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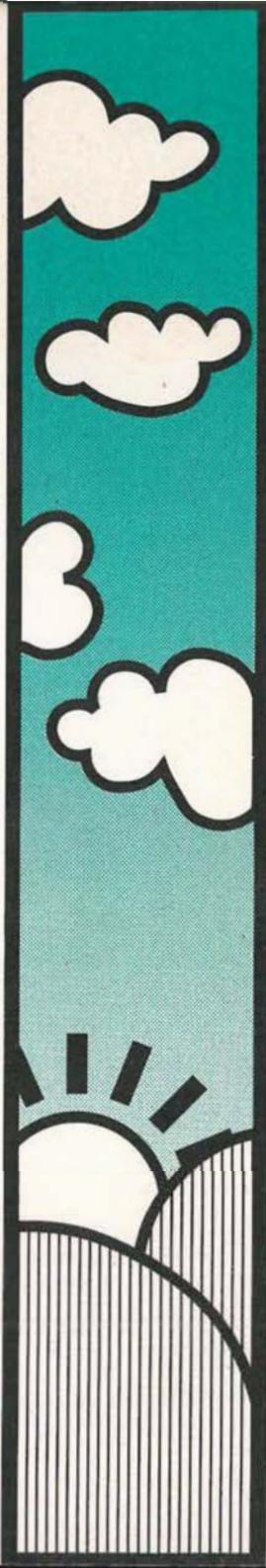
Department of Biodiversity,
Conservation and Attractions

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A GUIDE TO
ENVIRONMENTAL
IMPACT
ASSESSMENT
IN WESTERN AUSTRALIA



Environmental Protection Authority





A GUIDE TO **ENVIRONMENTAL IMPACT ASSESSMENT** IN WESTERN AUSTRALIA

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Introduction

West Australians have an environmental impact assessment process which looks at new development proposals to ensure the environment will be protected.

The system also is based on the recognition that people want a say before the Government decides.

As a result, the process is aimed at protecting the environment by ensuring development is environmentally sound and well managed.

The process is straightforward.

Proponents, or project developers, are required to tell the Environmental Protection Authority and the community what they want to develop, what they expect the environmental impacts to be, and how they plan to manage their projects so the environment will be protected.

They also are required to commit themselves to the environmentally responsible implementation of their proposals.

Proponents can be private developers, government departments or local authorities and each is treated similarly by the EPA which is obliged to assess all proposals which might have significant environmental impact.

Environmental impact assessment is not aimed at determining a balance between environment and development. In Western Australia, it is assumed that society wants both.

Instead, impact assessment provides a way in which independent environmental advice can be given to the Government so it can properly decide the balance on the basis of a range of advice covering political, environmental, economic, social and cultural issues.

Environmental impact assessment is aimed at resolving questions of "how to" manage projects so the environment is protected rather than to say "yes" or "no" to development.

The EPA provides independent advice to the Government and the community on ways to ensure environmentally acceptable development.

The Government decides whether it accepts that advice.

The public expect to be told about what developers are planning.

In Western Australia, people also expect to have a say about development, and to be heard before the Government makes a decision.

The process is designed to ensure this happens.

In particular, the EPA will help, or require, developers to design projects that protect the environment and will recommend environmental approval if it can be shown that the environment will be protected.

If proponents cannot show that the environment will be protected, the EPA will recommend against their proposals.

In Western Australia, less than 1% of the average of more than 900 proposals assessed each year are found to be unacceptable because the environmental impact cannot be managed.

Throughout the process, the EPA will advise and help proponents to improve or modify their proposals so the environment will be protected.

Proponents retain the right to design and manage their projects.

Importantly, the EPA is guided by national principles for sustainable development, and will draw on these in providing advice.

Protecting the environment

In special parts of the State set aside for conservation, such as national parks and marine parks, environmental protection means that natural values should be protected.

This invariably means that development which would damage the natural values should not proceed in these special areas.

In those parts of the State that support renewable production, such as forests, farms and fisheries, environmental protection means that the capacity to produce is sustained.

In those parts of the State chosen for cities, towns, roads, mines, airports, industrial areas and so on, environmental protection means that people-related values should be maintained.

For example, air must be kept clean, water must be protected, and noise must be kept within prescribed limits.

