in their total distribution to the municipal area; or c) Have most of their range within the municipal area. 	6:1
High priority biodiversity values	<ul style="list-style-type: none"> Native vegetation communities listed as vulnerable under the <i>Nature Conservation Act 2002</i> and <i>EPBC</i> Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are recognised as vulnerable. Native vegetation communities with a distribution on a bioregional basis having contracted to less than 10% of its former area. Native vegetation communities with a total area on a bio- 	5:1

		<p><u>regional basis generally being less than 1,000 ha.</u></p> <ul style="list-style-type: none">• <u>Remnants occurring on land systems components which have been more than 90% cleared of their native vegetation.</u> <p><u>As per Table E10.1 of the Kingborough Interim Planning Scheme 2015</u></p> <p><u>As per Table s10.2 of the Kingborough Planning Scheme 2000</u></p> <p><u>Priority vegetation identified in any subsequent planning scheme declared under the Land Use Planning and Approvals Act 1993 and applicable in the Kingborough municipal area</u></p>	
Moderate priority biodiversity values	<ul style="list-style-type: none">• <u>Significant habitat for and/or areas known to contain threatened species listed under the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999 that are:</u><ul style="list-style-type: none"><u>(a) Recognised as rare; and</u><u>(b) Are not specific to the municipal area.</u>• <u>Potential habitat for threatened species listed under the Threatened Species Protection Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.</u>• <u>Native vegetation communities approaching a reduction in areal extent of 70% within a bioregional context.</u>• <u>Other priority species that are not listed but are considered of conservation significance in the municipal area.</u> <p><u>As per Table E10.1 of the Kingborough Interim Planning Scheme 2015</u></p> <p><u>As per Table s10.2 of the Kingborough Planning Scheme 2000</u></p>	3:1	
Low priority biodiversity values	<ul style="list-style-type: none">• <u>All other native vegetation communities.</u>	1:1	

		As per Table E10.1 of the Kingborough Interim Planning Scheme 2015	
	Individual trees of very high conservation value	As per Table 32	5:1 for replanting
	Individual trees of high conservation value	As per Table 32	3:1 for replanting
	<p>* When determining whether a proposed offset involving option (a) and/or (b), (c) and/or (d) 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 values are not like for like, the required replacement ratio may be varied at the discretion of council</p> <p>* Where there is a high risk of failing to return a net benefit over time <u>avoid a net loss in biodiversity</u>, the required replacement ratio may be increased at the discretion of Council.</p> <p>* Where the area being impacted contains multiple values, or values that are more difficult to offset, the offset-replacement 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>7.1 This policy will be made available to the general public on the Council website and at the Customer Services counter.</p> <p>7.2 The following stakeholders have a direct interest in this Policy and should be notified of any amendments through direct communications:</p> <p>7.2.1 Council staff;</p> <p>7.2.1 <u>7.2.2 Department of Natural Resources and Environment</u></p> <p>7.2.2 <u>7.2.3 Regular applicants;</u></p> <p>7.2.3 <u>7.2.4 Ecological consultants.</u></p>		
LEGISLATION:	<ul style="list-style-type: none"> Kingborough Planning Scheme 2000 Kingborough Interim Planning Scheme 2015 <u>or any subsequent planning scheme declared under the Land Use Planning and Approvals Act 1993 and applicable in the Kingborough municipal area.</u> Health and Environmental Services By Law 3 of 2011 <u>Any by-law under the Local Government Act 1993 regulating the removal of vegetation in the Kingborough municipal area</u> Land Use Planning and Approvals Act 1993 Nature Conservation Act 2002 Threatened Species Protection Act 1995 Environment Protection and Biodiversity Conservation Act 1999 		
RELATED DOCUMENTS:	<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>		

AUDIENCE:	<ul style="list-style-type: none">▪ Kingborough Council Councillors▪ Kingborough Council staff▪ Applicants▪ Ecological Consultants▪ Tasmanian Planning Commission▪ State and Commonwealth agencies▪ Community
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UPDATED POLICY FOR APPROVAL



Biodiversity Offset Policy

Policy No:	6.10
Approved by Council:	August 2022
New Review Date:	August 2027
Minute No:	TBA
ECM File No:	12.155
Version:	2.0
Responsible Officer:	Manager Environmental Services
Strategic Plan Reference:	3.1 A Council that values and prioritises its natural environment, whilst encouraging investment and



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1. POLICY STATEMENTS

- 1.1 Kingborough Council recognises that 'biodiversity offsets' are an important mechanism to compensate for the loss of biodiversity values where it has been established that all feasible options in the hierarchy of avoid, minimise and mitigate impacts have been exhausted and the impacts will not substantially detract from the conservation status of biodiversity value(s).

