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1. Statement

Environmental offsets for Matters of National Environmental Significance (MNES), Matters of State Environmental Significance (MSES) and Matters of Local Environmental Significance (MLES) are all applicable in the Ipswich LGA. These are collectively ‘environmental offsets’

Council recognises that ‘environmental offsets’ are an important mechanism to mitigate and compensate for the loss of natural environmental values where:

- It has been established that all opportunities to avoid and mitigate impacts have been exhausted; and
- The impacts will not significantly affect the conservation status of natural environment value(s).

2. Purpose and Principles

This policy guides Council’s assessment and decision making in relation to the use of environmental offsets and is underpinned by the following principles:

- **Environmental offsets must be undertaken transparently.**
 - Good governance will be maintained at all times through the consistent application of this policy and associated systems and processes such as record keeping, procedures, guidelines, registers and maps.
 - Records regarding environmental offsets will be stored electronically on Council’s document management system – Objective.
 - Information regarding environmental offsets involving Council will be easily accessible to the public through publishing on Council’s website.
 - Offsets will be carried out in a consistent manner and in such a way that all stakeholders are able to see what arrangements have been made and what actions are to be performed.
- **Council will set and maintain Matters of Local Environmental Significance (MLES) and include it in the Ipswich Planning Scheme.**
 - Council will maintain a register of ‘Matters of Local Environmental Significance (MLES)’ and an associated map - in accordance with the *Environmental Offsets Act 2014 (Qld)*.
 - MLES mapping will form an overlay in the Ipswich Planning Scheme.

- Activities likely to impact on a MLES value or mapped area will be subject to Council assessment and may trigger the requirement for an offset.
- **Environmental offsets will only be considered after avoidance and mitigation options have been pursued.**
 - Offsets will only be conditioned or accepted when suitable avoidance and mitigation of impacts has been demonstrated - consistent with the *State Environmental Offsets Act 2014*.
- **Environmental offsets are not appropriate for all activities or impacts.**
 - Certain impacts to environmental values are irreversible and cannot be offset; meaning there is no acceptable outcome. This may occur where a species is unique, restricted to a discrete area, no other habitat is available, or an action may send a species locally extinct.
- **Environmental offsets must achieve a net gain in the extent and quality of an environmental value and be legally secured and effectively managed.**
 - The difficulty in replacing the true environmental value must be taken into account in the conditioning and delivery of environmental offsets.
 - In order to compensate for difficulties with replacing like-for-like values and the time-lag between value impact and delivery, Council requires that offsets replace comprehensively more than the total calculated impact.
- **On ground delivery of environmental offsets must be relevant and proportionate to the significance of the environmental value being impacted.**
 - Offsets should as much as practical, replace the value that has been impacted as a like-for-like.
 - Recognising that some species are more vulnerable to disturbance or poor at recolonising new habitat; offsets are to be delivered at a higher ratio than what is disturbed at the impact site¹.
- **Environmental offsets must only be delivered in locations where the land tenure is suitable for establishing vegetation and protecting it in perpetuity**
 - For example, an offset should not be delivered on a parcel of land dedicated as a future park or open space as the requirements of the offset are not likely to be in keeping with the lands purpose.
- **Council will maintain an 'Offset Register' that is publicly available and easily accessible.**
 - Council will maintain a register of environmental offsets including details of impacts - as required by the *Environmental Offsets Act 2014*.
 - Environmental offsets and referrals associated with the *Environment Protection and Biodiversity Conservation Act 1999* will also be included in the register for reference where these are known and publicly available.

¹ Greater Glider *Petauroides volans* is an example of a marsupial species that typically struggles recolonising new habitat once it has been disturbed

