



# An engagement plan to guide the design and delivery of Pilbara Environmental Offsets Fund projects

A partnership approach for biodiversity offsets in the Pilbara



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We acknowledge the Traditional Owners and custodians of country throughout Western Australia and acknowledge their continuing connection to land, waters and community and we pay our respects to their Elders past and present. We recognise the practice of intergenerational care for Country and its relevance to our work in bringing it to life.

Country is a term used by Aboriginal people to describe the lands, waterways and seas to which they are intrinsically linked. The wellbeing, law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity are all interwoven as one. Working with the community, we move forward with a shared commitment to protect and conserve Country for our future generations.

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This engagement plan outlines how the Department of Water and Environmental Regulation (DWER) will codesign projects with local people to deliver lasting environmental, cultural, social and economic outcomes in the Pilbara. We aim to foster long-term relationships, enable iterative project design, bring in early expert advice, and support connection, rather than competition, between land management organisations in the Pilbara.

This plan provides transparency on the process given the above approach to delivering environmental programs is new for Western Australia (WA).

## ? What is the Pilbara Environmental Offsets Fund?

The Pilbara Environmental Offsets Fund (the Fund) was established to fund and coordinate the delivery of environmental offset projects required as a condition of approval under Part IV of the *Environmental Protection Act 1986* and Parts 9 and 10 of the *Environment Protection Biodiversity Conservation Act 1999* (Cwlth) within the Pilbara bioregion of WA.

DWER administers the Fund under the *Financial Management Act 2006* and is responsible for demonstrating that vegetation and habitat has been improved through its investment. In most cases, this will involve the management of threats like weeds, feral animals and wildfire.

DWER is required to monitor the impacts of projects on vegetation and habitat, and publicly report on whether offset investment has been successful at counterbalancing environmental impacts.



## ? Why do we need an engagement plan?

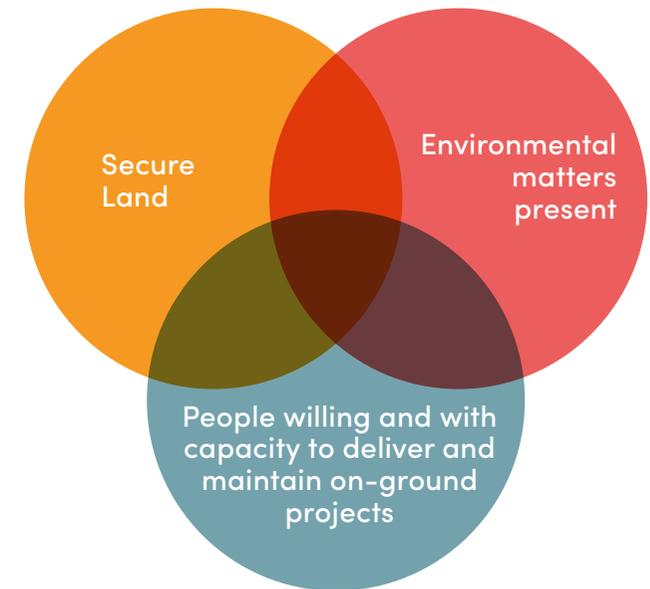
For an offset project to work it must have enduring benefits for vegetation and habitat (environmental matters) required to be offset. Ideally, improvements would be delivered and maintained over the long term with people that are engaged and have capacity to deliver on-ground projects.

The delivery of on-ground offset projects from a fund managed by government is new in Australia. In most other jurisdictions, the onus is on the proponent to either buy land or offset credits, or to find land for on-ground works.

In the Pilbara, crown land cannot be bought and it is a challenge to secure and 'protect' biodiversity as most of the region is covered by pastoral leases (about 60 per cent of the Pilbara) and/or mining tenements (about 80 per cent).

The Fund was established to combine industry payments to enable large, long-term, on-ground landscape-scale projects in preference to small and isolated short-term projects subject to episodic funding from industry.

Long-lasting, landscape-scale outcomes require the State Government to partner with Traditional Owners, local government, pastoralists, miners, and non-government organisations already involved in managing the land.



**Figure 1: Ideal locations for offset programs will have all three of these.**

The complexities of bringing multiple parties together across different land tenures, and the importance of building local relationships and linkages while doing it, has led DWER to reimagine how offset projects are designed and funded in the Pilbara.

