



**ENVIRONMENTAL PROTECTION AUTHORITY
and OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY**

Western Australia

Annual Report 2009 –2010



Cover photographs:

top -	Cockburn Sound provided by Donna Weston;
centre -	Windarling Range, Andrew Brown; and
bottom -	Perth from Reabold Hill, Denis Glennon.

TRANSMITTAL TO THE MINISTER

MINISTER FOR ENVIRONMENT

In accordance with s21 of the *Environmental Protection Act 1986* and s63 of the *Financial Management Act 2006*, we submit the combined Environmental Protection Authority and the Office of the Environmental Protection Authority Annual Report(s) for the year ended 30 June 2010.

This report has been prepared in accordance with the *Financial Management Act 2006*.

It is with pleasure that, on behalf of the Environmental Protection Authority, we advise that for the reporting period to 30 June 2010, the Environmental Protection Authority has conducted its functions such that it has met its objectives outlined in s15 of the *Environmental Protection Act 1986*. This has been achieved with the assistance of the services and facilities of the Department of Environment and Conservation to 26 November 2009 and with the assistance of the Office of the Environmental Protection Authority from 27 November 2009.



Dr Paul Vogel
CHAIRMAN

20 September 2010



Michelle Andrews
ACTING GENERAL MANAGER

20 September 2010

EXPLANATORY PARAGRAPH ON THIS ANNUAL REPORT

The Office of the Environmental Protection Authority was established as a separate Department of State on 27 November 2009.

Its role is to support the EPA in conducting environmental impact assessments and developing policies to protect the environment. The Office of the Environmental Protection Authority also monitors compliance with Ministerial conditions related to approvals.

The Office of the Environmental Protection Authority is accountable to the Minister for Environment, as well as to the Environmental Protection Authority.

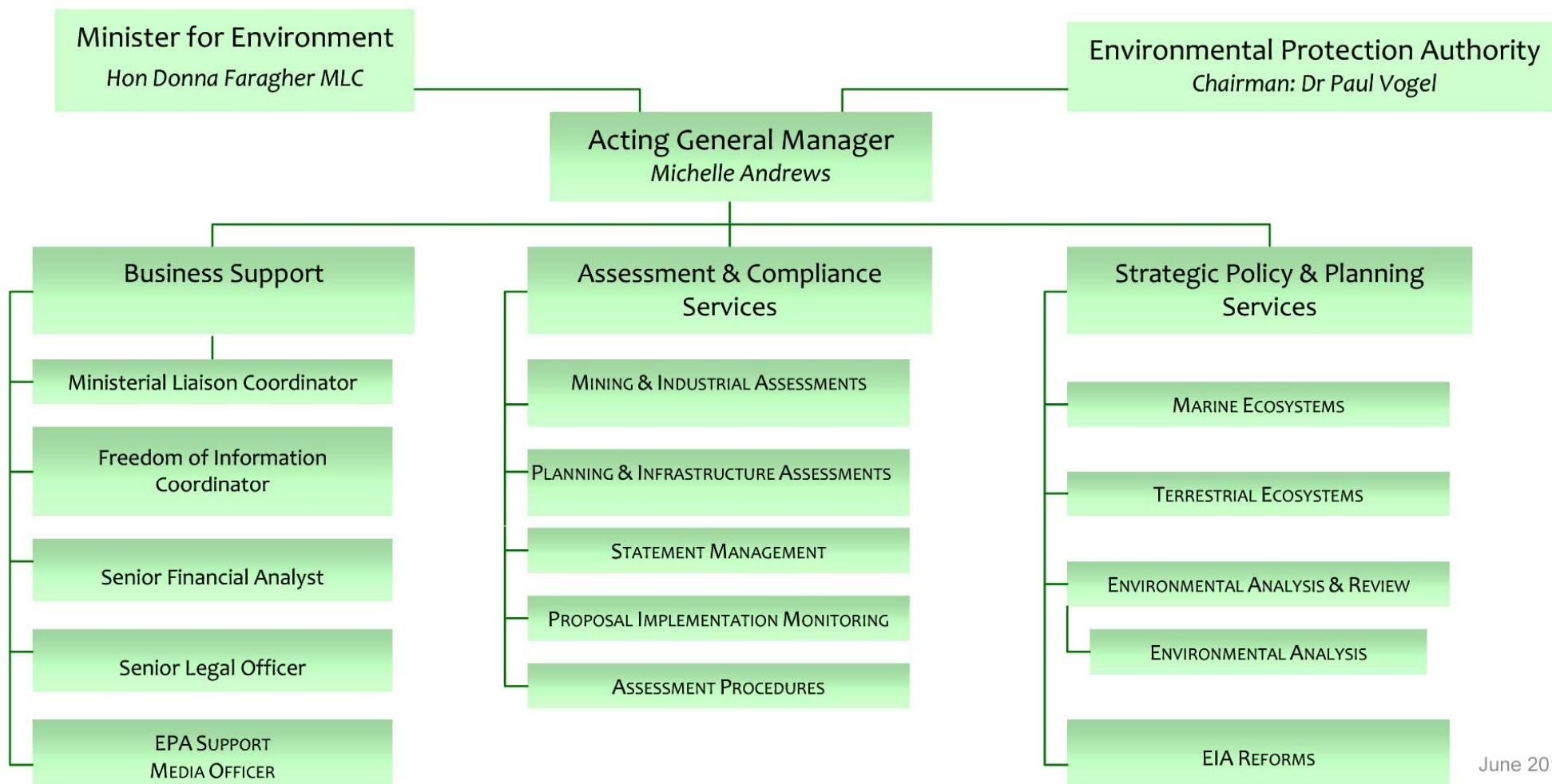
As a Department of State, the Office of the Environmental Protection Authority is obliged to publish an Annual Report.

Under section 21, Part II, Division 2 of the *Environmental Protection Act 1986*, the EPA has a separate obligation to provide an Annual Report to the Minister.

As much of the information will be common to both reports, this report is intended to meet both statutory obligations, with distinctions drawn between the EPA and the Office of the Environmental Protection Authority where appropriate.

ORGANISATIONAL STRUCTURE

Office of the Environmental Protection Authority Interim Organisational Structure



June 2010

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CHAIRMAN'S OVERVIEW

Firstly I would like to acknowledge the contribution made by Dr Andrea Hinwood to environmental protection in WA. Andrea resigned from the Environmental Protection Authority (EPA) in 2009 after 7 years of outstanding service to the WA environment and her intelligence and humour will be sorely missed. She was replaced by Dr Rod Lukatelich.

I would also like to thank Ms Michelle Andrews, the A/General Manager of the Office of the Environmental Protection Authority (OEPA), who has done an excellent job of leading both the establishment of the new OEPA and the implementation of the EPA's and Government's reform agenda.



*EPA Chairman
Dr Paul Vogel*

There has been an enormous amount of activity in implementing the reform agenda and I believe we are already seeing the benefits of improvements to the way we go about the business of environmental impact assessment and the effectiveness of what we do. I thank all the staff of the OEPA for their efforts, because it is always difficult to work 'on' the system while you are working 'in' it.

The EPA is one member of the 'environment portfolio family'. Its primary job is protecting the environment from the impacts of the economy. It does this largely through assessing the predicted environmental impacts and risks from proposed development and land use change and advising the Minister for Environment about their environmental acceptability. It is the Minister that makes the final, whole-of-government approval decision.

In recognition of the important and influential role the EPA plays in advising government, we spent some time thinking about what our objectives and strategies should be for the next few years. This has resulted in EPA's Strategic Plan that has 3 key strategies for 2010-2013. These are:

1. Provide early strategic advice and guidance;
2. Enhance the value placed by the community on the environment and;
3. Reform its business practices to improve certainty, rigour and timeliness

I would like to focus on the first of these strategies. The EPA is of the view that achieving environmental sustainability and social and economic prosperity would be enhanced by a more strategic approach to planning the development of our natural resources, infrastructure and industrial and residential precincts. This 'front-end-loading' provides the strategic context for project environmental impact assessment and enables the consideration of cumulative impacts while providing increased certainty and timeliness for proponents. We are seeing the beginnings of this approach with the joint (with the Australian Government) strategic assessment of the Kimberley LNG precinct proposal, and with regional and metropolitan planning being undertaken by the WAPC, for example *Directions 2031*. However

the EPA would like to see this approach consistently applied and extended into other development areas as a matter of priority.

Partnerships with industry, other government organisations and academia are also important in managing the impacts of development. One such example is predicting the impacts of marine dredging. WA will dredge around 200 million cubic metres of marine habitat as a result of proposed port, LNG and other development and we need to better understand the potential environmental impacts and consequences of such development so that we can reduce predictive uncertainty and provide high quality and streamlined advice to government about its environmental acceptability.

The EPA will now be paying close attention to the effectiveness of the conditions it recommends and the Minister finally determines. As a result of the improved governance arrangements decided by government in November 2009, the OEPA now has responsibility for compliance monitoring of Ministerial conditions. It will be reporting regularly to the EPA on not only compliance with Ministerial conditions, but whether the conditions are achieving their intended purpose, that is to say: are they effective in avoiding environmental impacts and reducing risks? This project life cycle approach to Environmental Impact Assessment has long been a goal of the EPA and it is very pleased to see this come to fruition.

Finally, my sincere thanks to all the staff of the new OEPA and to my fellow EPA Board members. Without all of us working together we would not have achieved what we have.



Dr Paul Vogel
CHAIRMAN

EPA Chairman 5 November 2007 to 4 November 2012

Dr Vogel has a PhD in chemistry from the University of Western Australia. Prior to his appointment, he was the Chief Executive and Chairman of the South Australian EPA from November 2002, with responsibilities for environmental regulation, development assessment and radiation protection.

From 2001 – 2002, Dr Vogel was Director of Environmental Policy with the WA Department of the Premier and Cabinet and prior to that, Director of Environmental Systems with the then WA Department of Environmental Protection.

Dr Vogel has worked across the three tiers of government, business and community and has extensive experience and knowledge in organisational and regulatory reform and strategic and collaborative approaches to sustainability,

natural resources management, waste management, air and marine quality, site contamination and radiation protection.

Dr Vogel's experience includes: Chairman, South Australian (SA) EPA Board; Chairman South Australian Radiation Protection Committee; Member SA NRM Council; Member SA Major Projects Assessment Panel; SA Member Standing Committee of the Environment Protection and Heritage (Ministerial) Council (EPHC) and the National Environment Protection Council; Chair, Air Quality Working Group of the EPHC; Co-chair EPHC/Ministerial Council on Energy Working Group on Greenhouse and Energy Reporting; Board Director, Cooperative Research Centre - Contamination Assessment and Remediation of the Environment.

MEMBERS

The EPA has five members: a full-time Chairman, a part-time Deputy Chairman and three part-time members. Members work far in excess of their part-time appointments. A record of members' attendance at EPA meetings is provided in Appendix 14.



Dr Chris Whitaker

Member 11 May 2007 to 10 May 2010

Deputy Chairman November 2009 - November 2012

After his initial degree at Cambridge University, Chris Whitaker obtained his PhD in desert geomorphology at the Australian National University.

Following several years as a lecturer, in 1980 Professor Whitaker joined the South Australian public service, where he managed the Environmental Assessment Branch of the Department of Environment and Planning and headed the environmental assessment of the Roxby Downs project.

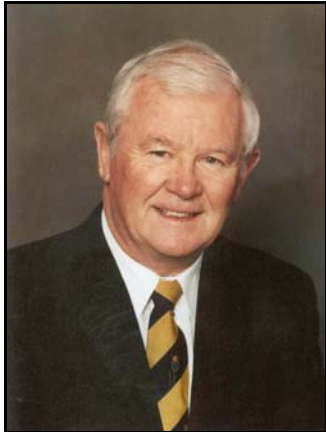
Dr Whitaker joined the Environmental Protection Authority in Western Australia in 1983. In September 1996 Dr Whitaker was later appointed Director General of Transport for Western Australia where his responsibilities included preparing Westrail Freight for privatisation.

From February 2000 until July 2003 Dr Whitaker was the Chief Executive and Managing Director of the Melbourne Port Corporation. He then moved to become Pro Vice-Chancellor (Business) of Royal Melbourne Institute of Technology in August 2003, and from August 2004 to April 2005 he was Vice-Chancellor and President of the University. He was also a Trustee of the Sustainable Melbourne Fund.

Dr Whitaker relocated to Western Australia in July 2007.

Dr Whitaker is a National Fellow of the Institute of Public Administration; and a Fellow of the Chartered Institute of Transport and Logistics and the Australian

Institute of Management. Prior to entering the South Australian public service he was also a professional freelance musician.



Mr Denis Glennon AO

Member from 1 January 1998 until 30 June 2013

Mr. Glennon retired from the private sector following a lengthy career at board and management levels in the environmental management business in Australia.

He holds qualifications in Engineering, Psychology, Education and Risk Management and has a comprehensive knowledge of environmental management and pollution prevention systems, environmental engineering, sustainable industry development, and environmental management policy formulation.

He is the recipient of an Order of Australia (AO) for his “service to environmental protection through the management, control and treatment of industrial and hazardous wastes, and to the community”.



Ms Joan Payne AM

Member from 31 March 2003 until 20 June 2013

Ms Payne, former President of the Waterbird Conservation Group, has developed expertise in a broad range of environmental issues through interaction with conservation and community groups as well as Government Departments (State and Federal) since 1976.

Ms Payne is the recipient of an Order of Australia, Member of the General Division (AM) for, “services to the protection and conservation of wetland bird species and the urban bushland environment in Western Australia”

Ms Payne was an Executive Member of the Conservation Council of WA from 1988 to 2001 including holding the position of Vice President for a number of years.

Her membership, both past and present, of Government committees and working parties, includes:

- The Western Australian Water Resources Council;
- Water Planning and Policy Standing Committee;
- Darling Range Regional Park Community Consultative Committee;
- National Wetlands Advisory Committee;
- Department of Environmental Protection's System 6 Implementation Group;
- Water and Rivers Commission Stakeholders Council;
- Water and Rivers Commission State Water Reform Council;
- System 6 Update Technical Advisory Group;
- Department of Conservation and Land Management's Wetlands Coordinating Committee;

- National Consultative Committee on Kangaroos; and
- National Shorebird Conservation Taskforce.



Dr Rod Lukatelich

Member from 18 November 2009 to 17 November, 2014.

Dr Lukatelich has a Bachelor of Science (Hons) in Botany and a PhD in phytoplankton ecology from the University of Western Australia.

Dr Lukatelich is Environment and Dangerous Goods Manager at BP Refinery Kwinana Pty Ltd. His career has spanned academia, environmental consulting and industrial environmental management. As a Lecturer / Research Officer (1982 - 1989) at the Centre for Water Research at UWA his research included studies on the impacts of eutrophication on algae and seagrasses in lakes and estuaries; development of ecological models; and the relationships between hydrodynamics and water quality in reservoirs, rivers and estuaries.

In 1989 Dr Lukatelich joined Kinhill Engineers as Senior Aquatic Ecologist and in 1990 joined BP Refinery Kwinana as Environmental Manager. During his time at BP Rod has had two international assignments as a Senior Environmental Technologist at the BP Oil Technology Development Unit (1995 - 1997) and as Water Technology Advisor in the Refining Technology Group (2004 - 2006).

Dr Lukatelich has extensive experience in emissions monitoring, waste management, wastewater treatment, environmental impact assessment, soil and groundwater remediation, cleaner production and Dangerous Goods management. He has broad experience of international environmental regulatory systems having worked in Asia, Europe, Americas, Middle East and Russia.

Rod is a Board Director of the Co-operative Research Centre for Contamination Assessment and Remediation of the Environment; Board Director of the Australian Land and Groundwater Association; member of Australian Institute of Biology; Australian Marine Sciences Association; Clean Air Society of Australia and New Zealand; Waste Management Association of Australia and Australian Society of Limnology. He is chair of the Community Health Committee of the Kwinana Industries Council and a member of the Cockburn Sound Management Council, and Department of Environment and Conservation Stakeholder Reference Group.



Dr Andrea Hinwood – Retired 30 October 2009

Member from 7 May 2003 to 10 May 2005. Deputy Chairman 11 May 2005 until 30 October 2009.

Dr Hinwood is a senior lecturer in Environmental Management at Edith Cowan University and has a Masters in Applied Science from Royal Melbourne Institute of Technology, Victoria and a PhD in environmental epidemiology from Monash University, Victoria.

Dr Hinwood has worked in the environmental protection area for over twenty years and has wide experience in investigation, monitoring and management. She has managed the areas of contaminated sites, chemicals management and emergency response for the Victorian EPA prior to managing air quality with the Department of Environmental Protection in Western Australia. Dr Hinwood's research interests are in the areas of exposure assessment, hazardous air pollutants, health and environmental impacts of chemicals in the environment.

Dr Hinwood has a breadth of national and international experience, participating in a range of Ministerial and National Environmental Protection Council (NEPC) working groups. She chaired one of the United Nations Environment Program (UNEP) Technical Options Committees on substances that deplete the ozone layer and was a member of the Technology and Economic Assessment Panel under the Montreal Protocol for five years.

ACTING GENERAL MANAGER'S OVERVIEW

**Acting General Manager
Michelle Andrews**



The last nine months have been an extraordinary period of change for everyone in the OEPA.

On 14 October 2009 the Premier and the Minister for Environment announced the Government's intention to establish an OEPA to strengthen the EPA's independence, deliver better environmental outcomes, and increase confidence in the environmental approval process.

Underpinning the Government's announcement is an expectation that the OEPA, and the EPA, will seek to continuously improve the practice of environmental impact assessment (EIA) in Western Australia.

On 27 November 2009 the OEPA was formally established as a separate Department of State.

Since the formation of the OEPA, our focus has been on: working with proponents, government agencies and stakeholders to improve the efficacy and efficiency of the EIA process; establishing and building a professional, responsive and proactive

team; and confirming the legislative, financial and administrative arrangements for the new Office.

Significant achievements in the last nine months that should be highlighting include: the EPA Strategic Plan to guide strategies and priorities for the next three years; a Memorandum of Understanding with the Department of Environment and Conservation (DEC) to clarify roles and responsibilities and optimise collaboration, information sharing and use of resources; a Service Level Agreement with the DEC for the provision of corporate services; and full financial independence with the finalisation of the 2010/11 budget.

Our priorities for the next period include: finalising the OEPA Corporate Plan and Organisational Structure; implementing the EPA's new Administrative Procedures for EIA; and contributing to the Government's broader approvals process reform program.

I would like to thank all of the staff within the OEPA, who have been so dedicated to ensuring that the operational arrangements required for a new Department were implemented in the timeframe required by the Government.

I would also like to acknowledge the assistance and cooperation we received from staff in the DEC and the Public Sector Commission as we worked through this complex process.

As you will see when reading this report, we have continued to deliver our core services of project assessment, strategic environmental advice and compliance monitoring while implementing the Government's reform agenda.

