



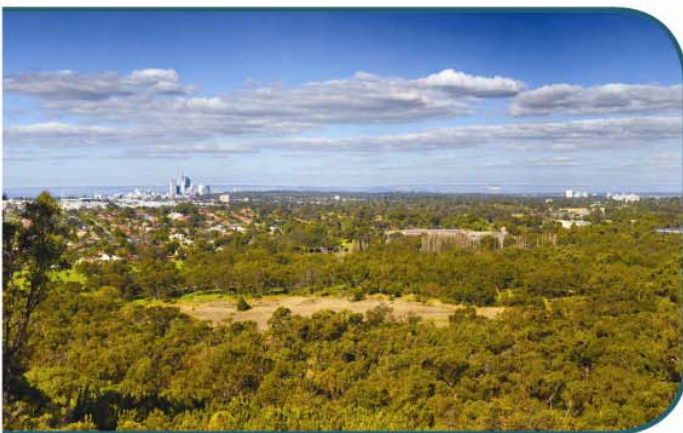
Environmental Protection Authority

Environmental Assessment Guidelines



No. 1

Defining a Proposal.



Draft

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Draft Environmental Assessment Guideline No. 1

Defining a Proposal

1. INTRODUCTION AND BACKGROUND

Environmental Assessment Guidelines (Guidelines) are developed by the Environmental Protection Authority (EPA) to provide advice to proponents, consultants and the public generally about specific procedures, methodologies and the minimum requirements for environmental management which the EPA would expect to be met by proponents of proposals or schemes it considers during the environmental impact assessment process. The generic process for developing Environmental Assessment Guidelines is set out in Appendix 1.

This Guideline is about how to define proposals. It explains what should be included in proposal definitions and how the proposal definition is used during the environmental impact assessment process.

2. OBJECTIVE

The objective of this Guideline is to provide guidance on how to define proposals (with particular reference to 'projects', but excluding 'programmes' and 'policies') for the purposes of Part IV of the *Environmental Protection Act 1986*.

3. LEGISLATIVE CONTEXT

The *Environmental Protection Act 1986* establishes statutory processes for environmental impact assessment in Western Australia. With respect to defining proposals, important sections of the Act include:

- Section 3 which defines 'proposal' as:
 - a project, plan, programme, policy, operation, undertaking or development or change in land use, or amendment of any of the these, but does not include a scheme;
- Section 37B(1) which defines 'significant proposal' as:
 - a proposal likely, if implemented, to have a significant effect on the environment;
- Section 38 which provides for significant proposals to be referred to the Environmental Protection Authority;

- Section 39A which requires the EPA to decide whether or not to assess the proposal;
- Section 40 which establishes arrangements for assessing proposals. These arrangements are further defined in the EPA's Administrative Procedures;
- Section 43A provides for the EPA to consent to the proposal being changed during the assessment without the referral of a revised proposal, provided that the change is unlikely to significantly increase any impact that the proposal may have on the environment;
- Section 44 which requires the EPA to prepare a report on the outcome of its assessment of the proposal and give that report to the Minister;
- Section 45 which establishes a process for the Minister to make decisions on the implementation of proposals;
- Section 45(5) which requires the Minister, if the decision is that the proposal may be implemented, to issue a Statement to this effect including any conditions that are to apply to the implementation of the proposal; and
- Section 45(C) provides for the proposal to be changed after assessment, providing the change does not have a significant detrimental effect on the environment in addition to or different from the original proposal.

Judicial interpretation of the Act has determined that a proposal is not defined by reference to the impact which it may have on the environment. Rather, it is the specific actions or activities to be performed in implementing the proposal.¹

Therefore, environmental review documents are not, themselves, the proposal, but rather part of the assessment of the environmental impacts of the proposal. This distinction is important, as it means a discrete definition of the proposal is required. It may be included as a chapter of or an appendix to an environmental review document, but it must be complete in its own right.

An important reason for this is that the Minister, when approving the implementation of a proposal, must be able to clearly state what it is that is being approved. This is achieved by including the definition of the proposal as Schedule 1 to the Statement issued under section 45(5) of the Act.

The definition of the proposal should only describe the specific actions or activities to be performed in implementing the proposal. An investigation of the

¹ RE Minister for the Environment; Ex Parte Elwood & Anor [2007] WASCA 137 paragraph 94

potential environmental impacts that may result from the implementation of the proposal is a crucial element of environmental impact assessment. Potential environmental impacts, including cumulative and indirect impacts, should be described in the referral information submitted alongside the proposal definition and, if a formal assessment is undertaken, the environmental review document.

