



Statutory guideline 01/10

Biodiversity development offset area— koala conservation

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About this guideline

The purpose of this guideline

This guideline has been prepared under section 759(1) of the *Sustainable Planning Act 2009* (SPA). This guideline provides guidance about:

- (a) the purpose of a biodiversity development offset area (BDOA)
- (b) the process for declaring an area to be a biodiversity development offset area (BDOA).

Definitions

Terms used in this guideline have the meaning given in SPA, unless otherwise defined in this guideline.

Purpose of a biodiversity development offset area

The South East Queensland Regional Plan 2009 – 2031 State planning regulatory provisions (SEQ SPRP), section 1.5(1)(b) provides for an area in the Regional Landscape and Rural Production Area (RLRPA) or Rural Living Area (RLA) to be designated as a biodiversity development offset area (BDOA), under a state planning instrument. The effect of designating an area as a BDOA is that sections 2.1 and 3.1 of the SEQ SPRP do not apply to development in the BDOA.

The intent of section 1.5(1)(b) of the SEQ SPRP is to modify the effect of these provisions, to provide the ability for the state government to protect significant biodiversity values and maintain habitat connectivity in the South East Queensland region.

The declaration of a BDOA provides an opportunity to potentially transfer development from one parcel of land (being the **send site**) to another parcel of land (being the **receive site**) in the interest of biodiversity conservation.

Declaring an area to be a BDOA does not affect the assessment and decision rules under SPA. Local government and state agency roles and responsibilities under SPA are unaffected by a declaration, and any development applications for development within a BDOA will continue to be assessed on their merits against relevant state and local planning instruments. The declaration of a BDOA only has the effect that certain provisions of the SEQ SPRP do not apply.

To be clear, a BDOA does not guarantee, imply or direct development approval by the relevant assessment manager.



Biodiversity development offset area for koala conservation purposes

State Planning Policy 2/10: Koala Conservation in South East Queensland (SPP 2/10) provides that the planning Minister may declare an area to be a BDOA for koala conservation purposes.

Currently, this is the only state planning instrument which provides for the declaration of a BDOA. Accordingly, the content of this statutory guideline will focus on the process for declaring a BDOA for the purposes of achieving a net benefit for koala conservation.

References in this guideline will relate specifically to the declaration of a BDOA for this particular purpose only.

How will a BDOA declaration be sought for a particular site?

State government, local government, development industry and private land owners may provide the planning Minister with information identifying a potential BDOA. The planning Minister may also instigate the investigation of a particular site for a BDOA.

Any person or entity which seeks the declaration of a BDOA must submit in writing to the planning Minister a request for the declaration, prior to a development application in the BDOA being made to the relevant assessment manager.

Information provided to the planning Minister in support of the request for a declaration must clearly define the send and receive sites, by metes and bounds, and real property description, along with a report outlining an assessment of the net benefit to koala conservation. The report is to include an assessment of each of the matters to be taken into consideration by the planning Minister, for both the send and receive sites.

If an independent assessment is required on any of the aspects to be considered by the planning Minister through the declaration process, the costs will be borne by the entity which requested the declaration, prior to the planning Minister deciding the request.

Area where a BDOA may be declared

A BDOA may be declared on land that is:

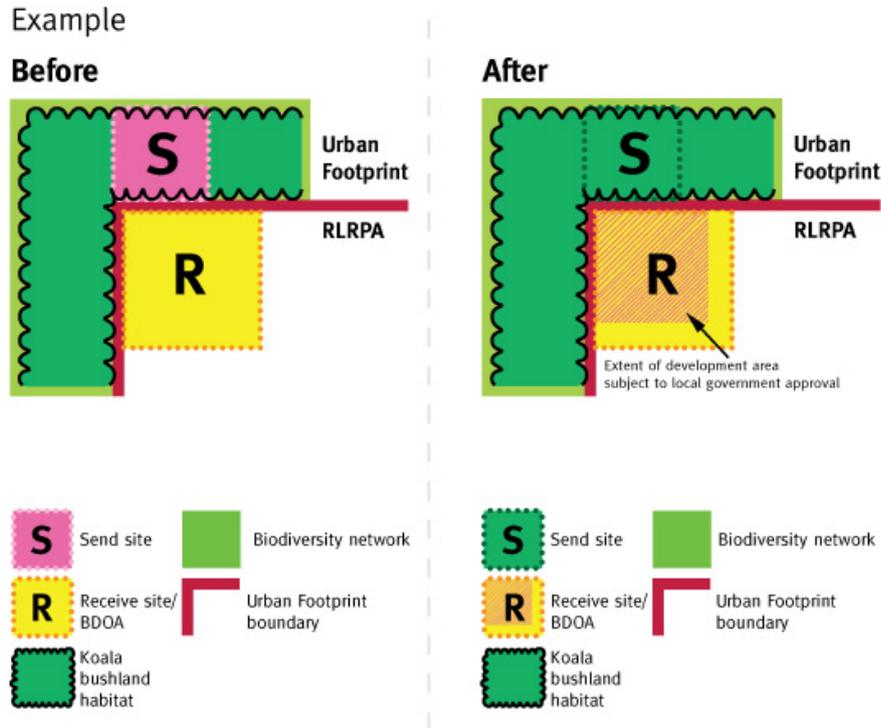
- in the RLRPA or RLA under the SEQ SPRP; and
- within the South East Queensland Koala Protection Area identified under SPP 2/10.

