



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Final Guidelines for the content of a Public Environment Report

Robe Valley Iron Ore Mine, Pilbara region,
WA (EPBC 2025/10135)

*Environment Protection and Biodiversity Conservation
Act 1999*

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Preamble

Robe River Mining Co Pty Ltd (the Proponent) proposes to construct and operate a new iron ore mine (above and below water table) and associated works, 146 kilometres (km) southwest of Karratha in the Shire of East Pilbara, Western Australia (WA). The proposed action is expected to have a disturbance footprint of 16,718 hectares (ha) within a 45,373 ha development envelope.

The proposed action was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to the Minister for the Environment and Water (the Minister). The referral was determined valid on 19 March 2025. On 16 April 2025 a delegate to the Minister (delegate) determined the action to be a controlled action due to potential significant impacts on the following matters of national environmental significance (MNES) that are protected under Part 3 of the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A).

The MNES likely to be significantly impacted by the project are listed below:

Listed threatened species and communities (s18 and s18A)

- Northern Quoll (*Dasyurus hallucatus*) – Endangered
- Pilbara Leaf-nosed Bat (*Rhinioncteris aurantia*) – Vulnerable
- Night Parrot (*Pezoporus occidentalis*) – Endangered
- Blind Cave Eel (*Ophisternon candidum*) – Endangered
- Ghost Bat (*Macroderma gigas*) – Vulnerable
- Pilbara Olive Python (*Liasis olivaceus barroni*) – Vulnerable
- Grey Falcon (*Falco hypoleucos*) – Vulnerable
- Curlew Sandpiper (*Calidris ferruginea*) – Critically Endangered, Migratory
- Eastern Curlew, Far Eastern Curlew (*Numenius Madagascariensis*) – Critically Endangered, Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable, Migratory

Listed migratory species (s20 and s20A).

- Curlew Sandpiper (*Calidris ferruginea*) – Critically Endangered, Migratory
- Eastern Curlew, Far Eastern Curlew (*Numenius Madagascariensis*) – Critically Endangered, Migratory
- Sharp-tailed Sandpiper (*Calidris acuminata*) – Vulnerable, Migratory
- Eastern Osprey (*Pandion cristatus*) - Migratory

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- Oriental Pratincole (*Glareola maldivarum*) - Migratory
- Common Sandpiper (*Actitis hypoleucos*) - Migratory
- Pectoral Sandpiper (*Calidris melanotos*) - Migratory
- Oriental Plover (*Charadrius veredus*) - Migratory
- Fork-Tailed Swift (*Tringa brevipes*) - Migratory
- Yellow Wagtail (*Motacilla flava*) - Migratory
- Grey Wagtail (*Motacilla cinerea*) - Migratory

On 16 April 2025, the delegate also determined the proposed action would be assessed by a Public Environment Report (PER) under the EPBC Act.

Information about the proposed action and its relevant impacts, as outlined below, is to be provided in the PER. This information must be sufficient to allow the Minister to make an informed decision on whether or not to approve, under Part 9 of the EPBC Act, the taking of the action for the purposes of each controlling provision.

General Advice on Guidelines

A. General Content

- 1) The PER should be a standalone document that primarily focuses on the MNES listed in the preamble above. It should contain sufficient information to avoid the need to search out previous or supplementary reports. The PER should take into consideration the relevant *EPBC Act Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (MNES)*¹.
- 2) Some of the information that is required below may have been provided as part of the EPBC referral. However, as the PER is a standalone document it must address all the requirements of the EPBC Regulations. Specific content requirements have been included below under each section. When preparing the PER please include references to how each of the specific content requirements below have been addressed.
- 3) The PER should enable interested stakeholders and the Minister to understand the environmental consequences of the proposed development. Information provided in the PER should be objective, clear, succinct and, where appropriate, be supported by maps, plans, diagrams or other descriptive detail. The body of the PER is to be written in a clear and concise style that is easily understood by the general reader. Technical jargon should be avoided wherever possible. Cross-referencing should be used to avoid unnecessary duplication of text.
- 4) Detailed technical information, studies or investigations necessary to support the main text should be included as appendices to the PER. It is recommended that any additional supporting documentation and studies, reports or literature not normally available to the public from which information has been extracted, be made available at appropriate locations during the period of public display of the PER.
- 5) After receiving the Minister’s approval to publish the report, the proponent is required to make the draft PER available for a period of public comment. Specific instructions regarding publication requirements will be provided as part of the Minister’s direction to publish.
- 6) If it is necessary to make use of material that is of a confidential nature, the proponent should consult with the Department of Climate Change, Energy, the Environment and Water (the department) on the preferred presentation of that material, before submitting it to the Minister for approval for publication.
- 7) The level of analysis and detail in the PER should reflect the level of significance of the expected impacts on the environment. Any and all unknown variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed.
- 8) The information presented in the PER is required to enable an adequate assessment of the nature, severity and extent of likely impacts relevant to the MNES and the adequacy of any proposed avoidance, mitigation and/or compensatory (offset) measures.
- 9) The proponent should ensure that the PER assesses compliance of the action with principles of Ecological Sustainable Development as set out in the EPBC Act, and the objects of the Act at Attachment 1. A copy of Schedule 4 of the *Environment Protection and Biodiversity Conservation*

¹ [EPBC Act Significant Impact Guidelines 1.1 – Matters of National Environmental Significance \(MNES\)](#).

Regulations 2000 (EPBC Regulations) – Matters to be addressed by draft Public Environment Report and environmental impact statement is at Attachment 2.

