Resources for assessing environmental offset obligations

*Environmental Offsets Act 2014*

Offset Delivery Plan (Land-based) Checklist

*This checklist is designed to assist in the assessment of an offset delivery plan submitted with a notice of election for a land based-offset, to determine whether it adequately meets the requirements of the Environmental Offsets Act 2014.*

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| **Application/Authority Reference Number:** |       |
| **Stage (if applicable):** |       |
| **Location of impacts to prescribed environmental matter(s):** |       |
| **Details of the proposed activity and impacts to prescribed environmental matter(s):** |
|       |

The questions in the table below relate to the requirements for a proponent-driven land based offset under the *Environmental Offsets Act 2014* (EO Act)*, Environmental Offsets Regulation 2014* (EO Regulation) and Queensland Environmental Offsets Policy (EO Policy). Where the offset delivery plan relates to an offset for multiple prescribed environmental matters, the requirements detailed in the table below must be met for each prescribed environmental matter.

Where an answer to a question is “NO” or there is not enough information to make a decision, it may be appropriate to issue a [Notice advising that the notice of election requires amendment](http://portal:6004/sites/PR/Register/Business/All%20Departments/notice-advising-that-the-notice-of-election-requires-amendment.docx).

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| **Legislative Requirement** | **Checklist** | **Assessment Officer’s Comments** |
| **Authority** |
| Is the notice of election and offset delivery plan being submitted before the authority is granted in accordance with section 18(1) and 19A of the EO Act?*If YES, please note that the offset delivery plan and agreed delivery arrangement will need to be reviewed within 10 business days of the authority being granted. This is to ensure that these documents are still suitable for achieving a conservation outcome for the impact that has been approved on the authority[[1]](#footnote-1).* | [ ]  YES | [ ]  NO |       |
| Was the activity assessed under the *State Development and Public Works Organisation Act 1971*? *If YES, please note that the Coordinator General is not bound by the offsets framework but there may be stated conditions or a pre-approved offset delivery plan relating to how the offset is to be delivered.* | [ ]  YES | [ ]  NO |       |
| **Notice of Election** |
| If the authority was, or will be, conditioned to allow the impact and offset to be undertaken in stages, does the notice of election include an analysis of the following:1. For the forthcoming stage – the estimated significant residual impact to each prescribed environmental matter; and
2. For the previous stage, if applicable – the actual significant residual impact to each prescribed environmental matter, to date*.*
 | [ ]  YES | [ ]  NO |       |
| Does the notice of election include the relevant approved forms completed correctly?*The approved forms for a proponent driven offset are:** *EOD1 – Environmental Offsets Delivery Form 1: Notice of Election and Advanced Offset Details*
* *EOD2 – Environmental Offsets Delivery Form 2: Offset Delivery Plan Details*
* *EOD3 – Environmental Offsets Delivery Form 3: Offset Area Details*
* *EOD5 – Environmental Offsets Delivery Form 5: Habitat Quality Details*
 | [ ]  YES | [ ]  NO |       |
| **Offset Delivery Plan** |
| **Impacts on Prescribed Environmental Matter(s)** |
| Does the offset delivery plan describe the prescribed environmental matter(s) that the offset condition relates to? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan detail the total significant residual impact that will occur on each prescribed environmental matter?*This would be the area (in hectares) of significant residual impact to each prescribed environmental matter. If the prescribed environmental matter is koala habitat in South East Queensland this will be the number of non-juvenile koala habitat trees that will be impacted.* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan identify where the significant residual impact will occur on each prescribed environmental matter?*This would be spatial data identifying where on the site the significant residual impact will occur to each prescribed environmental matter (e.g. shapefile, kml file, map, coordinates etc.).* | [ ]  YES | [ ]  NO |       |
| **Offset Site Location** |
| Does the offset delivery plan state whether the offset condition will be delivered wholly or partly on the land on which the offset will be undertaken?*E.g. Where the offset condition is being delivered as a combination offset, does the offset delivery plan detail the extent of impact that is being delivered as a land based offset and the extent of impact that is being delivered as a financial settlement offset?**E.g. Where the offset condition is being delivered across multiple offset sites, does the offset deliver plan detail the extent of impact that is being delivered on each site?* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan include a description sufficient to identify the land where the offset will be undertaken?*This would include lot on plan(s), coordinates, spatial data (e.g. shapefile, kml file, map etc.).* | [ ]  YES | [ ]  NO |       |
| Is the offset site in the most strategic location to achieve a conservation outcome? The most strategic location is in the following order of preference:* Strategic offset investment corridor (SOIC) or Priority Koala Area (if for SEQ koala habitat) closest to the impact site;
* Same local government area as the impact site;
* Same sub-region as the impact site;
* Same bioregion as the impact site; or
* Adjacent bioregion to the impact site.