Desired outcome sought through declaring a BDOA

Identified below (Figure 1) is a graphical representation of an indicative outcome which is being sought through the declaration of a BDOA. In this example, the declaration provides the potential to preserve koala habitat within the Urban Footprint.



Figure 1: Example of the outcome of BDOA declaration



Other examples are also applicable, including where:

- the send site consists of either one lot or multiple lots, i.e. fragmented large lot rural residential areas
- the vegetation within the send site is fragmented, consisting of several patches of bushland habitat
- both the send and receive sites are located outside the Urban Footprint
- the send and receive sites are located in two separate local government areas. Where this is proposed, the planning Minister will consult with the respective local government representatives to determine the feasibility of the BDOA declaration.

Determining the extent of a BDOA

In determining the extent of a BDOA, the planning Minister will consider the relationship between the extent of the send site to be protected and its koala habitat type under SPP 2/10 to that of the receive site.

The higher the habitat values in the send site, the greater the area that may be considered suitable for the receive site. Table 1 outlines the indicative ratios of the extent of the send and receive sites in regard to the different combinations of habitat types and associated values. Attachment 1 includes a graphical illustration of selected combinations of the extent of send and receive sites.



Table 1: Indicative ratios for send and receive sites

Combination number	Send site Koala habitat types and values within the Urban Footprint #	Receive site Koala habitat types and values outside the Urban Footprint #	Ratio of extent of send site and receive site (ha) (S: R) #
1	Bushland habitat (high value)	Rehabilitation habitat (low value) and generally not suitable	1:2.25
2	Bushland habitat (high value)	Rehabilitation habitat (med value)	1:2.0
3	Bushland habitat (high value)	Rehabilitation habitat (high value)	1:1.75
4	Bushland habitat (med value)	Rehabilitation habitat (low value) and generally not suitable	1:2.0
5	Bushland habitat (med value)	Rehabilitation habitat (med value)	1:1.75
6	Bushland habitat (med value)	Rehabilitation habitat (high value)	1:1.5
7	Bushland habitat (low value)	Rehabilitation habitat (low value) and generally not suitable	1:1.75
8	Bushland habitat (low value)	Rehabilitation habitat (med value)	1:1.5
9	Bushland habitat (low value)	Rehabilitation habitat (high value)	1:1.25
10	Bushland habitat (high value)	Bushland habitat (low value)*	1:1.25
11	Bushland habitat (high value)	Bushland habitat (med value)*	1:1.25
12	Bushland habitat (high value)	Bushland habitat (high value)*	1:1.25
13	Rehabilitation habitat (low/medium/high value)**	Bushland habitat (low/ medium/high value)*	1:1.0****
14	Rehabilitation habitat (low/medium/high value)**	Rehabilitation habitat (low/medium/high value)***	1:1.0****

These ratios are reduced by 50 per cent when both the send and receive site are located outside the Urban Footprint.

* Generally unsuitable for consideration unless the extent of bushland habitat (low/medium/high) in a receive site is minor (generally < 20 per cent) and the extent of rehabilitation habitat (low/medium/high) is dominant (generally > 80 per cent).

** Generally unsuitable for consideration unless the extent of rehabilitation habitat (high/medium/low) in a send site is minor (generally < 20 per cent) and the extent of bushland habitat (high/ medium /low) is dominant (generally > 80 per cent).

*** Generally unsuitable for consideration unless the extent of rehabilitation habitat (high/medium/low) in a receive site is minor (generally < 20 per cent) and the extent of bushland habitat (high/ medium /low) is dominant (generally > 80 per cent).

****The low ratio of 1:1 has the least value in recognition of the least net benefit for koala conservation versus development.

Receive sites with koala habitat values identified as other areas of value (high/ medium/ low value) will be determined on a site by site basis.



Ministerial consideration in declaring a BDOA

An area may be declared as a BDOA if the planning Minister considers a net benefit to koala conservation can be achieved, having regard to the following matters in respect to the send and receive site.

