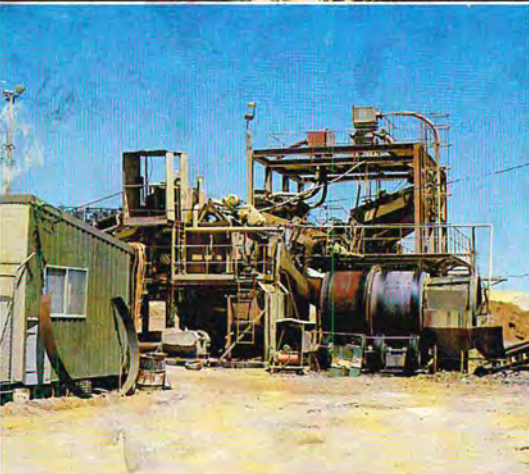




PROCEDURES FOR ENVIRONMENTAL ASSESSMENT OF PROPOSALS IN WESTERN AUSTRALIA



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DEPARTMENT OF
CONSERVATION AND ENVIRONMENT
WESTERN AUSTRALIA



Prepared by the Department of
Conservation and Environment to assist
persons or bodies in meeting the require-
ments of the Environmental Protection
Authority for environmental assessment
of development proposals.

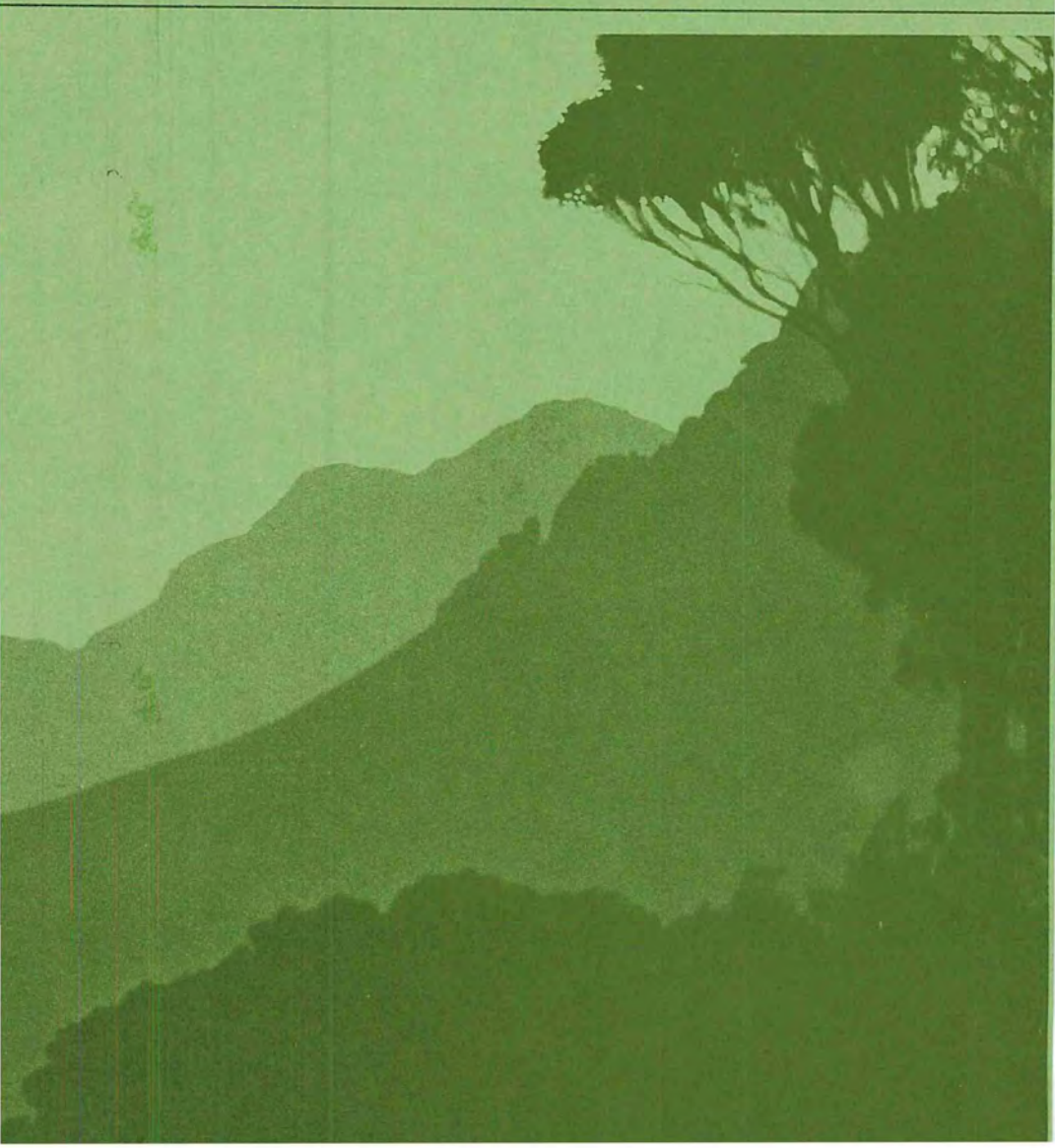
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CONTENTS