- **All funds collected through natural environment offsets is held and accounted for separately from Council’s general revenue.**
 - Natural environment offset funds should not be available at any time for expenditure as general revenue.
- **Environmental offsets may be delivered through partnerships between Council and external entities that require ecological restoration works to occur in order to compensate for their impacts on matters of National or State environmental significance².**
 - Council will undertake a clear and transparent governance process to assess, negotiate, enter into agreement and deliver offsets funded by an external agency.
 - Council will not take on the external entity’s offset liability or legislated requirements. Rather it may assist the external entity to implement the liability through undertaking ecological restoration works on Council owned or management land, or makes available land for ecological restoration where suitable through a transparent and approved process.
 - Where an external entity’s offset is delivered through a partnership on Council owned or managed land, all principles of this policy apply and the offset must align with Councils strategic environmental objectives e.g. the objectives of the Natural Environment Policy and associated strategies.
 - Council maintains the right to not enter into a partnership with an external entity.
- **Environmental offsets must follow best practice, achieve additionality and keep up to date with modern scientific research into environmental offsets.**
 - Offsets must be used to enhance existing habitat or build strategic linkages.
 - Council will not accept offsets proposals that:
 - Attempt to create new habitat where there is no opportunity for expansion or connectivity.
 - Put forward habitat improvement works that could be achieved through standard natural area maintenance activities.
 - Protect intact vegetation not at risk of being cleared or degraded.
- **Environmental offsets will be focussed on longer term strategic outcomes.**
 - Council recognises offsets are a practical tool that complement its environmental programs and initiatives to achieve strategic environmental objectives.
 - While offsets cannot entirely replace natural environmental values, Council recognises they can support with delivering revegetation where funding or opportunities are limited.
 - Where reasonably practical offsets are implemented to complement previous offset deliveries or environmental programs and initiatives.

² This may be for matters that are impacted both within and external to Ipswich.

- **Environmental offsets will be consistently applied and integrated into operations and strategic planning through a designated offsets framework**
 - Council applies a framework with strong links between Council’s sections for strategic nature conservation & biodiversity planning, citywide land use planning and natural area management.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Vibrant and Growing
- Natural and Sustainable
- A Trusted and Leading Organisation

4. Regulatory Authority

- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *State Planning Policy 2014*
- *Nature Conservation Act 1992 (Qld)*
- *Environmental Offsets Act 2014 (Qld)*
- *Environmental Offsets Regulation 2014 (Qld)*
- *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)*

Related Documents

- Natural Environment Offset Delivery Procedure
- Natural Environment Offset External Investment Management Guideline

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

- Offset policies exist at all levels of government. Council has a *Biodiversity Offset Planning Scheme Policy* as part of the Ipswich Planning Scheme (is currently in development). The Commonwealth Government have offset mechanisms under the *Environmental Protection and Biodiversity Act 1999*(and policy) and the State Government has a *Queensland Environmental Offsets Act 2014* (and policy).
- Under the *Environmental Offsets Act 2014*, local governments have the ability to implement an offsets trigger into their local planning instruments for impacts to Matters of Local Environmental Significance.
- This policy applies to:
 - All applications assessed under the Ipswich Planning Scheme, including for impacts to MLES; and

- Situations where Council may enter into a partnership with an external entity that have offset liabilities for MNES or MSES arising from Commonwealth and State Government legislation
- All council staff, contractors, and others that act on Council's behalf are to ensure they work in accordance with the policy principles and in accordance with the relevant legislation.
- This policy does not apply to Voluntary Storm Water Quality Contributions through the Ipswich Planning Scheme.

7. Roles and Responsibilities

Engineering and Environment Branch – implementation of relevant planning scheme policies and conditioning of offsets through the development application process.

City Design Branch – ownership of planning scheme policies and associated guidelines.

Environment and Sustainability Branch – ownership and updates of the environmental offsets framework, technical supporting documents and Matters of Local Environmental Significance.

Works and Field Services Branch – role in on ground delivery and/or oversight and contractor management offset plantings.

8. Key Stakeholders

The following will be consulted during the review process:

- City Design Branch, Planning and Regulatory Services Department
- Engineering, Health and Environment Branch, Planning and Regulatory Services Department
- Environment and Sustainability Branch, Infrastructure and Environment Department
- Legal and Governance Branch, Corporate Governance Department

9. Monitoring and Evaluation

The following actions will be used to measure the policies success:

- An annual review and three yearly external review audit of the offsets program to determine compliance of Council's offsets with Councils requirements under the *Environmental Offsets Act 2014*. All reviews to be published on Council's external web site.
- An assessment of all offsets on Councils offset register every two years. The assessment will evaluate all offsets against the principles in the policy
- A review of this policy every three years (or as required) to accommodate necessary changes based on learnings from its implementation or any changes to the *Environmental Offset Act 2014*, its associated regulations and policy.