Matters to be taken into consideration in determining a send site

In considering whether a site is suitable as a potential send site for the purposes of declaring a BDOA, the planning Minister may consider matters such as whether the send site:

- (a) is identified as containing bushland habitat areas with a land area greater than two hectares
- (b) has planning and development entitlements which are determined as likely to lead to significant impacts on koala habitat values. The impacts include vegetation loss and fragmentation.

Examples of planning and development entitlements include:

- where the land is zoned for urban purposes under the planning scheme
 - a development approval or rezoning approval is in effect for the premises
 - as-of-right uses i.e. exempt or self-assessable development.
- (c) can be readily integrated into existing or planned open space and biodiversity networks and contributes to connectivity of bushland habitat or rehabilitation of habitat
 - (d) is not considered to be of strategic importance to the region or the state in terms of efficient use of existing or committed state infrastructure
 - (e) will be adequately protected and secured from future development pressures through, for example, an agreement entered into to achieve this outcome, a covenant to secure the environmental values of the site, or the transfer of the send site to public ownership or management.

Matters to be taken into consideration in determining a receive site

In considering whether a site is suitable as a potential receive site for the purposes of declaring a BDOA, the planning Minister may consider matters such as the following:

Impacts on state interests

Will the declaration of a BDOA over the potential receive site adversely impact on state interests?



Protection of land identified for conservation or rural purposes

Will the declaration of a BDOA over the potential receive site result in any adverse impacts on land identified for conservation or rural purposes? For example, any of the following:

- potentially impacting on areas having significant biodiversity values or representing biodiversity corridors
- potentially impacting on the integrity of inter-urban breaks
- resulting in the fragmentation of productive rural land
- potentially impacting on natural economic resource areas.

It would generally be unlikely that the planning Minister would support a receive site being located in:

- a priority koala assessable development area
- a bushland habitat area
- a rehabilitation habitat area which provides the ability to readily reconnect habitat areas and koala habitat linkages (including areas generally mapped as high or medium value rehabilitation).

Protection from natural hazards

Does the receive site avoid areas which would impose an unacceptable risk from natural hazards, including predicted impacts of climate change?

Access to infrastructure

Does the receive site have existing direct access to essential services and infrastructure, including transport linkages to established urban areas?

Proximity to the Urban Footprint

Is the receive site in close proximity or adjacent to the Urban Footprint and existing communities?



Declaration of a BDOA

The planning Minister's decision to declare a BDOA will be publicly notified in the Queensland Government Gazette. This will include a metes and bounds description of the BDOA.

The gazette notice will identify a timeframe within which any development application must be made for the receive site within the BDOA. The declaration will have no effect once this timeframe expires.

If a BDOA is declared, the planning Minister will also notify:

- the relevant local government/s
- affected landowners and adjoining landowners.

An application to the relevant assessment manager will not be considered to be properly made until after the BDOA declaration is made and publicly notified in the Queensland Government Gazette.



Attachment 1—Description of possible scenarios for proposed send sites and proposed receive sites

The calculation of the extent of conservation in the send site and the extent of development in the proposed receive site uses the ratios in table 1 in this statutory guideline.

Where either site contains a mix of habitat types and values, a more complex calculation is required. This requires a calculation of the extent of each area of different type and value, as per the examples below. Some combinations are considered unsuitable. They include the following:

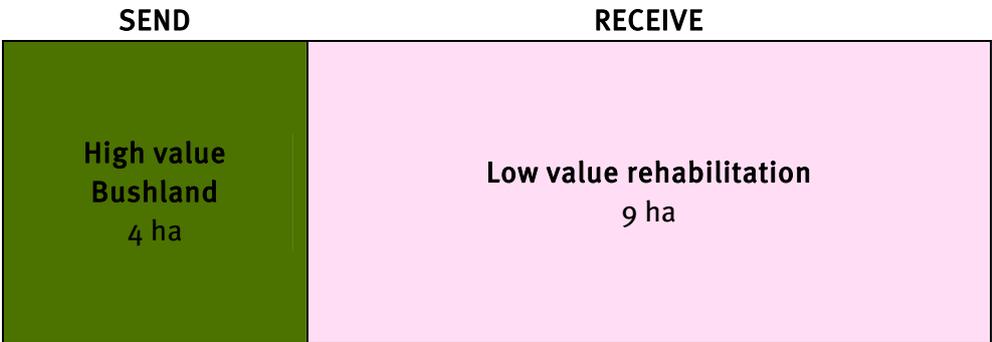
- all cases where the receive site contains a bushland habitat area (high or medium value) unless it is of minor extent or it is to be dedicated for koala conservation
- all cases where the overall value of the send site is not higher than the receive site, i.e. not likely to result in a net gain for koala habitat conservation.

