



Tuesday, 9 June 2026

Ms Jennifer Kay
Head of Division,
Environmental Law Reform Taskforce
Department of Climate Change, Energy, the Environment and Water
Ngunnawal Country, John Gorton Building, King Edward Terrace
Parkes ACT 2600

Dear Ms Kay

Re: CEC submission regarding the exposure draft of the National Environmental Standard (Environmental Offsets) 2026

The Clean Energy Council (**CEC**) welcomes the opportunity to provide a submission to the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) on the exposure draft of the *National Environmental Standard (Environmental Offsets) 2026 (Offsets Standard)*.

The CEC supports the policy intent underpinning the Offsets Standard, including the objective of delivering transparent, scientifically robust, and environmentally effective offsets under the Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**). The CEC has set out below a number of recommendations to improve its clarity, workability and alignment with the policy intent outlined in the accompanying policy paper.

Appropriate Evidence

We recommend defining the term ‘appropriate evidence’ and including guidance in the notes to address situations where a suitably qualified expert and/or peer reviewed science may not be available.

In practice, obtaining evidence from a suitably qualified expert can be difficult for certain species, ecological communities, and/or ecosystems. In some cases, no suitably qualified expert may exist. Similarly, peer-reviewed scientific literature may be limited or unavailable, particularly for under researched species and ecosystems (which is particularly common for many of the bird and bat species which may be impacted by renewable energy projects).

To address these circumstances, we have included a definition of ‘appropriate evidence’ supported by guidance that recognises the use of analogous experts where direct expertise is unavailable and preliminary research or other credible scientific information where peer-reviewed literature does not exist.

Baseline and Baseline Trajectory

Further clarification is required regarding the concept of a baseline. The Offsets Standard should distinguish between the current condition of an environmental value and its expected future condition in the absence of the offset action. To address this, we have included definitions of both 'baseline' and 'baseline trajectory'.

The baseline should describe the condition of the relevant environmental value at the time of assessment, while the baseline trajectory should describe its expected condition over time without the offset action. Offset outcomes should be assessed against both concepts to ensure that the true environmental benefit of an offset is accurately measured.

Advanced Restoration Action

Further consideration is required regarding advanced restoration actions.

We welcome the clarification regarding additionality in Principle 5(4). However, the Offsets Standard should expressly state that compliance with the Offsets Standard is not required as a precondition to agreeing to, or registering, an advanced restoration action (as is confirmed in the accompanying policy paper).

To address this issue, and to better align with our submissions on the MNES Standard, we have replaced the existing principles with a table of objectives that clearly identifies how the Offsets Standard applies to different decision-making stages.

Maintenance Period

Where an impact is temporary, it is neither reasonable nor proportionate to require a maintenance period of 20 years or until the offset outcome becomes self-sustaining. Instead, the maintenance period should cease once the temporary impact has ended and the relevant environmental values have recovered.

Expressly Addressing Key Matters from the Policy Paper

Several matters identified in the policy paper are not expressly reflected in the Offsets Standard. First, we have included an express reference to averted loss actions in Principle 4 to align the Offsets Standard with the policy intent. Secondly, we have clarified that an offset activity undertaken on land where tenure has already been secured can still satisfy the additionality requirement.

Regulatory alignment and non-duplication

We support measures to avoid duplication between Commonwealth and State or Territory offset requirements. To this end, we have included an objective providing that a State or Territory offset requirement may satisfy a Commonwealth offset requirement where it meets the Offsets Standard. This provides a clear basis for recognising equivalent offset obligations across jurisdictions, reducing unnecessary duplication while maintaining environmental integrity.

Amendments to the key sections of the Offsets Standard to address these recommendations are outlined at **Annexure A**.

The CEC welcomes further engagement with DCCEEW in relation to the EPBC reforms. If you have any queries or would like to discuss this submission in more detail please contact me on erutherford@cleanenergycouncil.org.au.

Kind regards,



Elise Rutherford

General Manager, Environment and Planning

Annexure A – Recommended amendments to the Offsets Standard

Black text = original exposure draft
 Green text = recommended additions
 Red ~~strikethrough~~ = recommended deletions
 [Grey] = comments

1 Name

This instrument is the *National Environmental Standard (Environmental Offsets) 2026*.