10. Definitions

- **Additionality** – assessment of whether a proposed offset creates additional opportunities that would never have occurred in the absence of the offset.
- **Condition** – a requirement placed on an environmental approval that a proponent is required to implement in order to continue the primary purpose of their approval

- **Council** – Ipswich City Council, the legal entity.
- **Council Owned or Managed Land** – Land owned or managed by Council and mapped as either Conservation Estate, Park Reserve or other land suitable for planting native vegetation
- **Environmental Offsets** - For the purpose of this policy, environmental offsets is an action (such as tree planting) or monetary contribution that compensates for the residual adverse impacts of an action on the natural environment, when alternatives and options to avoid those impacts have been exhausted and it is still considered desirable for other economic, social or environmental reasons for the action to proceed. Voluntary Storm Water Quality Contributions through the Ipswich Planning Scheme do not form part of this policy definition.
- **External Entities** - A company, corporation or agency including the following:
 - Infrastructure and utility providers
 - Land developers
 - Commonwealth Government or associated entities (including organisations working on behalf of a government program)
 - State Government or State-owned corporations; and
 - Other entities that provide a private or public benefit or service
- **Infrastructure providers** - Includes essential and community-based infrastructure, in addition to nationwide and state infrastructure projects where it is deemed to be of a public benefit. E.g. NBN, Energex and Powerlink.
- **Legally secured** - A mechanism that provides protection in perpetuity including (but not limited to):
 - Statutory environmental covenants under the *Land Titles Act 1994 (Qld)*
 - Nature refuges under the *Nature Conservation Act 1992 (Qld)*
 - Environmental offset protection area under section 30 of the *Environmental Offsets Act 2014 (Qld)*.
 - Voluntary declarations made under the *Vegetation Management Act 1999 (Qld)*.
- **Like-for-like** – Attempting to replace a lost environmental value as similar as possible to the original value.
- **Matters of Local Environmental Significance (MLES)** - a matter prescribed under a local planning instrument for which an offset can be taken under the *Environmental Offsets Act 2014*.
- **Matters of National Environmental Significance (MNES)** - matters including world heritage, migratory species and threatened species for which an offset can be taken under the *Environment Protection and Biodiversity Conservation Act 1999*.
- **Matters of State Environmental Significance (MSES)** - represents State biodiversity interests including regulated vegetation, wetlands, protected areas, marine parks, fish habitat and threatened species habitat for which an offset can be taken under the *Environmental Offsets Act 2014*.

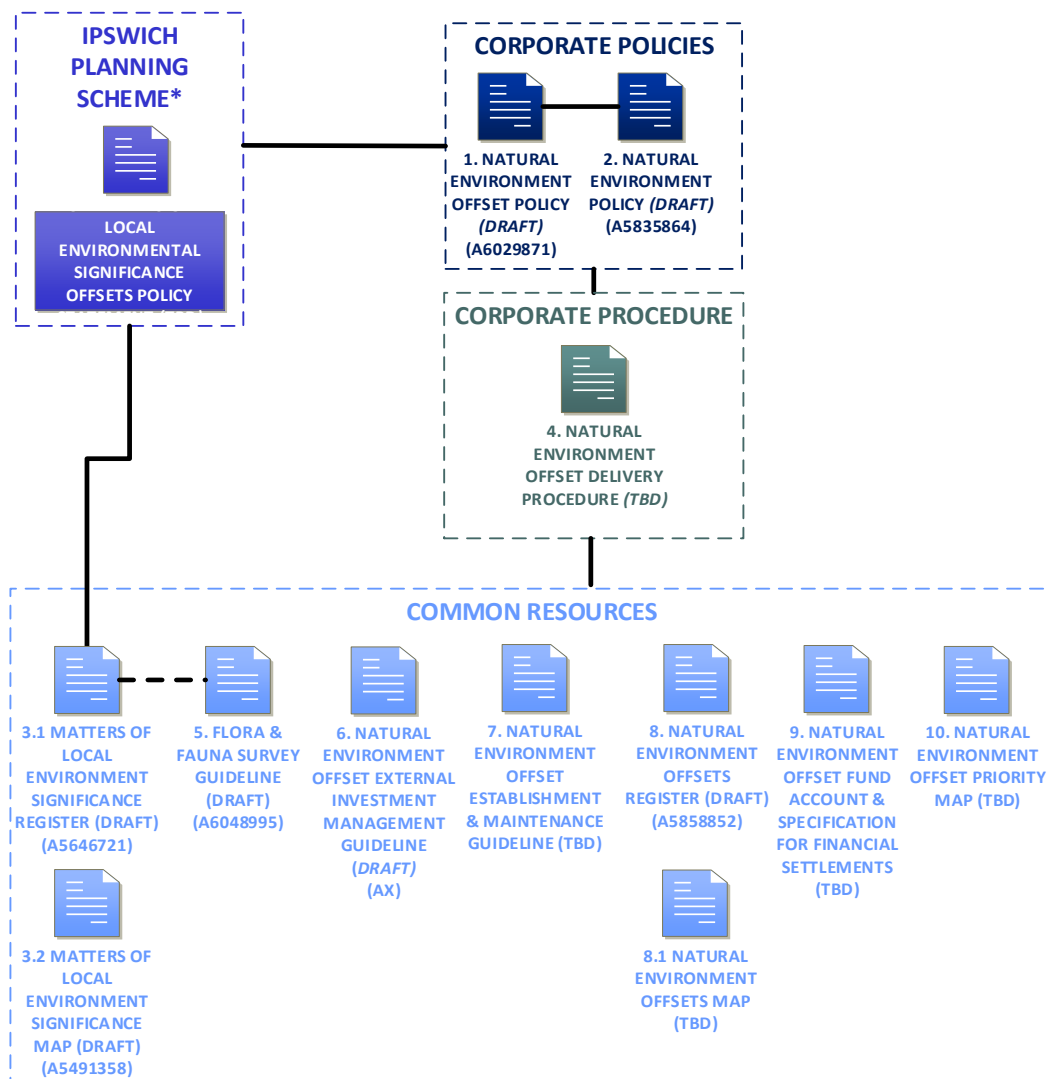
- **Offset Requirement** - Legislative requirement to undertake ecological restoration to offset unavoidable impacts to prescribed environmental matter
- **Partnership** - an arrangement between Council and one or more third parties to deliver on offset obligation. For example, where Council provides land for a third party to deliver an offset obligation on. The tenure of the land remains in public ownership and does not transfer to the third part through the delivery of an offset obligation.
- **Public benefit** - a project provides a public benefit when new or improved public infrastructure is provided, and no commercial gain is achieved for the external entity. In most instances, government agencies providing infrastructure will automatically be deemed to be providing a public benefit. Infrastructure works conditioned through the development assessment process, to be delivered by a non-government external entity, cannot be defined as providing a public benefit
- **Prescribed Environmental Matter** - a collective term that for the purpose of this policy, defines all matters that an offset may apply to. This includes Matters of National Environmental Significance, Matters of State Environmental Significance, Matters of Local Environmental Significance or others matters within the scope of this policy. For example, koala habitat.
- **Time Lag** – the difference in time between where an approved impact to a value has occurred and time taken to replace the value like-for-like through an offset