In all the above scenarios, the declaration of a BDOA does not guarantee, imply or direct development approval by the relevant assessment manager.

Scenario 1 (simple)

- A proposed send site (Urban Footprint) contains 4 ha of bushland habitat area (high value) and the area proposed for conservation is all 4 ha.
- The receive site (RLRPA) is all rehabilitation habitat area (low value).
- Applying the ratio from table 1 in this statutory guideline, the calculation of the indicative extent of development potentially attributable in the receive site is 4 ha multiplied by 2.25 = 9 ha.

Scenario 1





Scenario 2 (simple)

- A proposed send site (Urban Footprint) contains 4 ha of bushland habitat area (high value) and the area proposed for conservation is all 4 ha.
- The receive site (RLRPA) is all rehabilitation habitat area (high value).
- Applying the ratio from table 1 in this statutory guideline, the calculation of the indicative extent of development potentially attributable in the receive site is 4 ha multiplied by 1.75 = 7 ha.

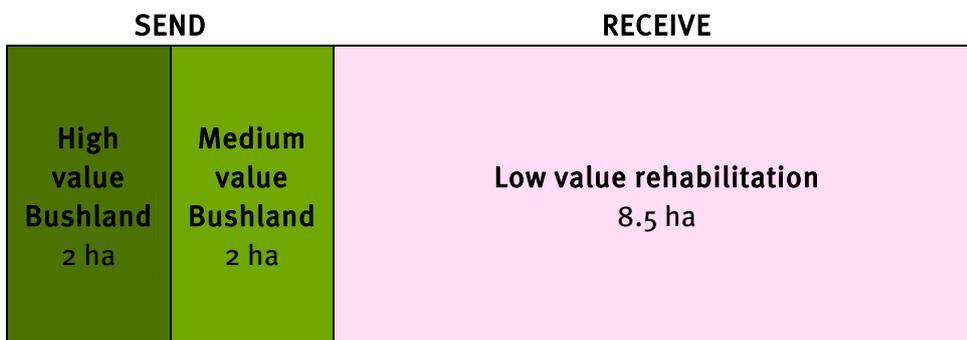
Scenario 2



Scenario 3 (complex)

- A proposed send site (Urban Footprint) contains 2 ha of bushland habitat area (high value), and 2 ha of bushland habitat area (medium value) and the area proposed for conservation is all 4 ha.
- The receive site (RLRPA) is all rehabilitation habitat area (low value).
- Applying the ratio from table 1 in this statutory guideline, the calculation of the indicative extent of development potentially attributable in the receive site is 2 ha multiplied by 2.25 = 4.5 ha and 2 ha multiplied by 2.0 = 4 ha, representing a combined area of 8.5 ha (overall ratio is 1: 2.125).

Scenario 3

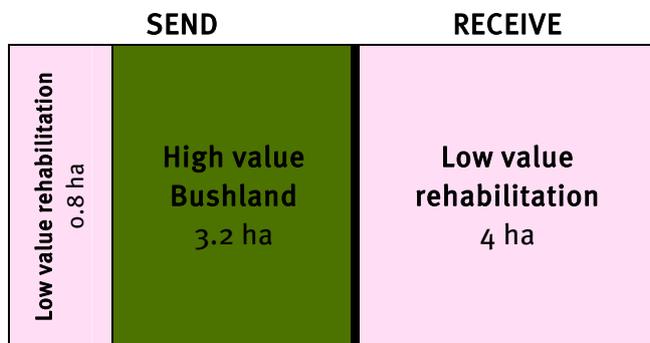




Scenario 4 (complex)

- A proposed send site (RLRPA) contains 3.2 ha (80 per cent) of bushland habitat area (high value), and 0.8 ha (20 per cent) of rehabilitation habitat area (low value) and the area proposed for conservation is all 4 ha.
- The receive site (RLRPA) is all rehabilitation habitat area (low value).
- Applying the ratio from table 1 in this statutory guideline, the calculation of the indicative extent of development potentially attributable in the receive site is 3.2 ha multiplied by 2.25 = 7.2 ha and 0.8 ha multiplied by 1 = 0.8 ha, combined area is 8 ha multiplied by 0.5 = 4.0 ha (0.5 being the multiplier factor for circumstances where both send and receive sites are located in the RLPRA) (overall ratio is 1:1).

Scenario 4





Definitions

Bushland habitat area see SPP 2/10, schedule 4.

Priority koala assessable development area see South East Queensland Koala Conservation State planning regulatory provisions.

Rehabilitation habitat area see SPP 2/10, schedule 4.

South East Queensland Koala Protection Area see SPP 2/10, schedule 4.