1	INTRODUCTION	3
2	PROPOSALS TO BE REFERRED	3
3	REFERRING A PROPOSAL	5
	3.1 Notice of Intent (NoI)	5
	3.2 Environmental Review and Management Programme	6
	3.2.1 Consultation	7
	3.2.2 Draft ERMP	7
	3.2.3 Submission of ERMP	7
	3.3 Government Review of ERMP	7
	3.4 Public Review of ERMP	7
	3.5 Further Information	7
4	EPA RECOMMENDATION	8
5	COMMONWEALTH GOVERNMENT REQUIREMENTS	8
	5.1 Action Minister	8
	5.2 Designation of Proponent	8
	5.3 Supply of Information	8
	5.4 Assessment Procedure	8
6	STATE/COMMONWEALTH JOINT ASSESSMENT ARRANGEMENTS	10
7	ADDRESS FOR CORRESPONDENCE	10
	FLOW CHART SUMMARY OF ENVIRONMENTAL ASSESSMENT PROCEDURE	11

1 INTRODUCTION

Under the Environmental Protection Act, 1971, the Environmental Protection Authority (EPA) is charged with the duties of enhancing the quality of the environment and controlling and wherever practicable preventing acts or omissions capable of causing pollution.

Section 57 (1) of the Act requires Ministers of the Crown to refer to the EPA matters which may have a detrimental effect on the environment. The EPA can then require the provision of "aid, information and facilities" to assist it in reporting to the Minister on environmental aspects of the proposal.

In practice the provision of information is undertaken by the proponent, i.e. the person or company wishing to undertake a development for which some kind of approval by the Minister is required.

This document sets out the procedure to be followed in referring a proposed development to the EPA.

2 PROPOSALS TO BE REFERRED

It is obvious that many proposed developments do not have the capacity to significantly affect the environment, however, it is not possible to provide generalised criteria which will allow a proponent to determine whether or not he should refer a proposal to the EPA. Criteria set in terms of cost, size, location or function can all lead to unnecessary assessment or failure to assess a significant proposal. Some types of proposals of particular concern to the EPA, however, are those which:

- interfere with, or are adjacent to wetlands, lakes, rivers, creeks, swamps or estuaries.
- are within one kilometre of the coast, particularly in areas of coastal dunes.
- involve the discharge of waste products be they solid, liquid or gaseous.
- change the existing human amenity of an area.
- interfere with or are adjacent to National Parks, State forests, wildlife or other reserves.

Proponents should recognise, however, that the above is not an exhaustive list. In order to avoid the post-hoc imposition of possibly onerous conditions to satisfy EPA requirements, proponents should contact the Department of Conservation and Environment if there is any doubt as to whether their proposal should be referred. This should be done at the earliest possible stage of formulation of the proposal so that environmental factors which may have to be taken into account can be included in the ongoing technical and economic considerations.



3 REFERRING A PROPOSAL

The proponent, having recognised that a proposal is environmentally significant, should refer it to the EPA through the Department in the form of a Notice of Intent (NoI)

3.1 Notice of Intent (NoI)

The purpose of this document is to allow the Department to make a preliminary assessment of the likely environmental impact of a proposal, and to establish what further action is necessary.