2. DEFINITIONS

- 2.1 **"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.
- 2.2 **"High conservation value tree"** means a tree that:
- 2.2.1 is of a species that is listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* (C'th); and/or provides potential or significant habitat for a threatened species listed in either of those acts and,
 - 2.2.2 is as specified in Table 2.
- 2.3 **"Potential habitat"** means all habitat types within the potential range of a threatened flora or fauna species that are likely to support that species in the short and/or long term. It may not include habitats known to be occupied intermittently. Potential habitat is determined from published and unpublished scientific literature and/or via expert opinion, is agreed by the Threatened Species Section, DPIWE in consultation with species specialists, and endorsed by the Scientific Advisory Committee under the *Threatened Species Protection Act 1995*.
- 2.4 **"Priority Species"** means a species that is not listed in the *Threatened Species Protection Act 1995* or the *Environment Protection and Biodiversity Conservation Act 1999* (C'th) but is considered of conservation significance in the municipal area as determined by the Council. An example of this is candlebark (*Eucalyptus rubida*) which has been found to occur in very restricted pockets of Kingborough.
- 2.5 **"Recipient land"** means the land upon which an offset is implemented.
- 2.6 **"Secure conservation land"** means land that is effectively and permanently managed for conservation under a conservation covenant under the *Nature Conservation Act 2002*, an agreement under Part 5 of the *Land Use Planning and Approvals Act 1993* or transferred to Council or the Crown to be managed for conservation.
- 2.7 **"Significant habitat"** means native vegetation determined from published scientific literature and/or agreed by the Threatened Species Section (DPIWE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC) as habitat within the known range of a threatened or vulnerable flora or fauna species that:
- 2.7.1 is known to be of high priority for the maintenance of breeding populations throughout the species' range; and/or
 - 2.7.2 if converted to non-native vegetation is considered to result in a long term negative impact on breeding populations of the species.
- It may include areas that do not currently support breeding populations of the species but that need to be maintained to ensure the long-term future of the species.



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- 2.8 ***"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:
- 2.8.1 the use or development will result in significant long term social or economic community benefits and there is no feasible alternative location or design;
 - 2.8.2 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 irrespective of long-term management;
 - 2.8.3 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
 - 2.8.4 the development is located on an existing title for a single dwelling and/or associated outbuilding.
- 2.9 ***"Substantially detract from"*** means the loss of the biodiversity value has consequences for the conservation status and viability of the value in the vicinity, including direct and indirect impacts on breeding and/or persistence in the landscape. Factors that may be considered include: the quality of the habitat or vegetation; the requirements of the value relative to the scale of the impact; the current conservation status; the presence/absence of the species in an area; the importance of the area for the connectivity; and the extent to which the loss may be offset through improved conservation measures within the immediate range of the affected value.
- 2.10 ***"Vicinity"*** means the area or region adjacent to or near the biodiversity value and varies depending upon the characteristics and requirements of the value and its range. For example, the forty-spotted pardalote has a limited range and specific habitat requirements. Therefore, what is in the vicinity relatively localised for this species. Whereas the swift parrot is a migratory species which has a much wider range, breeds in different locations from year to year depending on the flowering of the blue gum and black gum and proximity to potential nesting habitat.

3. OBJECTIVE

- 3.1 The objectives of the Biodiversity Offset Policy are to ensure biodiversity offsets within Kingborough:
- 3.1.1 avoid a net loss in the extent and quality of biodiversity that is securely protected and effectively managed; and,
 - 3.1.2 are implemented in a transparent and consistent manner.

4. SCOPE

- 4.1 This policy applies to all applications assessed under the:
- 4.1.1 Any by-law under the *Local Government Act 1993* regulating the removal of vegetation in the Kingborough municipal area.
 - 4.1.2 Kingborough Planning Scheme 2000, the Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the *Land Use Planning and Approvals Act 1993* and applicable in the Kingborough municipal area.

5. PROCEDURE (POLICY DETAIL)

- 5.1 Biodiversity offsets are required where there are impacts upon priority biodiversity values including:
- 5.1.1 priority biodiversity values identified in Table 3.
 - 5.1.2 individual trees of high conservation value (as per Table 2).



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- 5.2 All offsets must be consistent with this Policy and have regard to:
 - 5.2.1 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
 - 5.2.2 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) as amended from time to time.
- 5.3 Offsets will only be considered where:
 - 5.3.1 'special circumstances' can be demonstrated;
 - 5.3.2 the loss of the biodiversity value(s) will not substantially detract from its conservation status in the vicinity; and,
 - 5.3.3 the proponent has adequately demonstrated the need for an offset, including that all effort has been made to avoid and minimise impacts on biodiversity values, including alternative locations or designs for the development.
- 5.4 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.
- 5.5 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.