B. Format and Style

- 10) The PER should comprise three elements, namely:
 - a) the executive summary;
 - b) the main text of the document; and
 - c) appendices containing detailed technical information and other information that can be made publicly available.
- 11) These guidelines have been set out in a manner that may be adopted as the format for the PER. The numbering system included in the guidelines is intended to be reflected, or at least referenced, in the PER for ease of assessment by the department. This format need not be followed where the required information can be more effectively presented in an alternative way. However, each of the elements must be addressed to meet the requirements of the EPBC Act and EPBC Regulations, and relevant policy and guidance.
- 12) The PER should be written so that any conclusions reached can be independently assessed. To this end, all sources must be appropriately referenced using the Harvard standard. The reference list should include the address of any Internet “web” pages used as data sources.
- 13) The main text of the PER should include a list of abbreviations, a glossary of terms and appendices containing:
 - a) a copy of these guidelines;
 - b) a list of persons and agencies consulted during the PER;
 - c) contact details for the Proponent; and
 - d) the names of the persons involved in preparing the PER and work done by each of these persons.
- 14) In accordance with the *Department’s Guide to providing maps and boundary data for EPBC Act projects (2021)*², provide geospatial information about the location of a project, including maps, shapefiles and data, which clearly define the spatial extent of proposed action including all supplementary activities and ancillary infrastructure.
- 15) Maps, diagrams and other illustrative material should be included in the PER. The PER should be produced on A4 size paper capable of being photocopied, with maps and diagrams on A4 or A3 size and in colour where possible. An appropriate scale must also be included, suitable to the intent of the map.
- 16) The proponent should consider the format and style of the document appropriate for publication on the internet and for viewing by the general public. The capacity of the website to store data and display the material may have some bearing on how the document is constructed.

² [Guide to providing maps and boundary data for EPBC Act projects \(2021\)](#)

SPECIFIC CONTENT

1. General Information

- 1) This should provide the background and context of the action, including:
 - a. the title of the action.
 - b. the full name and postal address of the designated proponent.
 - c. a clear outline of the objective of the action.
 - d. the location of the action.
 - e. the background to the development of the action.
 - f. how the action relates to the previously assessed and approved projects which overlap with the proposed development footprint (Development of the Mesa H iron ore mining operations, WA (EPBC 2017/8017) and Extension of Mesa A/Warramboe Iron Ore Project, west of Pannawonica, WA (2016/7843).
 - g. how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action the current status of the action, including intended start and finish dates.
 - h. the consequences of not proceeding with the action.

2. Description of the Action

2.1 Proposal details

- 2) All construction, operational and, if relevant, decommissioning and rehabilitation components of the action should be described in detail. This should include the conceptual location of all works to be undertaken, structures to be built or elements of the action that may have impacts on MNES.
- 3) The description of the proposed action must also include details on how the works are to be undertaken (including stages of development and their timing) and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.
- 4) Details of any groundwater extraction, including bore locations and planned abstraction rates must be provided.
- 5) The PER must specify the total size (in hectares) of the proposed action area and the total size (in hectares) of the proposed action area disturbance footprint (disturbance footprint). If the disturbance footprint is the same as the proposed action area this should be clearly stated.

3. Feasible alternatives

- 6) Any feasible alternatives to the proposed action to the extent reasonably practicable should be discussed, in addition to:
 - a. the alternative of taking no action (if relevant);
 - b. a comparison of the impacts of each alternative on MNES; and
 - c. sufficient detail to make clear why any alternative is preferred to another.

- 7) Short, medium and long-term advantages and disadvantages of the alternatives should be discussed.

4. Description of the Environment

- 8) This section must include a description of the environment in the proposed action area and the surrounding area (i.e., adjacent, upstream and/or downstream) that may be affected by the proposed action. This description must include, but not be limited to, the following information:
- a. climate
 - b. geomorphology
 - c. geology, soils and other substrates
 - d. hydrology (surface water and groundwater)
 - e. identification of permanent and ephemeral water features and associated explanation on whether they are recharged by surface or groundwater.
 - f. vegetation types and vegetation condition including the quantification of vegetation condition within the proposed action area.
 - g. habitat types i.e. supporting, foraging, breeding, critical habitats for MNES within and surrounding the proposed action area including bat caves, adits and associated categorisation and water resources.
 - h. identification of invasive species.
 - i. land usage, land tenure, tangible and intangible cultural heritage values and native title (if relevant).

5. Matters of National Environmental Significance (MNES)

- 9) This section must provide the quantification of the extent of the MNES present both within and surrounding the proposed action site, details of the resources used to identify and assess the MNES, and whether consultation was undertaken and/or advice sought from local community groups or experts. The description of MNES should focus on the following controlling provisions
- a. Listed threatened species and communities (sections 18 & 18A); and
 - b. Listed migratory species (sections 20 & 20A).
- 10) This section must address all listed controlling provisions set out in above, and any other species or communities listed under the EPBC Act at the time of the controlled action decision that may be impacted by the proposed action³.

5.1 Species description

- 11) Describe each listed MNES identified under the stated controlling provisions and any other EPBC Act listed threatened species or community, or migratory species identified as potentially impacted by the proposed action. This description must include the EPBC Act listing status, abundance, distribution, ecology, and habitat preferences of the species.

³ A listing event (for example the listing or up-listing of a species or ecological community) that occurs after a controlled

action decision is made cannot be considered in the assessment and approval of the proposed action. Please refer to section 158A of the EPBC Act for the meaning of a listing event.

5.2 Desktop Analysis

- 12) Describe and provide evidence for the desktop assessment methodology used to inform field surveys within and/or adjacent to the proposed action area.
- 13) This section must provide context to the proposed action area by discussing known historical records of listed migratory or threatened species and communities (if any) within the proposed action area and in the broader region.
- 14) The output from the *Protected Matters Search Tool (PMST)*⁴ must be included as an appendix.