*If in a SOIC, provide the name of the SOIC.* *If the offset has not been located in one of these preferential locations, ensure the reasoning for this has been demonstrated and is appropriate.* | [ ]  YES | [ ]  NO |       |
| **Interested Parties** |
| Does the offset delivery plan include a statement signed by all entities that are owners of the land where the offset will be undertaken, and agree to the offset being undertaken?*Owner of land is defined in Schedule 2 of the EO Act and includes:** *Freehold land – the person recorded in the freehold land register as the person entitled to the fee simple interest in the land;*
* *Land held under a lease – the person who holds the lease;*
* *Trust land under the Land Act 1994 – the trustees of the land;*
* *Aboriginal land under the Aboriginal Land Act 1991 – the persons to whom the land has been transferred or granted;*
* *Torres Strait Islander land - the persons to whom the land has been transferred or granted;*
* *State-controlled road under the Transport Infrastructure Act 1994 – the chief executive of the department in which that Act is administered;*
* *A road controlled by a local government under the Local Government Act 2009 – the local government; and*
* *Other land prescribed under a regulation – the entity prescribed under a regulation for the land.*

*Offsets on State land tenures will need approval from the State Land Assessment Management (SLAM) unit in the Department of Natural Resources, Mines and Energy.* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan identify and contain details of any person with an interest in the land where the offset will be undertaken?*Person with an interest in land is defined in section 30 of the EO Act and includes:** *A person with a registered interest, under the Land Act 1994 or Land Title Act 1004 in land in the area; or*
* *If the land in the area is subject to a lease, mining interest, geothermal tenure or GHG authority – the lessee, interest holder, tenure holder or authority holder; or*
* *If the land in the area is a forest entitlement area, State forest or timber reserve under the Forestry Act 1959 or land prescribed under a regulation for this paragraph – the chief executive of the department in which the Forestry Act 1959 is administered.*