6. GUIDELINES

- 6.1 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).
- 6.2 All offset proposals must be consistent with the replacement ratios in Table 3.
- 6.3 Where demonstrating 'special circumstances' relies upon 'special circumstances (iii)', then the offset must be achieved via option (a) to the extent practicable, with any shortfall in meeting the replacement ratios on-site adequately offset via options (b)-(e).
- 6.4 Where demonstrating 'special circumstances' relies upon 'special circumstances (iv)' and the development is located in the Low Density Residential, Rural Living, Environmental Living, Landscape Conservation, Rural Resource or Rural Zone, then the offset must be achieved via option (a) to the extent practicable, with any shortfall in meeting the replacement ratios on-site adequately offset via options (b)-(e).
- 6.5 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.
- 6.6 A biodiversity offset proposal involving (a) or (b) may only be considered where:
 - 6.6.1 it is not part an existing natural area reserve managed by Council or part of the Tasmanian Reserve Estate.
 - 6.6.2 there are no existing protections from development impacts through a Part 5 Agreement or Conservation Covenant under the Nature Conservation Act 2002.
 - 6.6.3 there are no existing requirements for vegetation to be retained under conditions of a current development application.
 - 6.6.4 there are no previous offset requirements.



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- 6.7 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 landowner consents.
- 6.8 As a result of implementing an offsetting plan, the 'recipient land' must become 'secure conservation land' and demonstrate that the biodiversity value(s) will be maintained and/or restored to improve its condition.
- 6.9 Upon approval of an offsetting plan, the 'recipient land' must be subject to a conservation management plan which at a minimum must include a map of the values, baseline condition assessments, management actions and scheduled monitoring. Management actions for the first 5 years of implementing the conservation management plan must be costed and bonded. Ongoing management is the responsibility of the landowner/manager and must be undertaken in accordance with the conservation management plan.
- 6.10 Council has a responsibility to ensure the 'secure conservation land' is being monitored and managed in accordance with the offsetting plan and conservation management plan.
- 6.11 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 it achieves a significantly enhanced conservation outcome that considers ecological viability and condition, size, resilience and integrity, the landscape context, and potential future risks. This may be subject to third party validation by the State, or another peer review body nominated by Council.
- 6.12 Condition of biodiversity value(s) is determined by:
- 6.12.1 the Vegetation Condition Assessment methodology for native vegetation communities.
 - 6.12.2 published scientific literature and/or agreed by the Threatened Species Section (NRE) in consultation with species specialists, and/or endorsed by the Threatened Species Scientific Advisory Committee (TSSAC), for threatened species habitat.
- 6.13 Financial offsets are only appropriate where:
- 6.13.1 there is no opportunity for a viable on-site or off-site offsets, taking into consideration the size, shape, quality of any potential offset area, or the replacement ratios cannot be fully met on-site or off-site, 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.
 - 6.13.2 the scale of loss is small with regards to the conservation status and specific characteristics of the value(s) being impacted. A small level of loss may be considered significant and inappropriate to offset financially for vegetation communities or threatened species that have a greater risk of extinction.
- 6.14 The financial offset must be paid into the Kingborough Environmental Fund established by Council for this purpose.
- 6.15 All expenditure of financial offsets must be in accordance with Councils endorsed Guidelines for Expenditure of the Kingborough Environmental Fund.

Table 1: Offsetting Options

Option	Description
(a) On-site conservation via a conservation covenant under the <i>Nature Conservation Act 2002</i> , an	Covenanting or protecting in perpetuity remaining areas on the subject land.

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agreement under Part 5 of the <i>Land Use Planning and Approvals Act 1993</i> or transferral to Council or the Crown to be managed for conservation	
(b) Off-site 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 Council or the Crown to be managed for conservation	Covenanted or protecting in perpetuity an area of sufficient size, but off-site.
(c) Financial offsets	<p>Financial offsets calculated at a rate of:</p> <ul style="list-style-type: none"> • up to \$570 per tree of very conservation value and up to \$340 for high conservation value as identified in Table 2; or, • \$13,650 per hectare of high and moderate biodiversity values as identified and subject to the replacement ratios in Table 3. <p>These financial offsets are inclusive of a 20% administration fee and are reviewed periodically in conjunction with the policy.</p>
(d) Restoration	<p>Restoration of areas on or off-site with similar values but in poorer condition to improve their condition and increase their long-term viability.</p> <p>Note: For loss assessed under the planning scheme this option must be used in conjunction with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.</p>
(e) Revegetation	<p>Revegetation and rehabilitation of degraded areas on or off-site with the aim of restoring values equivalent to those being lost.</p> <p>Note: For loss assessed under the planning scheme this option must be used in conjunction with offsetting options (a), (b) and/or (c) and is not applicable to areas directly or indirectly impacted by the proposed development.</p>
(f) Recovery actions	<p>Implementation of direct and indirect recovery actions, including installation of nest boxes, threat abatement, surveying and mapping of significant values to inform their ongoing strategic management and conservation.</p> <p>Note this option must be used in conjunction with other offsetting options (a), (b) and/or (c).</p>