5.3 Survey Effort

- 15) Provide all flora and fauna surveys undertaken within and/or adjacent to the proposed action area. The survey reports must include, but not be limited to details of the scope, methodology, timing, prevailing weather, climatic conditions, limitations and effort of field surveys (undertaken by qualified species experts with demonstrated experience in detecting the above species). In addition to this, provide details of:
 - a. how surveys were undertaken in accordance with relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys;
 - b. if relevant, the justification for divergence from relevant Commonwealth, State guidelines or best practice survey guidelines at the time of the surveys;
 - c. appropriate maps to support all survey effort undertaken; and
 - d. information about survey currency.
- 16) Any anticipated future/additional surveys to be conducted in relation to MNES, whether desktop-based or field-based, must also be discussed. Include in this discussion the purpose of any anticipated future/additional surveys in relation to the proposed action. Location, timing and reasoning for surveys must also be discussed.

5.4 Survey Outcomes

- 17) This section should include an assessment of the adequacy of any surveys undertaken (including survey effort and timing). In particular, the extent to which these surveys were appropriate and undertaken in accordance with the Department's relevant scientific and policy guidance. Refer to the *Species Profile and Threats (SPRAT) database*⁵ for details.
- 18) Provide maps that clearly identify where the surveys have been undertaken and where verified sightings of MNES were recorded during studies or surveys. Include the proposed action area as an overlay in these maps.
- 19) State the total number of records (individuals and evidence of presence) of listed migratory or threatened species and communities (if any) within and/or adjacent to the proposed action area.

5.5 Habitat Assessment

- 20) Provide a robust assessment of the potential habitat available within and adjacent to the proposed action area for listed migratory and threatened species and ecological communities. Habitat assessments must be derived from information obtained from:

⁴ Available from <https://www.dcceew.gov.au/environment/epbc/protected-matters-search-tool>

⁵ Available from <http://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

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- a. field surveys and vegetation assessments;
 - b. the SPRAT database;
 - c. relevant departmental documents (e.g., approved conservation advices, recovery plans, listing advices, referral guidelines, etc.); and
 - d. published research and other relevant sources (where relevant).
- 21) Where habitat assessments diverge from departmental information, adequate justification must be provided to substantiate its suitability to the assessment.
- 22) At a minimum, the habitat assessment for each listed MNES must identify:
- a. All critical and supporting habitat as outlined in the relevant species recovery and conservation advices for each MNES identified under the stated controlling provisions.
 - b. Identify what the critical and supporting habitat is utilised for i.e. breeding, foraging, roosting, dispersal.
 - c. Provide in hectares, an estimate of the total amount of each habitat type within the proposed action area and the conceptual disturbance footprint.
 - d. Detail an assessment of the habitat quality and the importance of known or potential habitat for the species/communities within the proposed action area and surrounding areas.
 - e. State the number of suitable Pilbara Leaf-Nosed Bat and Ghost Bat roosts/adits within the proposed action area.
 - f. Categorise all suitable Pilbara Leaf-Nosed Bat and Ghost Bat roosts within and adjacent to the proposed action area according to: *A review of ghost bat ecology, threats and survey requirements and A review of Pilbara leaf nosed bat ecology, threats and survey requirements*⁶.
 - g. Provide *cave habitat assessments for caves (and adits) within 20km⁷* of the proposed action, where accessible and where land access has been granted. Cave habitat assessments must include the cave locations (latitude and longitude), suitability for a Pilbara Leaf-Nosed Bat and Ghost Bats, species records (including the detection method), aspect, geology, internal structure through the use of a map including scale, photo of the cave's exterior, humidity, distance from disturbance, where access does not pose a threat to the proponent or the species.
 - h. Map all suitable Pilbara Leaf-Nosed Bat and Ghost Bat roosts/adits within, and in close proximity to, the proposed action area, and state which species they are suitable for.
 - i. Map all water features (including water pools) within and adjacent to the proposed action area and provide an associated habitat assessment for all critical/supporting habitat for MNES. Classify all water features within the proposed action area as permanent or ephemeral and state if they are surface water or groundwater fed.
 - j. Consider the regional context, describing the connectivity of habitat to the broader landscape,

⁶ Available at <https://www.dcceew.gov.au/sites/default/files/documents/review-pilbara-leaf-nosed-bat-ecology-threats.pdf> and <https://www.dcceew.gov.au/sites/default/files/documents/review-ghostbat-ecology-threats.pdf>

⁷ This distance is requested as it is within the species flight range as outlined in the documents listed in footnote 6 above. Providing this information allows for demonstration of species movement through the landscape in relation to the proposed action area. This information can be provided as a desktop assessment.

providing maps wherever relevant.

- 23) The total amount of each type of habitat must be presented on a map for each listed threatened species and ecological community. Each map⁸ must include the following:
- a. A legend which clearly indicates all features shown on the map. Make sure the legend is large enough and clear enough that it can be read easily.
 - b. An appropriate base map that provides the geographical context of the proposal area in the surrounding environment (i.e., aerial imagery).
 - c. Must be specific to the habitat assessment undertaken for each listed MNES species and ecological community (i.e., do not illustrate only WA regional ecosystems).
 - d. Include overlays of the habitat types on the proposed action area and proposed action area disturbance footprint.
 - e. Include known records of individuals (or evidence of individuals) derived from desktop analysis and/or field surveys.
 - f. Clearly highlight critical and supporting habitat types.

