



# e panews

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June 2011

## Welcome to the EPA's first newsletter

One of the EPA's goals is to increase the understanding by the community, government agencies and all sectors of industry about what the EPA does, why we do it and how we do it.

This newsletter, along with other recent initiatives such as our new (and much-improved web site) and civic and business leaders' breakfasts at EPA site visits, will assist in achieving that goal.

The EPA is entering another challenging era as it grapples with providing government with high quality and timely advice about the environmental acceptability of a substantial number of very large, complex and often controversial development proposals.

The EPA is undertaking environmental impact assessment (EIA) of some of the nation's largest LNG

proposals, such as Chevron's Wheatstone proposal near Onslow and the Browse LNG precinct at James Price Point on the Dampier Peninsula, as well as 14 new and expanded iron ore proposals, mostly in the Pilbara and the mid-West.

There are also four uranium mining proposals in the system and eight proposals where significant marine dredging will be required for port infrastructure. There are about 200 million cubic metres of dredging approved or in the pipeline in WA. If you placed all that spoil in one cubic metre boxes and placed them end to end, they would go around the Earth five times! ▶▶2



Dr Paul Vogel, EPA Chairman

## EPA online

Quick links to online content:

- Media statements
- EPA Reports
- Public comment on referrals
- Open for submission
- Status of active formal assessments
- Monday advertisements
- Chairman's Determinations
- Ministerial Approval Statements
- Annual Reports
- Announcements

See page 7 for more about our website.

## Meeting dates

The EPA meets to consider proposals and deal with other business each fortnight. Additional meetings may be arranged if required.

Meetings of the Board are usually held at The Atrium, 168 St Georges Terrace, Perth, but may be combined with site visits to regional areas.

### June - September 2011

Thursday 9 June

Thursday 23 June

Thursday 7 July

Thursday 21 July

Thursday 4 August

Thursday 18 August

Thursday 1 September

Thursday 15 September

Thursday 29 September

## EPA members

Dr Paul Vogel - Chairman

Dr Chris Whitaker - Deputy Chairman

Mr Denis Glennon AO

Dr Rod Lukatelich

Ms Joan Payne (the fifth EPA member) recently retired.

**p14** There are 93 formal assessments in the EIA process and while eight out of ten reports met agreed timeframes for reporting to Government, there is room for further improvement. There has been strong interest in recent proposals with over 11,000 public submissions on the Browse LNG strategic proposal, for example.

The EPA's reform agenda, aimed at improving certainty and timeliness in the assessment process while ensuring ecologically sustainable development and more effective EIA, has helped meet tight project schedules although the quality and timeliness of proponent documentation and unrealistic project milestones continues to be a concern. An example of a very good assessment that met the EPA's expectations in terms of high quality environmental information and corporate behaviour, was the Tropicana Gold Project.

While the EPA will try very hard to meet proponents' realistic Final Investment Decision timelines, one of the consequences of a hasty assessment and approval is the increasing trend of changes to proposals and conditions, post-Ministerial approval. This has created additional and unnecessary re-work for the Office of the EPA.

The recent introduction of a step in the EIA process whereby proponents and key government agencies are consulted on technical/implementation issues in regard to EPA draft recommended conditions is paying dividends, with a strong downward trend in appeals against EPA reports. I must emphasise however, that this step is not an opportunity for the proponent to open a general negotiation on all conditions. The EPA has already determined at that stage that the conditions are necessary to reduce

the environmental risks or avoid the potential impacts in order to meet its test of environmental acceptability.

The EPA is also moving to ensure that offsets are dealt with more transparently by incorporating them into its public report and associated recommended conditions to the Minister. An example of this is the recent Oakajee Rail proposal, which was, in the EPA's view, a very good assessment with the proponent providing high quality, timely environmental information and an offsets' package that was negotiated transparently with the relevant government agency, was consistent with the EPA's Environmental Assessment Guidance and was subsequently incorporated into conditions.

Finally, the EPA believes that the new governance model agreed by Government in November 2009, whereby the independent EPA is serviced and supported by a department of state called the Office of the EPA, is paying off through clarity about roles, responsibilities, direction and priorities.