The OEPA is now firmly established with an energy and enthusiasm for delivering better environmental outcomes within a context of changing government, business and community expectations.

A handwritten signature in black ink, appearing to read 'Michelle Andrews', with a stylized, flowing script.

Michelle Andrews
A/GENERAL MANAGER

Michelle is an environmental science graduate with over 20 years experience working within policy, legislative and strategic management roles in the public sector.

Prior to her appointment Michelle was working with the EPA on reforming the EIA process in WA. Before that Michelle worked for several Environment Ministers, the Swan River Trust and the Department of Environment.

EPA STRATEGIC PLAN

<http://www.epa.wa.gov.au/template.asp?ID=72&area=Profile&Cat=Strategic+plan>

In June 2010, the EPA finalised a Strategic Plan outlining the strategies through which it intends to deliver on its mission to protect the environment for the benefit of current and future generations of Western Australians.

In the plan, the EPA articulated a commitment to:

- protect important parts of the environment from unacceptable risks;
- provide quality advice that is based on scientific evidence and rigorous analysis;
- set reasonable, clear and consistent policies; and
- deliver timely advice and recommendations.

Key strategies adopted for the period 2010-2013 were to:

- provide early strategic advice and guidance to Government and proponents to influence the achievement of better environmental outcomes;
- enhance the value placed by the community on the environment; and
- reform its business practices to improve certainty, rigour and timeliness.

The plan will be implemented with the support of the OEPA and will be reviewed on a regular basis.

OEPA RELATIONSHIP WITH THE DEC

An interagency working group of senior DEC and OEPA officers was established to oversee transition arrangements associated with the establishment of the OEPA, including negotiating a Memorandum of Understanding (MoU) and finalising a service level agreement.

Both agencies recognised that a close and collaborative working relationship was critical to ensuring the agencies fulfilled their statutory responsibilities to the Government and people of Western Australia.

To give practical effect to this view, a Memorandum of Understanding between the OEPA and the DEC was negotiated and finalised in June 2010. The objectives of the agreement were to:

- clarify roles and responsibilities;
- co-ordinate strategies and programs of the OEPA and the DEC;
- optimise the use of resources;
- describe practical working arrangements; and
- promote information sharing and knowledge management.

The MoU included a protocol to achieve greater rigour and co-ordination in the requesting and provision of advice between agencies to support an effective EIA process.

A Service Level Agreement (SLA) was also finalised to ensure the OEPA received a broad range of corporate service support from the DEC, including records systems, information technology support, and financial and people services.

However, there were additional services that were not within the scope of the SLA but which were necessary for the OEPA to properly function as a Department of State, most notably legal, Freedom of Information, Ministerial liaison and financial management.

Accordingly, a legal officer was appointed to provide advice to the OEPA on a range of issues, including compliance with Ministerial conditions on projects. Also, provision was made to appoint a financial analyst to assist the OEPA to meet its financial accountability obligations. Appointments were made to the Ministerial Liaison and Freedom of Information positions.

The OEPA has implemented arrangements to satisfy a variety of public sector management and reporting requirements, including code of conduct, internal audit, disability access and inclusion, equal employment opportunity (EEO) and diversity and annual reporting.

ENVIRONMENTAL IMPACT ASSESSMENT REFORMS

The EPA completed its Review of the EIA process in March 2009 <http://www.epa.wa.gov.au/eiareview.asp>.

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

The government adopted the recommendations of the Review and the EPA has been implementing the reforms. The reform program aims to improve the timeliness and effectiveness of the EPA's functions through:

- outcome based conditions;
- a risk based approach where appropriate;
- greater emphasis on scoping;
- improved project tracking and management;
- greater rigour and consistency;
- greater focus on timelines;
- more guidance for proponents to improve certainty, clarity and consistency; and
- creating the new OEPA to better support the EPA.

Collectively, these reforms are designed to achieve a robust, clear, consistent and timely EIA process that meets the expectations of the community and Government.

Of the 47 Review Recommendations, the EPA has implemented 22 of the recommendations, including clarification of parallel processing of proposals and timelines for assessments, use of outcome-based conditions, and improved consultation with proponents on condition setting. Implementation of the remaining recommendations is continuing.

Key achievements and outputs of the reform include:

- four draft Environmental Assessment Guidelines (EAG) where final versions are being prepared ('Timelines for EIA Proposals', 'Towards Outcome-based Conditions', 'Defining a Proposal' and 'Changes to Proposal after Assessment - s45C of the EP Act', see EAG section page 53);
- final EAG No. 3 for 'Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment' released in December 2009 (see EAG section page 53);
- Environmental Protection Bulletin (EPB) No.11 on 'Consultation on Conditions Recommended by the EPA' released June 2010 (see EPB section page 58);
- EPB Nos 7 and 9 'Risk-based Approach to EIA- update' providing updates on risk-based approach to assessments released August and December 2009 (see EPB section page 58);
- draft Administrative Procedures 2010 with clarification on parallel processing, improved processes, revised scoping process and a reduction to two levels of assessment
<http://www.epa.wa.gov.au/template.asp?ID=2&area=EIA&Cat=EIA+Process+Information> ;
- revision of internal Officers Manual to improve processes;
- revised Memorandum of Understanding (MoU) between EPA and Department of Mines and Petroleum (DMP)
<http://www.epa.wa.gov.au/template.asp?ID=51&area=EIA&Cat=Memoranda+of+Understanding> ; and
- MoU between EPA and the DEC.

The Administrative Procedures have also been reviewed. The key reforms in the review of the administrative procedures are:

- the inclusion of a 7 day public comment period in relation to all proposals referred to the Authority prior to the Authority determining whether or not to assess a proposal;
- reduction in the number of levels of assessment to either a public environmental review (PER) or assessment on proponent information (API); and
- the inclusion of a formal consultation with the proponent in relation to the Authority's recommended conditions prior to the Authority releasing its report to the Minister under section 44 of the *Environmental Protection Act 1986*.

Consultation – Stakeholder Reference Group

<http://www.epa.wa.gov.au/eiareview.asp>

The EPA established a Stakeholder Reference Group (SRG) to provide input into the Review of the EIA Process. At the end of the review the EPA agreed that the SRG should continue to meet as it was an effective means of consultation with key stakeholders and peak industry bodies. The SRG currently meets bimonthly to provide input to the EPA on matters of policy, process and performance, including the implementation of the Review.

During 2009/2010 the SRG considered and provided advice to the EPA on:

- Revised SRG Terms of Reference
- EIA Review Implementation
- EPA/Department of Mines and Petroleum (DMP) Memorandum of Understanding
- Risk-based approach to EIA
- Strategic Environmental Assessment
- Parallel Processing
- Defining a Proposal – Draft EAG
- Environmental policy gaps
- Timelines for the EIA of Proposals - Draft EAG
- Greenhouse Gas Emissions - Draft EAG
- Outcome - based Conditions
- Changes to Proposals after Assessment (s45C) – Draft EAG
- Compliance Auditing
- Consultation with proponents on draft conditions
- OEPA draft escalation protocol
- EAG No 3. for the Protection of Benthic Primary Producer Habitat
- Assessment of pre-1996 zoned land
- Health perspective on uranium mining
- Planning for Mine Closure – Draft EAG

The SRG comprises representatives from the following organisations:

Australian Petroleum Production and Exploration Association
 Association of Mining and Exploration Companies
 Chamber of Minerals and Energy
 Chamber of Commerce and Industry
 Conservation Council of WA
 World Wide Fund for Nature
 Environmental Consultants Association
 University sector
 Urban Development Institute of Australia
 WA Local Government Association
 Department of State Development
 DEC Department of Industry and Resources
 Department of Planning and Infrastructure
 Office of the Appeals Convenor
 Western Australian Planning Commission

Table 1: Key EIA Reforms

EIA Reforms	Benefits	Status
Risk-based approach to EIA	Focus on the environmental risks and impacts that matter, and ensure greater consistency, rigour and transparency of decision-making.	Two are being assessed through a risk based approach. A revised draft discussion paper on risk based approach is in development. Two bulletins released providing updates.
Outcome-based conditions	Environmental conditions that make clear the environmental outcome being sought rather than prescribing the technical means for achieving it.	The majority of this reform project has been completed with the development and implementation of outcome-based conditions. A draft EAG on 'Towards Outcome-based Conditions' was

EIA Reforms	Benefits	Status
		released for public comment and a final document is in preparation.
Consultation on conditions recommended by the EPA	Reduced risk of technical deficiencies in final conditions, obviating need for appeals.	EPA issued Bulletin in June 2010 outlining its approach to consultation on draft conditions.
Parallel processing	Limit restrictions on other decision-making authorities to improve parallel processing across government.	Parallel processing is discussed and clarified in the Draft Administrative Procedures 2010.
Timelines	Set target timelines for key steps in the assessment process, supported by procedures to guide the use of 'stop-the-clock' and when and how issues should be escalated to senior management.	Target timelines for steps in process have been set. A draft EAG on Timelines for EIA of Proposals has been developed outlining the steps in the assessment process and the 'stop-the-clock' mechanism. The EAG has been released for public comment and a final version is being produced. Statement of Timeliness to be provided on all EPA Reports to the Minister.
Level of Assessment	Reduce the current five levels of assessment to two (public review and no public review) to simplify the process.	The two levels of assessment have been outlined in the Draft Administrative Procedures 2010.
Policy review	Revise the policy framework and review priority policies, in particular greenhouse gas, marine ecosystems and environmental offsets.	A review of key policies and guidelines has commenced. EAG No. 3 for 'Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment' was released December 2009.
Project Tracking	Develop new project management system, with improved project tracking, performance reporting and analysis.	Developing options for new project management system. \$650,000 approved in State Budget 2010-11.
Administrative procedures	Review and revise the current administrative procedures to clarify the process and increase certainty for proponents.	Draft Administrative Procedures 2010 developed and made available on EPA website March 2010.
Scoping	Greater clarity about EPA expectations of content in environmental review documents.	EPA document on proposal scoping is in preparation.
Strategic assessment	Increase the use of strategic approaches to expedite assessment for compatible proposals and improve environmental outcomes.	Kimberley LNG Precinct strategic assessment jointly with the Commonwealth Government is currently underway.
Business improvement	Increase the use of MoUs with other agencies to increase certainty and improve environmental outcomes.	Finalisation of the MoU between the EPA and the DMP, and the EPA and the DEC. MoU between the EPA and the DoH is being considered.

LEGISLATIVE CHANGES

The amendments to the *Environmental Protection Act 1986* (EP Act) outlined in the *Approvals and Related Reforms (No. 1) (Environment) Bill 2009* propose removal of the following appeal rights relating to Part IV of the EP Act:

- the EPA's decision not to assess a proposal where the Authority's advice is that the proposal can be managed under Part V Division 2 of the EP Act (i.e., regulated by way of a clearing permit);
- the recorded level of assessment following the EPA's decision to assess a proposal;
- the scope and content of the environmental review required for the assessment of planning schemes; and
- the EPA's declaration that a referred proposal is a derived proposal.

The amendments are intended to streamline the decision-making processes under the EP Act related to the EPA's assessment of a proposal by removing appeal rights which do not add to transparency in decision making or the public participation in the EIA process. The Bill was introduced into parliament in November 2009.

MAJOR ENVIRONMENTAL ISSUES

Environmental Investigations

Baseline Petroleum Hydrocarbons Survey of the Kimberley.

The OEPA is responsible for identifying high level environmental priorities and advising on appropriate strategies for environmental protection in the event of a marine oil spill affecting Western Australian waters.



(Sampling for petroleum hydrocarbons following the oil spill from the Montara well, Stewart Islands, offshore, north Kimberley. W. Tacey)

On 21 August 2009, an uncontrolled and unplanned release of petroleum hydrocarbons commenced from the Montara wellhead platform located in the Timor Sea, approximately 175 kilometres off the Kimberley coast. Hydrocarbons spilled from the platform for approximately 10 weeks before the leak was stopped on 3 November 2009.

There was considerable concern about the incident, the threat it posed to the Kimberley and the measures in place to protect the State's environment. While the Department of Transport is the lead agency in WA for marine oil spill response, OEPA staff provide the Environment Science Coordination role under WestPlan (Marine Oil Pollution), Western Australia's plan for combating oil spills at sea.

As part of the State response, OEPA staff undertook a survey to assess environmental values and establish the natural background levels of petroleum hydrocarbons in marine waters, shoreline sediments and intertidal filter feeders at selected sites in the Kimberley bioregion.

With the assistance of Paspaley Pearling Company, 16 sites on 12 island and two mainland shores in the Kimberley were surveyed between 26th October 2009 and 1st November 2009. This is a period of the year prior to the transition into the northern monsoon, when winds tend more onshore and could have favoured the transport of Montara hydrocarbons towards the Kimberley coast.

The survey found no evidence of contamination of seawater, shoreline sediments or oyster tissue by petroleum hydrocarbons from the Montara Wellhead Release or other sources. These findings reinforced the view that the Kimberley marine environment is essentially pristine. Further details of the baseline hydrocarbon survey and its findings are provided in Marine Technical Report No.3, <http://www.epa.wa.gov.au/>.

Water Quality

Fertiliser Action Plan

Implementation of the Fertiliser Action Plan (FAP) has continued. The Government invested \$1.1 million into agricultural trials aimed at testing the efficacy of low water soluble phosphorus fertilisers and continuing best practice fertiliser management demonstrations for the grazing and horticultural industries.

Four working groups covering the agricultural sector, urban users, bagged fertiliser industry and soil amendment issues have been continuing their respective tasks under the guidance of the Senior Officers' Group chaired by OEPA. A fifth working group representing the horticultural industry was established in mid-2010 to provide advice on the development of phosphorus fertiliser use guidelines for various horticultural industries.

The Grazing working group, convened by the Department of Agriculture and Food (DAFWA), has prepared its guide for phosphorus fertiliser application for the grazing industry. This guide will be incorporated into the field guides and farm notes of DAFWA and used by Fertcare advisors.

The Urban Users working group convened by the Swan River Trust (SRT) has recommended and developed guidelines to encourage best practice fertiliser use for the home gardener.

The Soil Amendment working group convened by Department of Water (DoW) has established a list of possible soil amendments and criteria for the assessment of suitability, and the testing regime for potential soil amendments. Trials for soil

amendments are currently being designed for application to residential and agricultural land.

The Bagged Fertiliser Industry working group, convened by the OEPA, has developed draft criteria for consideration as a proposed regulation for domestic use fertilisers. The broad criteria were announced by the Minister for Environment on the 30 April 2010 and included limits on the amount of phosphorus contained in domestic use fertilisers throughout Western Australia.

Peel Harvey Water Quality Improvement Plan

The EPA released the final Peel Harvey Water Quality Improvement Plan (WQIP) in November 2008. The WQIP sets out 18 recommended actions to be implemented.

In 2009-2010, the OEPA negotiated the transfer of lead responsibility for the WQIP to the Department of Water (DoW).

Fortescue Marsh

A view of Fortescue Marsh is available at:

http://visibleearth.nasa.gov/view_rec.php?id=697

Multiple iron ore mining developments currently occur, or are planned for, the area surrounding the Fortescue Marsh, an important wetland listed on the Australian Heritage Commission Register of the National Estate as an “Indicative Place”, and in the Directory of Important Wetlands in Australia (Environment Australia, 2001). (see page 30 below). The EPA requested the DEC, OEPA and DoW to collaborate to develop guidance material and to ensure that there is a framework for decision-making relating to mining proposals so as to prevent unintended or unacceptable cumulative impacts on the marsh and provide more certainty to industry.

It is intended that the final guidance, once endorsed by the EPA and considered by Government, would be used to streamline EPA assessments of projects in the area consistent with the intent of recommendations made in the *Review of the Environmental Impact Assessment Process in Western Australia (2009)*. (See page 9 above)

The primary purpose of the guidance is to ensure government agencies are aligned in the advice they provide during the approvals process for developments in the Fortescue Marsh area. The document will aim to:

- protect areas of high biodiversity, conservation or cultural value;
- maintain essential hydrological and related processes; and
- maintain ecosystem function and processes and the integrity of the marsh system.

The project is expected to be completed in the 2010-2011 financial year.

Strategic Advice on the Dawesville to Binningup Area S16(e)

The EPA released its advice to the Minister for Environment under Section 16(e) of the *Environmental Protection Act 1986* on the significant environmental values of the Dawesville to Binningup Area in May 2010 in Report 1359. <http://www.epa.wa.gov.au/template.asp?area=EIA&ID=16&Cat=EPA+Reports+%28formerly+bulletins%29&archives=1> .

This advice follows the release of *Environmental Protection Bulletin No.4: Strategic Advice – Dawesville to Binningup* in May 2009 which, as noted in the 2008/09 annual report, informed the public of the EPA's intentions and approach to providing strategic environmental advice for the coastal strip between Dawesville and Binningup in recognition of the increasing pressure for more intensive land use and development in this environmentally sensitive area.

The Dawesville to Binningup study area covers an area of approximately 286 square kilometres (km). Tims Thicket Road, located approximately 13km south of Mandurah, is the northern boundary of the study area that extends south to Buffalo Road, east to Old Coast Road and west to the coast.

The study area has important international, national and regional environmental values. The Yalgorup lakes, as part of the Peel/Yalgorup System, are recognised under the Ramsar Convention as wetlands of international importance. The area has also been identified as having geoheritage features of international significance, ecological communities, flora and fauna species of national significance (listed under the *Environment Protection and Biodiversity Conservation Act 1999*), regionally significant vegetation, flora and fauna (*Wildlife Conservation Act 1956*), significant stands of *Eucalyptus gomphocephala* (Tuart) and significant coastal and landscape values.

The EPA's report applies current knowledge and scientific data about these values to identify areas of conservation significance and areas that may have potential for development, compatible with the environmental values of the area.

The EPA concluded that the study area has natural values that are unique and significant at the global scale. The Ramsar listed Yalgorup lakes, migratory waterbirds, the Lake Clifton thrombolites and other geoheritage features are all internationally significant. Their combined existence makes the area a special part of Western Australia that must be protected and conserved. To achieve this the EPA formulated 12 strategic recommendations.

The EPA identified an area that could be considered for its development potential as land located south of Lake Preston and to the east of Binningup, near the Old Coast Road. This area appears to be less environmentally constrained than land between the Yalgorup lakes and the coast, or on the eastern side of the Yalgorup lakes.