The NoI should include the following:

- A statement as to any statutory procedures under which the proposal is to be undertaken, e.g. Town Planning Scheme, Clean Air Act, etc.
- A summary of the proposal and any preliminary investigation undertaken with respect to it, and in particular describing any alternatives considered.
- A summary description of the environment likely to be affected by the proposal and any feasible alternatives.
- An indication of the likely effects on the environment of the proposal and any feasible alternative.
- An indication of the safeguards proposed for the protection of the environment in connection with the proposal.
- A summary of the environmental investigations including ongoing research and monitoring proposed to be undertaken with respect to the proposal.

This document should be sufficiently detailed to enable the Department to determine whether the proposal can go ahead as proposed or under specified conditions, or whether a detailed environmental assessment is necessary.

It is stressed that the preparation of the NoI will be greatly facilitated if the environmental factors are considered concurrently with the technical and economic evaluation of a proposal. In this way a basic understanding of the environmental interactions will be available as a matter of course and can be an input to feasibility decision-making.

On receipt of the NoI the Department will recommend to the EPA that it:

- raise no environmental objection to the proposal proceeding, or
- require variations to or conditions on the proposal which would be necessary to meet environmental requirements, or
- require that the proposal be subject to detailed environmental assessment, in which case the EPA will normally require the proponent to prepare an Environmental Review and Management Programme (ERMP).

3.2 Environmental Review and Management Programme

The purpose of an ERMP is to provide the decision-maker with a comprehensive report detailing the environment to be affected by the proposed development, the effect of the development on that environment and the undertakings of the developer in respect of amelioration of those effects.

The form of an ERMP will vary with the type, magnitude, location and other factors of the proposed development. However the main text of an ERMP should not be of a highly technical nature but should be concise and able to be read and understood by the informed layman. Detailed technical data on which conclusions are reached should be attached as appendices to the document. Where pertinent data are of a confidential nature they should be included in a separate volume of confidential appendices which will be respected as such.

Detailed guidelines for each individual proposal can be prepared by the Department of Conservation and Environment in consultation with the proposer and other affected Government departments and instrumentalities, however to the extent appropriate in the circumstances, the general form of an ERMP is:

A. Environmental Review Section

- (a) Objectives of the proposed action.
- (b) Need for the proposed action.
- (c) Description of the proposed action.
- (d) Alternatives to the proposed action.
- (e) Consequences of not undertaking the proposed action.
- (f) Description of the the existing environment likely to be affected by the proposal or any feasible alternative.
- (g) Assessment of the potential effect on the environment, of the proposal, or any feasible alternative.
- (h) Outline of reasons for choosing the alternative proposed, in terms of the above and other constraints/advantages, (e.g. economic, technical)
- (i) Description of the specific safeguards and actions which can be taken to ameliorate the effects assessed in (g).

B. Management Programme

- (a) Details of the unavoidable deleterious effects and benefits which the proposed action is assessed to have on the environment.
- (b) Environmental management proposals including research, monitoring, periodic reassessment and reporting.
- (c) Commitment by the proposer to amend the operation of his proposal in the light of results from (b).

3.2.1 **Consultation**

The proposer should maintain liaison with the Department of Conservation and Environment during the compilation of the ERMP, and the Department will render advice and assistance and liaise with other Government departments and instrumentalities on behalf of the proposer as far as practicable.

3.2.2 **Draft ERMP**

The proposer should first prepare a draft ERMP for submission to the Department. The draft ERMP should contain all the information and be in the general format of the proposed final document but may be in a less finished form, (e.g. unbound, containing editorial corrections, sketch maps, etc.) This will enable the Department to advise the proposer of any shortcomings in the document prior to formal submission of the ERMP to the EPA.

3.2.3 **Submission of the ERMP**

The proponent should submit to the EPA three copies of its ERMP and be prepared to provide a further ten copies on request.

In the case of a major proposal the proponent should discuss printing requirements with the Department.