In future editions of the newsletter I shall discuss some of the aspects of the environmental impact assessment process in more detail and also important issues and pressures facing WA's unique environment in this period of rapid and sustained economic growth.



Dr Paul Vogel

CHAIRMAN

## 1000th meeting of the Environmental Protection Authority

The 1000th meeting of the EPA took place on Thursday 17 March 2011 with a varied agenda including items on Vasse Coal, the Browse Liquefied Natural Gas Precinct, Chevron's Wheatstone proposal and Fitzgerald River National Park.

The five-member EPA meets every fortnight to make decisions related to the assessment of development proposals and planning schemes, hear presentations from proponents and technical experts, and discuss issues and concerns with key stakeholders.

Since the EPA was established in 1971 there have been nine Chairmen and 25 members, appointed by the Governor on the recommendation of the Minister for Environment. The first of six female members, Dr Christine Sharp, was appointed in 1989. The current EPA is Dr Paul Vogel (Chairman), Dr Chris Whitaker (Deputy Chairman), Mr Denis Glennon, Ms Joan Payne and Dr Rod Lukatelich.

There have been eight different names and changing roles for the department supporting the EPA. This task is currently undertaken by the Office of the Environmental Protection Authority which began operations in November 2009.

The EPA has given advice to 17 Environment Ministers, presenting 1401 EPA Reports (originally called Bulletins), predominantly containing recommendations on development proposals.

To help with Environmental Impact Assessment and to protect critical parts of the Western Australian environment the EPA also produces policies and guidelines. Among the many areas of policy work at present are an Environmental Assessment Guideline on Planning for Mine Closure and a review of the *Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998*. Environmental Protection Bulletin 13 reporting on DEC's Albany Regional Vegetation Survey was completed and published in early May.

There are also strategic projects underway such as investigations relating to Fortescue Marsh in the Pilbara. The EPA is working collaboratively with the departments of Water,



The first four chairmen of the EPA. Dr Brian O'Brien (1971 - 1977) [inset] and above L-R Phillip Adams (1981), Dr Colin Porter (1977 - 1981) and Professor Bert Main (1981 - 1985)

Environment and Conservation and State Development to develop a Fortescue Marsh strategic guidance which will provide agreed values and objectives for its long term management – particularly in relation to guiding mining activity and water management.

In celebration of the 1000th meeting milestone an afternoon tea was held on 13 April at

Freshwater Bay Yacht Club.

Attendees included the Governor of Western Australia, Dr Ken Michael, the Hon Donna Faragher, representing the Minister for Environment, and many past and current members of the EPA.

The 2000th meeting is due around 2052 – one wonders what will be on the agenda... ■

If it is decided that the Browse LNG strategic proposal may be implemented, proponents may refer a specific proposal to construct an LNG plant to the EPA for declaration as a derived proposal.

The EPA will declare a new referred proposal to be a derived proposal if the referred proposal was identified and approved as part of the strategic proposal, unless:

- environmental issues were not adequately addressed in the strategic proposal;
- there is new or additional information that justifies reassessment; or
- there have been significant changes in relevant environmental factors since the strategic proposal was assessed.

If a proposal is declared to be a derived proposal by the EPA, there will be no further assessment. The EPA may, however, inquire into whether the conditions applied to the derived proposal should be changed. ■

## Browse Liquefied Natural Gas Precinct

The EPA's formal environmental assessment of the strategic proposal for the Browse Liquefied Natural Gas (LNG) Precinct at James Price Point has reached a milestone with the close of a 15 week public submission period on 28 March 2011.

Now that the public submissions have been received, the Department of State Development, representing the proponent, will provide a response to the submissions. The EPA will then provide its report and recommendations to the Minister for Environment who will decide whether or not the strategic proposal may be implemented.

The EPA's report is expected to be available later this year.

The precinct is designed to locate processing plants for offshore Kimberley gas at a single site. Woodside Energy Limited is likely to be first to construct a gas processing plant in a new precinct if it receives environmental approval.

