

Land and Public Works Legislation Amendments  
Department of Planning, Lands and Heritage  
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### **DEPARTMENT OF PLANNING, LANDS AND HERITAGE – EXPOSURE DRAFT – PROPOSED POLICY FRAMEWORK GUIDING THE USE OF DIVERSIFICATION LEASES OF CROWN LANDS**

Thank you for the opportunity to make a submission on the Exposure Draft on the Proposed Policy Framework Guiding the Use of Diversification Leases on Crown Lands.

The EPA supports the introduction of diversification leases on Crown land and considers that they have the potential to support the development of projects that can meet the EPA's objectives for the protection of WA's environment. The EPA believes the diversification lease framework should be constructed so that it facilitates the development of projects that:

- Protect, enhance and restore WA's environment;
- Underpin biological diversity and ecological integrity;
- Support energy transition, renewable energy and green hydrogen projects that are consistent with a transition to net zero emissions; and
- Support carbon storage projects that meet integrity standards.

The EPA recommends applying the environment impact mitigation hierarchy in granting diversification leases. For impacts that cannot be avoided, consideration should be given to whether they can be minimised and are likely to meet the EPA's environmental objectives. In cases where projects are referred to the EPA under Part IV of the Environmental Protection Act this is likely to lead to more efficient assessments.

If it is expected that diversification leases for a beneficial environmental purpose will involve a long lead time for approval, consideration should be given to whether they can be treated in the same manner as section 348 of the *Aboriginal Cultural Heritage Act 2021*. This enables decisions under that Act to be made before a final decision under Pat IV of the Environmental Protection Act 1986, and may remove a potential barriers to the use of land for beneficial environmental outcomes. This would not remove the need for environmental assessment and approvals.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'MT', followed by a stylized flourish.

**Prof. Matthew Tonts**  
CHAIR, ENVIRONMENTAL PROTECTION AUTHORITY

20 September 2022