Fundamentally, all projects delivered through the Fund will need to relate to the environmental matters that are required to be offset, be on-ground focused, and have long term and enduring benefits for biodiversity and local people.

However, the greatest opportunity will emerge from how effective government can be at partnering with local people, and in particular Traditional Owners, to collaboratively deliver conservation programs and, in doing so, foster opportunities for training, capacity building, access, decision-making and management of country over the long term.



# Learnings from the Fund's competitive grant process

DWER ran a grant process to seek expressions of interests for Pilbara Environmental Offsets Fund projects in November 2019. The grant process was a two-stage process run over eight months.

The first stage required submission of an expression of interest. The second stage required submission of a detailed project plan. DWER received two applications, both from Aboriginal corporations. The Fund's project recommendation group (PRG) recommended to the Minister that one of these be funded, but also asked the Minister to note that the current competitive process didn't enable collaboration with Traditional Owners<sup>1</sup>.

The grant process highlighted the following:

- There are only a few organisations capable of delivering large land management projects in the Pilbara and they have specific management objectives (e.g. a focus on a particular threat, such as management of biosecurity issues, or jurisdiction over specific tenure). This provides for an intrinsic market failure (i.e. competition requires a competitive market).
- There is potential for greater effectiveness and efficiencies where these limited number of organisations can work together rather than in competition.
- A competitive process also stymied the ability of DWER to collaborate with multiple applicants to refine applications.
- The process did not support relationship building with Aboriginal corporations and Traditional Owners, and did not incorporate Traditional Owner aspirations for land management.

<sup>1</sup> For an overview of the governance framework, see Pilbara Environmental Offsets Fund Implementation Plan, page 8-9.

## ? Who will DWER partner with and how will projects be funded?

### Relationship types

There will be many stakeholders involved in the development of projects delivered through the Fund. Some will enter into formal funding agreements to deliver projects, while others will play a more informal advisory or supporting role.

Relationships may change and mature over time. The engagement scale in Figure 2 shows how relationships may move from initial communication through to formalised partnerships, depending on the situation and need.

DWER is not a delivery agent for projects under the Fund, which must operate under the framework of strong financial and contractual governance. This means at least one party will need to be formalised as project deliverer.

However, we anticipate that each project will involve multiple relationships to enable project delivery, including formal collaboration with key stakeholders (particularly with those impacted by the project, but not involved in delivery) and consultation and general communication with other stakeholders in the region or those with an interest (e.g. government agencies, proponents).

## Traditional Owners

DWER is partnering with the Pilbara Cultural Land Management Project (PCLMP) to identify opportunities for land and water management in the Pilbara. The PCLMP is a collaboration of 12 Traditional Owner groups covering over 50 per cent of the Pilbara region.

The groups are working with the Pilbara Development Commission and consultants with specialist knowledge in digital mapping, land tenure, ranger group start-up and intellectual property to enhance their resources and skills.

They aim to improve Traditional Owner access to country and develop a set of digital platforms and tools to support them to collect and share data to aid in the preservation of the natural and cultural heritage of the Pilbara.