2 Commencement

- (1) Each provision of this standard specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
Insert appropriate text	Insert appropriate text.	Insert appropriate text

Note: This table relates only to the provisions of this standard as originally made. It will not be amended to deal with any later amendments of this standard.

- (2) Any information in column 3 of the table is not part of this standard. Information may be inserted in this column, or information in it may be edited, in any published version of this standard.

3 Authority

This standard is made under section 514YD of the *Environment Protection and Biodiversity Conservation Act 1999*.

4 Definitions

Note: A number of expressions used in this standard are defined in the Act, including:

- (a) action
- (b) advanced restoration action
- (c) alternative restoration action
- (d) approved conservation advice
- (e) bioregional guidance plan
- (f) bioregional plan
- (g) bioregional plan restoration contribution
- (h) bioregional restoration measure
- (i) designated environmental instrument
- (j) general restoration action
- (k) impact
- (l) impacted protected matter
- (m) management or authorisation framework
- (n) protection statement
- (o) recovery plan
- (p) residual significant impact
- (q) restoration contribution charge
- (r) Restoration Contributions Holder
- (s) ruling
- (t) threat abatement plan

In this standard:

Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

affected protected matter means a protected matter that will or may be damaged by a residual significant impact of an action or class of actions.

appropriate evidence means information, analysis or documentation related to the relevant matters, and may include:

- (a) evidence from a suitably qualified expert; or
- (b) existing peer reviewed science; or
- (c) other evidence that demonstrates the relevant matters.

Note 1: For the purposes of subsection (a), if no suitably qualified expert exists, appropriate evidence may include evidence from an expert in an analogous or similar field.

Note 2: For the purposes of subsection (b), if no existing peer reviewed science exists, appropriate evidence may include preliminary findings or survey data from a suitably qualified expert.

approved State or Territory offset means an activity required or authorised to be carried out pursuant to a law of a state or territory to compensate for damage that will or may be caused by impacts to an affected protected matter as a result of an action or class of actions.

baseline means the condition of the protected matter's habitat (for threatened species, ecological community and migratory species) or values (for other MNES) as assessed at, or around, the time of the decision to approve the taking of the action or class of actions, or the making of the bioregional plan (as relevant).

baseline trajectory means the expected condition of the protected matter's habitat (for threatened species, ecological community and migratory species) or values (for other

MNES) if the action does not take place, taking into account natural changes, existing threats, and land-use trends.

conservation planning document means any of a recovery plan, a threat abatement plan, a protection statement, an approved conservation advice, a designated environmental instrument, a bioregional guidance plan, a bioregional plan, or a ruling.

direct offset means a mechanism that is intended to directly protect, conserve or restore a protected matter and may include the securing and/or actively managing of land or managing a pest species.

indirect offset means a mechanism that is intended to indirectly protect, conserve or restore a protected matter and may include scientific research and/or education on existing, new or emerging threats to the protected matter (or a financial contribution towards such research or education).

Like-for-like outcome means an outcome which results in protecting, conserving or restoring the same kind of environmental feature, attribute or habitat of an affected protected matter that will or may be damaged.

offset activity means the doing of any thing or the taking of any measure (including a direct offset, indirect offset, advanced restoration action, restoration action, general restoration action, alternative restoration action, or a bioregional restoration action), other than the payment of a restoration contribution charge, to compensate for the damage that may or will be caused by a residual significant impact on a protected matter.

[Note: for consistency with the Act we recommend including reference to general restoration and alternative restoration actions in the definition of offset activity. In addition given advanced restoration actions will be subject to this standard (at the time a party seeks to rely on them for offset obligations), advanced restoration actions should also be covered]

required net gain means the net gain for the protected matter within the meaning of section 527K of the Act.

protected matter means a matter protected by a provision of Part 3 of the Act.

Note: The matters protected by a provision of Part 3 of the Act are set out in section 34 of the Act.

suitably qualified expert means a person who has appropriate professional qualifications, knowledge, training, skills or experience relevant to the subject matter of the offset activity.

Note: An example of a suitably qualified person could be an indigenous traditional owner ~~in relation to offset activities relating to indigenous heritage~~

5 Objectives

- (1) This standard provides a framework to ensure that offset activities (where permitted) adequately compensate for the residual significant impacts of an action or class of actions on an affected protected matter to deliver the required net gain in a way that contributes to the restoration, recovery and enhancement of that protected matter.
- (2) The objectives for specific decisions are specified in the following table.