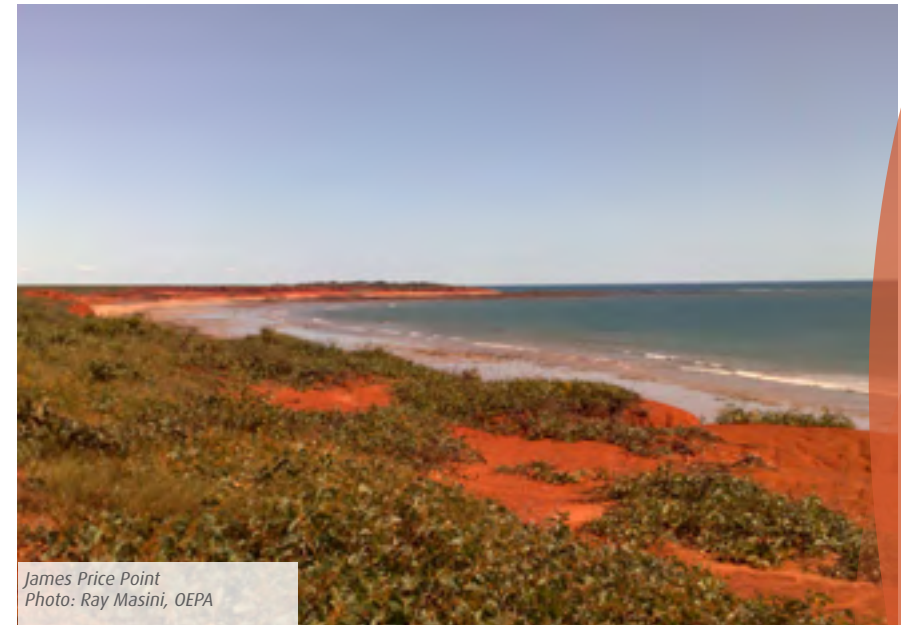
The Premier announced James Price Point, 60 km north of Broome, as the preferred location for the gas precinct in 2009 following examination of sites

ranging from the Pilbara to the Northern Territory, including over 40 sites throughout the Kimberley.

The Kimberley sites ranged from Cape Bossut, 100 km south of Broome to Anjo Peninsula, to the north of Kalumburu. A government task force examined environmental, technical, indigenous heritage, social and economic factors with input from a range of public consultation processes.

Eleven sites were identified for more detailed examination and further public comment. These eleven sites were narrowed down to a short list of four sites at Gourdon Bay (70 km south-west of Broome), James Price Point, North Head (140 km north of Broome) and Anjo Peninsula (50 km north of Kalumburu).

In Report 1306 (19 December 2008) the EPA provided early, public advice about the likely environmental acceptability of



James Price Point  
Photo: Ray Masini, OEPA

these four sites. It concluded that environmental impacts were likely to be manageable at Gourdon Bay and James Price Point, and noted that further, formal assessment would be required for whichever site was chosen for a proposed LNG processing precinct. This

process was arguably the most thorough and most public ever undertaken in Western Australia to select a new industrial location. ■

## Statement compliance and auditing

The Office of the EPA's Assessment and Compliance Services Division performs two tasks - environmental impact assessment of proposals leading to the issue of a Ministerial Approval Statement, and post-statement management and compliance.

863 Ministerial Statements have already been issued and the ongoing assessment of development proposals results in more each year.

In 2007 independent reviews of industry regulation and compliance by the State government recommended:

- a revision of the business delivery model for industry regulation;
- development of Industry Compliance Management Work Plans; and
- development and implementation of specific performance indicators.

Also in 2007, the Minister for Environment announced additional funding for compliance monitoring, enabling ten full-time staff to be employed.

With the formation of the OEPA in November 2009, responsibility for compliance of Part IV of the Environmental Protection Act 1986 (the Act) was delegated to the new department and work

continued on putting the review recommendations in place. DEC maintains responsibility for licensing of industry and pollution powers under the Act.