3.3 **Government Review of ERMP**

The EPA, through the Department of Conservation and Environment will, as a matter of course, circulate the ERMP to relevant Government departments and instrumentalities seeking their comments on aspects of the proposal for which they have responsibilities.

3.4 **Public Review of ERMP**

As part of its assessment of a proposal the EPA will normally solicit public comment upon the ERMP. The manner and timing of this will vary from project to project but the ERMP would normally be made available in public libraries, the Environment Centre and the Department of Conservation and Environment for a minimum of 28 days. For larger projects copies would be expected to be available for purchase at a reasonable cost.

3.5 **Further Information**

After formal submission of the ERMP to the EPA, the EPA may, in the course of its assessment, call upon the proposer to provide further information relevant to any aspect of the ERMP including public comments made on it, or to include in the Management Programme such supplementary conditions, monitoring, research or other matter as the EPA considers necessary for the proper protection and management of the environment.

4 EPA RECOMMENDATION

After evaluating the ERMP in the light of public comment, with the assistance of Government departments or other expert persons and after seeking clarification with the proponent of any matters of concern the EPA will make a recommendation to the appropriate Minister or Statutory Authority such as to:

- support the project as described in the ERMP, or
- support the project conditional upon the proponent agreeing to specified changes to the proposal and/or the Management Programme, or
- oppose the project.

5 COMMONWEALTH GOVERNMENT REQUIREMENTS

In 1974 the Commonwealth Parliament passed the Environment Protection (Impact of Proposals) Act "to make provision for Protection of the Environment in relation to Projects and Decisions of, or under the control of, the Australian Government ..." The objective of this Act is broadly to ensure that matters affecting the environment to a significant extent are taken into account in Government decision-making. This is achieved by empowering the Commonwealth Minister to seek information on the proposal and to give advice accordingly. Administrative Procedures under the Act, which are briefly outlined below, provide detailed arrangements for the assessment of proposed actions.

5.1 Action Minister

The action Minister in relation to a proposal is the Commonwealth Minister responsible for making the decision with respect to the proposal, e.g. the Minister for Trade and Resources in the case of granting of export licenses, the Treasurer for approval of overseas equity.

5.2 Designation of Proponent

As soon as a proposed action has been first formulated the action Minister is required to designate the proponent of the proposed action. This would normally be the person or organisation proposing to undertake the development which requires the export license, financial clearance or whatever.

5.3 Supply of Information

The proponent is required to provide information comparable to that contained in the Notice of Intent (see section 3.1) in order that the Minister can determine whether or not an environmental impact statement is necessary.

5.4 Assessment Procedure

Where an environmental impact statement is required, its general form is similar to part A of an ERMP (see section 3.2). The Commonwealth's procedure for assessing the statement differs somewhat from the State's approach but for operational convenience the two systems can be interlinked. The steps in the Commonwealth assessment procedure are:

- The proponent prepares a Draft Environmental Impact Statement which is a polished document, the term "Draft" being used only as it relates to the later requirement for a "Final Environmental Impact Statement"
- The Draft Environmental Impact Statement is normally made available for public comment and sale, in a manner and for a period, approved by the Commonwealth.
- For highly significant proposals, the Minister may direct that a public inquiry be held. An independent commission then reports its findings to the Minister and these are normally made public.
- The proponent revises the Draft Environmental Impact Statement to take into account written public submissions, findings of any inquiry and other written comments (e.g. from Government departments) thereby producing a Final Environmental Impact Statement.
- The Final Environmental Impact Statement is submitted to the Minister who may request further information before making recommendations to the action Minister.



6 STATE/COMMONWEALTH JOINT ASSESSMENT ARRANGEMENTS

In order to avoid unnecessary duplication in the preparation of documents and the assessment of proposals, arrangements have been agreed between the State and Commonwealth authorities to integrate the two assessment procedures. These arrangements ensure that the ERMP prepared for the State will satisfy the Commonwealth requirement for an environmental impact statement and that all other aspects of the environmental assessment will be co-ordinated. Final assessments and recommendations of the two authorities may differ slightly due to different spheres of responsibility, however if such differences are significant they will be a matter for consultation between the respective Ministers.