4. PROCEDURES

The *Review of Environmental Impact Assessment Processes in Western Australia* made several recommendations about how proposals should be defined. The essence of these was that proponents should take care to clearly define proposals, identifying what activities or processes that affect the environment are, and are not, part of a referred proposal. This is to ensure that activities that are not part of the proposal and not environmentally significant do not become constrained by the EPA and can be approved by other agencies prior to completion of the EIA process.

A definition of the proposal that is complete in isolation of other documentation will provide for more transparent and accountable decision making.

Flexibility in defining a proposal can be included to broadly define a maximum disturbance boundary, within which a proposal element may be included, e.g. airstrip will disturb 25 hectares of vegetation, within a defined 500 hectare area.

The proposal definition would be used at all stages of the EIA process: referral (attached to the existing referral form), assessment (e.g. as an Appendix to a PER), EPA report, Ministerial Statement (as schedule 1), implementation and compliance/enforcement.

A discrete proposal definition is required which includes the following four elements: written summary of the proposal; Key Characteristics Table; spatial data; and relevant figure(s).

Information must be consistent through all four elements. For example, an area of disturbance described in a summary as 100 hectares, should be shown in the table as 100 hectares and be able to be calculated from spatial data as 100 hectares.

ELEMENTS OF THE PROPOSAL DESCRIPTION

A summary of the proposal

A short description of the proposal, written in layman terms to provide a general understanding of what it is the proponent intends to do.

A key characteristics table

A summary of the key details of the proposal listing the proposal elements

(actions or activities) and a description of each of those elements.

The description is usually written in a way that puts upper limits on activities that may cause harm to the environment, for example limiting clearing to a certain number of hectares or the discharge of waste water to a certain volume per period of time.

The accuracy of this table is crucial as it specifies the elements that have been approved and informs compliance monitoring and enforcement activity. Equally, it is important to exclude elements that do not present the possibility of causing an environmental impact. For example, if variation in the hours of operation or number of employees do not effect the environment, it is not necessary to include them.

Spatial data

The spatial dataset defining the spatial elements in the key characteristics table should be submitted in electronic form to meet the data specifications and quality principles outlined in Appendix 2.

Relevant figures and maps

These maps are intended to show the location of the proposal and the proposed activities contained within the spatial dataset defining the spatial elements of the key characteristics table. Two maps should be provided: a regional map displaying the proposal boundary in a regional context, and a site map displaying the proposed activities for approval. Depending on the scale of the project, a single map can be produced with the proposed activities in the main body of the map, and the regional map as an inset. All maps should conform to the mapping standards outlined in Appendix 2.

An example definition of a proposal is provided at Appendix 3.

5. DEFINITIONS

‘Environment’ means living things, their physical, biological and social surroundings, and interactions between all of these.

‘Key Characteristics Table’ means a two column table that sets out the proposal elements in the first column and a description of each element in the second column.

‘Proposal’ means a project, plan, programme, policy, operation, undertaking or development or change in land use, or amendment of any of the these, but does not include a scheme.

‘Significant Proposal’ means a proposal likely, if implemented, to have a significant effect on the environment.

‘Spatial dataset’ means a homogeneous collection of data that relates to a location and is managed as a single digital entity. Can also be referred to as geospatial and geographic datasets.

‘Statement’ means a statement issued by the Minister under section 45(5) of the Act.

‘the Act’ means the *Environmental Protection Act 1986*.