The formation of the Compliance Branch of the OEPA in early April 2011 under new manager Ian Munro is a further step towards achieving the outcomes of the review. This Branch incorporates the previous Statement Management and Proposal Implementation Monitoring branches.

The new branch has specific responsibilities for post-statement compliance in the form of management plan approvals, statement amendments and review of conditions (the Statement Management Section) and inspections and auditing (the Statement Compliance Section). The Statement Compliance Section audits the statements and provides advice to the Minister.

A consistent method for determining which Statements

have high priority to be audited has been developed in consultation with the EPA and implemented within the Branch.

The resources available to implement the audit program are used strategically however reallocation can be required when dealing with significant issues, such as the possible lead contamination by Magellan Metals Pty Ltd (Magellan).

The investigation into the Magellan issue involved the application of some of the measures available to the Minister for Environment to resolve non-compliances under the Act including notices to stop work and orders specifying actions to be taken to achieve compliance.

Cooperation between the OEPA and DEC is ongoing as demonstrated by the Magellan incident, with the OEPA investigating Ministerial Statement compliance and DEC investigating the potential pollution.



Ian Munro and staff of the newly formed Compliance Branch

Given the expansion of the WA economy, especially the mining industry, the management, auditing and inspection of Ministerial Statements will be increasingly important.

The new branch will work closely with industry and the community to protect the environment and encourage operation beyond compliance. ■



**863 Ministerial Statements have already been issued**

## Vasse Coal Project

The Vasse Coal Project was one of the first proposals to be referred to the EPA under new administrative procedures introduced in November 2010.

“  
In effect, this is an EPA “no” to the proposal

The project was referred to the EPA by a third party, No COAL!ition, on 13 October 2010. The EPA requested further information from the proponent, Vasse Coal Management Pty Ltd, on 10 November 2010. LD Operations, acting on behalf of the proponent provided referral information to the EPA on 30 November 2010.

Following the new procedures, the EPA publicly advertised the proponent’s referral information from 2 – 15 December 2010, extending the usual seven-day public comment period in recognition that the process was unfamiliar to the public. 793 individual comments were received, with thirty broad issues identified, raising environmental, social and economic concerns.

The most frequent issue raised was the impact to tourism and the Margaret River ‘brand name’ as a result of development of the coal mine.

The second most raised issue related to hydrogeological impacts such as effects on aquifers, the

water table, catchments and the Margaret River.

The EPA also sought specific advice from the departments of Water, Mines and Petroleum, Environment and Conservation and Health, the Western Australian Planning Commission, Bunbury Port Authority, Western Power and Main Roads Western Australia.

The EPA considered the proposal at its meeting on 17 March 2011 and decided to assess it at the new level of assessment referred to in the *Environmental Impact Assessment Administrative Procedures 2010* of ‘Assessment on Proponent Information Category B’. In effect, this is an EPA “no” to the proposal.

The EPA released its assessment report to the Minister for Environment on Monday 2 May, recommending against implementation of the Vasse Coal Project.

Appeals on the EPA Report closed on 16 May 2011 after a two-week period. The Minister’s decision will be published on the website of the [Office of the Appeals Convenor](#). ■



Safe Climate Perth hand 27 submissions to EPA Chairman Paul Vogel on 9 December 2010  
Photo: Alex Bainbridge, Safe Climate Perth

### New administrative procedures

Following amendments to the *Environmental Protection Act 1986* on 26 November 2010, the new *Environmental Impact Assessment Administrative Procedures 2010* came into effect. These changed the number of levels of assessment from five to two and altered some appeal rights relating to EPA decisions during the EIA process. The amendments have removed duplication and introduced a seven-day public comment period at the beginning of the process to get public input earlier.

See the [EPA’s fact sheets](#) for more information on the new levels of assessment and the amended EIA process for those levels.

## More about the EPA online

The EPA's website at [www.epa.wa.gov.au](http://www.epa.wa.gov.au) has undergone a complete renovation, the first major changes since it was originally launched at the beginning of 2002.