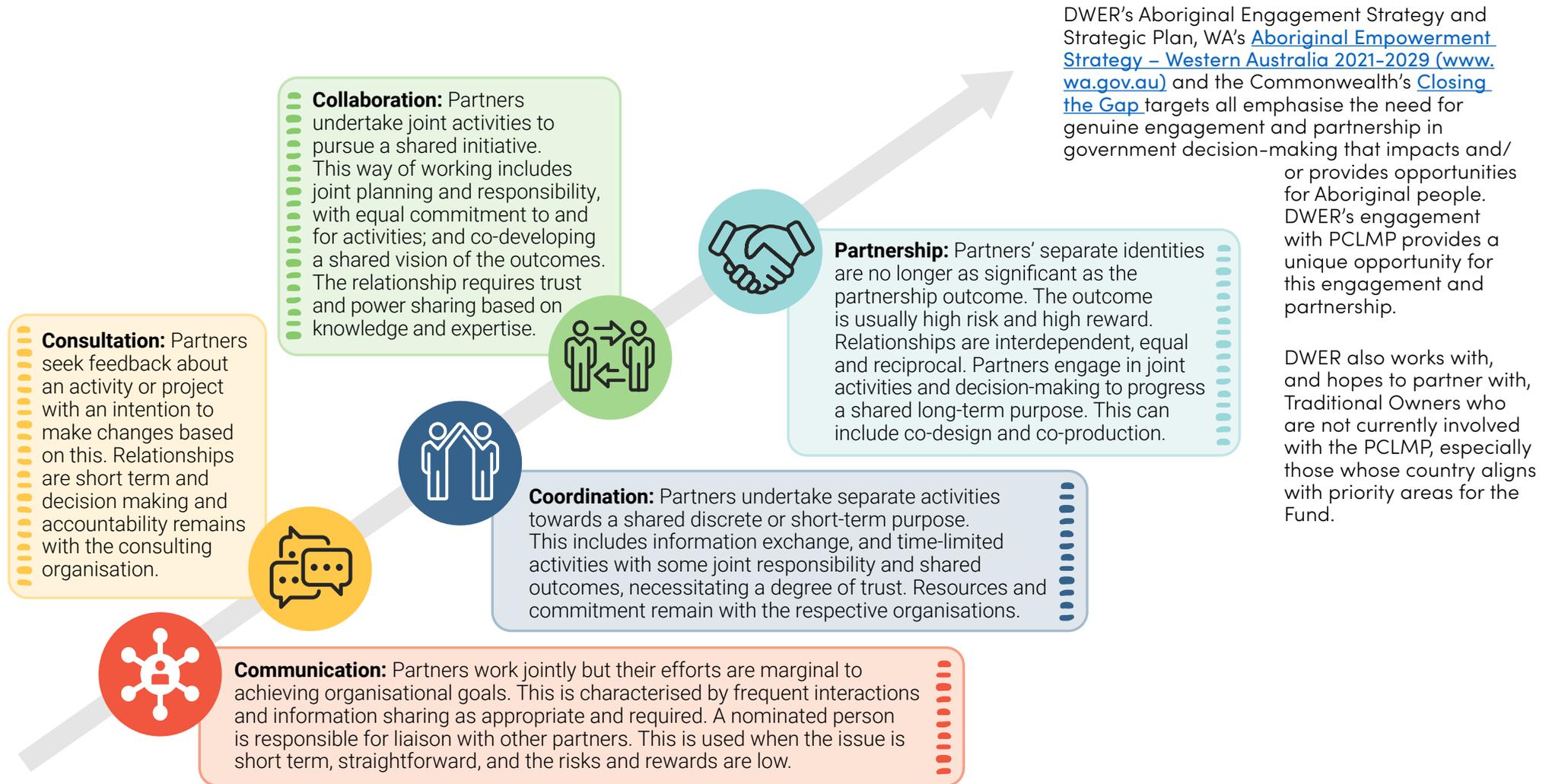


Figure 2: Relationship types (*Communities' Partnership Framework, WA Department of Communities*)

## Land managers and parties with rights and interests to land

Partnering with land managers, including organisations that have jurisdiction over land, manage threats on land, or have native title, mining and/or pastoral rights and interests to land, will be essential for success of the Fund.

DWER will have to notify, seek approval and/or enter into agreements with these parties to initiate projects. One benefit of an engagement and co-design process is that before these formalities, relationships can be fostered to enable people to work together to improve country for mutual benefit. We anticipate that partnering will result in environmental, social, and cultural outcomes much greater than the individual contributions.

Partnerships through the Fund could support Traditional Owners, pastoralists, natural resource management agencies and government to manage or enhance management of fire, weed and feral animal control across the landscape.

For example, a recognised biosecurity group could supplement its existing biosecurity levies to focus on eradication of an invasive species, rather than just management, which would provide significant environmental benefits to multiple stakeholders.

Partnerships could also support training and capacity building, land access and employment for Aboriginal Rangers.

Other emerging partnership opportunities in the region, including carbon sequestration and renewable energy projects, are summarised in Appendix 2.





## Funding arrangements

'Partnership Agreements' will be used to fund co-designed Pilbara Environmental Offsets Fund projects, allowing for the greatest flexibility for collaboration.