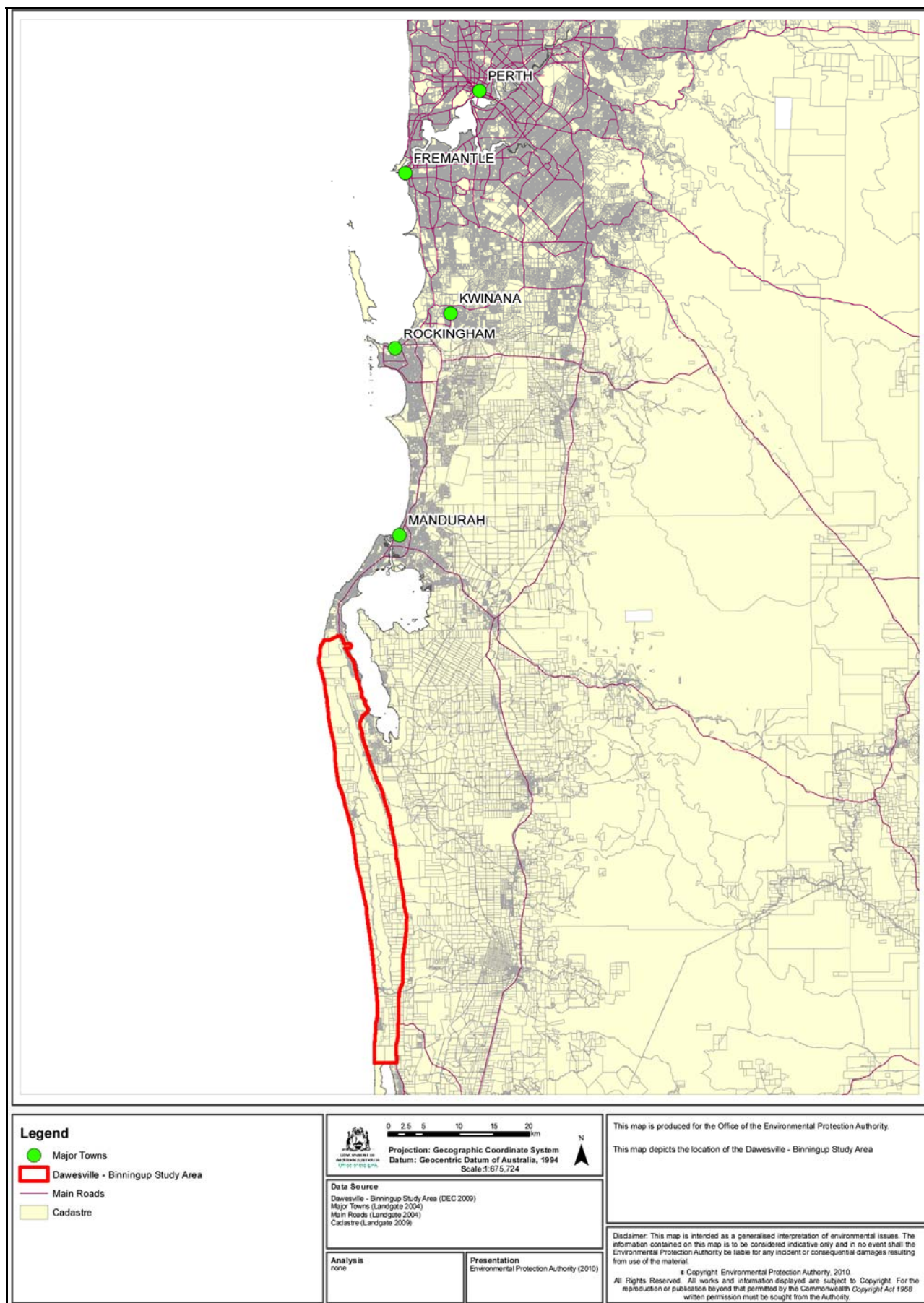


Figure 1: Dawesville – Binningup Locality Map and Study Area

The internationally recognised Yalgorup lakes and other significant environmental values found together in the study area make it an extremely important area for conservation. The EPA recommended that these values should be protected by increasing and consolidating the area of the Yalgorup National Park through the acquisition of private land enclaves west of the lakes and lands adjacent to the lakes and those areas that contain internationally, nationally and regionally significant environmental values.

The EPA concluded that subdivision and development near the Yalgorup lakes is highly likely to impact the ecological character and integrity of the lake ecosystems. The current decline of the Lake Clifton thrombolite community demonstrates how subdivision and development in the lakes catchment can have serious adverse consequences. The EPA considers the risk of impacts occurring from additional residential and agricultural development to the lakes and the significant vegetation, flora and fauna to be unacceptable.

Planning for Mine Closure: Proposed Environmental Assessment Guideline

During 2009-10 the EPA developed a draft Environmental Assessment Guideline on Planning for Mine Closure. The draft guideline explains how mine closure planning should be addressed “up-front” in proponents’ EIA documents and highlights key issues relevant to mine closure planning in the context of the EIA process. These key issues include acid and metalliferous drainage and ensuring ecologically sustainable closure of mine pit lakes.



(Ongoing acid mine drainage pollution from old abandoned coal mine workings near Collie. Modern mining industry best practice is to start planning for closure before mining commences. This ensures that mines can be closed and remediated in an ecologically sustainable manner without ongoing pollution. S Appleyard, DEC)

The EPA’s expectations for mine closure planning in the draft guideline are fully consistent with Australian and international mining industry leading practice. In particular, the approach adopted in the new EPA guideline is aligned with the national policy framework for mine closure planning as set out in the Australian and New Zealand Minerals and Energy Council / Minerals Council of Australia *Strategic Framework for Mine Closure* published in 2000.

Consistent with the *Strategic Framework*, the new EPA guideline emphasises that, instead of being an “end of mine life process”, planning for mine closure should be treated as an integral part of mine development planning and should start before mining begins. Closure planning should then continue progressively throughout the

operation's life cycle. This approach makes for better environmental outcomes. It is also good business practice because it should avoid the need for expensive remedial earthworks later in the mining process.

The draft EPA guideline explicitly recognises that mine closure planning needs to be flexible to allow for operational changes as well as changes in technology or regulatory requirements as mining progresses. However, the document notes that it is essential that the conceptual closure plan presented "up front" as part of the EIA process is project-specific and contains sufficient information to make a convincing case that ecologically sustainable "walk away" mine closure can be achieved (i.e. without post-closure pollution, environmental harm, or liability for the State over and above any land management costs which applied prior to mining).

The draft guideline was considered by the SRG on 9 April 2010 and the SRG recommended that consideration be given to developing a joint EPA / DMP guidance document on mine closure. Agreement was subsequently reached with the DMP on development of such a joint guidance document, incorporating the key points of the EPA's draft guideline. At the time of writing the joint EPA / DMP guidance document was being progressed, and is to be subject to wider stakeholder and public consultation before finalisation.

Ministerial Taskforce on Sharing Environmental Assessment Knowledge

A Ministerial taskforce on the Sharing of Environmental Assessment Knowledge (SEAK), chaired by the EPA Chairman, continues to work towards a shared environmental knowledge system for collecting, reporting and accessing environmental information and knowledge generated through the environmental assessment process.

The OEPA facilitated a series of technical workshops on behalf of the Taskforce examining creation, collection, organisation, storage, analysis, governance and communication of digital environmental knowledge. Informed by the workshops, the taskforce released an interim report on the model for sharing environmental knowledge in October 2009, <http://www.epa.wa.gov.au/> Progress continues towards a final report in 2010-2011.

Membership of the Taskforce is:

Australian Petroleum Production Exploration Association
Conservation Council of WA
Chamber of Minerals and Energy
Department for Environment and Conservation
Department of Mines and Petroleum
Department of Planning
Department of State Development
Environmental Consultants Association
Landgate
Urban Development Institute of Australia
W.A. Land Information System
The Wilderness Society

Memoranda of Understanding

The EPA and the DMP signed a MoU on 29 June 2009 <http://www.epa.wa.gov.au/template.asp?ID=51&area=EIA&Cat=Memoranda+of+Understanding>. The MoU will contribute to improved collaboration between the EPA and DMP on the processes used to refer environmentally significant mineral, petroleum and geothermal proposals to the EPA.

The MoU consolidates three existing MoUs into one document thereby reducing duplication and effort and eliminating confusion and inconsistency.

The MoU also recognises and encourages the development of regulatory processes within DMP to deliver better environmental outcomes.

The EPA Chairman and the Director General of DMP have recognised that the MoU should be subject to ongoing refinement and improvement, and have agreed on a schedule of implementation actions. These actions include reviewing the referral criteria attached to the MoU, sharing environmental datasets, and developing a resources guide of policies and standards.

The three schedules attached to the MoU contain referral criteria (Onshore Mineral Proposals, Onshore Petroleum Activities, and Offshore Petroleum Activities) that provide guidance on what projects should be referred to the EPA, these were reviewed and received final endorsement on 17 June 2010.

The MoU is a significant contribution in the pursuit of effective and efficient regulatory systems for mining and petroleum activities in Western Australia.

ENVIRONMENTAL ASSESSMENT OF PROPOSALS

A total of 393 development proposals and planning schemes were referred to the EPA for consideration compared with 457 referrals last year. However, the number of decisions by the EPA that referred proposals required assessment, reporting and the provision of recommendations to the Minister for Environment, did not decrease. The EPA decided that 42 referred proposals warranted assessment, an increase from last year. A further 134 referrals did not require assessment but specific advice was provided to proponents and approval agencies, primarily in relation to planning schemes.

Table 2: EPA's Completed Assessments in 2009-10

Level of Assessment	Assessments
Public Environmental Review (PER)	10
Planning Scheme Environmental Review (ER)	2
Scheme Incapable of Being Made Environmentally Acceptable	1
Assessment on Referral Information (ARI)/ Environmental Protection Statement (EPS)	7
Section 46 Change to Conditions	4
Section 16 Strategic Advice	1
Total	25

During the year, 25 formal assessments or provision of formal advice were completed by the EPA. The number of assessments for each Level of Assessment (LoA) and formal advice provided in 2009-10 is shown in Table 1. A list of all assessments completed is set out in Appendices 1-6. Some of the more significant assessments are discussed below.

In addition to these assessments, the EPA prepared a further 13 documents, under section 16, related to the EIA process.

As with previous years, there has been significant variation in the time taken for proposals to reach the EPA Report stage. This is illustrated in Table 3 and Figure 2 below. Only proposals that included a formal public review period were used to illustrate this variability.

Table 3: Assessment times for Major Projects (in weeks)

Assessment Phase		2005/06	2006/07	2007/08	2008/09	2009/10
From Level of Assessment set to proponent report release+	Mean	63	38	92	81	59
	Low*	12	11	32	13	8
	High*	209	80	209	189	102
Public Review Period	Mean	7	4	10	6	7
	Low*	4	4	6	4	4
	High*	16	10	17	8	8
End of Public Review period to proponent response to EPA+	Mean	32	12	27	18	29
	Low*	2	4	17	6	6
	High*	266	37	58	46	100
Proponent response to EPA report release	Mean	10	8	10	11	11
	Low*	4	2	3	5	1
	High*	27	16	27	28	29
Total, from level of assessment set to EPA Report	Mean	114	62	140	115	106
	Low*	22	24	64	36	28
	High*	335	129	302	209	223

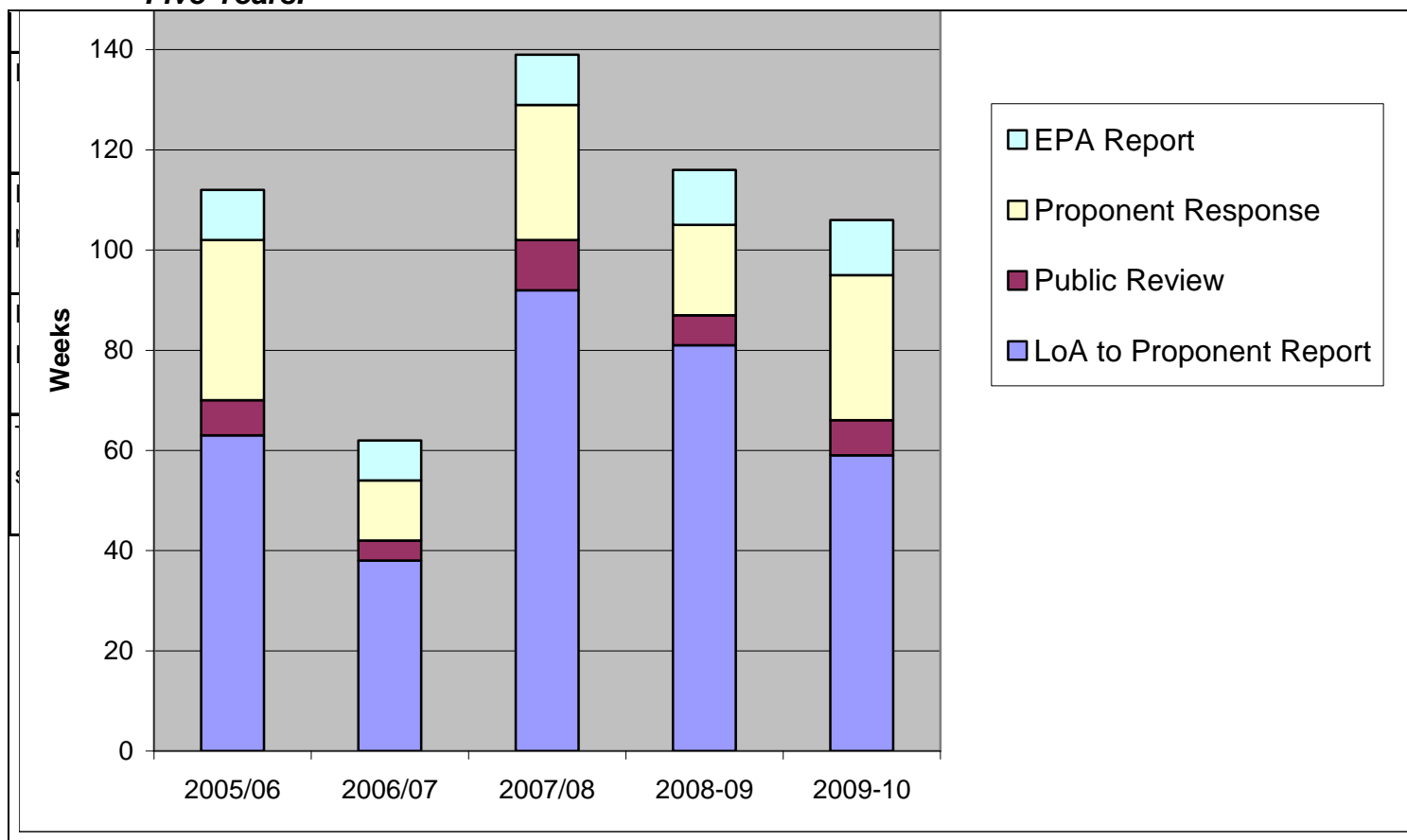
* Represent extremes across separate projects. Total is not cumulative.

† This part of the process is largely under proponent control.

This is represented graphically in the following figure, which shows the average periods taken for each stage of the assessment process over the period 2005/06 to 2009/10.

The Figure shows that there has been a consistent reduction in the total time taken from LoA being set to the publication of the EPA report.

Figure 2: Average Time Taken for the Assessment of Proposals Over the Past Five Years.



MAJOR PROJECTS

Liquefied Natural Gas

Browse Basin LNG Precinct

Late in 2009 the Premier announced that the favoured location for a precinct to process natural gas from the Browse Basin would be at James Price Point, about 60 km north of Broome, on the Dampier Peninsula. This precinct would be designed to accommodate the production of up to 50 million tonnes per annum of liquefied natural gas (LNG).

James Price Point was chosen following examination of over 40 sites around the Kimberley coast. In 2008 the EPA provided advice on this earlier selection process in its report number 1306 entitled *Kimberley LNG Precinct – Review of potential sites for a proposed multi-user liquefied natural gas processing precinct in the Kimberley region*. In report 1306 the EPA concluded that “the environmental impacts and risks of locating a precinct in the James Price Point area are likely to be manageable.”

<http://www.epa.wa.gov.au/template.asp?p=2&area=EIA&Cat=EPA+Reports+%28formerly+bulletins%29&ID=16&Archives=1>

The EPA is now undertaking an assessment of a strategic proposal (a “strategic environmental assessment” (SEA)), jointly with the Commonwealth, of the

proposed LNG processing precinct at James Price Point. The Department of State Development (DSD) is the proponent for this proposal. Staff from the OEPA have participated in workshops and information sessions about the proposal in Broome and Perth.

The EPA and the Commonwealth have jointly agreed on the scope of work for this SEA. The proponent is now developing a document outlining the proposal, the existing environment and proposed plans for the management of the precinct. The EPA has been advised that the proponent's current plan is for this document to be ready for public release in the last quarter of 2010.

Once the proponent's document is released, there will be an eight week public comment period during which members of the public can provide submissions to the EPA on their views about the proposal. The EPA will consider the proposal, public comments and expert advice when developing its recommendations on the environmental aspects of the proposal. The EPA will prepare a report for the Minister for Environment, which will be publicly available.

Wheatstone Project



The EPA is currently assessing the Wheatstone Project proposed by Chevron Australia Pty Ltd. The proposal includes a 25 million tonne per annum (MTPA) liquefied natural gas (LNG) plant, 625 million standard cubic feet per day (Mscfd) domestic gas (domgas) plant and port near Onslow on the Pilbara coast. The proposal is being assessed at the level of Environmental Review and Management Program (ERMP).

(Artist's impression of the Wheatstone Project. Wheatstone Project Environmental Review and Management Programme July 2010)

The Wheatstone ERMP is being used by the EPA for the first trial application of the EPA's risk-based approach to EIA. This approach applies the Standards Australia/Standards New Zealand guidance on Risk Management (AS/NZS 4360:2004, HB 436:2004 and HB203:2006) to EIA in Western Australia. The anticipated advantages of the risk based approach are improvements in:

- transparency;
- rigour;
- framework for stakeholder involvement; and
- early identification of environmentally critical proposal design sensitivities.

