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**Summary of Public Submissions  
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Environmental Impact Assessment  
and Procedures**

**Department of Conservation  
and Environment  
Western Australia**



**Bulletin 147  
October 1983**

SUMMARY OF PUBLIC SUBMISSIONS  
RECEIVED ON  
ENVIRONMENTAL IMPACT ASSESSMENT AND PROCEDURES

Department of Conservation and Environment  
Western Australia

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**Department of  
CONSERVATION and ENVIRONMENT**

At the public seminar on Environmental Impact Assessment and Procedures, held on 14 July 1983, the Minister for the Environment, Hon Ron Davies MLA, invited attendees and members of the public to make submissions and comments on environmental impact assessment in Western Australia. His invitation was also published in the daily newspaper.

The reasons for inviting submissions were:

- . firstly to provide a forum for persons to comment but who were unable to do so at the Seminar because of time constraints;
- . secondly to allow persons at the Seminar to follow up on the papers presented; and
- . thirdly to grant an opportunity for persons who were unable to be present at the seminar, to present their views

The Minister undertook to take all views into account prior to the drafting of amendments to the State's environmental legislation.

This Bulletin contains a summary of the 56 submissions received. It complements Departmental Bulletin 142 in which the proceedings from the Seminar were published.

C. F. Porter  
DIRECTOR

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INTRODUCTION

This summary is compiled from all public and Government departmental submissions received by the Department of Conservation and Environment on environmental impact assessment and procedures between July and September 1983.

The 56 individuals and organisations have not been identified specifically in the text. However a list appears at the end of this Bulletin. The efforts made by persons making submissions is greatly appreciated and comments received have played, and will continue to play, an important part in the Government's review of environmental legislation in WA. It should be emphasised that the submissions themselves and not this summary provide input into the review. Therefore generalisations or omissions in this Bulletin do not mean that special points made have not been recognised.

The submissions came from the following sources:

<u>Source</u>	<u>No</u>	<u>%</u>
Industry	19	34
Conservation Groups	10	18
Individuals	8	14
Consultants	7	12.5
Government	6	10.5
Academics and professional associations	5	9
Small Business	1	2
	<u>56</u>	<u>100</u>

SUMMARY OF SUBMISSIONS1. Background

The present system of environmental impact assessment in WA is derived from the powers, duties and responsibilities of the Environmental Protection Authority under the Environmental Protection Act 1971-80. Within this overall responsibility, the EPA has assessed the potential environmental impact of proposals under a non-statutory procedural system. This system has evolved incrementally over time and is based on the objective of ensuring environmental factors are considered by decision-making authorities. Departmental Bulletin 38 entitled 'Procedures for Environmental Assessment of Proposals in Western Australia' illustrates the framework currently used to achieve this. It is the role of EIA in WA to serve, not replace, the decision-making process.

In general terms, the assessment procedure has aimed at including environmental factors with economic and technical considerations at all stages of project planning, and demonstrating, publicly where appropriate, that:

- . environmental considerations have been included at all stages of project planning and in the examination of alternatives;
- . predictions are made of environmental impacts based on a synthesis of known and collected information;
- . commitments are made to minimise and ameliorate such impacts through environmental management including monitoring; and
- . management would be modified in accordance with monitoring results if and when the project proceeds.

In practice, environmental impact assessment has operated at three broad levels. The first level comprises a large number of routine referrals of development proposals by decision-making bodies such as the Town Planning Board and the Metropolitan Region Planning Authority, and government proponents such as the Main Roads Department, the Metropolitan Water Authority and local authorities. The second level is referral of a proposed development in the form of a Notice of Intent (NOI); the purpose of which is to enable a preliminary assessment to be made and a decision taken as to what further action is required. Since 1976

somewhere between three and four thousand of the first two categories have been received by the Department and the EPA. The third level of assessment, and the most detailed and sophisticated, is the Environmental Review and Management Programme (ERMP). To date 22 ERMPs have been submitted with up to a further 10 in preparation. This level of assessment is obviously reserved for major projects having potentially significant and often controversial impacts on the environment.

Public submissions were directed towards these procedures.

## 2. Policy Matters

### 2.1 The Present EIA System

There was widespread support for the basic framework of the present EIA system with proponents providing the strongest support and conservation groups suggesting the most changes. The main attributes of the present system were seen as flexibility, responsiveness and workability. Industry, consultants and government agencies generally favoured streamlining the present system. Conservationists wanted more detailed procedures and greater public accessibility.

(32% support : 4% oppose)\*

- 2.2 Apart from the mining industry there was little dissension for statutory backing for EIA procedures. However many submissions qualified their support by recommending that the present system form the basis for statutory procedures and that flexibility not be reduced. An important point was made in one submission that legislation only provides guidelines and that it is the practical administration of procedures that is important. Opposition was based on the fear that legal and not environmental standards would apply.