6. Relevant Impacts

- 24) This section must include a detailed impact assessment of all relevant direct and indirect, short and long-term impacts during construction, operational, rehabilitation and closure phases of the action.
- 25) Impacts discussed in the PER must include:
- a. Relevant direct and indirect impacts which may occur on a local, regional, state and national scale, in relation to the listed matters identified.
 - b. Cumulative impacts should be identified and addressed. The description of impacts must reflect the level of impacts expected as a result of the proposed action.
 - c. Cumulative effects of climate change impacts on the environment should be considered in the assessment of ecosystem resilience.
- 26) The assessment must also address the nature, likelihood, significance, and extent of relevant impacts and whether they are likely to be unknown, unpredictable or irreversible.
- 27) In developing the impact assessment, the items discussed must include, but not be limited to, the following:
- a. a risk analysis to determine the greatest risks to identified controlling provision species and their habitats;
 - b. an interpretation of the risk analyses and how the proposed action will impact the surrounding ecosystems;
 - c. an analysis of the significance of the relevant impacts; and
 - d. any technical data and other information used or needed to make a detailed assessment of

⁸ Maps must be developed in accordance with the department's Guide to providing maps and boundary data for EPBC Act projects. Available at <https://www.dcceew.gov.au/sites/default/files/documents/epbca-maps-data-guidelines.pdf>

the relevant impacts.

- 28) All existing threats to MNES must be outlined and discussed in the PER with reference to the relevant statutory documents. Where a threat or impact is not expected to occur as a result of the proposed action, sufficient justification must be provided.
- 29) It is the proponent's responsibility to ensure that any known or likely impacts to listed MNES are assessed for the Minister's consideration. Wherever possible, the impact assessment must be substantiated by evidence (i.e., scientific literature, case studies, technical reports, modelling) and provide consideration to the SPRAT database and relevant departmental policies and guidelines, including the *Significant Impact Guidelines 1.1: Environment Protection and Biodiversity Conservation Act 1999* (Significant Impact Guidelines 1.1) (2013)⁹.
- 30) Where impact pathways are not supported by modelling, the information must be adequate, robust, and demonstrate expected impacts in their entirety and scale.
- 31) The relevant impacts for this project are included as sections below, the assessment must consider but not be limited to only these.

6.1 Habitat clearing, degradation and fragmentation

- 32) The PER must include an assessment of the impact to critical and supporting MNES habitat as a result of land clearing, degradation and fragmentation that is associated with the construction and ongoing operation of the mine and associated activities. This must include an assessment of short-term, long-term impacts and downstream impacts (e.g., land clearing, dust and invasive species).
- 33) The PER must provide:
 - a. the disturbance (clearing) footprint within the proposed action area.
 - b. a detailed assessment of direct, indirect and cumulative impacts on critical and supporting habitat types for each MNES species. This includes, but is not limited to:
 - i. the number and specific location of Pilbara Leaf-Nosed Bat and Ghost Bat caves and adits proposed to be directly and indirectly impacted as a result of the proposed action;
 - ii. Impacts to the structural integrity, humidity and ambient temperature of any caves and adits as a result of groundwater drawdown; and
 - iii. the number and specific location of permanent or ephemeral water features proposed to be removed or impacted as a result of the proposed action.
 - c. total quantity in hectares including the percentage of each of fauna habitat type and feature in relation to the disturbance footprint, for example permanent or ephemeral water pool or diurnal roost, expected to be cleared within the proposal area.

6.2 Noise and vibration

- 34) The PER must include an assessment of the impacts of vibration, noise and sound pressure associated with the construction, and ongoing operation of the mine and associated activities (e.g., vehicle traffic, blasting, etc.), with respect to listed MNES. This must include an assessment of short-term and long-term impacts, including but not limited to, measured background noise levels.

⁹ Available from <https://www.dcceew.gov.au/environment/epbc/publications/significant-impact-guidelines-11-matters-national-environmental-significance>

This must consider and include discussions on the magnitude, timing, duration, and frequency of any vibration and sound pressure.

- 35) The PER must detail the following:
- a. buffer and / or exclusion zones expected to be implemented around any *Category 1, 2 and 3*¹⁰ roosts and adits.
 - b. the outcomes of the geotechnical assessments to support the predicted effects of blasting on the structural integrity of any roost that could provide suitable habitat for listed MNES within the proposed action area.
 - c. the outcomes of sound pressure, vibration and noise modelling that has been undertaken in reference to assessing impacts to suitable MNES roosts within and adjacent to the proposed action area.

6.3 Lighting

- 36) The PER must include an assessment of the potential impacts of increased lighting associated with construction and operation of the proposed action on MNES. This assessment must provide details of the lighting used, location, and the effects of lighting on listed threatened species.
- 37) Specific reference to *National Light Pollution Guidelines for Wildlife (2023)*¹¹ must be made when developing a lighting plan for the proposed action.

6.4 Dust

- 38) The PER must include an assessment of the potential impacts of increased dust emissions within and adjacent to the proposed action area, with reference to habitat critical to the survival of MNES.

6.5 Invasive species including feral predators

- 39) The PER must include an assessment of the potential impacts to MNES from the introduction of invasive species and feral predators due to the proposed action. Consideration should be given to invasive species such as, but not limited to, the Cane toad (*Rhinella marina*)¹², European red fox (*Vulpes vulpes*)¹³ and feral cats (*Felis catus*)¹⁴, and the associated threat abatement plans, inclusive of the *Threat abatement plan to reduce the impacts on northern Australia's biodiversity by the five listed grasses (dceew.gov.au)*¹⁵.
- 40) Specific consideration must be given to the construction of any artificial water bodies within the

¹⁰ Roost categorisations refer to those defined in <https://www.dceew.gov.au/sites/default/files/documents/review-pilbara-leaf-nosed-bat-ecology-threats.pdf> and <https://www.dceew.gov.au/sites/default/files/documents/review-ghostbat-ecology-threats.pdf>

¹¹ National Light pollution guidelines can be found at: <https://www.dceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>

¹² Cane Toad threat abatement plan can be found at: [dceew.gov.au/sites/default/files/documents/tap-cane-toads.pdf](https://www.dceew.gov.au/sites/default/files/documents/tap-cane-toads.pdf)

¹³ European red fox threat abatement plan can be found at: <https://www.dceew.gov.au/sites/default/files/documents/tap-fox-background.pdf>

¹⁴ Feral cat threat abatement plan can be found at: <https://www.dceew.gov.au/sites/default/files/documents/tap-predation-feral-cats-2015.pdf>

¹⁵ Threat abatement plan to reduce the impacts on northern Australia's biodiversity by the five listed grasses is available at: <https://www.dceew.gov.au/sites/default/files/documents/five-listed-grasses-tap.pdf>

proposed action. This is in response to the *EPBC Act Referral guideline for the endangered northern quoll (Dasyurus hallucatus)*¹⁶ which includes modelling of cane toad invasions that suggests that artificial water bodies increase landscape connectivity for cane toads in semi-arid areas.