*The EO Act does not currently include Native Title Holders as a person with an interest in land. However, Native Title Holders and cultural values should be identified in an offset delivery plan, impacts avoided, and relevant groups consulted. In general, an offset should not be delivered on land in a way that would conflict with cultural values or Native Title interests or rights under the Cwth Native Title Act 1993.* *The EO Act does not currently include banks or financial institutions as a person with an interest in land. However, where the land is subject to a mortgage the relevant bank should be identified in an offset delivery plan and consulted with.**Please note that the offset delivery plan does not require written consent from each person with an interest in the land. However, this will be required in the future when legally securing the offset site. For this reason, it may be appropriate to have in principle support from each person with an interest in the land. This will assist in demonstrating that the legal security mechanism is appropriate and reduces the risk that there will be issues legally securing the offset site in the future.* | [ ]  YES | [ ]  NO |       |
| **Size and Scale** |
| Is the proposed offset of a size and scale proportionate to the significant residual impact on the prescribed environmental matter?*The size and scale of an offset is that which is necessary to achieve a conservation outcome. This will depend on the extent of impact to the prescribed environmental matter(s) and the* [*habitat quality*](https://environment.des.qld.gov.au/__data/assets/pdf_file/0017/102833/habitat-quality-assessment-guide-v1-3.pdf) *of the prescribed environmental matter(s) at the impact and offset site.**The maximum multiplier is set at 4 (i.e. an offset can be a maximum of four times the impact). The exception to this is connectivity and fish passage which is set at a multiplier of 1, koala habitat in SEQ which is set at a multiplier of 3 (based on the number of trees) and protected areas which is set at a multiplier between 5 and 10 depending on the type of protected area.* *The* [*Land-based Offsets Multiplier Calculator Tool*](http://www.ehp.qld.gov.au/assets/documents/pollution/management/offsets/offset-multiplier-calculator.xlsm) *can also be used to determine the appropriate offset size.* | [ ]  YES | [ ]  NO |       |
| **Habitat Quality Assessment** |
| Does the offset delivery plan include a habitat quality analysis for each prescribed environmental matter at both the impact and offset site to justify the size and scale of the offset? | [ ]  YES | [ ]  NO |       |
| Was the [Guide to Determining Terrestrial Habitat Quality](https://environment.des.qld.gov.au/__data/assets/pdf_file/0017/102833/habitat-quality-assessment-guide-v1-3.pdf) used? | [ ]  YES | [ ]  NO |       |
| If so, was the methodology applied correctly to assess the habitat quality for each prescribed environmental matter?*The offset delivery plan should include a detailed explanation of how the habitat quality assessment was undertaken including:** *A detailed explanation of the methodology used so that all steps of the methodology are repeatable;*
* *Field sheets;*
* *Results and scoring for each attribute;*
* *All calculations undertaken to determine habitat quality.*
 | [ ]  YES | [ ]  NO |       |
| If the [Guide to Determining Terrestrial Habitat Quality](https://environment.des.qld.gov.au/__data/assets/pdf_file/0017/102833/habitat-quality-assessment-guide-v1-3.pdf) was not used, was the methodology used approved by the Department of Environment and Science?*Alternative habitat quality methodologies may be used where approved by the Department of Environment and Science.* For *declared fish habitat areas, marine parks and wetlands Department of Environment and Science should be consulted.**For fish passage and marine plant offsets DAF should be consulted.**The offset delivery plan should include a detailed explanation of how the habitat quality assessment was undertaken including:** *A detailed explanation of the methodology used so that all steps of the methodology are repeatable;*
* *Field sheets;*
* *Results and scoring; and*
* *All calculations undertaken to determine habitat quality.*
 | [ ]  YES | [ ]  NO |       |
| If the offset site is an advanced offset, does the offset delivery plan detail any habitat quality gain achieved since registering the land as an advanced offset?*Any improvement in habitat quality that occurs from when the site was registered as an advanced offset can contribute to the offset.* | [ ]  YES | [ ]  NO |       |
|  **Required Characteristics of the Offset***Only answer those that are relevant* |
| **Endangered and Of Concern Regional Ecosystems** |
| Is the offset site of the same broad vegetation group as the impacted regional ecosystem? | [ ]  YES | [ ]  NO |       |
| Is the offset site of the same regional ecosystem status as the impacted regional ecosystem? | [ ]  YES | [ ]  NO |       |
| Is the offset site within the same bioregion? | [ ]  YES | [ ]  NO |       |
| **Endangered, Vulnerable and Near Threatened Plants and Animals under the *Nature Conservation Act 1992***  |
| Does the offset delivery plan demonstrate that the offset site contains, or is capable of containing, a self-sustaining population of the impacted species?*Note: this includes essential habitat under section 20AC (2) of the Vegetation Management Act 1999*  | [ ]  YES | [ ]  NO |       |
| **Vegetation Intersecting a Watercourse** |
| Is the offset site of the same broad vegetation group as the impacted regional ecosystem? | [ ]  YES | [ ]  NO |       |
| Is the offset site within the same bioregion? | [ ]  YES | [ ]  NO |       |
| Is the offset site associated with a watercourse? | [ ]  YES | [ ]  NO |       |
| **Vegetation Intersecting a Wetland** |
| Is the offset site of the same broad vegetation group as the impacted regional ecosystem? | [ ]  YES | [ ]  NO |       |
| Is the offset site associated with a wetland? | [ ]  YES | [ ]  NO |       |
| **Wetlands** |
| Is the offset the same wetland habitat type as the impacted wetland? | [ ]  YES | [ ]  NO |       |
| Is the offset site within the same bioregion? | [ ]  YES | [ ]  NO |       |
| **Connectivity** |
| Is the offset site a non-remnant ecosystem? | [ ]  YES | [ ]  NO |       |
| If the impact subregion is fragmented, is the offset site in the same subregion?  | [ ]  YES | [ ]  NO |       |
| If the impact subregion is intact, is the offset site in the nearest fragmented subregion? | [ ]  YES | [ ]  NO |       |
| **Koala Habitat in South East Queensland** |
| Does the offset result in the establishment of 3 new koala habitat trees for every one non-juvenile koala habitat tree removed? | [ ]  YES | [ ]  NO |       |
| Is the offset site located in a restoration area identified on the Koala Habitat Restoration Areas Map in the Koala Priority Area closest to the impact site?The administering agency will assess the suitability of a proposed offset site by following the order of preference (closest to, next closest, or as close as possible to a Koala Priority Area) as detailed in Chapter 2A [Queensland Environmental Offsets Policy](https://environment.des.qld.gov.au/__data/assets/pdf_file/0030/209937/offsets-policyv1-9.pdf). | [ ]  YES | [ ]  NO |       |
| If the offset site is not able to be located inside the Koala Priority Area closest to the impact site, is the offset site in the next closest Koala Priority Area to the impact site? | [ ]  YES | [ ]  NO |       |
| If the offset site is not able to be located inside the two closest Koala Priority Areas to the impact site, is the offset site located as close as possible to a Koala Priority Area and the impact site? | [ ]  YES | [ ]  NO |       |
| If the offset site is located outside an area as close as possible to a Koala Priority Area and the impact site, is the offset site located as close as possible to the impact site and: * Contains an area suitable for koala habitat restoration; and
* Will result in the creation or improvement of connectivity, corridors or linkages between patches of koala habitat and/or Koala Priority Areas; and
* Can be managed to protect koalas and koala habitat from threats and threatening processes; and
* Can be legally secured for the duration of the impact for which the offset is required?
 | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the offset site will be planted with koala habitat trees that are reflective of the species that are endemic to the site? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the offset site will be planted with koala habitat trees at densities that will produce a mature density reflective of the regional ecosystems present on the site?*This can be determined using the average stem density for the regional ecosystem which is described in the* [*Regional Ecosystem Technical Description*](https://publications.qld.gov.au/dataset/re-technical-descriptions)*. Alternatively, the average stem density in SEQ can be used which is 250 trees per hectare (or 0.004ha per non-juvenile koala habitat tree).* | [ ]  YES | [ ]  NO |       |
| **Koala Habitat Outside South East Queensland** |
| Does the offset delivery plan propose to deliver an offset that either:* Establishes 3 new koala habitat trees for every one non-juvenile koala habitat tree removed; or
* Is of a size and scale that is necessary to achieve a conservation outcome (see Size and Scale section above for further details).
 | [ ]  YES | [ ]  NO |       |
| **Protected Areas** |
| Does the offset delivery plan compensate for the full suite of natural and cultural values impacted by the development, including current and future values relating to the provision of ecological services (such as clean air, water and carbon storage), recreation and tourism opportunities, grazing, scenic amenity, and cultural and spiritual significance? | [ ]  YES | [ ]  NO |       |
| **Risk Management** |
| Does the offset delivery plan demonstrate that the time-lag between the impact and the delivery of the offset has been minimised?E.g. The administering agency should consider the time delay from proposed impact to the completion of offset and that the offset site is legally secured.  | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan describe the existing land use of the offset site and adjacent sites, and any impact that land use may have on the delivery of the offset?*E.g. Risks from competing land uses such as timber, quarry material or mineral extraction which may be able to occur without the landholder’s consent on State land.**E.g. The location of the offset site within a local corridor may indicate good context and improved conservation outcome, however the likelihood that the corridor will be maintained (or not) into the long term should be a consideration.* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan include a risk analysis that accounts for all risks that could contribute to the offset failing to achieve a conservation outcome? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan propose mitigation and management strategies for identified risks?  | [ ]  YES | [ ]  NO |       |
| Will any activity proposed as part of the offset delivery plan likely have an adverse impact on another prescribed environmental matter? | [ ]  YES | [ ]  NO |       |
| **Legal Security** |
| Does the offset delivery plan state the measures that will be taken to secure the offset site as a legally secured offset area? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan state why these measures are reasonable and practicable?*In order to demonstrate that the proposed legal security measures are reasonable and practicable it is recommended that:** *In principle support from all persons with an interest in the land is acquired and included in the offset delivery plan (e.g. a statement signed by all, stating they in principle support the land being legally secured using the proposed legal security mechanism); and*
* *In principle support from the relevant agency responsible for the proposed legal security mechanism is included in the offset delivery plan.*
* *The results of any consultation undertaken with other groups (including Native Title claimants) are included in the offset delivery plan, particularly if the views of these groups could influence the success of the offset and its legal security.*
 | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan state the period during which this legal security will be in place? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan state why the stated period is reasonable for the purpose of securing the land?*Offsets must be legally secured for the full duration of the impact on the prescribed environmental matter. Where the impact is permanent, the offset site should be legally secured in perpetuity.* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the protection of the prescribed environmental matter is additional to protection already in place? | [ ]  YES | [ ]  NO |       |
| **Proposed Management** |
| Does the offset delivery plan detail how the offset will be undertaken? *This would be demonstrated in a detailed management plan which includes:** *Details of all proposed management actions (e.g. targeted weeds to be managed, planting densities, species of plants to be used);*
* *Schedule of management actions (timing of when each action will be undertaken);*
* *Key milestones;*
* *Proposed monitoring;*
* *Proposed record keeping; and*
* *Proposed reporting.*