(35% support : 13% oppose)

### 2.3 Scope of EIA

#### 2.3.1 Social factors

Overall there was general support for the inclusion of social factors in EIA. One advantage of doing so was seen as paralleling the Commonwealth's definition of environment and ensuring compatible joint assessments.

(41% support : 5% oppose)

#### 2.3.2 Economic factors

There was a mixed reaction to the inclusion of economic factors in EIA. Some submissions supported the general principle but opposed the use of cost-benefit analysis as the tool. However the use of cost-benefit analysis for projects where the State either commits

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\*The percentage figures quoted refer only to those submissions of the total number which mentioned each item



public funds and/or infrastructure, or supplies a basic resource on a royalty basis received some support. The impression received from many submissions was that the role of environmental economics and cost-benefit analysis in EIA was not well understood.

(23% support : 7% oppose)

### 2.3.3 Major changes in land-use

Support for the inclusion of proposed major changes in land-use (eg agricultural land releases, regional planning, reserves) in EIA was received from all groups of submissions.

(21% support : 2% oppose)

### 2.3.4 Projects by Government agencies

Some submissions made the point that all projects by Government agencies should be subject to the same EIA procedures as others; particularly if procedures are to be backed by Statute.

(11% support : 0% oppose)

### 2.3.5 Other factors

(a) Checklists of classifications of projects falling under EIA guidelines should be drawn up according to some comments

(11% support : 0% oppose)

(b) One submission called for the defining of the objectives of, and the ethical base for, EIA in WA, and for these to be incorporated in new legislation

## 2.4 Agreement Acts

Some conservation groups and consultants called for Agreements to be subject to EIA procedures. Attention was drawn to the apparent paradox existing between Clause 7 (2) of the Environmental Protection Act and the types of clauses which have appeared in recent Agreement Acts not exempting proponents from compliance with State environmental

legislation.

(9% support : 2% oppose)

There was wider support for a better system of dealing with and responding to Environmental Management Plans (EMPs) called for under Agreements. In particular mining and industry submissions wanted a co-ordinated government response and conservation groups wanted public access.

(18% support : 2% oppose)

## 2.5 Public Participation

There was widespread support for formalised public participation in EIA and for public participation to occur earlier in the process. There was less support for provisions for public inquiries, and submissions were divided sharply on appeal rights. Conservationists wanted second and third party appeal rights to a public tribunal or the law courts at a number of decision-making points in the procedures. Industry strongly opposed such proposals except for the opportunity to appeal against EPA recommendations.

As well there were three other main issues raised:

- (a) the right for the public to refer matters to the EPA
- (b) the opportunity to present submissions in person
- (c) better feedback on proponents' and EPA's responses to submissions

Conservationists felt strongly that third parties should have legal standing for appeals (eg U.S. "class action" status)

(Earlier public participation	-	43% support	:	7% oppose)
(Formalised public participation	-	38% support	:	9% oppose)
(Public inquiries	-	21% support	:	7% oppose)
(Appeal rights	-	20% support	:	18% oppose)
(Public referrals	-	11% support	:	0% oppose)
(Submissions presented	-	7% support	:	0% oppose)
in person				
(Feedback on submissions	-	4% support	:	0% oppose)

## 2.6 The EPA

### 2.6.1 Backing for EPA recommendations on EIA

Some submissions pointed out anomalies with the present system whereby EPA recommendations could be accepted by Government but ignored by other decision-making authorities. A few went further and recommended that EPA recommendations be backed by statute after acceptance by Government. One submission suggested third-party appeal rights for non-implementation of such recommendations.

(9% support : 0% oppose)

### 2.6.2 EPA Power to publish EIA reports

There was general agreement that EPA reports should be public and, of the submissions which mentioned it, all were in favour of the EPA having explicit power to publish.

(11% support : 0% oppose)

### 2.6.3 Other

One submission suggested that the EPA should have explicit power to call in defined proposals for EIA. Another wanted action to cease on a proposal while subject to EIA, and to recommence after the EPA has reported, assuming approval was given

## 2.7 Integration of EIA and planning/development approvals

Various responses were received on the concept of integrating EIA and the planning/development approvals system. The NSW approach was used as an example for both

sides of the argument. The concept is outside the scope of this particular review because to be effective, both environmental and planning legislation would require amendments. Nevertheless the point that it would be advantageous for environmental clearances and planning/development approvals to be linked closely is relevant.

(21% support : 5% oppose)

## 2.8 Timetabling

Many submissions, while not specifically critical, called for streamlining of procedures and reducing delays. Some suggested statutory time limits for responses.