6.6 Loss of genetic diversity

- 41) Where relevant, The PER must include an assessment of the potential impacts to MNES where the loss of individuals resulting from mining may impact on the species genetic flow and variation between the subpopulations.

6.7 Alteration of hydrology

- 42) The section must include an assessment of the potential impacts to MNES associated with hydrological changes in the catchment, both upstream and downstream, due to the proposed action.
- 43) The hydrological assessment should be conducted in accordance with relevant State and Commonwealth guidelines.
- 44) The section must include, but is not limited to, the following details as a part of the PER:
- a. A baseline eco-hydrogeological model to conceptualise connections between eco-hydrological units, vegetation types, groundwater, surface water and ecology within and around the proposed action area. The model should identify potential pathways and mechanisms of the effects of altered surface flows on groundwater connectivity, in-stream water quality, and surface and groundwater ecosystems.
 - b. The department recommends the proponent undertakes site-specific field surveys, in addition to confirming the extent of MNES as requested in section 5, to identify and locate springs and water dependent MNES species (both terrestrial, aquatic and subterranean) within and adjacent to the proposed action area, where feasible due to land tenure access. The studies should also cover the full extent of the predicted groundwater drawdown and consider the extent of the cumulative drawdown from the proposed action area in the context of previously approved water extraction, which may pose direct risks to subterranean MNES or to groundwater-dependent ecosystems (GDE) resulting in impacts to MNES.
 - c. Any climate change variability which could impact on the availability of groundwater for semi- and permanent waterholes, streams and creeks (including ephemeral), groundwater dependent ecosystems, riparian vegetation and water dependent species should be considered in all of the models provided by the proponent.
 - d. Groundwater balance must be separate to the site water. The groundwater balance should outline the amount of groundwater (from dewatering) and the amount of water required for reinjection.
 - e. Potential impacts as a result of pollution to the catchment area (including permanent and semi-permanent water pools, main rivers, and drainage lines within the proposed action area) resulting from mining activities should also be discussed here.
 - f. An assessment of the potential impacts to GDEs must also be undertaken. Relevant impacts must make specific reference to specific vegetation types which may be utilised by EPBC listed threatened species such as *Eucalyptus camaldulensis* and other indicator species for example *Eucalyptus victrix* and *Melaleuca argentea*. Provide a discussion on how these impacts link to

¹⁶ [EPBC Act Referral guideline for the endangered northern quoll \(Dasyurus hallucatus\)](#)

MNES.

7. Proposed safeguards and mitigation measures

7.1 Avoidance and mitigation measures

- 45) The PER must include detailed description of measures proposed to be undertaken by the proponent to avoid, mitigate and manage relevant impacts of all stages of the action on listed threatened species and ecological communities or listed migratory species.
- 46) The proposed safeguards, avoidance and mitigation measures must deal with the relevant impacts of the action. Specific and detailed descriptions of proposed measures must be provided and substantiated based on best available practices.
- 47) The PER must provide information on and must include, but not be limited to, the following elements.
 - a. A consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the proponent.
 - b. A description of the environmental outcomes each measure is expected to achieve, including details of any baseline data or proposed monitoring to demonstrate progress towards achieving these outcomes.
 - c. A description, and an assessment of the expected or predicted effectiveness of the mitigation measures.
 - d. A description of proposed safeguards and measures to deal with relevant impacts of the action, including avoidance and mitigation measures proposed to be taken by the Proponent.
 - e. Assessment of the expected or predicted effectiveness of the avoidance and mitigation measures. Wherever possible, mitigation measures should be substantiated by referencing relevant guidelines, literature, and relevant case-studies.
 - f. Any statutory or policy basis for the mitigation measures.
 - g. Where there is a cost associated with mitigation measures, this information must be provided.
 - h. An outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing.
 - i. The name of the agency responsible for endorsing or approving each mitigation measure or monitoring program.
- 48) Please note the SPRAT database may provide some relevant mitigation measures for listed threatened species and ecological communities or listed migratory species.

7.2 Hydrology

- 49) Mitigation measures for impacted surface and ground water fed pools where they are classified as critical habitat and foraging habitat for MNES listed species must be included in the PER.
- 50) Mitigation, monitoring, and / or management of impacts as a result of the changes in surface water flows and likely changes to the health of vegetation, in addition to any downstream impacts, where relevant to MNES, is required.
- 51) Explanation of surplus water management options and potential impact analysis is required.

7.3 Management Plans

- 52) Any specific action management plans to be implemented as part of the proposed action should be listed here and provided as part of the PER package. Management plans must be incorporated as part of the final approval package and be specific to the proposed action.
- 53) Environmental management plans describe how an action might impact on the natural environment in which it occurs and set out clear commitments from the person taking the action on how those impacts will be avoided, minimised and managed so that they are environmentally acceptable. Environmental outcomes of the proposed action must be clearly articulated. Guidance for developing Environmental Management Plan are outlined in the *Environmental Management Plan Guidelines*¹⁷.

7.4 Residual significant impact assessment

- 54) After consideration of proposed avoidance, mitigation and management measures, provide an assessment of the likelihood of residual significant impacts on relevant listed threatened species and ecological communities or listed migratory species.
- 55) The PER must provide a clear and definitive conclusion of residual significant impacts on relevant listed migratory or listed threatened species and ecological communities. Any residual significant impact must be offset. Further guidance on environmental offsets is provided in section 8 of these guidelines.