The homepage now features 'Quicklinks' for commonly requested information, as well as clear links to the latest EPA Reports, media statements and announcements.

FAQs are being added to regularly, and are complemented by new fact sheets and a greater emphasis on providing easily accessible information to the community.

You can also subscribe to RSS feeds to be notified of changes and updates. See more information on RSS feeds at the bottom of all pages, and click on the orange RSS icon to subscribe to content on specific pages.

Your **feedback on our new website** and suggestions for continued improvement are welcome.

## New publications

The OEPA has published a series of fact sheets to help explain environmental impact assessment, assessment processes and levels, and the roles of the EPA, OEPA and related agencies.

- The EPA, OEPA, DEC and the OAC – what is the difference?
- What is environmental impact assessment?
- Referral of a proposal to the EPA
- Does the EPA need to assess my proposal?
- What are levels of assessment?
- Assessment on Proponent Information
- Public Environmental Review

These fact sheets are available on the EPA's website at [www.epa.wa.gov.au/AbouttheEPA/Factsheets](http://www.epa.wa.gov.au/AbouttheEPA/Factsheets)

New **guidelines** include the *Environmental Assessment Guideline for protecting marine turtles from light impacts* (EAG5) and *Timelines for Environmental Impact Assessment of Proposals* (EAG6), and draft guidelines for preparing mine closure plans and for marine dredging proposals are available pending publication of the final documents.

**Environmental Protection Bulletins** (EPB) *No 12 - Swan Bioplan - Peel Regionally Significant Natural Areas* and *EPB No 13 - Guidance for use of the Albany Regional Vegetation Survey in Environmental Impact Assessment* have also been published recently.

A number of **technical reports** produced in conjunction with EPA Bulletins (now Reports) have now been added to the website under a separate category for easier access.

The following page lists EPA Reports produced since the beginning of 2011. New Reports will be listed quarterly in future newsletters. ■