DWER anticipates more than \$90 million will be paid into the Fund over the next 40 years. This is a significant investment in conservation in the Pilbara and the approach to Fund projects needs to be robust and transparent.

DWER will use a partnership approach to design, fund and deliver projects. Projects will still need to meet eligibility criteria published in the Fund's implementation plan (DWER, 2019), including that a project:

- will improve at least one of the environmental matters for which offsets are required.
- be designed to align with the offset principles in the WA and Australian government biodiversity offset policies (e.g. endure over the long term, be landscape-scale, lead to a tangible on-ground improvement to vegetation or habitat).
- be developed with Traditional Owners and regional land managers.
- be focused, where possible, in the priority areas identified in the implementation plan.
- build on successful programs already underway

- be connected to other areas of conservation significance.

The partnership approach outlined in this document aligns with the *General Procurement Direction 2021/04 Delivering Community Services in Partnership Policy*, and the *Planning in Partnership Guide: Undertaking co-design under the Delivering Community Services in Partnership Policy*.

It also incorporates the key framework outlined in the *Communities' Partnership Framework* (Department of Communities, 2021), which outlines best practice guidelines for partnerships and follows the WA Aboriginal Procurement Policy. *WA's Delivering Community Services in Partnership Policy* (Department of Finance, 2021) provides guidance on designing projects between government and not-for-profit organisations, but the focus is on competitive grants and contracts.



## Aboriginal empowerment

In delivering the Fund, DWER aims to address all four of the key priority reform areas under the *National Agreement on Closing the Gap*:

### ► Formal partnerships and shared decision making

- DWER is partnering with the PCLMP to co-design the Fund's projects, monitoring program, and land access approach.
- DWER will enter formal partnership agreements with Traditional Owner groups to design and deliver projects.

### ► Building the community-controlled sector

- DWER will support Aboriginal businesses to deliver Fund projects where possible.
- Projects delivered through the Fund will support ranger group start-up and capacity building.
- DWER will partner with the PCLMP to explore land access opportunities.
- DWER, with permission, will share experiences of the co-design and partnership approach with others.

### ► Transforming government organisations

- DWER will design and refine this plan with Traditional Owners
- The process of establishing and implementing this plan is a cultural change agent for DWER.
- DWER will incorporate two-way key performance indicators in funding agreements.



## Co-design principles for the Fund

### ► Shared access to data and information at a regional level

- DWER will support the protection of Indigenous cultural and intellectual property.
- DWER will partner with Traditional Owners to build in traditional and scientific knowledge transfer as appropriate (e.g. the development of field applications for the Fund that enable information to be collected in a culturally sensitive way and provide added value in the collection of cultural information).
- DWER will explore opportunities to align biodiversity and cultural mapping.
- DWER will work with Traditional Owners and the PCLMP to design data collection, processing and reporting methods that are revisited and refined based on learnings from each round of projects, with data publicly available.

The Fund aims to implement the State Government's Aboriginal Empowerment Strategy principles, including reshaping government services and systems to work with culture, sharing decision-making, supporting Aboriginal-led solutions and expanding economic opportunities.

The Fund will seek to build collaborative, reciprocal partnerships with all stakeholders that result in improved environmental outcomes and support the goals of project deliverers. The following principles are focused on DWER, but will be incorporated into each formalised partnership agreement.

#### 1) We collaborate and meet stakeholders where they are based

- a) We engage early and listen to understand the plans and aspirations of each stakeholder and prospective project deliverer.
- b) We are flexible and tailor our approach to balance stakeholders objectives with the Fund's requirements.
- c) We meet on country when we can.

#### 2) We build relationships and trust through clear communication and honesty

- a) We are clear and open about the purpose and scope of our engagement, and what can and cannot be funded.
- b) We will seek regular feedback on the approach and try to use that feedback to improve the process and outcomes.
- c) We seek to engage in ways that are meaningful for stakeholders.
- d) We identify opportunities for collaboration between stakeholders and project areas to support project deliverers to build on successful outcomes.
- e) We recognise existing relationships and governance structures.

- f) We work to enable increased collaboration, coordination and engagement between stakeholder groups as projects are identified, progressed and connected.
- g) Where possible, we connect stakeholder groups and work to overcome challenges collaboratively, with transparent processes and outcomes.