*No more than 10% of the offset can be delivered as research or education programs.*  | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the proposed offset is efficient, effective and scientifically robust? | [ ]  YES | [ ]  NO |       |
| If the offset site is registered as an advanced offset, have any management actions been undertaken since the site was registered as an advanced offset? If so, what management actions have been undertaken and has this resulted in an increase in habitat quality?*Any improvement in habitat quality that occurs from when the site was registered as an advanced offset can contribute to the offset.* | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the management actions proposed are additional to management actions required by an existing Act, authority or agreement?*E.g. the proposed management actions relating to pests are in addition to a landowner’s obligation under the Land Protection (Pest and Stock Route Management) Act 2002 which requires landowners to take reasonable steps to keep land free of particular pests.* | [ ]  YES | [ ]  NO |       |
| Is any activity proposed as part of the offset delivery plan restricted, prohibited, or requires additional permission under any law?The actions proposed may require additional permissions required by an existing Act, authority or agreement. | [ ]  YES | [ ]  NO |       |
|  **Enforcement** |
| Does the offset delivery plan detail how the offset will have transparent governance arrangements that can be readily measured, monitored, audited and enforced?*The offset delivery plan should include:** *Baseline report that can be used to track progress over time;*
* *Proposed monitoring methodology;*
* *Proposed monitoring schedule;*
* *Stated outcomes and objectives;*
* *Clear milestones;*
* *Proposed record keeping; and*
* *Proposed reporting program.*
 | [ ]  YES | [ ]  NO |       |
| **Conservation Outcome** |
| Does the offset delivery plan demonstrate that the offset will result in an environmental value as similar as possible to those being lost by the impact? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that the offset will achieve a conservation outcome that achieves an equivalent environmental outcome? | [ ]  YES | [ ]  NO |       |
| Does the offset delivery plan demonstrate that a conservation outcome can be achieved by the offset based on:* Site selection;
* Size and scale of the offset;
* Site design;
* Proposed management actions;
* Proposed protection of the site;
* Habitat quality assessment; and
* Predicted habitat quality gain.