Aims of the process

Environmental protection in Western Australia is based on a value that captures the hopes and aspirations of most people.

It is:

The world should be a good place in which to live, and to make a living, for all of us, and for our children and theirs.

Environmental impact assessment, therefore, is designed to ensure that the environment is looked after when new development proceeds.

The process runs in parallel with project development so that designers and planners can incorporate environmental protection and developers can commit themselves to continuing, responsible environmental management.

The process also is designed to:

- ensure that Governments gets timely and sound environmental advice before they make decisions;
- encourage and provide opportunities for public involvement in the environmental aspects of proposals before decisions are made;
- ensure that proponents take primary responsibility for protecting the environment affected by their proposals;
- encourage environmentally sound proposals which minimise adverse environmental impacts and maximise environmental benefits;
- provide for continuing environmental management; and
- promote environmental awareness and education.

The process

The EPA in Western Australia is an independent environmental adviser that recommends to the Government whether projects are environmentally acceptable.

It does not decide whether projects should proceed. That task is properly left with the Government.

Essentially, the EPA advises; the Government decides.

Referrals

The first formal step of environmental assessment is the referral of a proposal to the EPA.

At this stage, the proponent briefly tells the EPA about the project, the likely environmental impact and how that impact will be managed.

The EPA needs basic information about a proposal to help it decide whether environmental impact assessment is needed and at what level.

All proposals referred to the EPA are publicly available and summarised in an advertisement each Saturday in *The West Australian* newspaper.

A form at the back of this booklet may help proponents with the extent of information required by the EPA at this stage. (Please see **Appendices I and II**).

Its use is not compulsory.

Most proposals referred to the EPA do not warrant extensive public or EPA review or evaluation though the public is welcome to see EPA advice and to comment on any proposal referred to the EPA.

EPA staff often provide environmental advice on proposals which are not extensively reviewed and, while this advice is not binding, it is publicly available.

The EPA advises project developers, local authorities and Government departments on how to determine whether proposals should be referred for assessment.

The options

The EPA has several options for dealing with a proposal referred for assessment.

It may:

- decline to assess it because it is considered environmentally insignificant;
- assess it "in house" and provide public advice (known as an **Informal Review with Public Advice**);
- issue a works approval and licence; or
- assess it "formally" as a **Consultative Environmental Review, Public Environmental Review, or Environmental Review and Management Programme**.

Formal assessments require varying degrees of environmental and public review and evaluation.

People may appeal to the Minister for the Environment to have the EPA's levels of assessment upgraded.

EPA advice

- **No assessment**

The EPA may decline to assess a proposal if it considers the environmental impact to be insignificant.

However, the EPA expects developers to implement their proposals in environmentally sound ways.

If a proposal is not assessed, the EPA's decision is advertised, and the proponent is advised.

- **Informal review with public advice**

"In house" assessment, known as an informal review with public advice, is reserved for proposals where the EPA is confident that the environmental impact can be managed, or that the environmental impact is insufficiently significant to warrant more detailed assessment.

In these cases — which account, on average, for more than 65% of projects referred to the EPA each year — the EPA may provide publicly available advice to developers and Government agencies to help them manage the environmental impact of projects.

EPA advice to Government agencies may recommend that the agencies attach environmental conditions to proposals when they issue approvals to proceed.

Information about projects in this category that is held by the EPA is made publicly available but public involvement in decisions depends on the processes of the Government agencies concerned.

EPA decision

- **Works approvals and licences**

A works approval to build a plant and a licence to operate it may be required under the pollution control provisions of the Environmental Protection Act, particularly for some mining, industrial and other proposals with a potential to pollute.

Works approvals entitle developers to build plants according to specifications which will protect the environment.

Licences entitle them to operate those plants. They also set limits on the environmental impact of their emissions.

Proponents may appeal to the Minister for the Environment against works approval and licence conditions imposed by the EPA.

Government decision

Proposals that are extensively reviewed and evaluated by the EPA are known as "formal assessments" in which the EPA advises the Government on environmental acceptability.

The Government then decides whether to approve.

Projects that are approved may have legally binding environmental conditions attached to them by the Minister for the Environment.

The EPA sets an assessment level based the location, size, complexity, range, duration, and manageability of environmental issues associated with the proposal.

The public interest in the environmental aspects of a proposal also plays an important part in setting assessment levels.