8. Environmental Offsets

- 56) The PER must include an offset strategy which is developed following an assessment of what residual significant impacts remain after consideration of avoidance, mitigation and management measures. Where there is a residual significant impact remaining, environmental offsets will be required to compensate for the impacts in accordance with the *Environment Protection and Biodiversity Conservation Act (1999) Environmental Offsets Policy (2012)*¹⁸.
- 57) Suitable offsets must be of a size and scale proportionate to the residual impacts on the protected matter so as to deliver a conservation gain that adequately compensates for the impacted matter. Thus, calculation of impacts must be undertaken per species, and therefore offsets are calculated per species, and must improve or maintain the viability of the protected matter. A proposed offset site may sometimes naturally accommodate more than one species, but the offset proposal must still demonstrate that the proposed offset will adequately compensate for the relevant species and quantify this. The department requires compensatory measures to be determined for each protected matter and the residual significant impact to critical and supporting habitat.
- 58) For the residual significant impacts of the proposed action on each listed migratory or listed threatened species and communities as a result of the proposed action, the PER must:
- a. detail the areas and types of critical and/or supporting habitat impacted by the proposed action, and/or the number of individuals or population likely to be impacted.
 - i. outline an offset strategy proposed for the residual significant impacts (e.g., land

¹⁷ DCCEEW's Environmental management plane guidelines are available at:
<https://www.dcceew.gov.au/sites/default/files/documents/environmental-management-plan-guidelines.pdf>

¹⁸ [Environmental Protection and Biodiversity Protection Act \(1999\) Environmental Offsets Policy \(2012\)](#)
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acquisition and management, revegetation and management, contributions to the Pilbara Environmental Offset Fund (PEOF), threat abatement measures).

- ii. demonstrate how the proposed offset strategy meets the requirements of the *EPBC Act Offsets Policy*¹⁹.
- 59) If direct land acquisition and management are proposed as an offset strategy, the PER must provide detail following the *offset relevant policy and guidance*²⁰ including guidance on preparing offset proposals involving land acquisition and management (Attachment 3).
- 60) Offsets do not reduce the impacts of an action and are not intended to make proposed actions with unacceptable impacts acceptable. They are utilised to provide an additional tool that can be used during proposed action design and the PER process.

9. Environmental Outcomes

- 61) The PER should provide information on the environmental outcomes that the proponent will achieve for MNES impacted by the proposed action. The information provided in this section must be the foundation of any fauna action management plan developed as part of the proposed action.
- 62) Environmental outcomes must be specific, measurable, achievable, relevant, time-bound, and must be based on robust baseline data. In addition to this, the outcomes must clearly articulate:
- a. Milestones.
 - b. Performance indicators.
 - c. Monitoring requirements.
 - d. Adaptive management and continual improvement.
 - e. Record keeping, publication and reporting.
- 63) To ensure environmental outcomes are developed to an acceptable standard and to allow for the application of outcomes-based conditions, the PER must demonstrate consideration of the *Outcomes-based conditions policy (2016)*²¹ and *Outcomes-based conditions guidance (2016)*²².
- 64) Specific environmental outcomes to be achieved and associated reasoning must be made in reference to relevant recovery plans, conservation advices and threat abatement plans.
- 65) Each proposed outcome must demonstrate consideration of:
- a. the risks associated with achieving the outcome.
 - b. the measurability of the outcome, including all suitable performance measures.
 - c. appropriate baseline data upon which the outcome has been defined and justified.
 - d. the likely impacts that the proposed outcome will address.
 - e. demonstrated willingness and capability of achieving the outcome.
 - f. commitments to independent and periodic audits of performance towards achieving outcomes.

¹⁹ EPBC Act Offsets Policy can be found at: [EPBC Act environmental offsets policy - DCCEEW](https://www.dcceew.gov.au/sites/default/files/documents/advanced-offsets-policy-statement.pdf)

²⁰ See also: <https://www.dcceew.gov.au/sites/default/files/documents/advanced-offsets-policy-statement.pdf>, <https://www.dcceew.gov.au/sites/default/files/documents/offset-assessment-guide.xlsm> and <https://www.dcceew.gov.au/sites/default/files/documents/offsets-how-use.pdf>

²¹ Available from: [Outcomes-based conditions policy EPBC Act \(dcceew.gov.au\)](https://www.dcceew.gov.au/sites/default/files/documents/outcomes-based-conditions-policy-2016.pdf)

²² Available from: [Outcomes-based conditions guidance EPBC Act \(dcceew.gov.au\)](https://www.dcceew.gov.au/sites/default/files/documents/outcomes-based-conditions-guidance-2016.pdf)

- g. details of proposed management to achieve the outcome including, but not limited to, performance indicators, periodic milestones, proposed monitoring and adaptive management, and record keeping, publication and reporting processes.

10. Other Approvals and Conditions

- 66) The PER must include information on any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action. This must include:
- a. details of any local or State Government planning scheme, or plan or policy under any local or State Government planning system that deals with the proposed action, including:
 - i. any environmental assessments of the proposed action which have been, or is being, undertaken under the scheme, plan or policy.
 - ii. how the scheme, plan or policy provides for the prevention, minimisation and management of any relevant impacts.
 - b. a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action.
 - c. a statement identifying any additional approval that is required.
 - d. a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

11. Consultation

- 67) The PER must include information on consultation and engagement with all parties, including *First Nations people*²³ groups and communities with rights, interests and concerns on and in the vicinity of the proposed action, who may be affected by the proposed action. This information must include:
- a. identification of relevant parties, groups and communities, taking account of any cultural sensitivities;
 - b. details of engagement and how it was conducted in a culturally appropriate manner and in accordance with the *Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999*²⁴;
 - c. information on the views and concerns expressed by the relevant people in relation to the project, including in relation to Native Title rights and interests, tangible and intangible cultural heritage, and environmental, social and economic matters;
 - d. a description of any state government requirements or conditions that apply to the proposed action;
 - e. information on how people's rights, interests, views and concerns will be addressed in design,

²³including the Kuruma People of the Robe River and any other First Nations people potential affected by the proposal.