#### 3) We are fair, transparent and equitable

- a) We work equitably with stakeholders as we develop partnerships. This may mean some groups require more support than others at different times.
- b) We act ethically and with integrity without favouritism, bias or personal gain.

#### 4) We share data

- a) We respect intellectual property, including cultural and traditional ecological knowledge.
- b) We adhere to local protocols to discuss and communicate cultural knowledge.
- c) We follow a systematic approach to data collection and information sharing. This includes formal agreements with partners about what data will be collected and how, and what aspects of the data will be publicly available.

## ? How will we co-design projects?

The implementation plan, investment plan and security for offset plan all provide guidance about where and what kinds of projects should be delivered to meet offset obligations and get the best outcomes for biodiversity over the longer term.

The next step is to bring stakeholders further into the picture. This is where we start to discuss Traditional Owner and land manager aspirations for specific areas in more detail and find out who is interested in delivering conservation projects for the Fund. We also find out their requirements and explore opportunities to bring multiple parties together for better outcomes.

Each step of the co-design process will allow the time and resources required for proper planning and negotiations that are appropriate to the scale and complexity of the project.

There will be occasions where projects do not progress beyond the start of the co-design process. Depending on the circumstances, the Fund will work with project deliverers to identify opportunities for the future and connect them with other project deliverers in the area if appropriate.

### Step 1: Information sharing and developing project concepts

When beginning a new round of projects, DWER will approach stakeholders in and around priority areas to discuss their interests and current capacity to engage with the Fund; identify shared aspirations and goals; and options for collaboration and linkages. This may happen over several meetings. DWER will outline the principles and requirements of the Fund (outlined in the implementation plan and investment plans), and the types of programs and projects in which the Fund can invest.