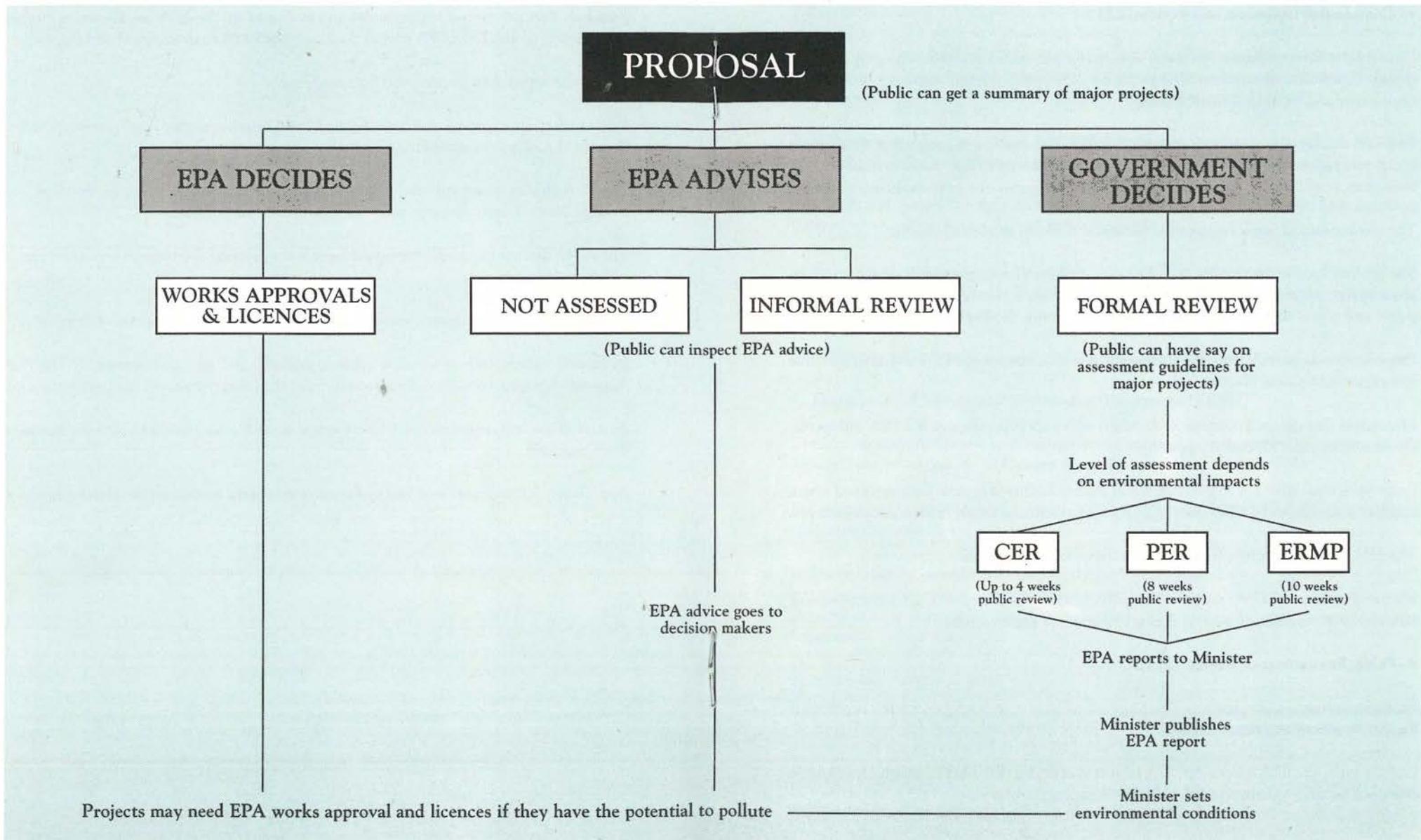
The EPA will set an assessment level, usually within a week of the proposal's referral.

Information about each proposal is publicly available and an advertisement in *The West Australian* newspaper on a Saturday summarises details of the proposal and the assessment level.

As with all levels of assessment, people may appeal to the Minister for the Environment to have them upgraded.

Appeals cost \$10 and must be lodged within two weeks of the assessment level having been set.

