SC6.22 Offsets planning scheme policy

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1 Introduction

1.1 Relationship to the planning scheme

This planning scheme policy:

1. provides information the Council may request for a development application;
2. provides guidance or advice about satisfying an assessment benchmark which identifies this planning scheme policy as providing that guidance or advice.

1.2 Purpose

1. This planning scheme policy provides information required for a development application, and guidance and advice for satisfying assessment benchmarks for the environmental offsets required by the Biodiversity areas overlay code.

2 Environmental offsets

1. Environmental offsets are used to replace the value of ecological features unavoidably lost as a result of development. An environmental offset is an action taken to counterbalance unavoidable, negative ecological impacts that result from development. Guidance on identifying and counterbalancing unavoidable, negative ecological impacts that result from a development is contained in the *Biodiversity areas planning scheme policy.*
2. An environmental offset is to be provided where development will or is likely to have a significant residual impact on matters of local environmental significance or matters of State environmental significance. The offset will be delivered in accordance with the Queensland environmental offsets framework established under the *Environmental Offsets Act 2014* (EOA), Environmental Offsets Regulation 2014 (EOR) and the Queensland Environmental Offsets Policy (QEOP).
3. The Council’s environmental offset requirements are underpinned by the premise that impacts are avoided, then minimised, before considering the use of offsets for any remaining impacts. Offsets will not replace or undermine existing environmental standards or regulatory requirements, or be used to allow development in an area otherwise prohibited through legislation or statutory policy. The environmental offset provisions in the Biodiversity areas overlay code and guiding material in this planning scheme policy have been prepared to take account of the land use planning and landscape contexts operating within the local government area. For example, achievement of functional ecological outcomes is not predicated on replacing the exact vegetation community (regional ecosystem) type present on the impact site as part of the environmental offset.

Editor's note—Council strongly recommends using pre-lodgement discussions to provide guidance on the nature and extent of environmental offsets and the selection of a suitable receiving site.

2.1 Significant Residual Impacts

1. For the purposes of matters of local environmental significance, development has a significant residual impact where it directly or indirectly involves interference with any vegetation (vegetation being any tree or plant other than a non-native grass or non-woody herbage). Interference means engaging in any activity that damages or leads to the death of living vegetation, or that compromises the habitat value of dead trees.
2. Impacts of the following works are not treated as significant residual impacts for matters of local environmental significance:
3. works associated with habitat or vegetation restoration;
4. works commissioned by Council for the remediation or management of former landfills;
5. works commissioned by Council for the establishment, maintenance or upgrade of recreation facilities and associated infrastructure within Council-managed parks;
6. works which only involve interference with pest species declared under Australian or Queensland Government legislation or Council's Brisbane Invasive Species Management Plan.

2.2 Offset delivery options

1. The *Environmental Offsets Act 2014* specifies 3 acceptable mechanisms for delivering the environmental offset:
2. a financial settlement offset; or
3. a proponent-driven offset; or
4. a combination of a financial settlement offset and a proponent-driven offset pursuant to an agreed delivery arrangement (ADA) under the EOA.
5. The development proponent should advise the Council of the preferred environmental offset delivery option as early in the development assessment process as possible.
6. The implementation of an agreed delivery arrangement must commence as soon as feasible.

2.2.1 Financial settlement to Council

1. For this delivery option, the development proponent makes a financial payment to the Council to deliver the environmental offsets on its behalf, including on-site implementation and maintenance.

2.2.2 Proponent-driven offset

1. For this delivery option, the development proponent delivers the offset requirements, including obtaining necessary approvals, land acquisition, on-site implementation at the offset site, maintenance and reporting.
2. The environmental offsets must be delivered on private land and Council-owned land will not be made available to development proponents.

2.2.3 Criteria to be met by environmental offsets

1. Under section 19 of the EOA, Council must consider whether proposed offsets delivery plans meet prescribed criteria.
2. Where the QEOP stipulates certain matters as satisfying the prescribed criteria, the QEOP will be applied.
3. The following provisions apply to the consideration of offsets against section 18(5) of the EOA and the offset principles set out in the QEOP.

2.3 Extent of offsets

1. For development within the High ecological significance sub-category or the High ecological significance strategic sub-category of the Biodiversity areas overlay, the extent of land to be restored as the environmental offset is a multiplier of 3 (i.e. for every 1 unit of sub-category area impacted, 3 units are replaced).
2. For development within the General ecological significance sub-category or the General ecological significance strategic sub-category of the Biodiversity areas overlay, the extent of land to be protected or restored as the environmental offset is a multiplier of 3 (i.e. for every 1 unit of sub-category area impacted, 3 units are replaced).

2.3.1 Financial settlement offsets

1. For financial settlement offsets for koala habitat, the amount is that specified by the Queensland Government.
2. For financial settlement offsets for matters of local environmental significance, the amount per hectare of on-ground offset works required is identified in the adopted environmental offsets charges schedule.
3. An environmental offset delivery plan whereby the proponent completes the establishment of on-ground restoration works on private land, and then transfers the land and management obligations to Council in exchange for a financial payment is acceptable. In these circumstances, the proponent must pay Council the amount identified per hectare as identified in the adopted environmental offsets charges schedule.