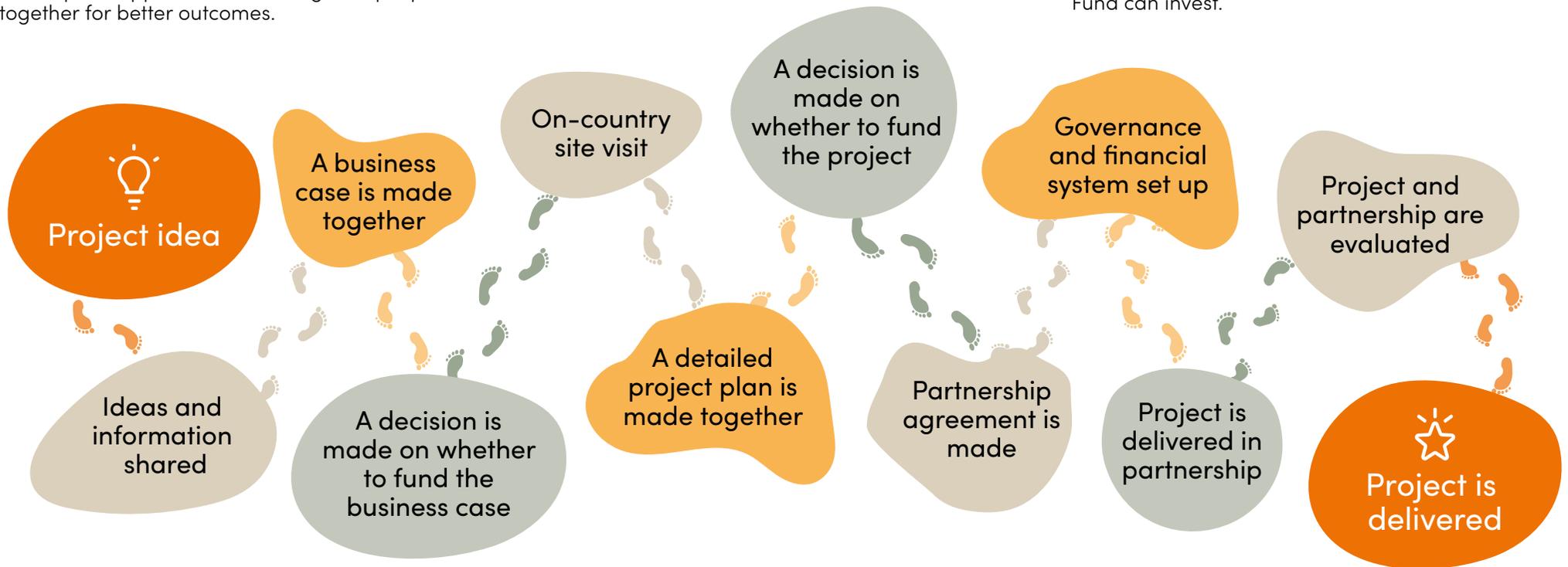


Figure 3: Summary of the co-design process

While some stakeholders will be interested in engaging in the current round, others may not be able to take part at that time. In these cases, DWER will continue to consult and can re-engage with them to enable future collaboration.

During the design of each project, and then at regular intervals, partners will consider what success looks like, how often success should be monitored and how partnership outcomes will be measured and captured. The lifespan of the partnership, both informal and formal, should be considered at the start of the project. In most cases, DWER will seek to develop long-term relationships with partners to support long-term outcomes.

From several meetings with stakeholders, project concepts will start to emerge and be explored. DWER will provide feedback on whether concepts are likely to meet funding criteria. For viable concepts, stakeholders will provide in-principle support and outline how DWER will need to notify and seek approval from their organisations for the project to be developed.



#### Outputs:

List of contacts and summaries of land management aspirations, concept plan, DWER and project partners agree in principle about a cohort of projects that can be developed that meet mutual aspirations and criteria.

## Step 2: Develop business cases

Once there is agreement on an initial project, DWER will progress the development of the business case with project partners. Through face-to-face discussions, DWER will use tools such as stakeholder mapping and project logic exercises to clarify stakeholder interactions, environmental problems, strategies and desired outcomes. The business case must demonstrate how the project will meet the criteria in the implementation plan (listed on page 9).

Many projects will involve multiple people and organisations across multiple land tenures. In such cases, collaborative discussions will identify the delivery model, capacity, funding arrangements and lifespan of the project (including longer term considerations).

DWER will use the business case to seek informal advice from the Department of Planning, Lands and Heritage and the Department of Mining and Industry Regulation on land tenure, rights and interest to land, and options to protect offset outcomes. DWER may seek comment from the Fund's implementation advisory group on linkages, resourcing, and project design.



#### Outputs:

Business case submitted to the DWER program manager.

## Step 3: Decide whether project should proceed to detailed project plan

The Fund's project recommendation group (PRG) assesses the business case against the business-case criteria and provides a recommendation on whether the project should proceed to detailed design, and what areas of the project should be enhanced or improved. If the PRG does not recommend the project based on the business case, DWER has the option of sending the business case back to partners for more work, or for future development if the project needs to be delayed.

**The Minister for Environment either notes or endorses the recommendation depending on the complexity of the project. If the Minister only notes the project, then DWER's program sponsor will decide whether the project should proceed to detailed design.**

## Step 4: On country visit

If approved to proceed, DWER will work with project partners to organise and deliver a reconnaissance survey of the site. This will help partners to build relationships and discuss values, threats, management and monitoring strategies on country to support development of the detailed project plan.

**Outputs:**  
DWER likely to enter into partnership agreement(s) to deliver surveys and survey reports.



## Step 5: Develop the detailed project plan

DWER will develop the detailed project plan with project partners, and will include the following:

- values, threats, and management strategies proposed at the project site
- value for money – the approach for this needs to be defined; however, DWER will need to provide advice to the PRG on ‘reasonable costs’ for activities based on existing projects and advice from stakeholders given that DWER is not using the market to provide price signals
- detailed milestones and schedule for delivery
- roles and responsibilities, and performance and reporting expectations
- funding and project management arrangements, including co-contributions,

- support, and partnership arrangements
- monitoring and evaluation plans
- agreed governance and collaboration structure on how resources, goals, risks and accountability will be shared, including evaluation of the success of the project at regular intervals with clear pathways for managing issues as they arise
- communication and dispute resolution protocols
- data storage protocols
- intellectual property – ownership and sharing
- options for the future once the initial partnership agreement comes to an end.