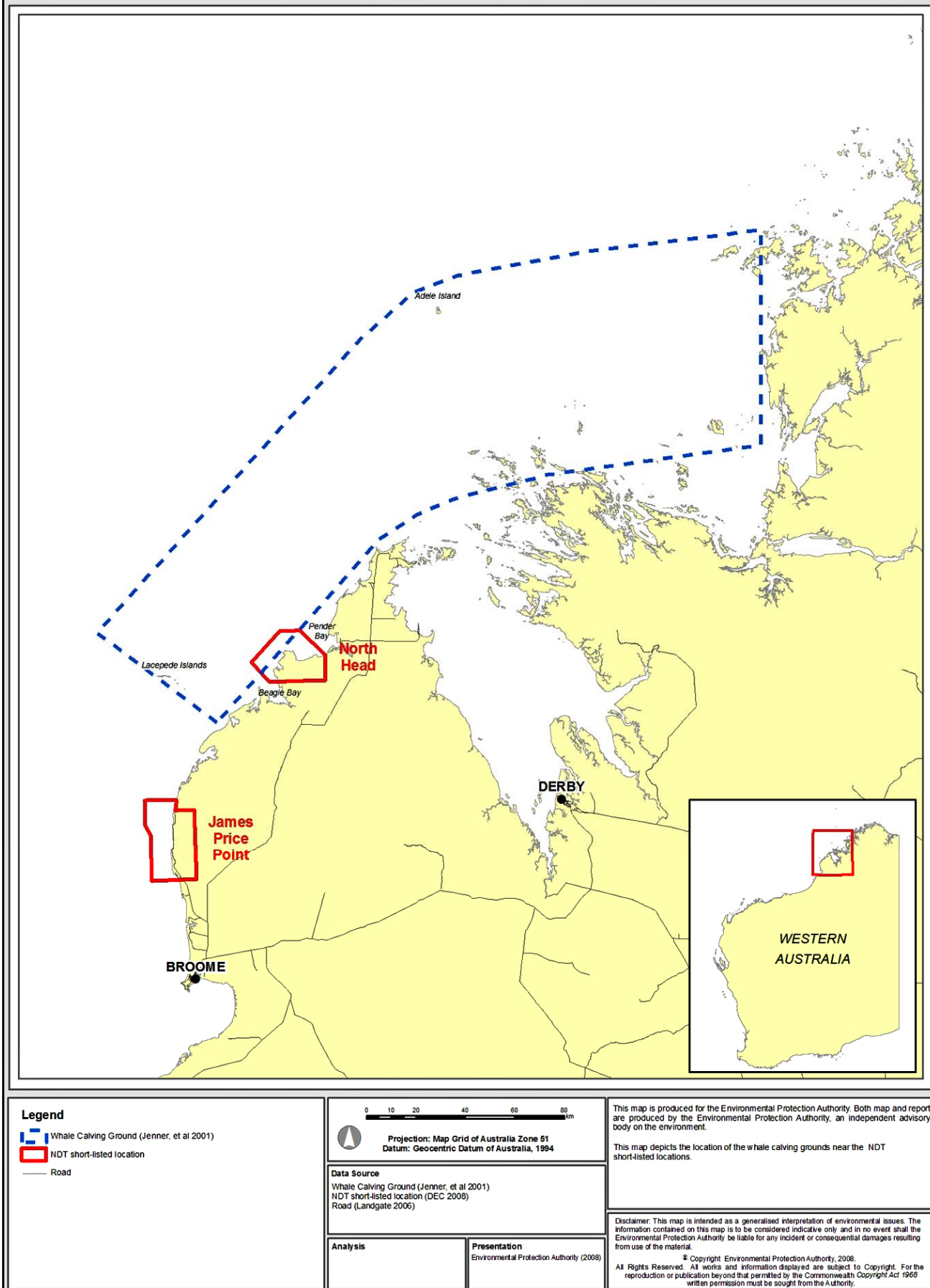


Figure 3: Location and Extent of Whale Calving Grounds off the Kimberley Coast (Jenner et al, 2001)

The application of the risk-based approach to the Wheatstone EIA will assist the EPA in making a judgment on the advantages and disadvantages of the risk-based approach and the extent to which it should be routinely adopted.

Key environmental factors for the Wheatstone assessment are expected to be:

- marine fauna (whales and turtles);
- benthic primary producer habitat (corals, seagrasses etc);
- introduced marine pests;
- marine water and sediment quality;
- coastal processes;
- surface water;
- terrestrial flora and vegetation;
- terrestrial fauna;
- greenhouse gas emissions;
- air quality;
- noise; and
- heritage (indigenous and European).



(The EPA and others inspecting the proposed Wheatstone site. Peter Walkington, 21/10/09)

The Wheatstone Proposal is to be located in the proposed Ashburton North Strategic Industrial Area (SIA), 15 kilometres southwest of Onslow, along with the Macedon domestic gas project (BHP Billiton Petroleum Pty Ltd) and possibly the Scarborough LNG project (6 MTPA LNG plant).

Government has decided not to nominate an agency as the proponent for the Ashburton North SIA, but to adopt a model that uses the proponent of the largest development in the SIA as the lead proponent. This means that the cumulative impacts of all industries in the SIA will be assessed as part of the Wheatstone Environmental Review and Management Programme (ERMP) rather than undergoing separate SEA. The Wheatstone assessment will provide an opportunity for public comment on the cumulative impacts of the SIA in addition to the Wheatstone impacts.

Although the EPA has already published its report and recommendations on the 200 MMscfd Macedon Gas Development, (Report 1360 on 5/7/10 <http://www.epa.wa.gov.au/template.asp?area=EIA&ID=16&Cat=EPA+Reports+%28formerly+bulletins%29&archives=1>) it is small in comparison with the Wheatstone and Scarborough proposals and an early decision on the Macedon Gas

Development will not compromise the outcome of the SIA cumulative impacts assessment.

The EPA expects to publish its report and recommendations on the Wheatstone Project in the first quarter of 2011.

Completed Iron Ore Projects 2009/2010 – Pilbara Region

All EPA reports are available at:

<http://www.epa.wa.gov.au/template.asp?ID=16&area=EIA&Cat=EPA+Reports+%28formerly+bulletins%29>

Marandoo Mine Phase 2

Hamersley Iron Pty Ltd proposed to expand existing mining operations at Marandoo in the central Pilbara region, approximately 37 km east of Tom Price and 77 km north-east of Paraburdoo.

The key factors identified in the EPA report included flora and vegetation; groundwater and closure and decommissioning.

The existing Marandoo Mine was approved by the Minister for the Environment in 1992. The mine is located within the Marandoo mining lease, which was excised from the Karijini National Park, and is bounded by the park on three sides.

To date, all mining at the existing mine has taken place above the water table. The current proposal involves widening and deepening the existing mine pit to mine ore below the water table.

Dewatering has the potential to lower groundwater levels that sustain the Coolibah Woodlands, a Priority Ecological Community (PEC) within Karijini National Park. However, the risk of impact to the Coolibahs is considered low given the predicted rate of drawdown.

The EPA recommended conditions requiring that there be no impact to the Karijini National Park, including the Coolibah Woodlands as a result of this proposal, and that mitigation and management strategies be developed for implementation if a potential impact is detected.

The EPA released its report in April 2010 (Report 1355).

Orebody 24/25 Iron Ore Mine

BHP Billiton Iron Ore currently mines the Ore Body 25 deposit at Newman. The proposal involves the development of the Ore Body 24 deposit to provide crushed ore feed for the existing ore processing facilities at the Ore Body 25.

The EPA considered the key factors of flora and vegetation; fauna; subterranean fauna and short-range endemics; and mine decommissioning and rehabilitation.

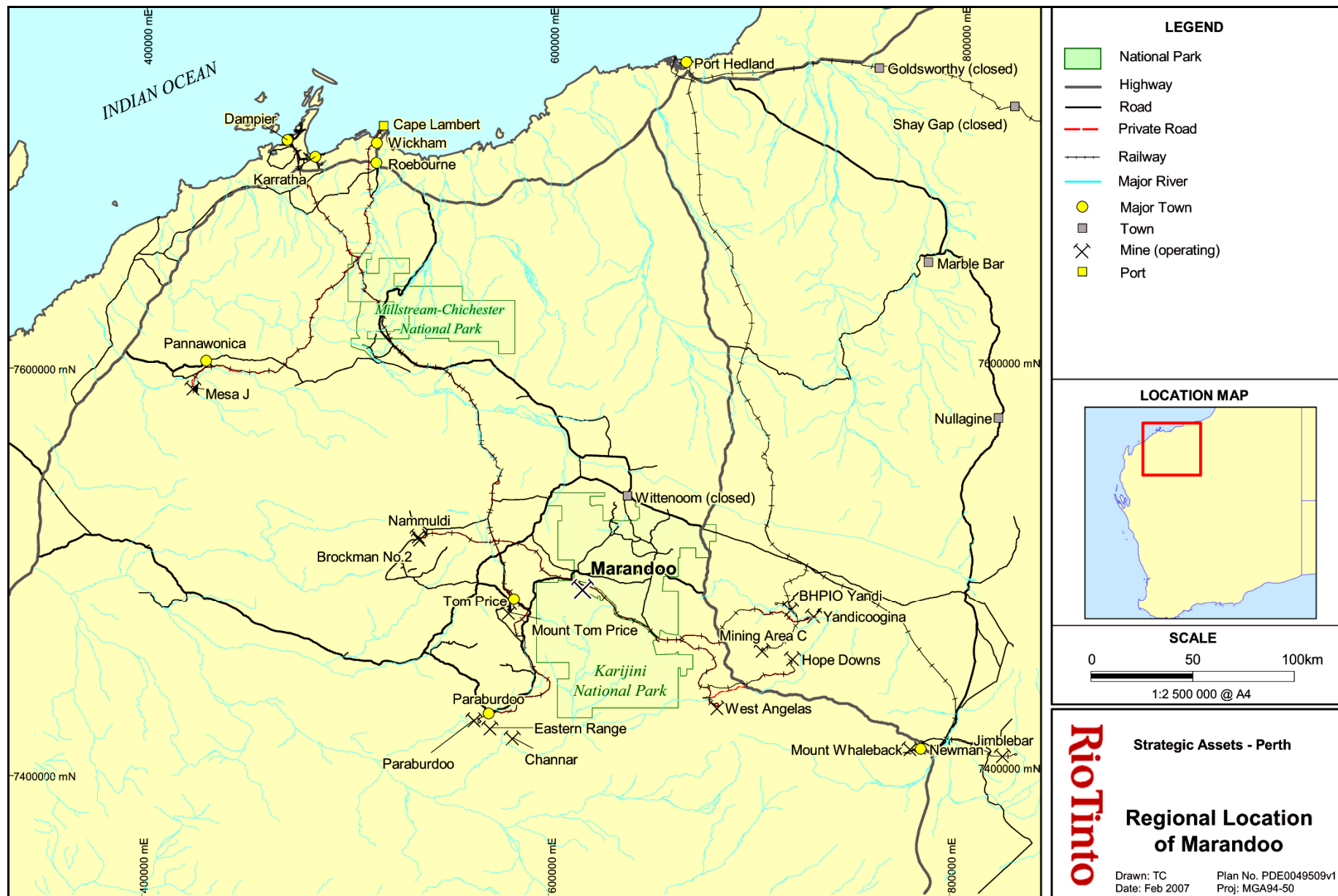


Figure 4: Marandoo Mine Location Within Mine Location within Karijini National Park

The EPA concluded the proposal could be managed with conditions that allow the management plans required for the existing Orebody 25 deposit to be extended to the new Orebody 24 deposit. The EPA also recommended an additional condition relating the management of potential acid and metalliferous drainage.

The EPA released its report in April 2010 (Report 1356).

Balmoral South Iron Ore Project

Mineralogy Pty Ltd proposed to develop an open-cut iron ore mine, process facilities and utilities including a desalination plant and power station, at Cape Preston, 80 km south of Karratha.

The key factors identified in the EPA's report included flora and vegetation; terrestrial fauna and habitat; mangroves; marine ecosystems; groundwater and surface water; air quality; greenhouse gas; and rehabilitation and closure.

The EPA concluded that there will not be a significant impact on priority flora, vegetation and terrestrial fauna as they are well represented outside the project footprint.

Subterranean fauna species identified within the impact zone are expected to also occur in similar habitat outside the impact zone.

By restricting the disturbance of mangroves to the expected area of impact, it is unlikely that the impact on mangroves will be significant.

The proposed mine is located close to a major river. In addition there are some potentially acid forming materials and asbestiform minerals associated with the ore body and these will require careful management. Sustainable closure and rehabilitation present substantial challenges.

The EPA therefore recommended a condition requiring the preparation of a project-specific conceptual closure strategy, prior to commencement of ground-disturbing activities.

The EPA released its report in October 2009 (Report 1340).

Roy Hill Iron Ore Mining Project Stage 1

This project involves the mining of iron ore from Roy Hill Mining Pty Ltd's Stage 1 project area and includes development of associated mining infrastructure such as storage facilities, rail loop, airfield and realignment of the Marble Bar Road. The project is located 110 km north of Newman on the southern slopes of the Chichester Range

The key factors identified in the EPA's report were flora and fauna; subterranean fauna; groundwater; surface water; and mine closure and rehabilitation. The proposal requires the clearing of 7,200 hectares of native vegetation.

All vegetation complexes extend beyond the proposal boundary and are locally common. Priority flora species would be impacted by the proposal however all are widespread outside the proposal area. The EPA considered that the impact to the

vegetation complexes and priority flora was not significant. The Western Pebble-mound Mouse (*Pseudomys chapmanii*) may be impacted by the proposal however, the impact is unlikely to be significant due to numerous records for this species throughout the Pilbara and the widespread distribution of suitable habitat.

Surveys revealed a number of mygalomorph spiders and pseudoscorpions within the development footprint that have uncertain status and may be short range endemic (SRE) species. The EPA considered that the uncertainty about potential SRE species required a precautionary approach. The EPA also considered that the project would not have a significant impact on subterranean fauna.

The proposal requires dewatering to achieve dry mining conditions. Groundwater dependent vegetation is found within the project area but is also well represented outside of the project area. The Fortescue Marsh (see page 15 above) is outside the project area and is unlikely to be impacted by groundwater drawdown as the modeled drawdown boundary after 10 years of mining would be 4km away from the marsh. The EPA considered that changes to surface water flow would not have a significant impact on mulga trees or the Fortescue Marsh.

The EPA recommended conditions for groundwater dependent vegetation; surface water management; groundwater quality; short range endemics; and rehabilitation and mine Closure.

The EPA released its report in November 2009 (Report 1342).

Roy Hill Iron Ore Mining Project Stage 2

This proposal involves the mining and processing of iron ore and the construction and operation of a remote bore-field and water supply pipeline.

At its closest point, the mine is approximately 1.5 km north east of the Fortescue Marsh (see page 15 above). The key factors identified in the EPA's report were flora and vegetation; terrestrial fauna; SRE; subterranean fauna; groundwater; surface water; and rehabilitation and closure.

The proposal requires the disturbance of 4793 hectares of native vegetation. Dewatering below the water table would be required to provide dry mining conditions. Saline water produced from dewatering would be disposed of to an evaporation pond and salt residue would be encapsulated in mined out pits.

The EPA recommended that conditions be imposed on the proponent in relation to:

- provision of flora and vegetation, fauna and SRE surveys;
- protection of vegetation against excessive groundwater drawdown and surface water changes;
- the clearing of trapped fauna within open pipeline trenches by a suitably trained person(s) during specified daily time periods;
- monitoring and management of seepage or run off from the waste fines storage facility and evaporation pond; and
- mine closure and rehabilitation.

The EPA released its report in December 2009 (Report 1345).

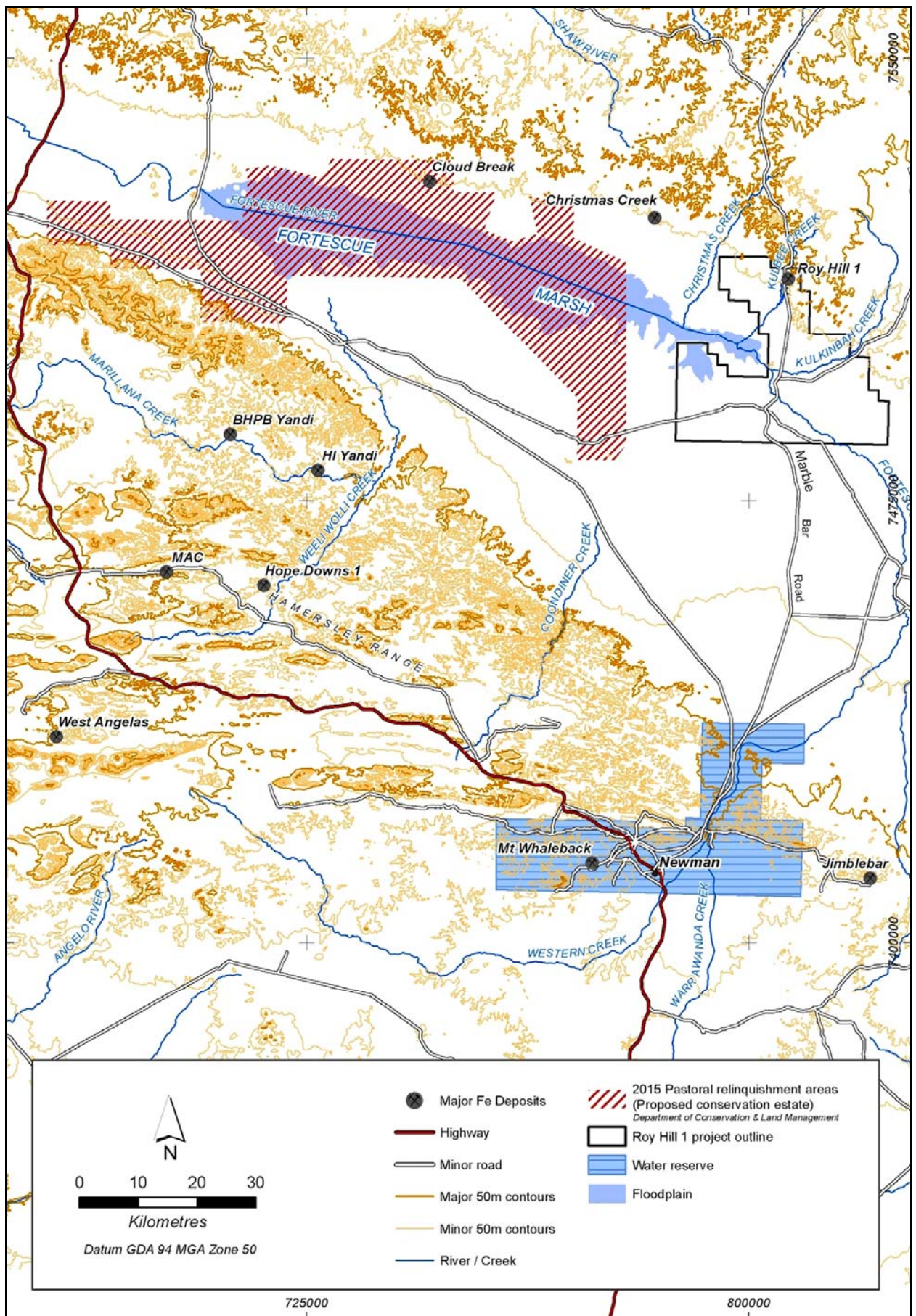


Figure 5: Proposed Fortescue Marsh Conservation Estate

Iron Ore Projects currently under assessment – Pilbara Region

Hope Downs 4

Hamersley HMS Pty Ltd proposes to develop an iron ore mine located approximately 30 km north-west of Newman. Mining is proposed over 30 years. The proposal involves the clearing of 5000 hectares of land and dewatering as 75% of the iron ore is located below the watertable.

The proponent's PER closed for public review in March 2010. The proponent is finalising the response to submissions.

Marillana Iron Ore Project

Brockman Iron Ore Pty Ltd is proposing to develop an open pit mining project which would require dewatering, ore processing and beneficiation, stock-piling and the establishment and maintenance of an accommodation facility.

The proposal is located 100 km north west of Newman. The proposal lies to the south of the Fortescue Marsh (see pages 15 and 30 above) and is intersected by tributaries of Weeli Wolli Creek. The proponent's PER closed for submissions in June 2010. The proponent is preparing the response to submissions.