2.3.2 Proponent-driven offsets

2.3.2.1 Offset Works

1. Acceptable environmental offsets are those works which will provide a benefit to the natural environment and involve:
2. active restoration of degraded vegetation, involving the removal and management of invasive species and supplementary plantings for active restoration where required;
3. full restoration of cleared land.
4. Works must also include the installation of habitat enhancement features appropriate to the site location, vegetation community, and level of ecosystem functionality. Examples of habitat enhancement features include the use of nest boxes, glider poles and hollow logs on sites supporting immature vegetation.
5. Works associated with land management, including fencing, rubbish removal, erosion remediation, pest animal trapping, and edge effect mitigation will be considered as part of a broader environmental offset package, but are to be undertaken in addition to at least one of the acceptable offsets identified above.
6. The following do not constitute acceptable offset works:
7. the installation or enhancement of walking tracks, recreational infrastructure or interpretive signage;
8. the enhancement of already intact, remnant vegetation including supplementary plantings within intact remnant vegetation;
9. water sensitive urban design, stormwater infrastructure or other water quality improvement measures;
10. landscaping works, landscape amenity plantings or planting of shade or street trees;
11. research, ecological surveys or the preparation of ecological reports;
12. community education or awareness programs or events;
13. The establishment of Direct Benefit Management Plans or advanced offsets for matters of local environmental significance is not supported.

2.3.2.2 Offset sites

1. In the first instance, the offset site is to be located within or adjoining the High ecological significance sub-category or the High ecological significance strategic sub-category area and as close as possible to the impact site.
2. Where it is not possible or practical to locate the offset site in or adjoining an area of the High ecological significance sub-category or the High ecological significance strategic sub-category, the offset site is to be located on land in the following order of preference:
3. in or immediately adjacent to the Koala habitat area sub-category;
4. in or immediately adjacent to an area protected for biodiversity purposes;
5. in an area determined by Council to be suitable for use as an offset site for the environmental offset.
6. If the offset proposal includes a proposal to restore degraded vegetation, the offset site must be mostly cleared or degraded as a result of significant weed cover, limited vegetative structural diversity (i.e. canopy trees only without understorey) or poor land management regimes.
7. The environmental offset is to be delivered on a single offset site. If this is not achievable, an offset delivery plan involving the protection and restoration of multiple offset sites may be considered.
8. If the offset delivery plan includes a proposal to transfer the offset site to Council upon completion of the environmental offset delivery and maintenance, the agreed delivery arrangement is to ensure:
9. the site has established firebreaks and maintenance trails or has the capacity for such trails to be established outside the area proposed for habitat restoration in accordance with Council standards;
10. the site is secured from unlawful access using appropriate fencing in accordance with Council standards;
11. the site is free from weed infestations;
12. the site does not pose any immediate safety risk to any person visiting or managing the land.
13. The offset site is to be managed and restored to create a functional and structurally diverse ecosystem.
14. The restoration of cleared or degraded land is to recreate the complete regional ecosystem analogous with the offset site pre-clearing or pre-disturbance. Plantings are to comprise an appropriate diversity of native plant species at a density appropriate to the particular regional ecosystem being established.
15. There is no requirement for the environmental offset to deliver the protection or restoration of the same regional ecosystems as those at the impact site.
16. A critical factor influencing the ecological integrity of an area of vegetation as functional wildlife habitat is its configuration in the landscape, in particular its shape and the associated edge-to-area ratio. The offset should be designed to:
17. minimise the edge-to-area ratio of the offset itself and the broader habitat area of which it would form part; or
18. reconnect a severed ecological corridor.
19. The restoration is to address any possible issue which may compromise the success of the planting, including bagging trees where necessary.
20. The mechanisms available to permanently protect an environmental offset receiving site are specified in the QEOP.

2.3.2.3 Maintenance and monitoring

1. Environmental offsets are to be maintained for a period of at least 5 years.
2. Environmental offset sites are to be managed to ensure the success of habitat restoration works. This may involve installing boundary fencing, pest animal trapping, strategic weed management works, erosion management and rectification of damages sustained as a result of climatic events such as drought and flooding.
3. Any failed environmental offsets are to be rectified or replaced. Best-practice biodiversity management and restoration systems should be utilised to minimise the chance of failure. Any costs associated with rectifying failed environmental offsets are the responsibility of the proponent.

2.4 Managing multiple offset requirements

In situations, where an applicant must provide an environmental offset for a matter of National environmental significance or a matter of State environmental significance (excluding koala habitat), Council will not require the provision of an offset for a matter of local environmental significance for the same location. Where an applicant must provide an offset for koala habitat, an offset for a matter of local environmental significance for that same location may still be required.