[Note: for consistency with the MNES standard, the key measures for assessing whether a decision meets this standard have been moved into a table format under the objectives section. This approach allows advanced offsets to be expressly included and allows for a more readable format.]

Objectives for decisions made under the Act	
Decision	Objective for this standard
A decision as to whether a state or territory offset requirement should be accepted as satisfying the Commonwealth requirement	Is consistent with this standard if the offset activity is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard.
A decision in relation to an offset activity intended to compensate for the damage that will or may be caused by a residual significant impact of an action or class of actions on an affected protected matter	Is consistent with this standard if the offset activity is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard.
A decision to approve the taking of an action or class of actions, taking into account any conditions to be attached to the approval	Is consistent with this standard if the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter will be compensated by: <ol style="list-style-type: none"> i. an offset activity that is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard; or ii. the payment of a restoration contribution charge.
A decision in relation to an advanced restoration action	Meeting this standard is not required to agree and register an advanced restoration action. When determining whether an advanced offset satisfies approval requirements the advanced

Objectives for decisions made under the Act

Decision	Objective for this standard
	restoration action may be assessed against the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard.
A decision regarding a management or authorisation framework, or an approval of an action or class of actions in accordance with a management or authorisation framework	Is consistent with this standard if the framework requires the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter to be compensated by an offset activity that is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard.
A decision in relation to a specified manner of assessment	Is consistent with this standard if the manner of assessment requires an assessment of whether the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter will be compensated by an offset activity that is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard.
A decision to make or vary a bioregional plan	Is consistent with this standard if the damage that may or will be caused by any residual significant impacts of priority actions to be taken under the bioregional plan on an impacted protected matter will be compensated by: <ul style="list-style-type: none"> i. a bioregional restoration action, delivered by a person other than the Restoration Contributions Holder, which is consistent with the principles in sections 7, 8, 9, 10, 11, 12, 13 and 14 of this standard; or ii. a bioregional plan restoration contribution.

6 Outcomes

The following outcomes of this standard are intended to promote the objectives in section 5:

- (a) offset activities compensate for the damage that will or may be caused by residual significant impacts of actions or classes of actions on affected protected matters and contribute to ~~support~~ the recovery or conservation of the protected matter;
- (b) offset activities provide a measurable improvement to the affected protected matter (compared to the baseline for that protected matter at the time of the relevant

- decision) that is equal to or greater than the required net gain for the protected matter; and
- (c) offset activities provide a high level of certainty that affected protected matters will, **so far as reasonably practicable**, be protected and enhanced.

7 Principles

- ~~(1) For subsection 514YD(4) of the Act, the principles by which the outcomes and objectives in section 5 and section 6 of this standard are to be achieved are the principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard.~~
- ~~(2) An offset activity intended to compensate for the damage that will or may be caused by a residual significant impact of an action or class of actions on an affected protected matter will achieve the objective and outcomes in section 5 and 6 of this standard where that offset activity is consistent with the principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard.~~
- ~~(3) The principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard only apply in relation to an offset activity that is intended to compensate for the damage that will or may be caused by a residual significant impact of an action or class of actions on an affected protected matter where the affected protected matter is a matter protected by a provision of Part 3 that is a controlling provision for the action or an action in the class of actions. Meeting this standard is not required to agree and register an advanced restoration action.~~
- ~~(4) A decision maker may be satisfied that:~~
- ~~(a) a decision to approve the taking of an action or class of actions, taking into account any conditions to be attached to the approval, is consistent with this standard if the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter will be compensated by:~~
- ~~(i) an offset activity that is consistent with the principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard; or~~
- ~~(ii) the payment of a restoration contribution charge;~~
- ~~(b) a management or authorisation framework, or an approval of an action or class of actions in accordance with a management or authorisation framework, is consistent with this standard if the framework requires the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter to be compensated by an offset activity that is consistent with the principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard;~~
- ~~(c) a specified manner of assessment is consistent with this standard if the manner of assessment requires an assessment of whether the damage that will or may be caused by any residual significant impacts of the action or class of actions on an affected protected matter will be compensated by an offset activity that is consistent with the principles in sections 8, 9, 10, 11, 12, 13, 14 and 15 of this standard;~~