DWER will use the detailed project plan to seek formal advice from government and parties with existing rights and interest to the land. DWER will also start formal consultation and notification with interest holders in the land, including those with Native Title, mining tenement and pastoral lease interests. If necessary, DWER will seek further comment from the Implementation Advisory Group to inform the PRG’s assessment of the detailed project plan.

## Step 6: Decide whether the project should be funded

The PRG assesses the detailed project plan and makes a recommendation to the Minister and DWER on whether the project should be funded. The PRG may recommend that the detailed project plan be developed further, or its progression delayed. In such cases, DWER can work with partners to further develop the project and/or pause its progression.

The PRG recommends whether the project, based on the detailed project plan, should proceed, and the Minister decides whether or not the project should be funded.



## Step 7: Establish the formal partnership agreement(s)

DWER enters into a partnership agreement or agreements to fund delivery of the project. Partnership agreements will include the terms of the agreement, including agreed milestones and payment schedule. Agreements will be reviewed by DWER and partners before signing.



**Outputs:**  
Partnership agreement(s) established to begin delivery of the project

## Step 8: Set up the finance and governance systems

This step includes establishing the financial and governance arrangements for the project, including insurance certificates, sub-agreements (e.g. with other partners), further refinement of milestones and schedules if required, and establishing purchase orders for the project in DWER's financial management system.



**Outputs:**  
DWER and the Fund's financial and governance due diligence checks completed. DWER may also need to provide information to project partners to meet their requirements.

## Step 9: Deliver the project

Organisations delivering projects will report on milestones and, depending on the project, submit half yearly and annual project reports. DWER will work with partners to understand the project reports and manage performance risks and issues. The reports will be used to evaluate and demonstrate progress of projects with stakeholders, particularly with industry and the Commonwealth Government, and will be used to gauge how the partnership is functioning.



**Outputs:**  
Half yearly and annual project reporting against project milestones and partnership objectives.

## Step 10: Evaluate the project and the partnership

As part of evaluating a project, the Fund and partners should consider whether the partnership should continue in some form as part of new projects and programs. Regular reviews will be built into each stage of engagement, even for activities that do not result in formalised partnerships. Partners will co-design the approach for evaluation (based on two-way performance indicators) and discuss what went well and what did not to improve co-design for future projects. The impact of the project itself will be monitored and evaluated based on project logic frameworks from the business case and detailed project plan that establish the evaluation questions, roles and responsibilities.



**Outputs:**  
Evaluation discussions and reports.



## References

Australian Government, 2020, *National Agreement on Closing the Gap* [National Agreement on Closing the Gap | Closing the Gap](#)

Department of Communities, *Communities Partnership Framework: Guidelines for establishing and sustaining partnerships with external stakeholders*

Department of Finance 2021 *General Procurement Direction 2021/04 Delivering Community Services in Partnership Policy* [General Procurement Direction 2021/04 - Delivering Community Services in Partnership Policy \(www.wa.gov.au\)](#)

Department of Finance 2021 *Planning in Partnership Guide: Undertaking co-design under the Delivering Community Services in Partnership Policy*. [Community services procurement practice resources \(www.wa.gov.au\)](#)

Department of Premier and Cabinet, The Aboriginal Empowerment Strategy Western Australia 2021-2029, 2021 [Aboriginal Empowerment Strategy - Western Australia 2021-2029 \(www.wa.gov.au\)](#)

## Appendix 1: What is the risk associated with a partnership approach?

The table below outlines some key risks from a co-design approach, including strategies for mitigating them. However, given our early experiences outlined in the case study, continuation of a traditional grant process is currently not viable due to significant market failure, and would result in fewer viable projects, at a smaller scale, and in the longer term would deliver poorer environmental outcomes.