Cape Lambert Magnetite Project

This is a proposal by MCC Australia Holding Pty Ltd to develop an open pit iron ore mine at Anketell Point 20 km east of Karratha. Iron ore produced at the mine will be exported from the proposed new multi-user port facility also located at Anketell Point. The proponent is currently finalising a scoping document.

West Pilbara Iron Ore Project

API Management Pty Ltd is proposing to develop an iron ore mine and export operation based on a number of resources located on the western fringe of the Hamersley Ranges, between 35 and 85 km south of Pannawonica. The project would involve the development of a series of open cut mines on mesa landforms and a railway to Anketell Point. The proponent's PER closed for submissions in August 2010.

The common user port facilities at Anketell Point are being assessed separately at the assessment level of PER.

Completed Iron Ore Projects – Yilgarn Region

Koolyanobbing Iron Ore Project-Mt Jackson J1 Deposit

Cliffs Asia Pacific Iron Ore Pty Ltd proposed to develop and operate the Mt Jackson J1 Deposit iron ore project, with associated mining infrastructure, located approximately 110 km north-north-east of Southern Cross, in the Shire of Yilgarn.

The proposed mine is located within the Mount Manning region on a section of banded ironstone formation (BIF) range which forms part of a series of ridgelines of BIF within the Yilgarn Region. The Mount Manning Region is recognised as a biodiversity hotspot due to high flora and fauna diversity and endemism, declared

are flora (DRF) and priority flora, declared, threatened and priority listed fauna, undescribed or newly described taxa and unique vegetation communities restricted to BIF ranges.

The key factors identified in the EPA report included vegetation and flora; fauna and rehabilitation and closure.

The EPA concluded that the proposal can be managed to meet the EPA's environmental objectives provided there is minimal disturbance to priority flora species and restricted vegetation communities and research into seed germination and propagation to improve the likelihood of rehabilitation success. Monitoring and management of priority flora species and vegetation within 'Biodiversity Areas' to be retained by the proponent was also recommended to ensure these areas are protected from the impacts of mining in adjacent areas.

The EPA also recommended the minimisation and monitoring of direct and indirect impacts to mallee-fowl and tree-stem trapdoor spiders and that the proponent prepare a final closure and decommissioning plan, a detailed and project-specific conceptual closure strategy and the implementation of suitable rehabilitation.

The EPA released its report in February 2010 (Report 1347).

Iron Ore Projects currently under assessment – Yilgarn Region

Carina Iron Ore Project

Carina Iron Ore Project is a proposed by Polaris Metals NL.

The proposed mine is situated near the Yendilberin Hills approximately 60 km north-east of Koolyanobbing and is located in the proposed Jaurdi Conservation Park, part of the Great Western Woodlands. In addition to the mine, the proponent proposes to develop a 50 km haul road through the proposed Park. The processing plant, work-shop and mine workers accommodation infrastructure is to be located near to the proposed Mt Walton Rail Siding.

The EPA's report is nearing completion.

Parker Range (Mt Caudan) Iron Ore Project

Parker Range (Mt Caudan) Iron Ore Project is proposed by Cazaly Resources Ltd.

The project is located approximately 15 km south-east of Marvel Loch in the Shire of Yilgarn. The main components of the proposal are an open cut mine and associated infrastructure including a bypass road, waste dump, dry and wet processing plant, tailings storage facilities, power line extension and administrative facilities. The proposal is located in the Great Western Woodlands.

The proponent's scoping document was approved by the EPA in July 2010. The EPA is currently awaiting the first draft of the PER document.

Iron Ore Projects currently under assessment – Midwest Region

Weld Range Iron Ore Project

The Weld Range Iron Ore Project is proposed by Sinosteel Midwest Management Pty Ltd. The proposal is located in the BIF Ranges which contain a number of rare and priority flora, vegetation communities and fauna that would be impacted by the proposal. The key environmental factor is impacts to listed short range endemic (SRE) fauna, specifically the shield-backed trap-door spider. The proponent is currently finalising its draft PER document.

Jack Hills Mine Expansion Stage 2

The Jack Hills Mine Expansion Stage 2 is an expansion of the existing mine by Crosslands Resources Limited. The proposal is located in BIF ranges which contain a number of rare and priority flora, vegetation communities and fauna that would be impacted by the proposal. The key environmental factors are conservation significant SRE fauna, rare and priority flora and vegetation communities. The proposal includes a gas pipeline that is to intercept the Dampier to Bunbury Natural Gas Pipeline and a haul road from the Weld Range. The proponent is currently finalising its PER document.

Other Mining Projects

Spotted Quoll Nickel Mine

Western Areas NL proposes an open pit nickel mining operation situated approximately 160 km south of Southern Cross and 80 km east of Hyden in the Shire of Kondinin.

The EPA considered the key environmental factors to be vegetation, fauna and rehabilitation and closure.

The proposal will result in the clearing of 140 ha of native vegetation which may include the clearing of one plant of the Priority 2 flora species, *Stylidium sejunctum* and may indirectly impact populations of the declared rare flora *Eucalyptus. steedmanii* located close to the pit and haul road.

The EPA recommended that the proposal could be implemented with conditions relating to: protection of declared rare flora *E. steedmanii*; management of direct impacts to mallee-fowl from vehicle strikes along the haul road; and mine rehabilitation and closure.

The EPA released its report in July 2009 (Report 1334).

Power Stations

The EPA reported on two coal fired power station proposals.

Bluewaters Power Station Expansion

Griffin Power Pty Ltd propose the construction and operation of Bluewaters Power Station Phases III and IV at Collie. The proposal includes two nominal 229 megawatt (MW) subcritical coal-fired base-load generation plants on a site adjacent

to the existing Bluewaters Phase I and Phase II generating plants, located approximately 4.5 km north-east of Collie. The proposal includes a wastewater discharge pipeline, and an ocean outfall north of the Leschenault Inlet at Buffalo Road.

The main issues identified in the EPA report included air quality; greenhouse gas emissions; noise; biodiversity; and the marine environment.

The Phase III and IV power station would not, on its own, cause exceedances of the National Environment Protection Measures standards for ambient air quality for sulfur dioxide (SO₂) and particulate matter (PM₁₀). However, due to the potential for such exceedances from cumulative sources, the EPA recommended conditions to reduce the contribution of SO₂, particulate matter and oxides of nitrogen in accordance with best practice emissions levels.

The existing Muja Power Station, particularly Muja A and B, is the dominant contributor of SO₂ and particulate matter in this area. The EPA also recommended conditions concerning carbon capture and storage (CCS). In addition the EPA recommended conditions to ensure the potential cumulative impacts of noise are managed and marine impacts from the ocean outfall are mitigated.

The EPA released its report in March 2010 (Report 1349).

Coolimba Power Station

The Coolimba Power Pty Ltd proposal is to construct and operate a nominal 450 MW coal-fired base-load generation plant approximately 15 km south-south-west of Eneabba, and to establish a 20 km long and 100 metre (m) wide infrastructure corridor that will accommodate the construction and operation of a natural gas pipeline lateral and a 330 kV electricity transmission line. The infrastructure corridor is proposed to cross the South Eneabba Nature Reserve (SENR).

The key environmental factors identified in the EPA's report included biodiversity; air quality; noise; and greenhouse gas emissions.

The EPA recommended that the infrastructure corridors avoid the SENR due to the impact of the corridor on the declared rare flora species *Tetratheca nephelioides* and *Eucalyptus johnsoniana*. Conditions were also recommended to reduce impacts from emissions to air. These conditions are to ensure that emissions to air meet best practice criteria and that pollution reduction equipment is not off-line for unacceptably long periods.

The EPA recommended conditions requiring reporting of CCS progress, retrofitting of CCS when economically and technically proven, achieving best practice thermal efficiency for a coal-fired base-load generation plant and development of a greenhouse gas abatement report to be developed.

The EPA released its report in March 2010 (Report 1350).

Collie Urea Project, Shotts Industrial Park, Shire of Collie and Port of Bunbury

The EPA reported on the proposal by Perdaman Chemicals and Fertilisers Pty Ltd to establish a urea production plant within the proposed Shotts Industrial Park in the Shire of Collie, 7.5 kilometres east of Collie.



(Artist's conceptual view of Perdaman Chemicals and Fertilisers plant. Gary Watson)

The plant would convert coal (mined from the Griffin coal mine north of the Shotts Industrial Park) to urea which would be transported by rail to Bunbury Port for export. Annual production would be nominally 2.1 million tonnes, a rate of 6,200 tonnes per day.

Elements of the project are the urea production plant; a coal conveyor linking the coal mine and plant; a water supply pipeline linking with the Water Corporation's pipeline from Wellington Dam; a wastewater pipeline to Collie Power Station and a rail spur connected to the existing rail network, as well as storage and ship loading facilities at Bunbury.

The key environmental factors are air quality, greenhouse gas, noise emissions, vegetation and fauna habitats, water use and wastewater disposal.

The Collie Urea Plant would be a minor contributor of emissions to the Collie airshed. The main pollutants of concern are SO₂ and particulates (PM₁₀). There are, however, predicted exceedances of the National Environment Protection (Ambient Air Quality) Measure standards as a result of the Collie Urea Plant proposal being implemented. Air quality standards in the Collie airshed will only be met if the emissions from Muja A/B Power Station are appropriately addressed during its refurbishment. The EPA's recommended conditions for the Collie Urea Plant include the proponent demonstrating it can meet its predictions for air emissions to the Collie airshed.

The Collie Urea Plant would be a significant emitter of greenhouse gases. With the continued uncertainty over a Commonwealth Government carbon market, the EPA recommended greenhouse gas abatement conditions addressing CCS.

In relation to noise, the EPA notes that the proposed Shotts Industrial Park will have five development areas available. To prevent the Collie Urea Plant from constraining future industries within the Shotts Industrial Park, the EPA has recommended a condition specifying noise criteria to be achieved at the Shotts Industrial Park buffer boundary.

The proposal would occupy an area of approximately 100 ha within the 124 ha leased industrial site at Shotts. Approximately 45% of the site is already cleared as a result of previous quarrying and farming. Of the currently vegetated area (67.5ha), approximately 47 ha would be cleared and 20 ha would be retained.

No declared rare flora (were recorded within the survey area. No threatened ecological communities were noted within the survey area or within the vicinity of the site.

The proposed plant site has approximately 60 per cent of the pre-European extent of vegetation remaining. The vegetation is also well represented at a local scale, within the Collie State Forest, Wellington National Park and Harris River State Forest.

Five significant fauna species were identified as occurring within the survey area, including three species of black cockatoo.

Habitat for each of these species occurs within the urea plant site and would be disrupted or removed during construction.

The EPA noted the proponent's intention to retain nesting hollows for cockatoos where practicable, but considers that as a measure of protection, replacement with artificial hollows in a ratio of 6 to 1 is worthwhile. The EPA recommended a condition to achieve this outcome.

Water will be sourced from Wellington Dam. Wastewater will be disposed of to the existing Verve Energy ocean outfall pipeline which is already licensed under the Environmental Protection Act.

The EPA concluded that it is likely that the EPA's objectives would be met, provided there is satisfactory implementation by the proponent of the recommended environmental conditions.

The EPA released its Report in May 2010 (Report 1358).

Greenhouse Gas Emissions from Major Projects

Through its assessment of development proposals the EPA provides advice on greenhouse gas emissions management. This was a key environmental factor for the above mentioned power station proposals and the Collie Urea project. These proposals would generate a combined total of approximately 10.3 million tonnes of CO_{2-e} per year, comprising of:

- Bluewaters Power Station Phases III and IV - 3.1 million tonnes of CO_{2-e} per year;
- Coolimba Power Station Project (coal-fired generation) - 3.8 million tonnes of CO_{2-e} per year; and

- Perdaman Chemicals and Fertilisers Pty Ltd Collie Urea Project - 3.4 million tonnes of CO_{2-e} per year.

Greenhouse emissions per unit of power output are considerably higher for coal-fired base-load power generation than natural gas-fired base-load power generation.

The proponents for Bluewaters Power Station Phases III and IV and the Coolimba Power Station Project stated that their proposals would be carbon capture ready in accordance with the International Energy Agency (IEA) definition. The EPA concluded that the respective proponents had not demonstrated that their project met the IEA definition.. Accordingly, the EPA recommended that conditions be imposed on the respective proponents requiring them to advise of progress towards the implementation of CCS, and to install CCS within five years of it becoming technically and commercially viable. Similar recommended conditions were imposed on the Perdaman Chemicals and Fertilisers Pty Ltd Collie Urea Project.

In providing this advice the EPA recognised that it is unlikely that CCS would become technically and commercially viable in Western Australia in the near future. CCS technology is now technically feasible, but the full chain of CCS – capture, transport and storage of carbon dioxide – has yet to be demonstrated for the full capacity of a coal-fired power station in Australia. Various demonstration projects and pilot plants currently demonstrate only part of the CCS chain. Therefore, proponents do not consider CCS technology to be commercially feasible.

To achieve substantial reductions in greenhouse gas (GHG) emissions on a global scale, the abatement process must be driven by governments across a range of existing and future emission sources.

As a party to the Kyoto Protocol, Australia is obliged to limit its GHG emissions to no more than 108% of 1990 levels (around 600 Mtpa) up to 2012, and Australia is on track to achieve this.

The Commonwealth Government's long term goal is to achieve a reduction of 60% from 2000 levels by 2050. This would limit Australia to 221 Mtpa in 2050. Based on WA's percentage of Australian emissions in 2007, this target would equate to around 28 Mtpa in 2050 for WA.

The latest data from 2007 (Commonwealth Government 2007) shows WA's emissions to be 76.3 Mtpa. Projects with existing environmental approval (but not yet included in the emissions inventory) could add more than 20 Mtpa to this amount. Additionally, there are currently proposals in the EPA assessment process, which if approved and constructed, would emit a further 36 Mtpa.

Given potential total emissions of the order of 133 Mtpa, the task of reducing WA's emissions to 28 Mtpa within four decades becomes daunting, especially when the long operational life of these projects is considered.

It also highlights the importance of a joint government/industry focus on developing real options for geo-sequestration of carbon dioxide in Western Australia. In this regard, the EPA recognises that the Commonwealth Government, the Western

Australian Government and industry are jointly investing in the Collie South West Hub Carbon Capture and Storage Project, currently underway in Western Australia's South West, to research and develop carbon sequestration options in the State. The EPA encourages this initiative.

Ports

Cape Lambert Port B

The EPA reported on the proposal by Pilbara Iron Pty Ltd, to construct and operate a second port at Cape Lambert on the Pilbara coast to process and export up to 130 million tonnes of iron ore per annum. The proposal which included onshore and marine components, was assessed at the PER level.

EPA Report 1357 (May 2010) discussed the key environmental factors of terrestrial fauna, marine values (being light spill, dredging, underwater noise and marine pest species), and dust. The report outlined the recommended environmental conditions that should apply to the proposal which included:

- limiting the amount of habitat of the conservation significant lizard *Lerista neviniae* that could be cleared to a total of 19.2 hectares and providing for active management to ensure habitat values will be maintained;
- design and management of lighting to prevent lightspill to important turtle nesting areas;
- management of noise impacts from pile driving through the use of soft start up procedures to allow time for marine fauna to move away; ensuring dedicated marine observers are present during pile driving activities; and ceasing of pile driving if whales or turtles are observed;
- ensuring that permanent loss of benthic primary producer habitat does not exceed 0.7 hectares;
- monitoring of vessels to detect if marine pests are present and development of a management strategy in the event they are detected; and
- ensuring the Dust Management Plan that applies at the existing adjacent port operations incorporates the new facilities and throughputs.

The EPA also provided other advice that the establishment of a buffer zone and conservation area between Cape Lambert and the town of Point Samson would both buffer the township from industrial noise and dust emissions and protect over 40 hectares of *Lerista neviniae* habitat.

Albany Port Expansion

Albany Port Authority proposes to expand the Port of Albany to allow Cape size vessels (16 metre draft) to enter Princess Royal Harbour (PRH) and be fully loaded. The proposal would require capital dredging within PRH and King George Sound (KGS). Dredged material would be used to reclaim land to construct an additional berth adjacent to the port, with excess dredge material placed in deep water within KGS. Up to 12 million cubic metres of material would be dredged over a seabed area of approximately 247 hectares.

Since the proposal involves potential impacts on environmental issues which fall under both State and Commonwealth jurisdictions, the EIA was carried out jointly by the EPA and the Commonwealth Department of Environment, Water, Heritage and the Arts. The LoA was set at PER under the WA *Environmental Protection Act 1986*, and at Public Environmental Report under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. An eight-week public review period was set and a common PER document was produced for both EIA processes. The public review period commenced on 24 September 2007, and closed on the 19 November 2007.

The EPA reported in Report 1346 (January 2010) on the key environmental factors of:

- marine benthic communities – impacts on benthic primary producer communities from dredging and reclamation;
- water and sediment quality – mobilisation of contaminated sediments;
- water quality (post-dredging) – impacts of widening and deepening the entrance channel on the circulation and flushing of Princess Royal Harbour (PRH);
- marine fauna – impacts of dredging and construction on protected and migratory fauna;
- sedimentation – stability of offshore disposal site; and
- water quality – impacts of dredging on recreational and commercial activities.

The EPA recommended conditions be imposed on the Albany Port Authority which included:

- that no dredging of the shipping channel should occur between 1 November and 28 February in any year;
- specifying the zone of total permanent loss of seagrass in KGS and PRH;
- requiring ongoing monitoring of underwater light attenuation and seagrass health against seagrass health indicators and management responses to be implemented in the event seagrass health criteria are exceeded;
- the rehabilitation of at least 1 hectare of seagrass in PRH;
- ensuring that the proposal does not impact on the reef communities at Gio Batta Patch and Michaelmas Reef in KGS;
- requiring monitoring of mercury in water and sediments to ensure that environmental quality objective for maintenance of ecosystem integrity and the criteria established for this objective is met during the dredging program;
- requiring that dredging of the portion of the proposed shipping channel with sediments containing mercury be undertaken without overflow;
- requiring the monitoring of mercury in mussels in the vicinity of Mistaken Island to ensure the EPA's environmental quality objective for the maintenance of seafood safe for human consumption is being met during and after the dredging program; and
- requiring the inspection of any dredging equipment/plant for this proposal for marine pests and the implementation of a management strategy should pests be detected.

Nelson Point Dredging, RGP6 Port Development, Port Hedland

The proposal by BHP Billiton Iron Ore to undertake dredging at Nelson Point, Port Hedland included the dredging of not more than 6.7 million cubic metres of material for two new berth pockets and extensions to the existing departure channel and swing basin to accommodate vessels of approximately 250,000 dead weight tonnes.

The EPA assessed the proposal at the LoA on Referral Information (ARI) and reported to the Minister in Report 1337 in September 2009.