~~(d) the making or varying of a bioregional plan is consistent with this standard if the damage that may or will be caused by any residual significant impacts of priority actions to be taken under the bioregional plan on an impacted protected matter will be compensated by a bioregional restoration measure that meets either of the following:~~

~~(i) the bioregional restoration measure is:~~

~~(A) a bioregional restoration action that is required under the bioregional plan to be delivered by a person other than the Restoration Contributions Holder; and~~

~~(B) consistent with the principles in sections 8, 9, 10, 11, 12, 13, 14 or 15 of this standard; or~~

~~(ii) the bioregional restoration measure is a bioregional plan restoration contribution; or~~

~~(ii) the bioregional restoration measure is a bioregional plan restoration action that is required, under the bioregional plan, to be delivered by the Restoration Contributions Holder.~~

~~Note: A bioregional restoration measure may be a bioregional restoration action or a bioregional plan restoration contribution (see sections 528 and 177AH of the Act).~~

7 Principle 1—Feasibility

- (1) An offset activity must be feasible.
- (2) An offset activity will be feasible if there is a high level of confidence that the offset activity:
 - (a) will contribute to the recovery or enhancement of the affected protected matter, **having regard to the baseline trajectory**; and
 - (b) will, on its own or in combination with other offset activities or the payment of a restoration contribution charge, result in the required net gain for the affected protected matter; and
 - (c) will achieve the intended outcome in a reasonable **timeframe**. ~~and ecologically or culturally relevant timeframe, having regard to the damage to the protected matter from the residual significant impact.~~

Note: In determining what is a reasonable timeframe for the purposes of subsection (c), regard may be had to ecological and cultural factors as well as the scale of residual significant impact on the protected matter.

- (3) The required high level of confidence referred to in subsection (2) must be based on appropriate evidence.

~~(4) Appropriate evidence may include:~~

~~(a) evidence from a suitably qualified expert; or~~

~~(b) existing peer reviewed science; or~~

~~(c) other evidence that demonstrates the matters in subsection (2).~~

8 Principle 2—Security

- (1) An offset activity must be securely protected.
- (2) An offset activity will be securely protected if there is an appropriate protection mechanism in place that provides a high level of confidence that:
 - (a) the required net gain will be delivered; and
 - (b) where the offset activity is a direct offset, the offset activity will be maintained for the applicable maintenance period; and
 - (c) where the offset activity is an indirect offset, there is evidence relating to security of the funding or reliable expertise for the offset activity.
- (3) For the purposes of subsection (2)(b), the high level of confidence must be based on appropriate evidence.

~~(4) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
~~(b) existing peer reviewed science; or~~
~~(c) other evidence that demonstrates the matters in subsection 9(2).~~

- (5) For the purposes of subsection (2)(b), the **applicable maintenance period** is the period after the offset activity has been delivered during which the required net gain must be maintained, and specifically:
 - (a) where the damage to the affected protected matter is ~~short term or~~ temporary – **until the temporary damage is no longer occurring. the earlier of:**
 - ~~(i) 20 years; or~~
 - ~~(ii) until the outcome of the offset activity becomes self-sustaining; or~~

[Note: where an impact is temporary it does not seem proportionate or reasonable to require a maintenance period of 20 years or until the outcome is self-sustaining. Rather, the maintenance period should cease once the temporary impact ceases. In addition, short term and long term add unnecessary ambiguity, the maintenance period should refer only to temporary or permanent impacts.]

- (b) where the damage to the affected protected matter is ~~long term or~~ permanent – the earlier of:
 - (i) the period of the approval ~~or bioregional plan (as relevant);~~ or
 - (ii) until the outcome of the offset activity becomes self-sustaining.

Note: A bioregional plan remains in force until it is revoked.

- (6) The outcome of an offset activity becomes self-sustaining at the point at which maintenance is no longer needed to maintain that outcome.
- (7) **Self-sustaining outcomes will not be achieved for all offset activities, and where this is the case, continuation of maintenance activities will be required for the duration of the approval, and cease on the expiry date of the approval.**

Note: As part of ceasing maintenance activities, the holder of an approval may remove certain infrastructure associated with the offset activity (such as fencing or other infrastructure that requires ongoing maintenance).