Risks	Mitigation strategy	Rating after mitigation
Delivery of this plan requires ongoing on-ground coordination to support project development and maintain relationships.	<ul style="list-style-type: none"> <li>Currently, the Fund has contracted a co-ordinator who is based in the region for the first round of projects. It is intended that regional coordination will be required on an ongoing basis. DWER will need to secure resourcing for ongoing regional coordination.</li> </ul>	High
Public perception that funding arrangements are corrupt or not value for money because the partnership agreements are not under the WA Procurement Policy.	<ul style="list-style-type: none"> <li>There is a clear process (as stepped out in this plan) and criteria for projects to be funded.</li> <li>The Fund adheres to Part A and B of Western Australian Procurement Rules, and the principles and behaviours outlined in the Delivering Community Services in Partnership Policy. This includes, but is not limited to, maintaining transparency, accountability, acting ethically and with integrity, ensuring value for money, co-designed outcomes-based projects that meet both the Fund's obligations and project deliverers' aspirations, and reducing the administrative burden.</li> <li>It is a requirement of the Fund to seek value for money when considering appropriate projects and will be a key criterion for the PRG and Minister when approving projects to proceed. DWER may require a third party or separate DWER group to set cost ranges given that we don't have a competitive market to drive value for money.</li> </ul>	Medium
Projects take a long time to develop because of the engagement and flexibility needed for co-design.	<ul style="list-style-type: none"> <li>Several projects will be progressed at once so that some projects can progress while others take longer.</li> <li>Projects are likely to emerge more easily and take less time to develop as partnerships mature, people gain trust and experience in the process and communication becomes more informal.</li> </ul>	Medium
A delivery agent may find it difficult to deliver project milestones because of internal or external issues.	<ul style="list-style-type: none"> <li>Each project is co-designed with project deliverers, and this includes risk identification, mitigation strategies and dispute resolution processes. All appropriate stakeholders are consulted through the project design phases.</li> <li>The Fund will work with project deliverers to identify challenges and, where possible, find opportunities for overcoming them. For example, through identifying alternative funding sources or partnerships to support activities outside the scope of the Fund (but which impact the project deliverer's ability to undertake the project).</li> <li>The staged approach to developing projects enables project deliverers to build capacity through each phase. In cases where projects must be paused, the Fund will work with project deliverers on a case-by-case basis to work through alternative options.</li> <li>The Fund is a long-term commitment in the region, and it is essential that capacity is built over the long term to carry out projects.</li> </ul>	Medium
The Fund may not be able to provide funding for certain activities or resources that a project deliverer needs to engage with the Fund (but does not directly contribute to the specific project). For example, certain elements of Aboriginal ranger programs cannot be funded.	<ul style="list-style-type: none"> <li>The Fund will work with all stakeholders to identify alternative avenues for resourcing these aspects where appropriate, such as considering additional partners or grants.</li> <li>For example, the Fund is currently partnering with the Pilbara Cultural Land Management Project which is helping to fill these gaps.</li> </ul>	Medium

## Appendix 2: Emerging opportunities

### Carbon sequestration projects using the human-induced regeneration (HIR) methodology

There may be opportunities to partner with proponents of carbon capture projects. If land is earmarked and protected for a carbon project, then the Fund could piggyback on that project to bolster outcomes for biodiversity.

Clarity around how the different investment relates to carbon or biodiversity outcomes would need to be provided to avoid the perception of 'double dipping', but it would be a cost-effective approach as land access and protections could be brokered for both carbon and biodiversity offsets. These have been progressed on pastoral leases in the Goldfields, but so far none have been established in the Pilbara ([HIR Carbon Sequestration Projects \(DPLH-072\) - Datasets - data.wa.gov.au](#)).

### ► Asian Renewable Energy Hub

The Asian Renewable Energy Hub seeks to generate 26,000 MW of renewable energy in WA, with up to 3,000 MW of generation capacity dedicated to large energy users in the Pilbara region. There are plans for the bulk of the energy to be used for large-scale production of green hydrogen products for domestic and export markets ([Asian Renewable Energy Hub \(asianrehub.com\)](#)).

The introduction of a diversification lease under the *Land Administration Act 1997* is being considered to support land access for renewable projects. There may be opportunities for DWER and Traditional Owners to utilise these diversification leases for economic, biodiversity offset and cultural benefit.

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People in photos:

- Anton Stream, Steven Stewart (Jnr) (left to right, page 5 and 8)
- Jo Williams, Peter Jaffrey, Joseph Meadham, Anton Stream, Mat Oliver, Steven Stewart (Jnr) (left to right, page 13)
- Grey Mackay, Peter Jaffrey, Clare Meredith, Margaret Stewart, Mat Oliver, Steven Stewart (Jnr), Damien Ball (left to right, back cover)

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