HOW THE PROCESS WORKS



- **Consultative Environmental Review (CER)**

Consultative Environmental Review is reserved for proposals with relatively easily managed though significant environmental impact and with public interest restricted to the local community and, or, special interest groups.

The EPA usually requires more information than was supplied on the referral of the proposal and it may require the proposal to be publicly reviewed for up to four weeks so those with an interest in, or affected by, it may be consulted and may comment on its environmental aspects.

The environmental impact assessment document is always available publicly.

The EPA will advise the proponent of the key issues to be examined and will allow documents about a proposal to be released for public review only if they are easily understood by the general public and only if they are technically sound and examine the key environmental issues.

Proponents must provide free copies of their review documents to the EPA and other specified groups, including local libraries.

Proponents may charge a nominal fee to others who want copies though the EPA will specify the maximum cost (\$5, including postage).

Proponents must advertise in the local media the availability of review documents and where to send comments, and the EPA must approve the content and timing of these advertisements.

The EPA also will advertise for public submissions on the proposal.

On rare occasions, the EPA may extend the public review where the public's ability to comment fully has been constrained, such as during Christmas or Easter holidays.

- **Public Environmental Review (PER)**

Public Environmental Review is used for proposals with either major public interest or potential for significant environmental impact.

In these cases, the EPA issues a detailed, project-specific list of the key issues which should be examined by the proponent in its Public Environmental Review.

Public Environmental Reviews are open to public comment for eight weeks.

As with the Consultative Environmental Review, the EPA will allow documents about a proposal to be released for public review only if they are easily understood by the general public, they are technically sound, and they examine the key environmental issues.

Proponents also must provide free copies of their review documents to the EPA and other specified groups, including local libraries.

The EPA will specify the maximum cost to individuals who want copies (\$10, including postage, for the main document, and \$10 for appendices).

Developers with proposals under Public Environmental Review must advertise the availability of their review documents in *The West Australian* newspaper and where to send comments, and the EPA must approve the content and timing of these advertisements.

The EPA also will advertise for public submissions on the proposal.

- **Environmental Review and Management Programme (ERMP)**

The Environmental Review and Management Programme is the most comprehensive and detailed level of assessment in Western Australia.

It is mainly used for major projects which have strategic environmental implications and are of State-wide interest.

In determining the issues to be examined, the EPA will consult those most likely to be affected by, or have an interest in, the development and will provide a list of key issues which the proponent must examine in detail in compiling a comprehensive environmental review document.

The document is open to public review for 10 weeks.

As with the other levels of assessment, proponents must provide free copies of their review documents to the EPA and other specified groups, including local libraries.

The EPA will specify the maximum cost to individuals who want copies (\$10, including postage, for the main document, and \$10 for appendices).

Developers with proposals under Environmental Review and Management Programmes must advertise the availability of their review documents in *The West Australian* newspaper and the EPA must approve the content and timing of these advertisements.

The EPA also will advertise for public submissions on the proposal.

Three additional steps are required by the EPA to ensure that the public is adequately informed and consulted about proposals attracting this level of assessment:

- The proponent must first summarise the project as soon as possible after the assessment level has been set and freely provide the summary of the project to people most likely to be affected by the proposal.

The EPA must approve the summary and the way it is communicated.

- The EPA will consult those most likely to be affected by, or have an interest in, the development to identify all the issues to be assessed, and will provide a list of key issues which the proponent must examine in preparing review documents.
- The proponent must then prepare the environmental review document and a stand-alone summary of the main document.

The summary must be provided free of charge during the review period to those most likely to be affected by, or have an interest in, the project.

- **Public inquiry**

The EPA may initiate a public inquiry for a proposal that has many major and significant environmental impacts, indirect consequences (such as development of associated infrastructure) and is of significant public concern.

Public inquiries cannot be initiated without the approval of the Minister for the Environment.

Key issues and timing

The EPA will meet the developer of a proposal to be assessed formally within about three weeks of reference and set a draft timetable for the assessment.

The timetable will commit each party to completing key stages of the assessment at mutually agreed times.

The EPA will provide a draft list of the key environmental issues to be examined in the environmental review document.

It also may seek additional information about the proposal.

The draft list of issues will be circulated to the proponent, major agencies and interest groups to help ensure no issues are missed.