~~Note: Self-sustaining outcomes will not be achieved for all offset activities, and where this is the case, continuation of maintenance activities will be required for the duration of the approval.~~

(8) The criteria for when the outcome of the offset activity becomes self-sustaining must be provided in a management plan.

(9) For offset activities that are direct offsets, mechanisms that provide legal protections should be used when available and appropriate.

Note 1: ~~An example of an offset activity that is a direct offset is~~ Examples of direct offset activities include: planting, land restoration, removal of pressures, active threat management, ongoing management to sustain improved environmental or heritage outcomes and captive breeding or propagation programs.

Note 2: Examples of mechanisms that provide legal protections (where appropriate) include: a legally enforceable contract to undertake offset activities, covenants on land where the offset activity will occur, purchasing land, the use of State or Territory-based offset schemes, the use of statutory-based nature repair markets, Indigenous Protected Areas, indigenous land use agreements and native title determinations.

(10) For offset activities that are direct offsets, an alternative protection mechanism may be used if both of the following apply:

- (a) a mechanism that provides legal protections is not available or appropriate; and
- (b) there is a low risk that other activities will prevent or compromise the offset activity being delivered or maintained for the applicable maintenance period.

Note 1: An example of circumstances where a legal protection may not be available or appropriate includes circumstances beyond the proponent's control which prevent registration of an on-title mechanism.

Note 2: Examples of alternative protection mechanisms may include: fencing and other physical barriers, signage and/or contractual agreements.

(11) The matters in subsection 9(~~9~~10) must be based on appropriate evidence. ~~Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matters in subsection 9(9).~~

(12) For offset activities that are indirect offsets – the appropriate protection mechanism may relate to security of the funding or reliable expertise for the offset activity.

Note: An example of an indirect offset includes research or specialist work.

9 Principle 3—Direct and tangible

(1) An offset activity should provide a direct and tangible benefit to the affected protected matter.

- (2) An offset activity will provide a direct and tangible benefit to the affected protected matter if there is a high level of confidence that the offset activity ~~both will:~~
- (a) ~~provides~~ a benefit to the affected protected matter that is quantifiable or qualitative; and
 - (a) ~~contributes~~ to the recovery or conservation of the affected protected matter.
- (3) The required high level of confidence referred to in subsection (2) must be based on appropriate evidence.

~~(4) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matters in subsection (2).~~

- (5) An offset activity must be a direct offset unless:

- (a) a relevant conservation planning document **or listing advice** identifies an indirect offset as a **higher** priority measure for the affected protected matter; **and**
- (b) **a direct offset is not reasonably available having regard to the nature of the protected matter and the critical habitat for the protected matter.**

10 Principle 4—Measurable improvements

- (1) There must be a high level of confidence that an offset activity will deliver a measurable improvement to the affected protected matter's **habitat (for threatened species, ecological communities and migratory species) or similar metric (for other MNES) relative to a** ~~baseline that reflects what would likely happen in the absence of the offset activity~~ **the baseline and having regard to the baseline trajectory.**
- (2) The relevant baseline for the affected protected matter, as referred to in subsection (1), is to be determined at, the time of the decision to approve the taking of the action or class of actions, or the making of the bioregional plan (as relevant).
- (3) The required high level of confidence referred to in subsection (1) must be based on appropriate evidence.

~~(4) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matter in subsection (1).~~

- (5) **An offset activity which includes securely protecting a site that is at clear and imminent risk of impact (averted loss action) will deliver a measurable improvement where:**
- (a) **there is a known activity or action that will directly result in a significant impact to an affected protected matter; and**
 - (b) **there are no other regulatory mechanisms to prevent or manage the potential impact.**

[Note: this detail is included in the policy paper but not reflected in the exposure draft. We consider it is important and should be expressly included in the standard]

11 Principle 5—Additionality

- (1) An offset activity must be likely to deliver an additional benefit to the affected protected matter that would not have otherwise occurred.
- (2) An offset activity that is required to be undertaken by another law, or would otherwise have occurred in the absence of the action being taken, does not deliver an additional benefit.
- (3) Despite subsection (2), an offset activity that is an approved State or Territory offset that applies in relation to the same action or class of actions and the same affected protected matter may meet the requirement in subsection (1).
- (4) Despite subsection (2), an offset activity that is registered as an advanced restoration action under regulations made for the purposes of section 170CAA of the Act is not precluded from delivering an additional benefit.
- (5) Despite subsection (2), an offset activity undertaken on land where land tenure has already been secured (for example where the land is within a national park, conservation area, Indigenous Protected Area or other protected area), is not precluded from delivering an additional benefit and satisfying the additionality requirement. *[Note: this detail is included in the policy paper but not reflected in the exposure draft. We consider it is important and should be expressly included in the standard]*
- (6) The likelihood of delivering an additional benefit must be based on appropriate evidence.