The EPA's report focussed on the key environmental factors of benthic primary producer habitat; marine water and sediment quality; acid sulphate soils; and land use management and rehabilitation. Recommended conditions were designed to give effect to the proponent's management plans prepared for dredging, acid sulphate soils and land use.

Other advice in Report 1337 discussed the cumulative loss of mangroves in Port Hedland and the removal of samphire and cyanobacterial mats.

The EPA advised that mangrove, samphire and cyanobacterial mats, algal reefs and sub-tidal microphytobenthos losses in Port Hedland may be moving towards a situation of significantly exceeding the cumulative loss guideline for Benthic Primary Producer Habitat.

In these situations proponents should move towards an improved understanding of cumulative impacts/loss on these communities and an understanding of the significance of any Benthic Primary Producer Habitat losses beyond the cumulative loss guideline on ecosystem integrity.

Port Rockingham Marina

The EPA assessed a proposal by Rosewood Grove Pty Ltd to construct and operate a marina facility located within Cockburn Sound, Rockingham as a PER) The key environmental factors of marine water quality, benthic primary producer habitat and coastal processes were identified by the EPA as requiring detailed evaluation in its September 2009 Report 1339 to the Minister.

The location of the proposed Port Rockingham Marina is within an area that is afforded a high level of ecological protection under the *State Environmental* (Cockburn Sound) *Policy*, 2005 (SEP) (See page 52 below). The aim of the SEP is to declare, protect and maintain the Environmental Values of Cockburn Sound, protecting them from adverse effects of pollutants, waste discharges and deposits.

The EPA noted that marine water quality management was considered extensively in the design stage of the proposal. The marina was designed to allow for a rapid water body flushing rate reducing the potential for algal blooms and other water quality issues to develop. The proposed location is in an area devoid of seagrass and would not significantly impact upon any benthic communities.



Figure 7 Port Rockingham Marina Proposal Location

Consistent with previous assessments and advice provided by the EPA in relation to marina proposals, the priority was that there was to be no additional loss of seagrass in Mangles Bay. The EPA also determined that the minimal footprint of the marina would not disrupt the structural or functional integrity of the Cockburn Sound ecosystem, while acknowledging that there would be a minor impact on existing natural coastal processes with a requirement for a small amount of sand bypassing on an annual basis.

In conducting its assessment of the proposal the EPA sought to reduce the potential for detrimental impacts on water quality within Cockburn Sound that may result from an increase in volume of recreational vessels utilising the area. Specific attention was given to the issue of sullage tank management and installation on recreational vessels that intend to lease a berth at the marina facility. The proponent subsequently made a commitment that owners of vessels that are 10.0 meters and above in length that intend to lease a pen within the Port Rockingham Marina must be fitted with a sullage holding tank. It was understood by the EPA that this would be addressed in the individual lease contracts relating to the marina.

The EPA supported the proposal which satisfies a long standing need for additional boating requirements without causing additional loss of seagrasses. The EPA concluded that it was likely that the EPA's objectives would be met, provided there was satisfactory implementation by the proponent of the recommended conditions that related specifically to the identified key environmental factors.

Uranium Mining

Three companies, BHP Billiton, Toro Energy and Mega Uranium referred uranium mining proposals to the EPA for formal EIA.



(Mineralisation in surface rock. BHP Billiton's Yeelirrie Uranium Site located near Mt Keith. Ian Loftus.)

All three proposals are being assessed at the level of ERMP with 14 weeks public review. The EPA has approved BHP's Environmental Scoping Document (ESD). Toro Energy's and Mega Lake Maitland Pty Ltd's uranium scoping documents were released for public comment on 21 June 2010 and are expected to be finalised later in 2010.

The key issues raised in submissions at the scoping stage of the environmental assessment process include radiological effects on human and environmental

health, transport of yellowcake from mines to the Western Australia border for transport by rail/road to either South Australian or the Northern Territory ports for export; and long term safety and security of mine closure (e.g. tailings management, groundwater contamination).

The EPA assessment will also involve consideration of radiation risk advice from the Radiological Council of WA, Department of Mines and Petroleum and the Commonwealth Government.

The proposals are also being assessed under the bilateral agreement between the Commonwealth and Western Australian State Government.

Referrals of additional uranium proposals are expected during 2010-11.

The EPA is currently preparing for assessment by investigating environmental regulation and assessment experience elsewhere, notably in South Australia. The EPA Board has received briefings on the Commonwealth Regulatory Framework for uranium mining and how that is applied in other states, including the radiation management/monitoring practices that occur at other uranium mine sites around Australia. An officer of the OEPA has visited South Australia to gain a practical, first hand understanding of uranium operations, regulation of the industry in relation to environmental protection and transport and Federal requirements associated with uranium mining and export.

LAND DEVELOPMENT/INFRASTRUCTURE

Town of Port Hedland Town Planning Scheme No. 5 Amendment 20 - Part Lots 5002 and 5003 Counihan Crescent, Pretty Pool

The main environmental concern of this amendment relates to impacts on the nesting population of flatback turtles in the area. All nesting populations are considered significant because they are potentially critical to the long-term conservation of the species. State and Federal Governments have statutory obligations to protect this species.



(Flatback turtle. OEPA Marine Ecosystems Branch.)

Amendment No. 20 proposed to rezone portions of Lots 5002 and 5003 Counihan Crescent, Pretty Pool from “Rural” to “Urban Development”, and insert various provisions, including a requirement for management plans to manage impacts to flatback turtles in the amendment area.

Originally the preceding Amendment 14 included the area covered by Amendment 20. However, the area for Amendment 20 was removed from Amendment 14 as the EPA considered that the proposed provisions would not be able to effectively mitigate impacts to the flatback turtle population in the area.

Despite the EPA's concerns, the information and provisions of Amendment No. 20 did not contain any substantive changes, additions or documentation to demonstrate that it contained effective measures to manage the impacts from the proposed amendment on flatback turtles.

As no new information was provided to demonstrate that the implementation of the scheme would be able to effectively mitigate the impacts on flatback turtles, and given the State's statutory obligations to protect a species which is "rare or is likely to become extinct", the EPA considered that proposed Scheme Amendment No. 20 was incapable of being made environmentally acceptable. (EPA Report 1333).

Shire of Gingin Town Planning Scheme No. 8 Amendment 93 – Lots 5243, 9504 and 9505 Perth-Lancelin Road, Lancelin

The EPA released its report and recommendation to the Minister for the Environment on the Shire of Gingin Town Planning Scheme (TPS) No. 8 Amendment 93 in April 2010 (Report 1353).

The amendment proposes to rezone approximately 176.9 hectares from 'Rural' to 'Urban Development' zone. The amendment area is located south of the existing Lancelin townsite, straddling Lancelin Road to the north, Old Lancelin Road to the west and contains cleared farmland and remnant native vegetation.

The EPA decided that the key environmental factor of the amendment was native vegetation and flora. The only vegetation association present within the Amendment area is Association 1007, of which the pre-clearing extent remaining in Western Australia is 61.7%. However, only 6.9% is managed by the DEC, and only 0.72% of the current extent of Association 1007 within the Guilderton System is within DEC-managed land.

The EPA considered that although the pre-clearing extent of Association 1007 is above the "threshold level" of 30%, there are minimal land areas reserved for conservation. The environmental review also showed that there are three significant flora taxa mapped within the Amendment area. The EPA considered that these species represent significant environmental values.

The Outline Development Plan (ODP) which was prepared for the amendment area contained no areas of remnant vegetation to be retained and the significant values of the site would be lost due to development. The ODP did not provide a level of protection appropriate for the identified significant environmental values.

The EPA concluded that the amendment could only be implemented to meet the EPA's objective for native vegetation if an area for Public Open Space was set aside for the purposes of vegetation conservation on advice of the Office of the EPA, or a substantial area of vegetation be designated and protected for conservation either adjacent to, or within, the immediate vicinity of the amendment area.

Shire of Harvey Town Planning Scheme No. 1 Amendment 63 – Lots 195, 304 and Part Lot 9003 Lakes Parade, Binningup

The EPA released its report and recommendations to the Minister for Environment on the Shire of Harvey Town Planning Scheme (TPS) No. 1 Amendment 63 in November 2009 (Report 1344). This proposal had not been previously assessed by the EPA.

The amendment proposes to rezone approximately 220 hectares (ha) from 'Residential, 'Local Reserve for Recreation' and 'General Farming' to 'Local Reserve for Recreation' and 'Residential Development' zone. The amendment area is located south of the existing Binningup townsite. See page 16 above. The amendment area contains an existing nine hole golf course, a golf maintenance compound and remnant vegetation.

The EPA decided that the key environmental factors for the amendment were regionally significant natural areas and ecological linkage. The amendment area is located within the Preliminary Yalgorup/Myalup/Leschenault Coastal Ecological linkage as identified by the EPA in its assessment of the Greater Bunbury Region Scheme (EPA Report 1108, 2003).

The amendment area is highly complex, being made up of a mosaic of vegetation types and habitats. The native vegetation covers approximately 181 ha and is representative of the Quindalup Complex. It ranges in condition from 'Excellent to Very Good' to 'Completely Degraded'. The site contains 6 native vegetation units, 6 artificial wetland units, 2 Floristic Community Types, 29a –and 30b, both of which are Priority 3 Ecological Communities, in addition to 8 species of flora of other conservation significance.

Four main habitats were identified within the amendment area, and 73 vertebrate fauna species are known to utilise the site including the Carnaby's Black Cockatoo (*Calyptorhynchus latirostris*), which is listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* and endangered under the *Environment Protection and Biodiversity Conservation Act 1999*, the Perth lined Lerista (*Lerista lineata*) a Priority 3 species, in addition to one mammal, 2 reptiles and at least 15 bird species that are listed as being significant on the Swan Coastal Plain. The site also contains suitable habitat for the Western Ringtail Possum (*Pseudocheirus occidentalis*).

The EPA assessed the site against the *Strategy to Identify Regionally Significant Natural Areas* (EPA, 2003) http://www.epa.wa.gov.au/docs/1015_GS10.pdf and determined the amendment area to be a regionally significant natural area meeting 5 criteria: Representation of Ecological Communities; Diversity; Rarity; Maintaining Ecological Processes or Natural Systems; and General Criteria for the Protection of Wetland, Streamline, and Estuarine Fringing Vegetation and Coastal Vegetation. The Environmental Review also identified that the site met these criteria.

A Local Structure Plan (LSP) was prepared for the amendment area that was not informed by the regionally significant environmental values of the site. The areas proposed to be retained in the LSP were not of sufficient size and shape to be considered viable in the longer term, and pose a risk to the regionally significant

values of the site through fragmentation, and proposed tenure that did not provide an appropriate level of protection.

In considering the existing planning context and regionally significant values of the site the EPA concluded that the amendment could only be implemented to meet the EPA's objective for key natural areas and ecological linkage if a large consolidated area in the south of the site was retained for conservation purposes and complementary uses. The EPA also recommended that a representative consolidated area of tuart trees and peppermint woodlands of a minimum of 4 ha be retained within the future proposed development in the north of the site. The EPA formed a view that the retention of the area for conservation in the south of the site, in conjunction with the retention of an appropriate area in the north, would provide non-contiguous linkage through the site and maintain sufficient function within the regional ecological linkage.

The EPA's role in mitigating the impact from noise and dust in the West End of Port Hedland through land use planning controls.

In January 2009, the EPA released a report and recommendations regarding the proposed construction of a new multi-user berth and stockpile facility located at Utah Point, Port Hedland (EPA Report 1311).

In doing so, the EPA gave consideration to the fact that the new facility would result in reduced heavy traffic movements through the township and some of the ore that was currently being loaded close to residential areas would be relocated to the Utah Point facility. The result of this would be less noise and fugitive dust in the West End of the township, despite the new facility contributing an incremental increase in dust and noise levels overall. The EPA concluded that the proposal could be managed to meet the EPA's environmental objectives.

The EPA acknowledged that effective dust management is complicated, particularly in Port Hedland because of the range of dust sources and the lack of an adequate buffer between the existing port operations and sensitive land uses. In response to this, the EPA released an Environmental Protection Bulletin, *'Port Hedland Noise and Dust'* in early 2009 which expressed concern at current dust levels, emerging health research and current land use planning controls. The EPA stated: "a coordinated government and industry approach to the development and execution of an integrated government and industry strategy with explicit emission reduction strategies and explicit exposure reduction strategies is required with strong and inclusive governance arrangements".

This resulted in the formation of the 'Port Hedland Dust Management Taskforce' comprised of industry and government representatives. The taskforce reviewed the available evidence and released its *'Port Hedland Air Quality and Noise Management Plan'* in March 2010. The plan recognised that there were five broad categories where clear direction for action was required: health risk assessment and analysis, environmental management controls, governance, industry initiatives and land use planning. The plan gave clear direction on the five categories and made a series of key recommendations.

The EPA recognised that prior to the recommendations identified in the taskforce plan being successfully implemented, there would be an 'interim phase' that would

require diligence in EIA and land use planning to ensure the most appropriate environmental outcome.

The Town of Port Hedland (Council) initiated several amendments to the current town planning scheme early in 2010 and these were referred to the EPA for determination of an appropriate LoA under section 48A of the *Environmental Protection Act 1986*.

As these amendments would potentially allow for an increase in residential density within the West End of the township, hence a higher degree of exposure to elevated dust and noise, the EPA determined that the most effective way to manage these was to set a formal LoA. As a result, Council was required to produce an Environmental Review document for submission to the EPA as part of its assessment. At the time of this report, the EPA was awaiting submission of a draft of these documents.

CHANGES TO PROPOSALS AFTER ASSESSMENT (SECTION 45C)

The section 45C amendment to the *Environmental Protection Act 1986* was enacted in 2003. The amendment enables the Minister for Environment, or her delegate, the Chairman or Deputy Chairman of the EPA, to approve a change to a proposal after approval.

Only changes that do not have a significant detrimental effect on the environment additional to, or different from, the effect of the original proposal can be approved under s 45C of the EP Act.

As this process does not involve public scrutiny and cannot result in new conditions, the EPA subjects these applications to a rigorous, but timely (usually 28 days), assessment.

Please see the entry on page 53 below: *EAG 2 - Changes To Proposals After Assessment – Section 45c of the Environmental Protection Act 1986* and also Appendix 7 for further information on Section 45c Approvals.

POLICY DEVELOPMENT

The EPA's EIA Review (see page 9 above) included a review of the EPA's environmental policy settings.

A new hierarchy for EPA policies was proposed including a State Environmental Strategy (yet to be developed), Environmental Protection Policies (EPPs), State Environmental Policies (SEPs) and environmental assessment policies and guidelines. The new policy framework will be further refined and will guide policy development for the EPA in the future and existing position statements and guidelines will be moved to this framework over time.

Environmental Protection Policies

Current Environmental Protection Policies are available at:

<http://www.epa.wa.gov.au/template.asp?ID=20&area=Policies&Cat=Environmental+Protection+Policies+%28EPP%29>

Current Environmental Protection Policies in force are shown in table 4.

An Environmental Protection Policy (EPP) is prepared under Part III of the Environmental Protection Act 1986 (the Act) and has ‘the force of law as though it had been enacted as part of the Act’, on and from the day on which the policy is published in the Western Australian Government Gazette. The Act is binding on the Crown. Accordingly, the wider community as well as all government departments and agencies are required under the law to comply with both the Act and EPPs prepared under the Act.

Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999

The EPA, in accordance with s36(1)(b) of the Act, deferred the commencement of the review of the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy 1999 as directed by the Minister for Environment due to the need to resolve buffer issues in the Kwinana area, await the finalisation of the State Environmental (Ambient Air NEPM) Policy and the need to undertake a consultation process regarding the inclusion or exclusion of particulates. This direction was in effect until 31 December 2009.

The EPA released a discussion paper in June 2009 on the Kwinana EPP to assist in determining how to proceed should a review be undertaken. The submissions are currently being considered by the EPA.

Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998

The Environmental Protection (South West Agricultural Zone Wetland) Policy 1998 (South West Wetlands EPP) protects wetlands registered under the South West Wetlands EPP from further degradation by such damaging human activities as filling, excavating, discharging of effluent, draining and damaging or clearing fringing native vegetation. It also promotes the rehabilitation of wetlands in the South West Agricultural Zone of the State.

Wetlands may be nominated for registration under the South West Wetlands EPP if they are on Crown land or on private land where landowner consent has been given. Currently there are only two wetlands on the Register of Protected Wetlands. These are Lake Monjingup in the Shire of Esperance and Koojeda Swamp in the Shire of Northam.

In December 2008 the EPA reviewed the South West Wetlands EPP and released a new draft EPP for public comment. The comment period closed in March 2009 and the submissions received are being considered by the EPA.

Environmental Protection (Western Swamp Tortoise Habitat) Policy 2002

The Environmental Protection (Western Swamp Tortoise Habitat) Policy 2002 (Western Swamp Tortoise Habitat EPP) declares beneficial uses that are to be

protected and aims to ensure management activities within the policy area do not adversely impact on the habitat or these beneficial uses.

The Western Swamp Tortoise Habitat EPP outlines a programme of protection for landowners, local government and the State government to implement. Guidance Statement No 7 *Protection of the Western Swamp Tortoise Habitat, Upper Swan/Bullsbrook* was published in June 2006 by the EPA to facilitate EIA and complement the objectives of the Western Swamp Tortoise Habitat EPP.

Under section 36(1)(b) of the Act, the EPA is required to review an EPP within seven years of gazettal, unless otherwise directed by the Minister. The Minister for Environment, has directed the EPA to complete a review by 30 October 2010.

The EPA is required to review the existing Western Swamp Tortoise Habitat EPP, prepare a new draft policy for public comment, and submit a revised draft policy to the Minister for Environment by 30 October 2010.

Accordingly, in March 2010, the EPA released a review report and new draft EPP for public comment. Submissions closed on 30 April 2010 and are currently being considered by the EPA.

Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Policy 2003

The EPA released a discussion paper in December 2009 seeking comments from all stakeholders. This document sought to determine the issues that should be addressed if the review was undertaken. The EPA reviewed the comments received and recommended to the Minister for Environment that further investigations on the air quality in the Goldfields region are required to be undertaken prior to any amendments to the EPP. Based on this information the EPA recommended that the EPP remain in effect until there is evidence that the EPP needs to be amended.

The Minister for Environment agreed with the EPA recommendations and directed the EPA not to review the EPP and that a notice to this effect be published in the Western Australian Government Gazette. As a result of this action, the 2003 Goldfields EPP remains in force.

Table 4: Environmental Protection Policies in Force and their Status as at June 2010.

EPP Name	Summary	Statutory Review Date	Status
Environmental Protection (Western Swamp Tortoise Habitat) Policy 2002	EPP protects specific tortoise habitat land from potentially damaging activities.	31.10.10	In force, under review.
Environmental Protection (Kwinana)	EPP regulates cumulative sulfur dioxide emissions	Commencement of the review was deferred	In force.