(18% support : 0% oppose)

## 3. Procedural Matters

### 3.1 Staging of assessments

There were three aspects of staging of assessments raised:

- 3.1.1 Draft and final ERMPs or equivalent, in analogous manner to the Commonwealth legislation;
- 3.1.2 Division of the environmental review from the management programme sections in EIA;
- 3.1.3 Staged assessments (where, for example, site selection and development are separated by time).

All three are based on the concept of a "triggering" document (eg Notice of Intent) but diverge from that point onwards. Two submissions proposed more complicated procedural steps with a number of appeal rights at decision making points.

(18% support : 0% oppose)

### 3.2 Methodology

A number of suggestions were put forward in regard to methodology of EIA documents.

The most important of these were:

- 3.2.1 a move towards adaptive environmental assessment techniques;
- 3.2.2 the inclusion of risk analysis;
- 3.2.3 the inclusion of contingency planning for high risk proposals;
- 3.2.4 emphasis on synthesising data, identifying ecosystem controlling factors and predicting potential impacts;
- 3.2.5 greater government departmental involvement during the proponent's preparation stage of EIA documents;
- 3.2.6 realistic recognition of costs in preparing EIA documents;
- 3.2.7 ensuring that EIA documents reach a required standard;
- 3.2.8 greater emphasis on examining alternatives, including justification for the need for the proposal;
- 3.2.9 more emphasis on landscape and aesthetics;
- 3.2.10 reasonable limits to EIA requirements for data gathering.

### 3.3 Accessibility of Documents

Complaints were received that access to EIA documents was difficult and suggestions were made to overcome this, for example lending systems.

(4% support : 0% oppose)

### 3.4 Other issues

The following points were raised, each in one submission only:

- 3.4.1 A project or part of a project should be referred back to the EPA if any changes are proposed after EIA;
- 3.4.2 The Government should fund EIA;
- 3.4.3 The Government should fund public participation in EIA.