*A conservation outcome is achieved by an offset if the offset is selected, designed and managed to maintain the viability of the matter. This means that the offset counterbalances the significant residual impact on the prescribed environmental matter(s) in a way that would maintain the status quo (i.e. what would have happened had the development and offset not occurred)?**Does the habitat quality assessment and predicted habitat quality gain equate to a conservation outcome? Under the* [*Guide to Determining Terrestrial Habitat Quality*](https://environment.des.qld.gov.au/__data/assets/pdf_file/0017/102833/habitat-quality-assessment-guide-v1-3.pdf) *this is demonstrated by:*1. *After 20 years, the habitat quality score for the prescribed environmental matter at the offset site must be at least 1 point greater than the habitat quality score for the prescribed environmental matter at the impact site (at the time of the impact); and*
2. *After 20 years, the habitat quality score for the prescribed environmental matter at the offset site must have achieved an overall habitat quality score gain of 2 points.*
 | [ ]  YES | [ ]  NO | 1.
 |

**Evidence Attachments:**

* Proponent’s completed EOD1 – Environmental Offsets Delivery Form 1: Notice of Election and Advanced Offset Details
* Proponent’s completed EOD2 – Environmental Offsets Delivery Form 2 - Offset Delivery Plan Details
* Proponent’s completed Offset Delivery Plan
* Proponent’s completed EOD3 – Environmental Offsets Delivery Form 3: Offset Area Details
* Proponent’s completed EOD5 – Environmental Offsets Delivery Form 5: Habitat Quality Details
* [For staged offsets only] Proponent’s completed EOD6 – Environmental Offsets Delivery Form 6: Staged Offset Details
* Approved offset condition:
	+ Development Approval Decision Notice ref
* Consultant report
* Human Rights Checklist
* [For information purposes only] DoR’s Environmental offsets calculator results email with Environmental offsets calculator results email attachment (offset-data.csv)

**Attachments for nominee consideration, approval and signature:**

* Draft Notice of Agreement
* Draft Agreed Delivery Arrangement

[OR]

* Draft Notice advising that the Notice of Election requires amendment

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| Recommendation: |
| [ ]  The Offset Delivery Plan is sufficient against the requirements of the framework. |
| [ ]  The Offset Delivery Plan requires amendments to be sufficient. |
| [ ]  The proposed Offset Delivery Plan is not sufficient and not acceptable as it does not (add comments below): |
| Comments: |       |
| Assessment Officer:       | Date:       |
| Reviewing Officer:       | Date:       |

1. *The nominated administering agency may differ depending on the prescribed activity listed in Schedule 1 of the EO Reg.* [↑](#footnote-ref-1)