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Table 2: Biodiversity Value of Individual Trees

Description	Characteristics	Rationale	Biodiversity 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: <ul style="list-style-type: none"> on Bruny Island; or within 5,000m of significant forty-spotted pardalote habitat or within potential forty-spotted pardalote habitat 	Forty-spotted pardalote habitat	High
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
Priority species (including <i>Eucalyptus rubida</i>)	DBH >25cm	Meets IUCN criteria for endangered within Kingborough	High

Table 3: Biodiversity Values and the Replacement Ratios for Offsets

Value	Definition	Replacement ratio*
Very high priority values	<ul style="list-style-type: none"> Native vegetation/ecological communities listed as endangered or critically endangered under the <i>Nature Conservation Act 2002</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> 	6:1



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	<ul style="list-style-type: none"> Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are: <ol style="list-style-type: none"> Recognised as endangered or critically endangered; or Largely confined in their total distribution to the municipal area; or Have most of their range within the municipal area. 	
High priority biodiversity values	<ul style="list-style-type: none"> Native vegetation communities listed as vulnerable under the <i>Nature Conservation Act 2002</i> and <i>EPBC</i> Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are recognised as vulnerable. Native vegetation communities with a distribution on a bioregional basis having contracted to less than 10% of its former area. Native vegetation communities with a total area on a bio-regional basis generally being less than 1,000 ha. Remnants occurring on land systems components which have been more than 90% cleared of their native vegetation. 	5:1
Moderate priority biodiversity values	<ul style="list-style-type: none"> Significant habitat for and/or areas known to contain threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i> that are: <ol style="list-style-type: none"> Recognised as rare; and Are not specific to the municipal area. Potential habitat for threatened species listed under the <i>Threatened Species Protection Act 1995</i> or the <i>Environment Protection and Biodiversity Conservation Act 1999</i>. 	3:1

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	<ul style="list-style-type: none"> Native vegetation communities approaching a reduction in areal extent of 70% within a bioregional context. Other priority species that are not listed but are considered of conservation significance in the municipal area. 	
Low priority biodiversity values	<ul style="list-style-type: none"> All other native vegetation communities. 	1:1
Individual trees of very high conservation value	As per Table 2	5:1 for replanting
Individual trees of high conservation value	As per Table 2	3:1 for replanting
<p>* When determining whether a proposed offset involving option (a), (b), (c) and/or (d) 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.</p> <p>* Where values are not like for like, the required replacement ratio may be varied at the discretion of council</p> <p>* Where there is a high risk of failing to avoid a net loss in biodiversity, the required replacement ratio may be increased at the discretion of Council.</p> <p>* Where the area being impacted contains multiple values, or values that are more difficult to offset, the replacement 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>		

7. COMMUNICATION

- 7.1 This policy will be made available to the public on the Council website and at the Customer Services counter.
- 7.2 The following stakeholders have a direct interest in this Policy and should be notified of any amendments through direct communications:
- 7.2.1 Council staff
- 7.2.2 Department of Natural Resources and Environment
- 7.2.3 Regular applicants
- 7.2.4 Ecological consultants.

8. LEGISLATION

- 8.1 Kingborough Planning Scheme 2000
- 8.2 Kingborough Interim Planning Scheme 2015 or any subsequent planning scheme declared under the *Land Use Planning and Approvals Act 1993* and applicable in the Kingborough municipal area.
- 8.3 Any by-law under the *Local Government Act 1993* regulating the removal of vegetation in the Kingborough municipal area
- 8.4 *Land Use Planning and Approvals Act 1993*



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- 8.5 *Nature Conservation Act 2002*
- 8.6 *Threatened Species Protection Act 1995*
- 8.7 *Environment Protection and Biodiversity Conservation Act 1999*

9. RELATED DOCUMENTS

- 9.1 Pitt & Sherry with North Barker and Associates (2011). *Guidelines for the Use of Biodiversity Offsets*, Southern Tasmanian Councils Authority, Hobart.
- 9.2 Natural and Cultural Heritage Division, 2015. Appendix 4: General Offset Principles for offsets under the Resource Management and Planning System, in *Guidelines for Natural Values Surveys – Terrestrial Development Proposals*. Department of Primary Industries, Parks, Water and Environment.

10. AUDIENCE

- 10.1 Councillors.
- 10.2 Council staff.
- 10.3 Applicants.
- 10.4 Ecological Consultants.
- 10.5 Tasmanian Planning Commission.
- 10.6 State and Commonwealth agencies.
- 10.7 Community.