EPP Name	Summary	Statutory Review Date	Status
(Atmospheric Wastes) Policy 1999	from industry and prevents pollution to nearby Kwinana residential areas.	until after 31.12.09.	
Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998	EPP protects registered wetlands from damaging activities in areas where many wetlands have been destroyed already.	Commencement of the review was deferred until 31 July 2008. No statutory time limit applies.	In force, under review.
Environmental Protection (Swan Coastal Plain Lakes) Policy 1992	EPP protects lakes from filling, draining, excavating, mining and disposal of effluent.	No statutory time limit applies	In force and continues to be implemented.
Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Policy 2003	EPP regulates cumulative sulfur dioxide emissions from Goldfields industry and prevents pollution to nearby residential areas.	No statutory time limit applies.	In force and continues to be implemented.
Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992	EPP establishes target phosphorus loads for the Murray, Serpentine and Harvey Rivers to help protect the estuaries from eutrophication.	Revised Draft EPP 1999 was remitted to the EPA by the Minister. No statutory time limit applies.	In force
Environmental Protection (Gnangara Mound Crown Land) Policy 1992	EPP established target water levels for important wetlands and groundwater levels on the Mound.	Revised Draft EPP 1999 was submitted to the Minister. No statutory time limit applies.	In force

State Environmental Policies

Current SEPs are available at:

<http://www.epa.wa.gov.au/template.asp?ID=35&area=Policies&Cat=State+Environmental+Policies>

A SEP is a non - statutory Government policy position on a particular aspect of the environment. It is enabled under Part II section 17(3) of the Act whereby the EPA can “consider and make proposals as to the policy to be followed in the State with regard to environmental matters”. The process for developing a State Environmental Policy is largely based on the statutory requirements for developing an EPP under Part III of the Act. A State Environmental Policy is developed in its first stages by the EPA. Following a public consultation process, a State Environmental Policy can be approved by the Minister for Environment and endorsed by Cabinet. Current State Environmental Policies in force and in development are shown in Table 5 and 6 respectively.

State Environmental (Cockburn Sound) Policy 2005

The Cockburn Sound SEP takes a precautionary approach to environmental management, where early warning levels will help trigger preventative action rather than wait for environmental incidents to occur.

This Cockburn Sound SEP is implemented through existing statutory powers under the Act, including environmental harm, clearing controls, licensing and unauthorised discharge regulations to prevent environmental impacts that might threaten the long-term ecological sustainability of the Sound.

The EPA considered the need to review the low protection area as required under the Policy. The EPA decided it was not required at this time as a full review is due in 2012.

Draft State Environmental (Ambient Air) Policy 2009

The Government released a draft Ambient Air SEP and Explanatory Document in June 2009, developed by the EPA, for public and stakeholder comment for a period of eight weeks. The Ambient Air SEP will commit the WA Government to implement NEPMs related to ambient air quality. The guiding principles of the Ambient Air SEP recognise the importance of maintaining ambient air quality for the protection of human and environmental health and amenity.

Submissions are currently being considered and as a result the Ambient Air SEP may be amended as appropriate. The amended Ambient Air SEP will then be considered by the Minister for Environment.

Table 5: State Environmental Policies in Force and their Status as at June 2010.

SEP Name	Summary	Review Date	Status
State Environmental (Cockburn Sound) Policy 2005	Policy sets environmental and management objectives to protect the waters of the Sound.	2012.	Policy being implemented via Cockburn Sound Management Council. The EPA have agreed to review the low protection area in 2012 during the review of the SEP.

Table 6: State Environmental Policies in Development as at June 2010.

SEP Name	Summary	Review Date	Comment
State Environmental (Ambient Air) Policy	Policy to manage air pollutants in accordance with National Environment Protection Measures.	Not applicable.	Ministerial consultation undertaken 15 June to 7 August 2009.

Environmental Assessment Guidelines

EAGs are available at:

<http://www.epa.wa.gov.au/template.asp?ID=65&area=Policies&Cat=EPA+Assessment+Guidelines>

EAGs are developed by the 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 EIA process.

EAG No.1 - Defining a Proposal

Environmental Assessment Guideline 1 explains what should be included in proposal definitions and how the proposal definition is used during the EIA process.

EAG No.2 - Changes To Proposals After Assessment – Section 45C of the Environmental Protection Act 1986

The section 45C amendment to the *Environmental Protection Act 1986* was enacted in 2003. The amendment enables the Minister for Environment, or her delegate, the Chairman or Deputy Chairman of the EPA, to approve a change to a proposal after approval. The power under section 45C is only exercisable if the changes to the assessed and approved proposal are minor and will not “have a significant detrimental effect on the environment in addition to, or different from, the effects of the original proposal” (*Environmental Protection Act, 1986*).

In November 2009, the EPA published Draft Environmental Assessment Guideline No. 2 to clarify when section 45C can be used for approving changes to a proposal after assessment and to specify the information required from proponents to enable the consideration and, if appropriate, approval of proposed changes to a proposal.

For the 2009-2010 period, the EPA Chairman or Deputy Chairman assessed 42 applications requesting to make changes to approved proposals. Those approved are recorded in an attachment to the Ministerial Statements, which are publicly available on the EPA website at:

<http://www.epa.wa.gov.au/template.asp?ID=69&area=EIA&Cat=Approved+changes+to+proposals+after+assessment+%2D+s45C> or the DEC library at Level 4, The Atrium, 168 St Georges Terrace, Perth; phone 6467 5226.

Appendix 15 lists all s45C approvals given during 2009-2010.

EAG No.3 - Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment

Marine organisms such as corals, seagrass and mangroves are key elements of benthic primary producer habitats. These habitats provide food and shelter for a wide variety of marine plants and animals, and also help protect our coastlines and coastal infrastructure by reducing wave energy before it reaches the shore. These are just some of the reasons why benthic primary producer habitats (BPPH) are important.

Acknowledging the importance of benthic primary producer habitats, the EPA has developed an assessment framework for minimising losses and considering the unavoidable loss due to the effects of development proposals in the EIA process.

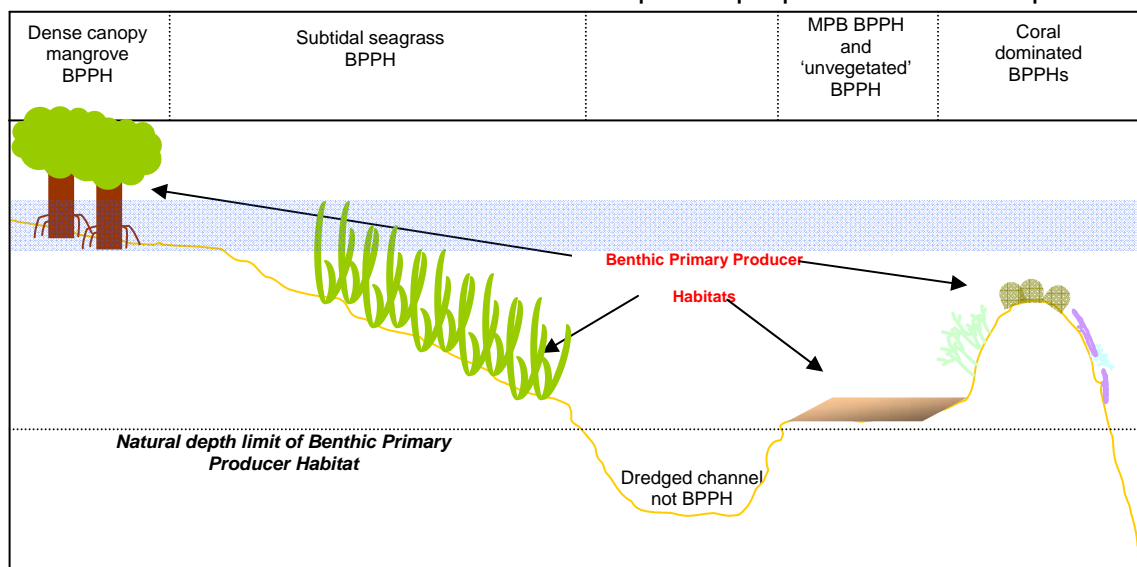


Figure 8: A conceptual diagram showing different general types of benthic primary producer habitats.

The assessment framework set out in Guidance Statement No.29 *Protection of Marine Benthic Primary Producer Habitat* was in operation for about 10 years. That document provided a set of impact avoidance and minimisation principles, and guidance for proponents to predict how much habitat would be lost due to their proposals and what the environmental consequences of those losses might be.



(Coral community, Dugong Reef, offshore Pilbara. Marine Science Program, DEC)

In 2008, the EPA established the Marine Policy Settings Review Stakeholder Working Group to review EPA guidance on marine environmental issues, including Guidance Statement No.29. The Working Group was chaired by the Deputy Chair of the EPA and had diverse membership from industry, government, ports, environmental consultancy, research and environmental NGOs. After considering issues arising from the Working Group's review, the EPA produced Environmental Assessment Guideline No.3 *Protection of Benthic Primary Producer Habitats in Western Australia's Marine Environment*, which was published in December 2009. At a high-level, Environmental Assessment Guideline No.3 provides a set of overarching environmental protection principles, an assessment framework for evaluating habitat losses, clearer definitions and up-dated worked examples to help proponents apply the guidance.

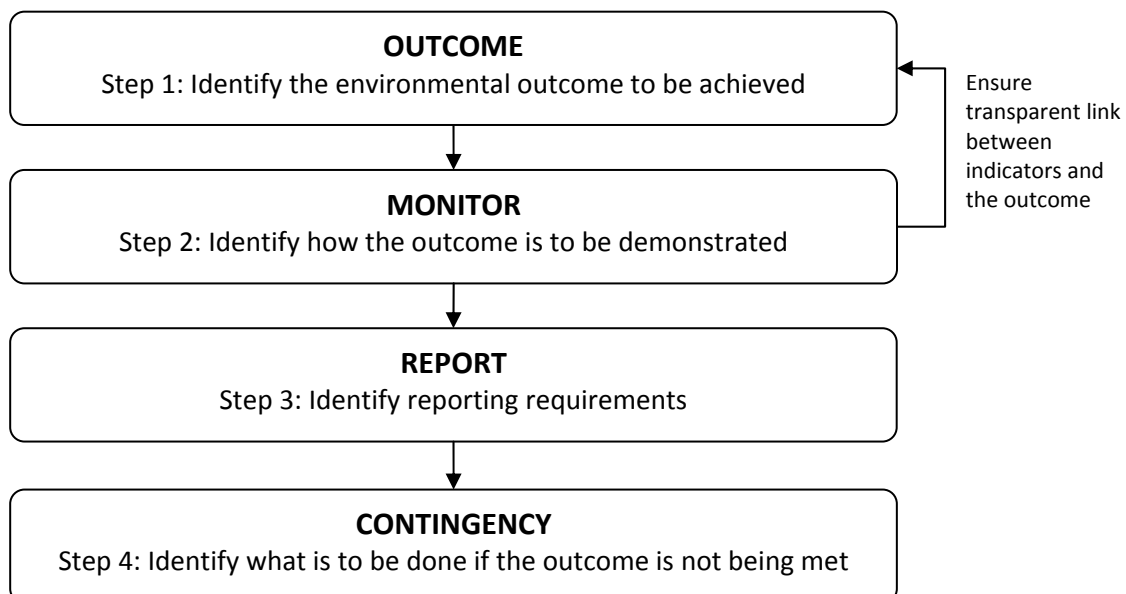
The EPA now expects proponents of proposals that are likely, if implemented, to cause irreversible loss of, or serious damage to, benthic primary producer habitat to apply Environmental Assessment Guideline No.3 in the preparation of their EIA documentation.

EAG No 4. - Towards Outcome-based Conditions (Draft)

A key outcome of the EPA's *Review of Environmental Impact Assessment Processes in Western Australia* was to use outcome-focused environmental conditions that are clear, relevant, reasonable and auditable.

Outcome-based conditions will be highly specific to each proposal. They will describe the required environmental outcome (or acceptable level of impact) as it relates to the environmental issue (factor) and include instructions on how the achievement of the outcome is to be demonstrated.

The EPA published the *Draft Environmental Assessment Guideline No. 4: Towards Outcome-based Conditions* (December 2009) which sets out a proposed four-step method for drafting outcome-based conditions and discusses issues that should be considered by both proponents during assessment and environmental officers in drafting the recommended conditions for inclusion in the Ministerial Statement.



Draft EAG No. 4 documents the current state of knowledge regarding the development of outcome-based conditions. It is intended to be a dynamic document and it will be revised and updated to include other key issues relating to the development of outcome-based conditions as they may arise. The EPA acknowledged the adaptive learning process which will apply to the development and drafting of outcome based conditions, so that environmental outcomes are continually improved.

The role of the Environmental Management Plan (EMP) is discussed and it is noted that many previous conditions in Ministerial Statements issued over the past two decades have required the preparation and implementation of an EMP.

Management Plans (or a group of plans constituting an Environmental Management Programme) should be developed during the assessment of a proposal to allow the EPA to have confidence that proposed management measures will protect the environment. Some formal environmental assessments will include EMPs in the environmental review document, so that they are available for public comment. It is anticipated that EMPs continue to be required for internal purposes by proponents to further define the management of the implementation of the proposal, however these EMPs will not be required to be submitted for subsequent individual approval.

Draft EAG No. 4 recommends that instead of a ministerial condition requiring a management plan to demonstrate how the proposal will meet the stated objectives, the objectives of the management plan should be reworded as an outcome. The stated outcome should be included as a ministerial condition and the proponent can then decide how best to achieve and demonstrate the required outcome.

In identifying how an outcome is to be demonstrated a baseline will usually be required so that the allowable levels of change (impact) can be measured. Appropriate baselines should be established and reported in the Environmental Review documentation (ERMP, PER, ARI or EPS). Where this has not been established as part of the assessment process, possibly where insufficient reference information had been gathered, it will need to be included as a requirement in the condition. It must be noted that an appropriate period of time to establish the baseline would then be required prior to commencement of a particular proposed activity.

The use of outcome-based conditions may deliver the following benefits:

- clarity and accountability as to the environmental outcome that is to be achieved by the proponent;
- environmental improvements which achieve better outcomes by providing flexibility for the proponent as to how the outcome may be achieved;
- improved evaluation of project performance in response to defined goals, supported by clearer linkages between indicators and outcomes; and
- greater transparency about the outcome to be achieved, rather than requiring it to be determined via an Environmental Management Plan, which may be perceived to be a 'secondary approval'.

EAG No 5. - Protecting Marine Turtles from Light Impacts (Draft)

In March 2010 the EPA released a draft of Environmental Assessment Guideline No. 5 entitled “Protecting Marine Turtles from Light Impacts” for eight weeks of public review.



(Loggerhead turtle (tag# 51237) taken at Turtle Bay on the north end of Dirk Hartog Island in Shark Bay. Turtle Bay is the largest loggerhead rookery in the Australia and the third largest in the world. Kevin Crane, DEC)

Over the last few years the EPA has assessed a number of proposals located near the coast, within the nesting range of a variety of marine turtle species. Six of the seven species of marine turtle occur off the Western Australian coast and all species are protected. Marine turtles nest on suitably sandy beaches from the Gascoyne to the Northern Territory border and beyond.

Light is an important cue to both nesting females and hatchling turtles. Artificial lighting can deter egg-bearing females from ancestral nesting beaches. Hatchlings may be disoriented by artificial lights and unable to reach the sea when they emerge. The EPA has collected information on aspects of artificial lighting that may influence turtle behaviour and provided guidance on a range of approaches for avoiding, mitigating and managing detrimental impacts.

A total of 11 submissions were received from representatives of industry groups, conservation associations, government agencies and consultants. The EPA is analysing these submissions prior to finalising this Guideline.

EAG No. 6 - Timelines for Environmental Impact Assessment of Proposals (Draft)

This EAG specifically addresses the responsibilities of the EPA and proponents for achieving timely and effective assessment of proposals. The development of the Guideline forms part of the EIA Review process and includes clarification on the ‘stop the clock’ mechanism.

The Guideline is based on the Draft Administrative Procedures 2010 (<http://www.epa.wa.gov.au/template.asp?ID=2&area=EIA&Cat=EIA+Process+Information>) outlining the steps in the assessment of a proposal for the two levels of assessment, including the timelines for the EPA’s steps in the process.

The process for establishing proposal specific timelines is outlined, as are the EPA’s expectations in relation to the information submitted by proponents during assessment. The Guideline provides information on how the EPA will review proponent information and the right to review process for administrative decisions.

The Guideline was developed in consultation with the EPA's Stakeholder Reference Group (see page 10 above) and was released for public comment in March 2010. A number of comments on the draft were received and have been reviewed to produce a final version which is expected to be released when the 2010 Administrative Procedures are gazetted.

EPA Guidance Statements 8, 14 and 16 (Noise)

The status of three draft Guidance Statements dealing with noise is outlined below:

- Guidance 8 – Environmental Noise (Draft, 2007)

This Guidance deals with the requirements for assessment of proposals involving non-transport noise, and has been widely used since its release in 2007. A number of comments on the draft have been collated, and a final Environmental Assessment Guideline is expected to be prepared once forthcoming amendments to the noise regulations are in place.

- Guidance 14 – Road and Rail Transportation Noise (preliminary draft, 2000)

This document has remained as a preliminary draft, pending the development of a State Planning Policy (SPP) under the WA Planning Commission (WAPC) to address road and rail transport noise. Following gazettal in September 2009 of SPP 5.4 *Road and Rail Transport Noise and Freight Considerations for Land Use Planning*, the EPA intends to prepare a revised Guidance 14 as an Environmental Assessment Guideline for use when assessing noise impacts from proposals that will cause an increase in traffic on an existing road or railway (and are outside the scope of the SPP).

- Guidance 16 – Aircraft Noise

The EPA has identified that guidance is needed in relation to noise from Regional Airports and has indicated that it intends to develop an Environmental Assessment Guideline for this purpose.

Environmental Protection Bulletins

Environmental Protection Bulletins (EPB) are brief explanations or clarifications of a particular issue, process or policy position prepared by the EPA.

Appendix 11 gives the full list of EPBs which are available at <http://www.epa.wa.gov.au/template.asp?ID=66&area=Policies&Cat=Environmental+Protection+Bulletins>

EPB No. 6 - The Natural Values of the Whicher Scarp

The EPA will, as required under the *Environmental Protection Act 1986*, continue to consider proposed developments for this area on an individual basis, however, the EPA recognises the significance of the natural values of the Whicher Scarp across a range of biodiversity characteristics at the genetic, species and community levels, and the small overall extent of the Whicher Scarp environments.

Where the EPA considers a proposal is likely to pose significant risk to the outstanding natural values of the Whicher Scarp, it will be formally assessed, and may be considered environmentally unacceptable.

EPB No.7 - Risk-based Approach to EIA – update

The EPA endorsed, in principle, a risk-based approach to EIA. The EPA is now trialling the approach with a view to refining and confirming the methodology and informing the implementation strategy, including training and communication programs.

The EPA has not yet confirmed the risk-based approach to be used in EIA and is therefore asking proponents to prepare their documents consistent with the existing approach.