~~(7) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matters in subsection 12(1).~~

12 Principle 6—Like-for-like

- (1) An offset activity must compensate for the damage that will or may be caused by a residual significant impact of an action or class of actions on the affected protected matter by delivering a like-for-like outcome for that protected matter.
- (2) Despite subsection (1), an offset activity that does not deliver a like-for-like outcome will be permitted if the decision-maker is satisfied that both:
 - (a) the offset activity will deliver a greater conservation benefit for the affected protected matter than if a like-for-like outcome was delivered; and
 - (b) the offset activity is consistent with the priorities for restoration of the affected protected matter set out in a conservation planning document or listing advice.

(3) The matter in subsection (2)(a) must be demonstrated by appropriate evidence.

~~(4) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matter in subsection (2)(a).~~

(1) Where an indirect offset is otherwise permissible under this standard, that indirect offset is not required to satisfy the like-for-like requirement.

13 Principle 7—Relevant area

(1) An offset activity must be located in an area that is relevant to the affected protected matter.

(2) An offset activity will be located in an area that is relevant to the affected protected matter if:

- (a) the offset activity is located in the same area in which the residual significant impact on the affected protected matter has or will occur; or
- (b) where it is not reasonably practicable for subsection (2)(a) to be satisfied:
 - (i) the offset activity is located in an area that is ecologically or culturally relevant to the protected matter; and
 - (ii) ~~the~~ locating the offset activity in the **alternative** area is likely to result in an equivalent or greater conservation outcome for the affected protected matter.

Note: For the purposes of paragraph 14(2)(a), the reference to the 'same area' is not limited to the site of the impact, but may also include nearby or surrounding sites. **It may also include a broader area where ecologically equivalent landscape exists around the site of impact.**

(3) The matters in subsection (2)(b) must be demonstrated by appropriate evidence.

~~(4) Appropriate evidence may include:~~

- ~~(a) evidence from a suitably qualified expert; or~~
- ~~(b) existing peer reviewed science; or~~
- ~~(c) other evidence that demonstrates the matters in subsection (2)(b).~~

(5) Where an indirect offset is otherwise permissible under this standard, that indirect offset is not required to satisfy the relevant area requirement.

14 Principle 8—Offset commenced prior to impact

(1) An offset activity that is intended to compensate for the damage that will or may be caused by a residual significant impact of an action or class of actions on the affected protected matter must be secured and registered, and management of the offset activity must have commenced, before the relevant residual significant impact occurs.

- (2) Despite subsection (1), where an offset activity is to be delivered in distinct stages over an extended time period, an offset (and/or restoration contribution charge) may be identified for each stage of the development, and those offsets must commence prior to the impact(s) occurring in relation to the relevant stage.

~~Note: Where an offset activity is to be delivered in distinct stages over an extended time period, an offset may be identified for each stage of the development, and those offsets must commence prior to the impact(s) occurring in relation to the relevant stage.~~

- (3) The requirement in subsection (1) must be demonstrated by appropriate evidence, which in addition to the matters in the definition may include a proposed plan and timeframe for securing, managing and registering the offset activity.

~~(4) Appropriate evidence may include:~~

~~(a) a proposed plan and timeframe for securing, managing and registering the offset activity; or~~

~~(b) other evidence that demonstrates the matters in subsection (1).~~

- (4) Despite subsection (1), where the offset activity is a bioregional restoration action that is required under the bioregional plan to be delivered by a person other than the Restoration Contributions Holder, the offset activity must be secured and delivered in accordance with any timeframes set out in the relevant bioregional plan.

- (6) For the purposes of subsection (1), an offset activity is **registered** if the offset is included in a register of offsets established by a Commonwealth, State or Territory government.