²⁴ [Interim Engaging with First Nations People and Communities on Assessments and Approvals under the Environment Protection and Biodiversity Conservation Act 1999](#)

construction and operation of the proposed action, and whether the relevant parties are satisfied they have been adequately consulted and their concerns have been addressed;

- f. information on any agreements, plans such as best practice cultural heritage management plans, ongoing engagement arrangements, partnerships and benefit-sharing arrangements.

12. Environmental Records of Person(s) Proposing to Take the Action

68) The information provided must also include:

- a. details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:
 - i. the person proposing to take the action; and
 - ii. for an action for which a person has applied for a permit, the person making the application.
- b. If the person proposing to take the action is a corporation, details of the corporation's environmental policy and planning framework must also be included.

13. Economic and Social Matters

69) The economic and social impacts of the action, both positive and negative, must be analysed. Matters of interest may include:

- a. details of any public consultation activities undertaken, and their outcomes.
- b. projected economic costs and benefits of the proposed action, including the basis for their estimation through cost/benefit analysis or similar studies; and
- c. any training, employment, business and other economic opportunities and social benefits, including for First Nations people, expected to be generated by the proposed action (including in the construction and operational phases).
- d. short- and long-term impacts on local and regional communities, including First Nations people, from implementation of the development.
- e. any relevant impacts on Native Title and land tenure rights and interests, and any possible mitigation actions as necessary.

70) Economic and social impacts should be considered at the local, regional and national levels.

14. Information Sources

71) For information referenced in the PER, provide:

- a. the source of the information.
- b. how recent the information is.
- c. how the reliability of the information was tested.
- d. what uncertainties (if any) are in the information.

15. Conclusions

- 72) An overall conclusion as to the environmental acceptability of the proposed action must be provided. This must include a discussion on compliance with section 3A of the EPBC Act: Principles of Ecological Sustainable Development and align with the requirements of the EPBC Act (as outlined in Attachment 1).
- 73) Reasons justifying undertaking the proposed action in the manner proposed should also be outlined.
- 74) Measures proposed or required by way of offset for any unavoidable impacts to MNES, and the relative degree of compensation, should be restated here.

ATTACHMENT 1

**THE OBJECTS AND PRINCIPLES OF THE
ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999
SECTIONS 3 AND 3A**

3 Objectives of the Act

- a) to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.
- b) to promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.
- c) to promote the conservation of biodiversity.
- d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, landholders and indigenous peoples.
- e) to assist in the co-operative implementation of Australia's international environmental responsibilities.
- f) to recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- g) to promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

3A Principles of Ecologically Sustainable Development

The following principles are principles of ecologically sustainable development.

- Decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations.
- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- The principle of inter-generational equity – that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.
- The conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making.
- Improved valuation, pricing and incentive mechanisms should be promoted.

ATTACHMENT 2

**MATTERS THAT MUST BE ADDRESSED IN A PER AND EIS
(SCHEDULE 4 OF THE EPBC REGULATIONS 2000)**

1 General information

1.01 The background of the action including:

- a) the title of the action.
- b) the full name and postal address of the designated Proponent.
- c) a clear outline of the objective of the action.
- d) the location of the action.
- e) the background to the development of the action.
- f) how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action.
- g) the current status of the action; and
- h) the consequences of not proceeding with the action.

2 Description

2.01 A description of the action, including:

- a) all the components of the action.
- b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts.
- c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts.
- d) relevant impacts of the action.
- e) proposed safeguards and mitigation measures to deal with relevant impacts of the action.
- f) any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action.
- g) to the extent reasonably practicable, any feasible alternatives to the action, including:
 - i. if relevant, the alternative of taking no action.
 - ii. a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; and
 - iii. sufficient detail to make clear why any alternative is preferred to another.
- h) any consultation about the action, including:
 - i. any consultation that has already taken place.
 - ii. proposed consultation about relevant impacts of the action; and
 - iii. if there has been consultation about the proposed action — any documented response to, or result of, the consultation; and
- i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

3 Relevant impacts

3.01 Information given under paragraph 2.01(d) must include

- a) a description of the relevant impacts of the action.
- b) a detailed assessment of the nature and extent of the likely short term and long-term relevant impacts.
- c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible.
- d) analysis of the significance of the relevant impacts; and
- e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

4 Proposed safeguards and mitigation measures

4.01 Information given under paragraph 2.01(e) must include:

- a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures.
- b) any statutory or policy basis for the mitigation measures.
- c) the cost of the mitigation measures.
- d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing.
- e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; and
- f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation measures proposed to be taken by State governments, local governments or the Proponent.

5 Other Approvals and Conditions

5.01 Information given under paragraph 2.01(f) must include:

- a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
 - i. what environmental assessment of the proposed action has been, or is being carried out under the scheme, plan or policy; and
 - ii. how the scheme provides for the prevention, minimisation and management of any relevant impacts.
- b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action.
- c) a statement identifying any additional approval that is required; and
- d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

6 Environmental records of person proposing to take the action

6.01 Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- a) the person proposing to take the action; and

- b) for an action for which a person has applied for a permit, the person making the application.

6.02 If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

7 Information sources

7.01 For information given the PER/EIS must state:

- a) the source of the information; and
- b) how recent the information is; and
- c) how the reliability of the information was tested; and
- d) what uncertainties (if any) are in the information.