The list is finalised within three weeks.

The review document must examine the key issues, and include them as an appendix.

The EPA does not specify how the document should be structured.

Environmental review documents

To expedite assessment, and to ensure that the criteria for the release of review documents are met, the EPA encourages proponents to discuss the adequacy of their review documents before they are printed for final submission and distribution.

In determining the suitability of documents for release, the EPA will ensure they examine the key issues, are technically sound, and are reasonably clear and easy to understand for the general public.

The EPA also will try to ensure that the documents contain no obvious errors of fact or science and that they contain no vexatious or inappropriate material.

The time to prepare review documents is largely up to proponents but they should allow about two weeks for the EPA to approve the final drafts.

Review documents should not be published without EPA approval.

When authorising release of the document the EPA will not have assessed it but merely checked that the major environmental issues have been canvassed, the format and style can be clearly understood, and the scientific basis for key conclusions is sound.

EPA approval to publish a review document does not imply that the EPA has assessed the proposal.

Public review may identify significant issues which may have been overlooked and this can lead to the proponent having to do further studies before the EPA assesses the project.

Public involvement

Environmental impact assessment is designed to ensure that people are told about development, have a say, and are heard before decisions are made.

The EPA regards public involvement as fundamental to the assessment process.

People having an interest in, or living near, a proposed development often have important local knowledge which can contribute to better environmental management.

The EPA expects that public involvement will lead to the identification of environmental issues and to proposals for their management which will generally enhance the environmental acceptability of proposals.

Public involvement may occur in many forms, from written and oral submissions to public meetings and hearings.

EPA experience has shown that early consultation with those likely to be most affected by a new project ensures that issues are known and lines of communication are established.

A smoother environmental assessment inevitably follows.

Social impact studies with components of public involvement programmes may help developers.

The EPA's requirements for notifying the public cover:

- content of documents for public review;
- distribution and cost of environmental review documents;
- content and timing of the media advertisements;
- any other matters needed to ensure adequate public involvement; and
- weekly advertising by the EPA of projects under review.

Responding to issues

Proponents must deal with issues raised by the public during the review and assessment of their proposals.

The EPA will provide them with summaries of issues raised during the public review of their documents (Consultative Environmental Review, Public Environmental Review or Environmental Review and Management Programme).

Confidentiality of submissions is maintained by the EPA in that submitters are not identified with issues without their permission.

Proponents then must provide a written response to the issues, including commitments to their management where appropriate.

The issues and the proponent's response to them are published by the EPA in its report and recommendations to the Minister for the Environment.

EPA recommendations

In its assessment of a proposal, the EPA will consider issues raised by the public, specialist advice from Government agencies, the proponent's response to those issues, the EPA's own research and, in some cases, research provided by other expert agencies.

The EPA takes about six weeks on average to assess a proposal after the proponent has responded to issues raised during public review.

The time varies, of course, depending on the complexity of issues and the level of assessment.

At the end of an assessment, the EPA reports and makes recommendations, which include suggested environmental conditions, to the Minister for the Environment.

This advice indicates whether the EPA considers the proposal to be environmentally acceptable and, if so, whether environmental conditions should be imposed.

The EPA, under powers delegated by the Minister for the Environment, publishes the EPA's report and people have two weeks in which to appeal to the Minister against the content of the report or its recommendations.

Appeals cost \$10.

The Minister makes the final decision on whether a proposal may proceed.

Final approval

When an EPA report to the Minister for the Environment is clear of appeals, the Minister may apply environmental conditions to the project.

Before imposing environmental conditions, the Minister will consult all other Ministers who, or agencies which, make decisions about whether a project should proceed.

When they agree, the Minister announces the conditions, which are legally binding.

This process usually takes about four weeks, depending on appeals.

Only proponents may appeal at this stage and appeals against conditions must be lodged within two weeks of them having been set.

Final approval, including an EPA works approval and licence if needed, may then be granted.

Appeals against conditions also cost \$10.

State and Commonwealth assessment

Where the Commonwealth Government has a decision-making role, the EPA tries to reach agreement with the Commonwealth environment agency to ensure that the parties involved do not, if possible, duplicate effort.

In particular, joint guidelines covering key issues may be agreed, the review document may serve both assessments, public review may be combined, and the State and Commonwealth agencies may review submissions jointly.

