



Environmental Protection Authority

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EIA Review - Interim Assessment Procedures

Western Australia's environmental impact assessment process is a critical component of the Government's approvals process. In February 2008 the Environmental Protection Authority (EPA) initiated a review of the State's environmental impact assessment process with the general aim of enhancing the quality, timeliness and certainty of the EPA's advice to Government on development proposals.

The EPA has completed the EIA Review and reported to the Minister for Environment. The EIA Review final report documents the Review process, the stakeholder consultation, and key findings and recommendations.

An important aspect of the Review process has been the progressive implementation of specific outcomes agreed and endorsed during the Review. Implementation of Review outcomes will continue beyond the Review as they are refined and the supporting implementation requirements confirmed.

The following EIA Review outcomes were implemented during the Review.

EPA Policy Framework

The EPA revised its policy framework to provide a more systematic and rigorous approach to policy development. The new policy framework is:

- Environmental Protection Policies - statutory policies
- Environmental Assessment Policies and Guidelines – non-statutory policies
- Environmental Protection Bulletins – statements of clarification on policy or process matters
- Administrative Procedures and Guidelines – process and operational guidelines

Environmental Offsets – Biodiversity

The EPA published Environmental Protection Bulletin No. 1 in September 2008 clarifying its policy position on biodiversity offsets.

Parallel Processing

The EPA has revised its procedures for notifying and constraining decision-making authorities when a proposal is being assessed by the EPA. Rather than a 'catch-all' approach, the decision-making authorities notified for a proposal are now limited to those that have a substantial decision-making role with respect to a proposal and where there is



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an expectation that the Minister for Environment would consult and reach agreement before a decision is made.

It remains the case that decision-making authorities are not restricted in any way from processing applications related to a proposal – the restriction when it exists applies only to the final decision by a decision-making authority. This allows a decision-making authority to complete its assessment in parallel with that of the EPA (short of making the final decision) and use their assessment to inform their input to the Minister for Environment’s consultation process.

Risk-based EIA

The EPA has endorsed, in principle, a risk-based approach to EIA. However, the EPA is mindful that the application of risk assessment to EIA will introduce new concepts and terms; highlight different perceptions of classifying ‘consequences and identifying commensurate management responses; and lastly and importantly, confront the different, but equally legitimate, views of stakeholders about ‘values’ of the environment. To inform it about these issues, the EPA has commenced two initiatives:

- Preparation of a draft discussion/guidance paper on risk-based EIA, with targeted consultation through the EIA Stakeholder Reference Group.
- A trial of the approach outlined in the draft paper with approximately three volunteer proponents from industry sectors that represent much of the EPA’s business – mining, oil and gas, and land development.

In addition, the EPA would welcome comments from anyone with an interest in EIA regarding the risk-based approach outlined in the discussion paper (EIA Review Final Report, Appendices 2 & 3).

The outcomes of these two initiatives will lead to refinement of the guidance paper and inform the roll-out strategy, including training and communication programmes. **Until then, the current approach to EIA remains in place.**

Outcome-based conditions

The EPA has revised the guidelines and procedures for drafting environmental conditions. The guidelines make it clear that outcome-based conditions should be generally used in favour of prescriptive conditions where the conditions can clearly define the intended outcome. This will lead to considerably fewer environmental management plans being recommended as environmental conditions. Further, the standard wording of the annual compliance reporting condition was amended, consistent with the recommendations of the Review EIA Review Final Report, Appendix 6).

The EIA Review Final Report and a comprehensive implementation schedule for implementing the EIA Review outcomes are available at the EPA’s website www.epa.wa.gov.au.



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