ATTACHMENT 3

GUIDANCE ON PREPARING OFFSET PROPOSALS INVOLVING LAND ACQUISITION AND MANAGEMENT

A proposed offset must include:

- a) details of how the proposed offset/s meets the requirements of the EPBC Act Offsets Policy.
- b) information about how the proposed offset/s area provides connectivity with other relevant habitats and biodiversity corridors.
- c) the methodology, with justification and supporting evidence, used to inform the inputs of the Department's *Offsets assessment guide*²⁵ in relation to the impact site for each relevant MNES, including:
 - i. total area of habitat (in hectares)
 - ii. habitat quality.
- d) the methodology, with justification and supporting evidence, used to inform the inputs of the *Offsets assessment guide* in relation to each potential offset area for each relevant MNES, including:
 - i. time over which loss is averted (max. 20 years)
 - ii. time until ecological benefit
 - iii. risk of loss (%) without offset
 - iv. risk of loss (%) with offset
 - v. confidence in result (%).
- e) evidence that the relevant MNES, and/or their habitat, is present in the potential offset area/s; and
- f) details of the mechanism to legally secure the environmental offset/s (under Western Australian legislation or equivalent) to deliver an overall conservation benefit that supports improved outcomes for the viability of the protected matter.

Please note, where offset area/s have been nominated, the Department is likely to require that an Offset Area Management Plan (OAMP) be approved and implemented prior to the commencement of the action to align with the EPBC Act Offsets Policy. Legal security of the offset area is generally required within 12 months of the date of approval of the OAMP.

The OAMP must include information to demonstrate how the environmental offset/s compensate for residual significant impacts of the proposed action on relevant MNES, and/or their habitat, in accordance with the principles of the EPBC Offsets Policy and all requirements of the Offsets assessment guide, or as otherwise agreed and endorsed by the Department / Minister. The OAMP must include, at a minimum:

- a) a description of the offset area/s, including location, size, condition, environmental values present and surrounding land uses.
- b) baseline data and other supporting evidence, including the ecological field data, that documents the presence of the relevant MNES, and the quality of their habitat within the offset area/s.
- c) an assessment of the site habitat quality for the offset area/s using an appropriate methodology, with justification and supporting evidence.

²⁵ <https://www.dcceew.gov.au/environment/epbc/advice-for-complying-with-the-epbc-act/environmental-offsets-under-epbc/environmental-offsets-guidance/offsets-assessment-guide>

- d) details of how the offset area/s will provide connectivity with other habitats and biodiversity corridors and/or will contribute to a larger strategic offset for the relevant listed threatened species and communities.
- e) maps and shapefiles to clearly define the location and boundaries of the offset area/s, accompanied by the offset attributes (e.g., physical address of the offset area/s, coordinates of the boundary points in decimal degrees, the listed threatened species and communities, and listed migratory species that the environmental offset/s compensates for, and the size of the environmental offset/s in hectares).
- f) specific offset completion criteria derived from the site habitat quality to demonstrate the improvement in the quality of habitat in the offset area/s over a 20-year period.
- g) details of the management actions, and timeframes for implementation, to be carried out to meet the offset completion criteria.
- h) interim milestones that set targets at 5-yearly intervals for progress towards achieving the offset completion criteria.
- i) details of the nature, timing and frequency of monitoring to inform progress against achieving the 5-yearly interim milestones (the frequency of monitoring must be sufficient to track progress towards each set of milestones, and sufficient to determine whether the offset area/s are likely to achieve those milestones in adequate time to implement all necessary corrective actions).
- j) proposed timing for the submission of monitoring reports which provide evidence demonstrating whether the interim milestones have been achieved.
- k) timing for the implementation of corrective actions if monitoring activities indicate the interim milestones have not been achieved.
- l) risk analysis and a risk management and mitigation strategy for all risks to the successful implementation of the OAMP and timely achievement of the offset completion criteria, including a rating of all initial and post-mitigation residual risks in accordance with a risk assessment matrix.
- m) if proposed for listed threatened species and communities and listed migratory species, evidence of how the management actions and corrective actions take into account relevant approved conservation advices and are consistent with relevant recovery plans and threat abatement plans; and
- n) details of the legal mechanism for legally securing the proposed offset area/s, such that legal security remains in force over the offset area/s for the duration of the impact to provide enduring protection for the offset area/s to deliver an overall conservation benefit that supports improved outcomes for the viability of the protected matter.

The draft Offset Management Plan must be prepared by a suitably qualified person and in accordance with the Department's *Environmental Management Plan Guidelines (2014)*²⁶.

Please note, the Department expects that an EPBC Act protected matter is present in the proposed offset area/s if it is present in the proposal area to align with the EPBC Act Offsets Policy.

Supporting evidence must be included in the OAMP to justify how proposed management action/s are additional to the existing requirements of the landholder in managing their land (e.g., weed and pest management requirements, existing grazing regimes, etc.) as required by the EPBC Act Offsets Policy.

²⁶ <https://www.dcceew.gov.au/environment/epbc/publications/environmental-management->

The OAMP must include robust scientific evidence (e.g., published research, pilot studies, previously successful projects/programs, etc.) to demonstrate how success of proposed measures will be achieved to create, revegetate, regenerate and/or improve habitat (e.g., tree planting, nest boxes, artificial hollows, etc.) in the proposed offset area/s for a listed threatened species or ecological community and listed migratory species.

Where the proposed offset area/s supports an environmental offset for multiple MNES, proposed management action/s for one protected matter must not be detrimental (i.e., have an impact) to other protected matters.

Where an offset is proposed, with a completed *Offsets assessment guide* calculation, all inputs must be supported by robust scientific evidence and/or supporting evidence (e.g., historical grazing regimes, satellite imagery, statements from landholders, etc.).

Please note, it is the Department's expectation that the agreed inputs into the *Offsets assessment guide* are specified in the conditions of approval where the action is approved, subject to conditions, under the EPBC Act.