Each agency will then report as required under its own legislation.

APPENDIX I

SUGGESTIONS FOR COMPLETING AN ENVIRONMENTAL REVIEW APPLICATION

ENVIRONMENTAL PROTECTION AUTHORITY WESTERN AUSTRALIA

The proposal application form is not a legal document.

It is designed to provide enough relevant information to enable the EPA to set an appropriate level of assessment for a proposal referred to the EPA under Section 38 of the Environmental Protection Act.

It is not expected that this form will be appropriate for all purposes and, depending on your proposal, a short letter or a more lengthy document may be necessary instead of this form.

PROPOSER

The Minister for the Environment must nominate a person or company as being responsible for the proposal.

For legal purposes this must be precise — the full name and address of the person or the registered name of the company.

PROPOSAL

A simple, brief description of the proposal is requested and should include input processes, end results, output quantities and timing.

Please include plan if available.

LOCATION

A location map is essential.

It should indicate the elevation and slope of the site, any nearby areas or features of environmental significance (eg proposed or declared reserves, water courses, wetlands) and adjacent land uses, including the nearest homes or areas zoned residential.

SERVICES

Details of water supply, stormwater drainage, power corridors, access to and impact on transport can all be of significance and should be noted where relevant.

ENVIRONMENTAL IMPACT

Criteria for assessing a project and setting a level of assessment are:

1. The character of the receiving environment
2. The potential impact of the proposal
3. Resilience of the environment to cope with change
4. Confidence of predicting impact
5. Plans, policies or other procedures which provide ways to manage potential environmental impact
6. Other statutory decision-making processes which may provide a forum to examine relevant issues of concern
7. Degree of public interest

The following potential environmental impacts may be relevant:

- effects on geomorphology, land stability and landscape
- effects on drainage and water quality (surface and ground)
- effects on biota
- effects on access and transport systems
- effects on existing services including power, water, gas and telephone
- effects on existing community facilities
- effects on existing contingency plans for safety and emergency services
- effects of emissions (gas, dust and noise)
- management of solid and fluid wastes and stormwater
- impact on adjacent land uses including any conservation and recreation aspects
- impact of construction and operational workforces
- visual impact
- social impact

APPENDIX 11

ENVIRONMENTAL REVIEW APPLICATION

ENVIRONMENTAL PROTECTION AUTHORITY - WESTERN AUSTRALIA
OFFICE USE ONLY: ASST No _____ FILE No _____

This is not a legal document. It is designed to provide sufficient, relevant information to enable the EPA to set an appropriate level of formal assessment for a proposal referred to it under Section 38 of the Environmental Protection Act 1986.

PROPOSER

Submitted by _____

Address for correspondence _____

Proponent's contact person _____ Position _____ Phone No _____

PROPOSAL

Title of proposal _____

Description _____

Describe the scope of the proposal (area, production, capacity, duration, etc as appropriate; please attach a plan)

LOCATION (Please attach a location map)

Proposal site _____

Current zoning _____ Distance to nearest residence or urban area _____

Adjacent land uses _____

Site description _____

SERVICES

Water supply: Quantity required

Source

Transport effects

Other major utilities needed (power, sewerage etc)

ENVIRONMENTAL IMPACT

Detail nature of activity, its environmental impact and proposed management of impact

OTHER ENVIRONMENTAL ISSUES

Are there significant risks and hazards associated with the proposal? ____ If so, please attach details.
Detail briefly relevant environmental studies already done (and attach copies if appropriate)

Date _____ Signed _____

Suggested reading

- Australian and New Zealand Environment and Conservation Council (1991) — 'A National Approach to Environmental Impact Assessment in Australia' and 'The Background Paper of the Working Group', ANZECC, Canberra.
- Compendium of Ecologically Sustainable Development Recommendations, December 1992.
- Environmental Protection Authority (1992) — 'Environmental Protection', Western Australia.
- Environmental Protection Authority (1992) — 'Guidance notes — from Environmental Protection Authority reports 1971-1992, Western Australia'.
- Government of Western Australia.(1992) — 'State of the Environment Report'.
- Intergovernmental Agreement on the Environment (1 May 1992).
- National Strategy for Ecologically Sustainable Development (December 1992).
- Western Australia Environmental Protection Act, 1986