An important aspect of the arrangements is that the State Department of Conservation and Environment is the contact point in respect of proposals requiring Commonwealth environmental approvals and for this reason proponents should make clear in the Nol whether any Commonwealth approval is likely to be required for any aspect of the proposal (e.g. export licenses, foreign investment approval, Commonwealth loan, etc.)

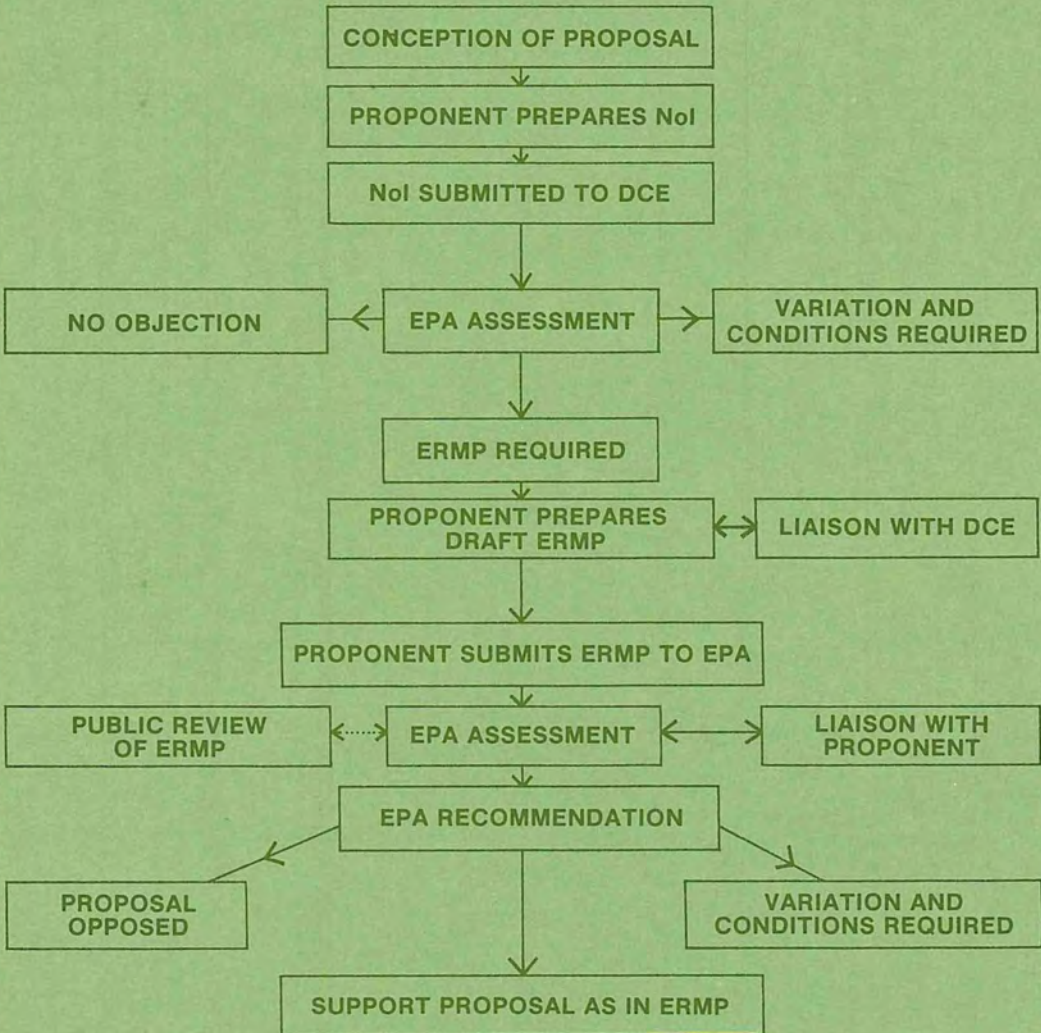
7 ADDRESS FOR CORRESPONDENCE

All correspondence should be addressed to:

The Director,
Department of Conservation and Environment,
1 Mount Street,
PERTH W.A. 6000

Telephone: (09) 322 2477

FLOW CHART SUMMARY OF ENVIRONMENTAL ASSESSMENT PROCEDURE







NOTES