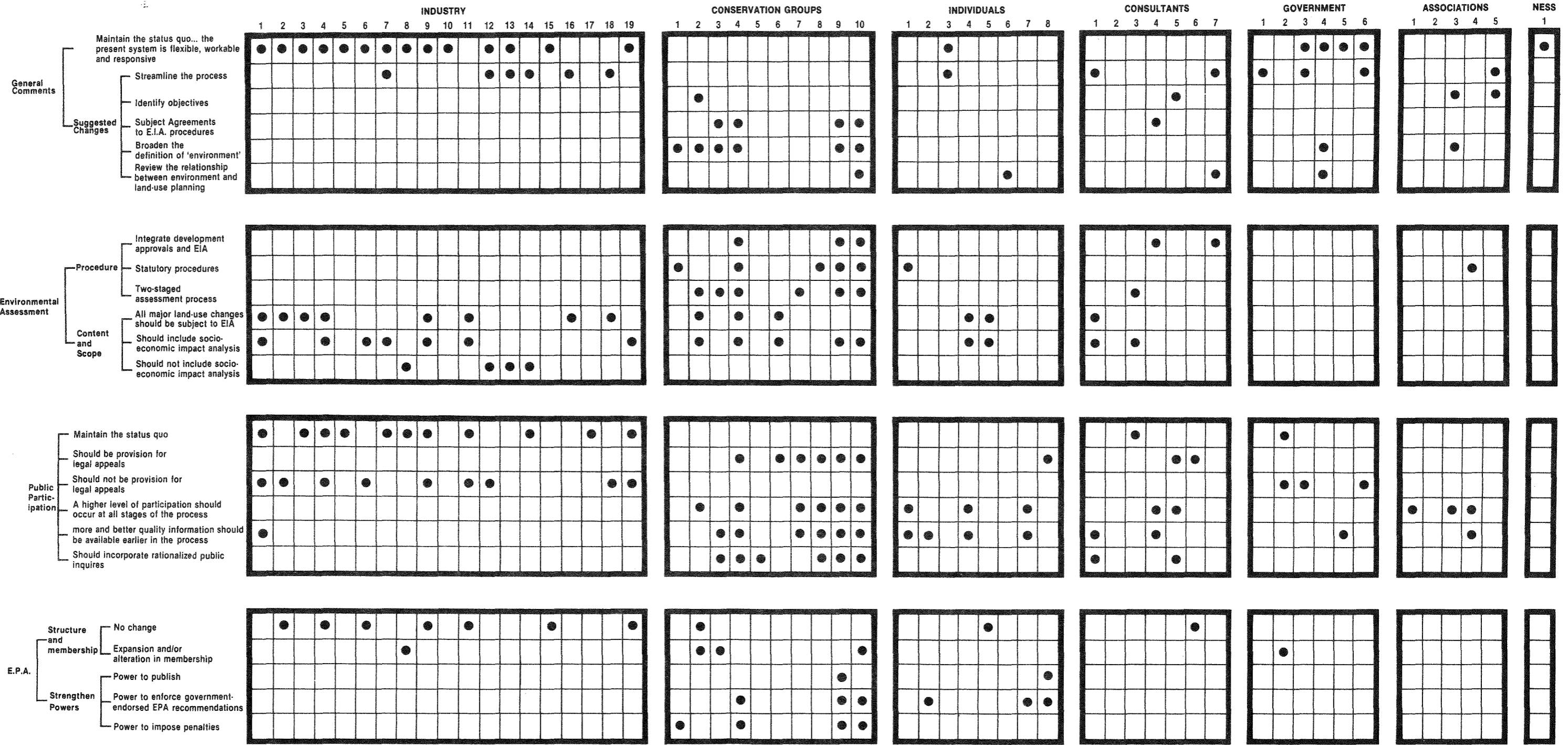
4. Resources

4.1 Department of Conservation and Environment (DCE)

It was recognised in some submissions that to give statutory backing to EIA and to widen the scope of assessment, DCE staffing and resources would need to meet the demand. In addition it was recognised that DCE would be placed in a formal environmental management role.

(9% support : 0% oppose)

### SUMMARISED BREAKDOWN OF SUBMISSIONS



LIST OF PERSONS AND ORGANISATIONS MAKING SUBMISSIONS

Alcoa of Australia Ltd PO Box 172 PINJARRA WA 6208	CSBP and Farmers Ltd 105 St George's Terrace PERTH WA 6000
Associated Minerals Consolidated Ltd 45 Stirling Highway NEDLANDS WA 6009	Dames and Moore 26 Lyall Street SOUTH PERTH WA 6151
Australian Conservation Foundation 672B Glenferrie Road HAWTHORN VICTORIA 3122	Dampier Salt (Operations) Pty Ltd PO Box 7073 Cloisters Square PERTH WA 6000
Australian Conservation Foundation (Western Australian Project Officer) 794 Hay Street PERTH WA 6000	Environmental Studies Group Western Australian Institute of Technology Kent Street BENTLEY WA 6102
Bunnings Ltd 255 Adelaide Terrace PERTH WA 6000	Esso Australia Ltd GPO Box 4047 SYDNEY NSW 2001
Mr W H Butler Dinara Pty Ltd 11th Floor 233 Adelaide Terrace PERTH WA 6001	Forest Products Association (WA) 103 Colin Street WEST PERTH WA 6005
Campaign to Save Native Forests (WA) c/- The Environment Centre 794 Hay Street PERTH WA 6000	Forests Department 50 Hayman Road COMO WA 6152
The Chamber of Mines of Western Australia (Inc) 8th Floor FAI Insurance Building 231 Adelaide Terrace PERTH WA 6000	General Counsel Pty Ltd 23rd Floor Barclay's House 25 Bligh Street SYDNEY NSW 6000
Mr C C Cheyne ATTADALE WA 6156	Griffin Coal Mining Co Ltd 15th Floor Griffin Centre 28 The Esplanade PERTH WA 6000
Cliffs Robe River Iron Associates 3rd Floor Wapet House 12-14 St George's Terrace PERTH WA 6000	Mr R J Hart NEDLANDS WA 6009
Cockburn Cement Ltd 191 St George's Terrace PERTH WA 6000	Max Hipkins and Associates 26 Nile Street EAST PERTH WA 6000
Conservation Council of Western Australia Inc 794 Hay Street PERTH WA 6000	Mr D A Hooper MOUNT HAWTHORN WA 6016
	A & L Hopkins SUBIACO WA 6008
	Dr I R Lantzke WEMBLEY DOWNS WA 6019



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WEST PERTH WA 6005

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Metropolitan Water Centre  
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LEEDERVILLE WA 6007

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Fuel and Energy  
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Nelson Point  
PORT HEDLAND WA 6721

Mr O Mueller  
WEMBLEY DOWNS WA 6019

Dr Peter Newman  
Murdoch University  
MURDOCH WA 6150

Mr R M Nunn  
BICTON WA 6157

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18 Walker Avenue  
WEST PERTH WA 6005

Mr Allan Peachmore  
School of Management  
Western Australian Institute  
of Technology  
BENTLEY WA 6102

Peel Preservation Group Inc  
29 Mistral Street  
FALCON WA 6210

Perth Chamber of Commerce (Inc)  
14 Parliament Place  
PERTH WA 6000

Professional Association for  
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NEDLANDS WA 6009

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