6. BIBLIOGRAPHY

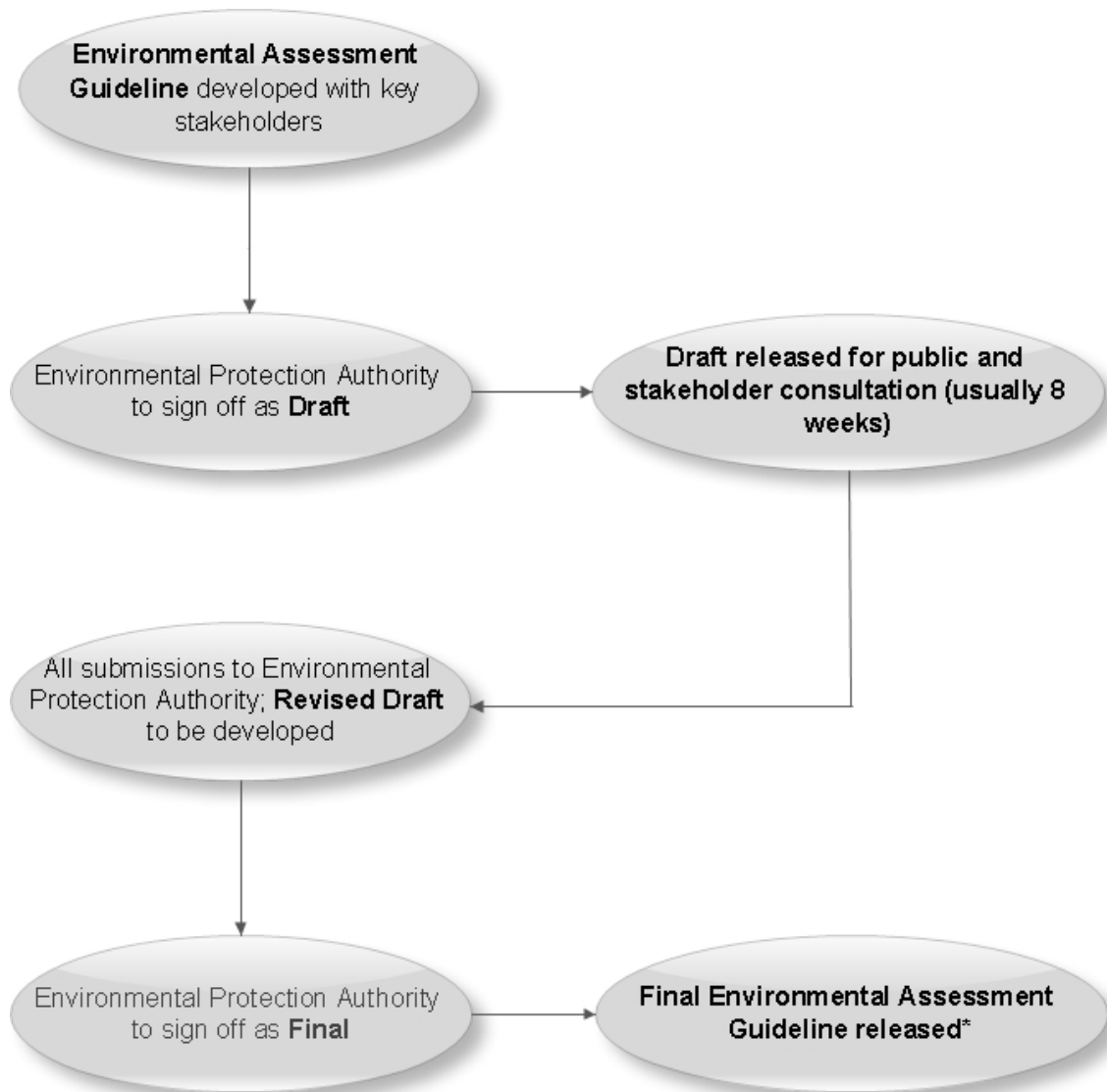
Environmental Protection Act 1986

EPA (2009) *Review of the Environmental Impact Assessment Process in Western Australia*, Environmental Protection Authority, 30 March 2009

RE Minister for the Environment; Ex Parte Elwood & Anor [2007] Wasca 137

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Appendix 1: Generic Flow Diagram for the Environmental Assessment Guideline Process



* The Environmental Protection Authority may update the Guideline as necessary.

Appendix 2: Spatial Information – Defining a Proposal

Appendix 2 describes the spatial data to be submitted to the EPA to define a proposal.

The EPA requires proposal definitions as spatial data and uses them to:

- verify proposal location and footprint;
- serve as an administrative record; and
- communicate to others where the EPA has given advice.

Proponents are required to submit geo-referenced GIS or CAD data on CD depicting the proposal extent boundaries or footprint for the proposal.

All spatial data should be provided as clearly attributed closed polygons, conforming to the following parameters:

1. Datum: GDA94
2. Projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA)
3. Format: ESRI's shapefile, geodatabase or coverage, Microstation or AutoCAD

Information in the spatial data provided must be consistent with descriptions in the text of the application and the Key Characteristics Table. For example, an area of disturbance described as 100 hectares, should be listed in the table as 100 hectares and be able to be calculated from spatial data as 100 hectares.

Appendix 3: Example of a Proposal Definition

The Pilbara Iron Ore Minesite Proposal

The proposal is to mine and process iron ore from the Kalaghi deposit, including the construction of associated mine infrastructure, 75 kilometres north of the town of Newman in Western Australia.