The old and new EPA website homepages



## Reports released 1 January - 31 May 2011

|      |                                                                                                                                                                                               |                                            |                  |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------------------|
| 1379 | Technical Ammonium Nitrate Production Facility, Burrup Peninsula                                                                                                                              | Burrup Nitrates Pty Ltd                    | 10 January 2011  |
| 1380 | South West Creek Dredging and Reclamation Proposal                                                                                                                                            | Port Hedland Port Authority                | 10 January 2011  |
| 1381 | Red Hill Quarry Development                                                                                                                                                                   | Hanson Construction Materials Pty Ltd      | 31 January 2011  |
| 1382 | Central West Coal Project                                                                                                                                                                     | Central West Coal Pty Ltd                  | 7 February 2011  |
| 1383 | Happy Valley Titanium Minerals Project                                                                                                                                                        | BEMAX Resources Ltd                        | 14 February 2011 |
| 1384 | Shire of Murray Town Planning Scheme No.4 Amendment 104 (Point Grey) - Review of Ministerial Statement 519                                                                                    |                                            | 16 February 2011 |
| 1385 | Busselton Regional Aerodrome                                                                                                                                                                  | Shire of Busselton                         | 14 February 2011 |
| 1386 | Solomon Iron Ore Project                                                                                                                                                                      | Fortescue Metals Group Ltd                 | 14 March 2011    |
| 1387 | Oakajee Terrestrial Port Development                                                                                                                                                          | Oakajee Port and Rail Pty Ltd              | 14 March 2011    |
| 1388 | Oakajee Rail Development                                                                                                                                                                      | Oakajee Port and Rail Pty Ltd              | 14 March 2011    |
| 1389 | Dampier Marine Services Facility                                                                                                                                                              | Dampier Port Authority                     | 28 March 2011    |
| 1390 | Rockingham Industrial Zone Strategic Environmental Assessment                                                                                                                                 | LandCorp                                   | 4 April 2011     |
| 1391 | Peel Region Scheme Amendment 017/57: Rezone 87.8 hectares of land at North Yunderup to permit urban development                                                                               | Western Australian Planning Commission     | 18 April 2011    |
| 1392 | Residential Subdivision Lots 3000 (formerly Lot 1512) and 1523 Emu Point Drive, Albany                                                                                                        | LandCorp                                   | 18 April 2011    |
| 1393 | Brockman 2 Detrital Iron Ore Mine Extension Phase 2B                                                                                                                                          | Hamersley Iron Pty Ltd                     | 19 April 2011    |
| 1394 | Gorgon Gas Development Revised and Expanded Proposal – Section 46 change to Conditions 18,20 and 21 – Ministerial Statement 800                                                               | Chevron Australia Pty Ltd                  | 21 April 2011    |
| 1395 | Vasse Coal Project                                                                                                                                                                            | Vasse Coal Management Pty Ltd              | 2 May 2011       |
| 1396 | Coastal Walk Trail from Point Ann to Hamersley Inlet – Fitzgerald River National Park                                                                                                         | Department of Environment and Conservation | 2 May 2011       |
| 1397 | Coyote Gold Mine, State 2 approximately 280 km SE of Hall's Creek Tanami Desert, Shire of Hall's Creek – Proposal under s46 of the EP Act to amend Condition 5-4 of Ministerial Statement 749 | Tanami Gold NL                             | 9 May 2011       |
| 1398 | Proposed extension to existing transport depot, Lot 14 (No.1527) Great Northern Highway, Upper Swan                                                                                           | Mr Adrian Brajkovich                       | 9 May 2011       |
| 1399 | Assessment report on the application by Verve Energy for amendment to the Environmental Protection (Pinjar Gas Turbine Station Noise Emmissions) Approval 2004 - Regulation 17 Report 21      | Verve Energy                               | 23 May 2011      |
| 1400 | Roy Hill Infrastructure Railway, Shire of Ashburton, Shire of East Pilbara, Town of Port Hedland - Proposal under s46 of the EP Act to amend Condition 5-1 of Ministerial Statement 847       | Roy Hill Infrastructure Pty Ltd            | 23 May 2011      |
| 1401 | Rural subdivision - Lots 1000, 2240, 2275, 2657 and 3045 Preston Beach Road, Lake Clifton                                                                                                     | Cape Bouvard Investments Pty Ltd           | 30 May 2011      |

## Review of the EIA process



the EPA has implemented 25 of the 47 recommendations

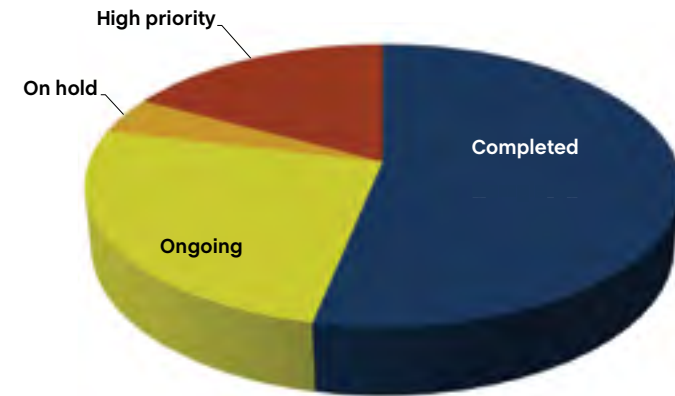
Since the Review of the Environmental Impact Assessment (EIA) process was completed in March 2009 the EPA has implemented 25 of the 47 recommendations, with more in progress.

The review examined the quality and timeliness of the process and concluded that there were clear opportunities to deliver better environmental protection and to improve the efficiency and transparency of the EIA process.

Key among the recommendations completed have been amendments to the *Environmental Protection Act 1986* and reforms to the administrative procedures that have reduced the levels of assessment from five to two. The public also now has the opportunity to comment on new referrals at the beginning of the process.

A number of high priority recommendations relating to strategic environmental assessment are progressing, including development of detailed guidelines and toolkits to help responsible authorities and proponents.

The ability of the EPA to implement these recommendations while continuing its core work has been helped by the formation of the Office of the EPA in November 2009. ■



### epanews Issue 1 June 2011

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