11. Policy Owner

The General Manager (Infrastructure and Environment) is the policy owner and the Manager, Environment and Sustainability is responsible for authoring and reviewing this policy.

Appendix 1: Governance Framework Diagram

Natural Environment Offset Policy – Governance Framework Diagram 



Explanatory Notes:

- 1. Natural Environment Offset Policy:** Sets corporate direction and principles for engagement in environmental offsets at all levels.
 - 2. Natural Environment Policy:** Sets corporate direction and principles for management of the natural environment across the city.
 - 3. Matters of Local Environmental Significance (MLES) Offsets Policy Statement (within Ipswich Planning Scheme):** Outlines a framework for assessing impacts on MLES, determining significant residual impacts and potential offset requirements - in accordance with the State *Environmental Offsets Act 2014*.
 - 3.1 Matters of Local Environmental Significance Register:** List and details all MLES, including justification and selection criteria.
 - 3.2 Matters of Local Environmental Significance Map:** Geospatial layer/map used as a trigger during development assessment, developed directly from the MLES register using a method endorsed through State Interest checks.
 - 4. Natural Environment Offset Delivery Procedure:** Details direction and principles on Council delivery of offsets and funds acquired through financial settlement.
 - 5. Flora and Fauna Survey Guideline:** Specifies requirements for proponents when developing a flora and fauna assessment as part of a development application.
 - 6. Natural Environment Offset External Investment Management Guideline:** Assist Council officers in guidance when determining whether a potential offset agreement/partnership aligns with the principles of Councils *Natural Environment Offsets Policy*.
 - 7. Natural Environment Offset Establishment & Maintenance Guideline:** Details practical and best practice methods for establishment and maintenance during on-ground offset delivery.
 - 8. Natural Environment Offsets Register:** Legally required register of all offsets conditioned by Council in accordance through the *Environmental Offsets Act 2014* – stored in Objective.
 - 8.1 Natural Environment Offsets Map:** Geospatial layer/map of known offsets within the city.
 - 9. Natural Environment Offset Fund Account for Financial Settlements:** Sets internal governance and legal framework and associated specifications for managing financial settlement offset payments.
 - 10. Natural Environment Offset Priority Map:** Geospatial layer/map of Council strategic priority areas for offset delivery.
- TBD – To be developed * - Under review Objective ID: A6029027