Key Characteristics Table

| Non-spatial Elements | Description |
|---------------------------|---|
| Project life | 40 years |
| Ore quantity | 1,000 million tonnes |
| Vegetation rehabilitation | All disturbed areas |
| Dewatering | Not more than 4 gigalitres per annum |
| Transport | Ore will be transported by truck on existing roads |
| Waste | Overburden will be stockpiled in a dump to the north of the pit. Tailings from processing will be combined with the overburden dump. |
| Power | Electricity from Midwest Interconnection System grid |
| Spatial Elements | Description |
| Size of final pit | <ul style="list-style-type: none"> • Pit 1: not more than 400 hectares • Pit 2: incorporated into Pit 1 • Pit 3: not more than 380 hectares |
| Depth of final pit | Not more than 50 metres below ground level |
| Height of waste dump | Not more than 46 metres RL |
| Vegetation disturbance | <ul style="list-style-type: none"> • Not more than 900 hectares at the mine site, within a 1,100 maximum disturbance boundary, including: • Not more than 90 hectares along the services corridor |
| Accommodation village | South west of mine site (not more than 40 hectares) |
| Airstrip | South east of mine site (not more than 50 hectares) |

Figures

Figure 1: Site Layout showing maximum disturbance boundary and location of accommodation village and airstrip

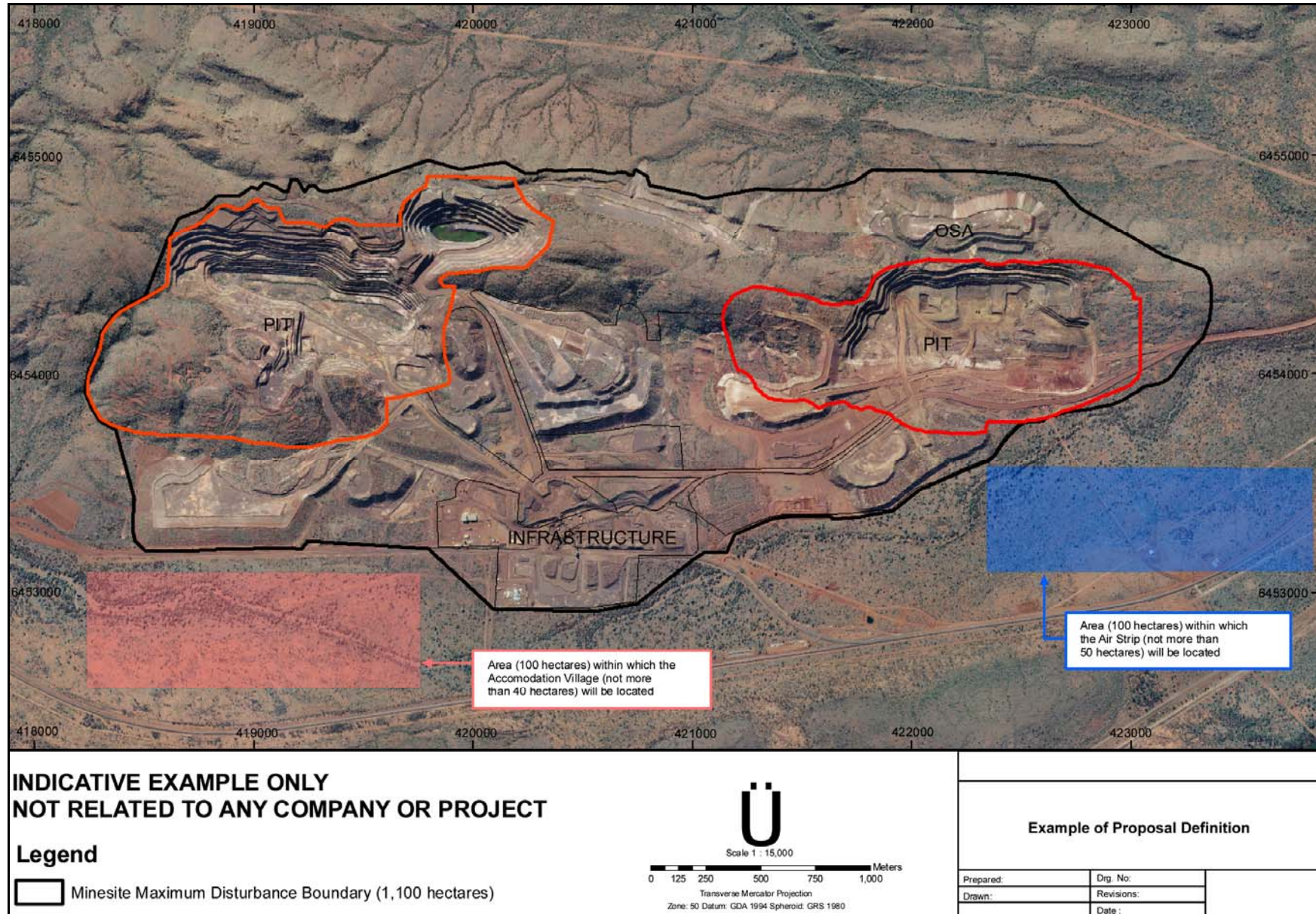


Figure 1: Site Layout showing maximum disturbance boundary and location of accommodation village and airstrip