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Dear Sir/Madam

### **Draft Pilbara Bioregion: EPBC Act Policy Statement**

Thank you for the opportunity to make a submission on the Draft Pilbara Bioregion: EPBC Act Policy Statement.

The Environmental Protection Authority (EPA) is an independent statutory Authority established under the *Environmental Protection Act 1986* (EP Act) with a statutory objective to protect the environment and conduct environmental impact assessment of proposals which are likely to have a significant impact on the environment. It has assessed many projects in the Pilbara, including accredited assessments under the EPBC Act. It has also provided strategic advice on Pilbara issues, such as cumulative environmental impacts of development in the Pilbara region, environmental and water assessments relating to mining in the Fortescue Marsh management area, and evaluation of Weeli Wolli Creek environmental condition.

The EPA supports the draft Policy Statement's use of the following environmental impact assessment principles:

- Focus on likely significant impacts
- Mitigation hierarchy, with a focus on avoidance first approach
- Cumulative impact assessment
- Conservation objectives:
  1. Protect, repair and restore habitat and likely areas of occupancy.
  2. Protect, repair and restore connectivity of habitat.
  3. Improve scientific knowledge.

These principles are consistent with those which the EPA applies across WA and including the Pilbara, for whole of environment protection.

To enable consistency with other matters the EPA applies, and ensure EPA assessments can continue to be accredited under the EPBC Act the EPA considers the following should be considered in finalisation of the Policy Statement:

- The EPA has guidance on use of environmental outcomes and environmental outcomes-based conditions throughout the Environmental Impact Assessment (EIA) process, as it considers this is a key mechanism for ensuring proposals can be implemented to be consistent with EP Act principles and with the EPA's objectives for environmental factors. Environmental outcomes lead to an environment centric focus for EIA, and are preferred by the EPA to an impact centric focus. ([Interim Guidance - Outcomes and Outcomes-based conditions.pdf \(epa.wa.gov.au\)](#))
- The EPA has released technical guidance on assessment of Aboriginal cultural heritage to the extent to which they directly affect or are affected by physical or biological surroundings. This may include impacts to ACH values from ecological impacts to culturally significant flora and fauna (such as flora or fauna used for bush tucker or teaching) or changes to culturally significant ground or surface water resources ([Technical Guidance EIA of Social Surroundings - Aboriginal Cultural Heritage \(Nov2023\) 2.pdf \(epa.wa.gov.au\)](#)).
- The EPA will shortly be releasing public advice on guiding values and priorities to consider environmental offsets at a regional scale. The EPA is increasingly being asked to consider the application of offsets at a local scale for averted loss biodiversity impacts only. It considers advice which enables consideration of the regional scale will facilitate an opportunity to allow offsets to contribute to delivering nature positive outcomes by enhancing the resilience, connectedness and quality of environmental values.
- The EPA is also updating technical guidance on rehabilitation and closure to ensure these proposal elements considers EP Act principles such as conservation of biological diversity and waste minimisation and circular economy and are taken into account in the design and operations of proposals rather than end of life considerations.
- The EPA notes the detail provided in the Draft Policy Statement for avoidance standards, mitigation measures, survey design and offset design. The EPA does not have similar prescriptions, and instead its EIA process sets the level of detail dependant on the nature of the proposals and its potential impacts on the environment.

To counterbalance the non prescriptive nature of this, the EPA also advises proponents that the quality of information about the nature of their proposal elements, as well as the likely environmental effects and outcomes, may affect the expected timeframes.

- Finally, the EPA advises that it considers strategic assessments in the Pilbara to be a key mechanism to deliver environmental protection.

We would be happy to provide information about any of the above, or to engage with you to ensure that EIA in the Pilbara achieves the EPA's aims of environmental protection and efficient assessment processes. In particular, the EPA considers it important to ensure that the environment in the Pilbara can be protected at a holistic level to protect and enhance interconnected environmental factors, including inland waters, landforms, air quality, vegetation communities and social surroundings, as well as terrestrial fauna.

The EPA notes that the WA government is providing a separate submission on the draft Policy Statement. The EPA expects this will raise important issues about the application, implementation, and potential consequences of the Policy Statement at a more detailed level.

Yours sincerely



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

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