Notwithstanding the above, some proponents may choose to use their organisation's internal risk management system to inform themselves, particularly as to whether all key issues have been identified and addressed. However, use of inconsistent terminology and methodology in proponent documents may cause confusion. For now the information included in proponent documents should be presented in the traditional format using established terminology.

EPB No.8 - South West Regional Ecological Linkages

The EPA strongly supports a state wide comprehensive, adequate and representative (CAR) reserve system to conserve Western Australia's biodiversity values. The EPA recognises this reserve system would be strengthened by the retention and restoration of well-planned and managed ecological linkages. Such linkages would ameliorate the threatening impacts on flora and fauna of habitat fragmentation and promote the maintenance of ecosystem function and the conservation of many native species in the south west region of Western Australia.

EPB No.9 - Risk-based Approach to EIA – Update

The review of EIA process identified the use of a risk-based approach to EIA as a key initiative to improve the efficiency, transparency and consistency of the EIA process. A discussion paper outlining the risk-based approach was prepared during the review and was published in Appendices 2 and 3 of the final report which is available at: <http://www.epa.wa.gov.au/eiareview.asp>.

EPB No.10 - Geraldton Regional Flora and Vegetation Survey

The EPA has endorsed the Geraldton Regional Flora and Vegetation Survey (GRFVS) as a key information source to help minimise the environmental impact of future development in the Geraldton region. The survey, produced by the Western Australian Planning Commission (WAPC), covers an area of more than 40,700 hectares in the City of Geraldton-Greenough and the Shire of Chapman Valley.

The Geraldton Regional Flora and Vegetation Survey is available from the Department of Planning website at:

<http://www.planning.wa.gov.au/Plans+and+policies/Publications/2141.aspx>.

Maps and datasets produced through the GRFVS are available from the Department of Planning - email corporate@planning.wa.gov or call (08) 9264 7777.

EPB No.11 - Consultation on Conditions Recommended by the EPA.

The EPA has adopted a new administrative arrangement to consult proponents and key decision making authorities (DMAs) when the EPA is recommending implementation conditions for proposals it has assessed. This arrangement applies to the EPA and does not constrain the Minister for Environment in any way.

NOISE REGULATION 17 APPLICATIONS

Applications for approval to vary from the assigned noise levels under regulation 17 of the *Environmental Protection (Noise) Regulations 1997* are determined by the Minister on the EPA's advice. This regulatory activity provides for resolution of difficult issues where compliance with the prescribed standards in the noise regulations is not practicable.

Progress milestones were achieved with the following applications.

Esperance Port Authority

A noise regulation 17 approval was granted by the Minister and published in the *Government Gazette*. The EPA provided advice to the Appeals Convenor on an appeal; the appeal was dismissed.

Kalgoorlie Consolidated Gold Mines

A noise regulation 17 approval was granted by the Minister and published in the *Gazette*. The EPA provided advice to the Appeals Convenor on an appeal; the appeal was dismissed.

Horizon Power

The EPA completed its assessment and advice in relation to noise emissions from the Carnarvon Power Station, and a noise regulation 17 approval is under preparation for the Minister's approval.

Rio Tinto

The EPA recommended refusal of a noise regulation 17 application in relation to the Cape Lambert iron ore operations on the basis that the noise emissions were found to comply with the prescribed standard.

Alcoa Wagerup refinery

The EPA completed community consultation on its assessment strategy and is finalizing technical details of a proposed noise regulation 17 approval to be recommended to the Minister.

Technical Assessment Complete:

Auswest Timbers (Pemberton mill); Millennium Inorganic Chemicals (Australind works); Western Power (Transmission substations – amendment of existing approval)

Technical Assessment Progressing:

Rio Tinto (Dampier iron ore operations)

Applications Withdrawn:

McCarthy (domestic bore pump, Dianella)

CONSULTATION

The EPA undertakes an array of consultative processes relating to proposals being assessed. These include:

- public review of proponent documentation for proposals subject to EIA;
- participation at public meetings held by proponents to give advice on the EIA process and to respond to questions;
- conducting EPA-initiated public meetings where there is a degree of public concern, usually after the close of the formal public review period, to provide feedback on the key environmental issues raised and to consider any other significant environmental issues the community requests the EPA to consider in its assessment of the proposal. These meetings also provide an opportunity for the EPA to inform the community of the role of the EPA and likely timing of the EPA's advice to the Minister for Environment on a proposal and appeal rights available;
- participation at stakeholder meetings; and
- receiving briefings from stakeholder groups at meetings of the EPA on issues of importance.

SITE VISITS CARRIED OUT BY THE EPA

During the year, various EPA members travelled within the State to examine proposals in the field and to meet with proponents on-site.

Proponents have welcomed the opportunity to meet with the EPA to discuss issues in the less formal setting of the project site. Relevant staff from the OEPA and other Government experts accompanied the EPA. Whenever possible, EPA members took the opportunity to meet with key local stakeholders including local government, interest and conservation groups.

Site visits have proved very valuable in a number of ways:

- giving EPA members a clearer understanding of the environmental context of a proposal;
- providing an opportunity for the EPA to meet proponents and key stakeholders, exchange views, address environmental issues associated with their proposal, and network in an informal atmosphere;
- making it easier to communicate and interact with proponents and other stakeholders through subsequent telephone interaction and formal EPA meetings;
- a more informed EPA leading to better environmental advice being provided to the Minister for Environment; and
- enhancing the identity of the EPA as an Authority that provides independent advice.

A list of the EPA site visits conducted is provided in Appendix 13.



(Oakajee Port and Rail EPA/OEPA site visit May 2010.)

PROPOSAL IMPLEMENTATION AND COMPLIANCE

The OEPA monitors compliance with the implementation conditions and proponent commitments of Statements issued under Part IV of the *Environmental Protection Act 1986* (the Act). The OEPA undertakes enforcement action as appropriate and encourages operation beyond compliance with an aim to ensure a healthy, diverse and well-managed Western Australian environment.

The OEPA directs its compliance monitoring resources in a manner which achieves optimum outcomes for the environment and the community. Through a co-ordinated and planned approach, the OEPA completed 55 Statement audits in the 2009/2010 financial year. The Statements audited pertain to proposals located throughout the State and physical site inspection programs were targeted in the Goldfields, Kimberley, Midwest Gascoyne, Pilbara, South West and Swan regions. Where non-compliances with implementation conditions and proponent commitments of Statements were identified, appropriate enforcement action was taken to regain compliance. All non-compliances are reported to the Minister for Environment.

The OEPA has assessed a significant number of requests from proponents for acknowledgement of completion of implementation conditions and proponent commitments, processed applications for change of proponent and assessed applications to administratively close Statements.



The OEPA maintained an active presence with a number of significant projects including the Port Geographe canal subdivision, dredging of Fremantle Port and the Gorgon LNG Project on Barrow Island.

(Dredge discharging to the Rous Head Reclamation Area 12/1/10 Sam Eaton)

DISCLOSURES AND LEGAL COMPLIANCE

EPA Financial Statement

The administration costs of the EPA are as follows:

	2009-10 (\$'000)	2008-09 (\$'000)	2007-08 (\$'000)	2006-07 (\$'000)	2005-06 (\$'000)	2004-05 (\$'000)
<i>Recurrent</i>						
Salaries and allowances	891	910	778	659	591	577
<i>Other Expenses</i>						
Advertising expenses	39	29	23	25	41	66
Staff related expenses	44	38	140*	38	13	19
Communications	20	41	10	8	6	9
Services and contracts	58	156***	106**	17	27	17
Consumable supplies	20	26	27	26	3	6
Repairs, Maintenance and Depreciation	0	6	0	0	0	1
<i>Total</i>	1,072	1,206	1,084	773	681	695

Footnotes:

* Cost increase due to EPA Board appointments and site visits to remote developments within Western Australia.

** Increase in costs resulting from initiation of review of the EIA process.

*** Increase in costs resulting from the review of the EIA process and upgrade of the EPA website.

OEPA Financial Statements



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

**OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY
FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS
FOR THE PERIOD 27 NOVEMBER 2009 TO 30 JUNE 2010**

I have audited the accounts, financial statements, controls and key performance indicators of the Office of the Environmental Protection Authority.

The financial statements comprise the Statement of Financial Position as at 30 June 2010, and the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the period then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

General Manager's Responsibility for the Financial Statements and Key Performance Indicators

The General Manager is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. This document is available on the OAG website under "How We Audit".

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

**Office of the Environmental Protection Authority
Financial Statements and Key Performance Indicators for the period 27 November 2009 to
30 June 2010**

Audit Opinion

In my opinion,


- (i) the financial statements are based on proper accounts and present fairly the financial position of the Office of the Environmental Protection Authority at 30 June 2010 and its financial performance and cash flows for the period ended on that date. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions;
- (ii) the controls exercised by the Office provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Office are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the period ended 30 June 2010.



COLIN MURPHY
AUDITOR GENERAL
31 August 2010

OEPA Certification of Financial Statements

The accompanying financial statements of the Office of the Environmental Protection Authority have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2010 and the financial position as at 30 June 2010. At the date of signing we are not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.



Graeme French
Chief Finance Officer
31 August 2010



Michelle Andrews
Accountable Authority
31 August 2010

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Statement of Comprehensive Income**For the seven months ended 30 June 2010**

	Note	2010 \$
COST OF SERVICES		
Expenses		
Employee benefits expense	4	5,268,313
Supplies and services	5	2,260,890
Depreciation expense	6	33,334
Other expenses	7	<u>84,559</u>
Total cost of services		<u>7,647,096</u>
Income		
Revenue		
Other revenue	8	<u>759,073</u>
Total revenue		<u>759,073</u>
Total income other than income from State Government		<u>759,073</u>
NET COST OF SERVICES		<u>6,888,023</u>
Income from State Government	9	
Service appropriation		6,755,000
Resources received free of charge		<u>300,182</u>
Total income from State Government		<u>7,055,182</u>
SURPLUS FOR THE PERIOD		<u><u>167,159</u></u>

Refer to the 'Schedule of Income and Expenses by Service'

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Statement of Financial Position

as at 30 June 2010

	Note	2010 \$
ASSETS		
Current Assets		
Cash and cash equivalents	18	853,446
Restricted cash and cash equivalents	10	1,221,701
Receivables	11	57,726
Total Current Assets		<u>2,132,873</u>
Non-current Assets		
Restricted cash and cash equivalents	10	158,267
Amounts receivable for services	12	545,000
Plant and equipment	13	127,458
Total Non-current Assets		<u>828,725</u>
TOTAL ASSETS		<u>2,961,598</u>
LIABILITIES		
Current Liabilities		
Payables	15	473,224
Provisions	16	1,273,093
Total Current Liabilities		<u>1,746,317</u>
Non-current Liabilities		
Provisions	16	821,447
Total Non-current Liabilities		<u>821,447</u>
TOTAL LIABILITIES		<u>2,567,764</u>
NET ASSETS		<u>393,834</u>
EQUITY	17	
Contributed equity		226,675
Accumulated surplus		167,159
TOTAL EQUITY		<u>393,834</u>

Refer to the 'Schedule of Assets and Liabilities by Service'.

The Statement of Financial Position should be read in conjunction with the accompanying notes.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Statement of Changes in Equity

For the seven months ended 30 June 2010

	Note	Contributed Equity \$	Accumulated surplus \$	Total equity \$
Balance at 1 July 2009	17	-	-	-
Total comprehensive income for the year		-	167,159	167,159
Transactions with owners in their capacity as owners:				
Capital appropriations		356,000	-	356,000
Other contributions by owners		(129,325)	-	(129,325)
Total		226,675	-	226,675
Balance at 30 June 2010		226,675	167,159	393,834

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Statement of Cash Flows

For the seven months ended 30 June 2010

	Note	2010 \$
CASH FLOWS FROM STATE GOVERNMENT		
Service appropriation		6,717,000
Capital contributions		<u>356,000</u>
Net cash provided by State Government		<u>7,073,000</u>
Utilised as follows:		
CASH FLOWS FROM OPERATING ACTIVITIES		
Payments		
Employee benefits		(4,903,205)
Supplies and services		(1,832,171)
GST payments on purchases		(178,156)
GST payments to the taxation authority		(63,766)
Other payments		(65,291)
Receipts		
GST receipts on sales		70,923
GST receipts from the taxation authority		137,112
Other receipts		<u>735,234</u>
Net cash used in operating activities	18	<u>(6,099,320)</u>
Net increase in cash held		973,680
Cash and cash equivalents at the beginning of period		-
Cash assets transferred from other sources		<u>1,257,734</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	18	<u><u>2,231,414</u></u>

The Statement of Cash Flows should be read in conjunction with the accompanying notes

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Schedule of Income and Expenses by Service

For the seven months ended 30 June 2010

	Environmental Impact Assessment and Policies 2010 \$	Environmental Compliance Audits 2010 \$	Total 2010 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	4,725,173	543,140	5,268,313
Supplies and services	2,050,590	210,300	2,260,890
Depreciation expense	28,119	4,215	33,334
Other expenses	72,333	12,226	84,559
Total cost of services	6,877,215	769,881	7,647,096
Income			
Revenue			
Other revenue	757,843	1,430	759,073
Total revenue	757,843	1,430	759,073
Total income other than Income from State Government	757,843	1,430	759,073
NET COST OF SERVICES	6,119,372	768,451	6,888,023
Income from State Government			
Service appropriation	6,017,000	738,000	6,755,000
Resources received free of charge	262,228	37,954	300,182
Total income from State Government	6,279,228	775,954	7,055,182
SURPLUS FOR THE PERIOD	159,656	7,503	167,159

The Schedule of Income and Expense by Service should be read in conjunction with the accompanying notes.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Schedule of Assets and Liabilities by Service

As at 30 June 2010

	Environmental Impact Assessment and Policies 2010 \$	Environmental Compliance Audits 2010 \$	Total 2010 \$
<u>Assets</u>			
Current Assets	2,020,983	111,890	2,132,873
Non-current assets	723,944	104,781	828,725
Total Assets	2,744,927	216,671	2,961,598
<u>Liabilities</u>			
Current liabilities	1,529,672	216,645	1,746,317
Provisions			
Non-current liabilities	717,586	103,861	821,447
Total Liabilities	2,247,258	320,506	2,567,764
	-	-	-
NET ASSETS	497,669	(103,835)	393,834

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

Summary of Consolidated Account Appropriations and Income Estimates

As at 30 June 2010

	2010 Estimate \$	2010 Actual \$	Variance \$
<u>Delivery Services</u>			
Item 108 Net amount appropriated to deliver services	-	658,000	658,000
Section 25 transfer of service appropriation	5,992,000	5,992,000	-
Amount Authorised by Other Statutes			
- <i>Salaries and Allowances Act 1975</i>	-	105,000	105,000
Total appropriations provided to deliver services	5,992,000	6,755,000	763,000
<u>Capital</u>			
Item 162 Capital appropriations	356,000	356,000	-
GRAND TOTAL	6,348,000	7,111,000	763,000
<u>Details of Expenses by Service</u>			
Environmental Impact Assessment and Policies	6,021,443	6,877,215	855,772
Environmental Compliance Audits	912,557	769,881	(142,676)
Total Cost of Services	6,934,000	7,647,096	713,096
Less total income	(650,000)	(759,073)	(109,073)
Net Cost of Services	6,284,000	6,888,023	604,023
Adjustments	(292,000)	(133,023)	158,977
Total Appropriations provided to deliver services	5,992,000	6,755,000	763,000
<u>Capital Expenditure</u>			
Purchase of non-current physical assets	356,000	-	(356,000)
Capital appropriations	356,000	-	(356,000)

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 23 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2010.

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

1 AUSTRALIAN ACCOUNTING STANDARDS

General

The Department's financial statements for the year ended 30 June 2010 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' refers to Standards and Interpretations issued by the Australian Accounting Standard Board (AASB).

The Department has adopted any applicable, new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. No Australian Accounting Standards that have been issued or amended but not operative have been early adopted by the Department for the annual reporting period ended 30 June 2010.

2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) General statement

The financial statements constitute general purpose financial statements that have been prepared in accordance with the Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act* and the Treasurer's instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land and buildings which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

There are no judgements made in the process of applying the Department's accounting policies that have a significant effect on the amounts recognised in the financial statements.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

There are no key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

(c) Reporting entity

The reporting entity comprises the Department and entities listed at note 27 'Related bodies'.

The Office of the Environmental Protection Authority was established as a new entity on the 27th November 2009. Functions and officers formerly administered by the Department of the Environment and Conservation were transferred to the new entity at that date.

Mission

The Department's mission is to support the work of the EPA by providing rigorous environmental impact assessment advice and policies, and to undertake effective compliance audits.

The Department is predominantly funded by Parliamentary appropriations. It does not provide services on a fee-for-service basis. The financial statements encompass all funds through which the Department controls resources to carry on its functions.

Services

The Department provides the following services:

Service 1: Environmental Impact Assessment and Policies

Manage the environmental impact assessment process and coordinate the development of policy for the Environmental Protection Authority to enable sound environmental advice to be provided to the Government, developers and the public in accordance with statutory functions.

Service 2: Environmental Compliance Audits

Audit the compliance with conditions set under Ministerial approvals and undertake enforcement action as appropriate.

(d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital contributions have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly-Owned Public Sector Entities* and have been credited directly to Contributed equity.

Transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

(e) Income

Revenue recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

Service appropriations

Service Appropriations are recognised as revenues at nominal value in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivables for services' (holding account) held at Treasury.

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the Department obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Plant and equipment

Capitalisation/Expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of plant and equipment are initially recognised at cost.

For items of plant and equipment acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

Derecognition

Upon disposal or derecognition of an item of plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits.

Depreciation on assets is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

Plant and equipment	5 to 20 years
Information technology assets	3 to 4 years
Furniture and fittings	7 to 10 years

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

(g) Impairment of assets

Plant and equipment are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Department is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

(h) Leases

The Department holds an operating lease for vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(i) Financial Instruments

In addition to cash, the Department has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

Financial Liabilities

- Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(j) Cash and cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

(k) Accrued salaries

Accrued salaries (see note 15 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Department considers the carrying amount of accrued salaries to be equivalent to its net fair value.

The accrued salaries suspense account (refer to note 10 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

(l) Amounts receivable for services (holding account)

The Department receives funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (holding account receivable) that is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(m) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Department will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(n) Payables

Payables are recognised at the amounts payable when the Department becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

(o) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

Provisions - employee benefits

Annual leave and long service leave

The liability for annual and long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the reporting period is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the end of the reporting period.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Department does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

Superannuation

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation arrangements in Western Australia.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members.

The Department has no liabilities under the Pension or the GSS Schemes. The liabilities for the unfunded Pension Scheme and the unfunded GSS Scheme transfer benefits due to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS Scheme obligations are funded by concurrent contributions made by the Department to the GESB. The concurrently funded part of the GSS Scheme is a defined contribution scheme as these contributions extinguish all liabilities in respect of the concurrently funded GSS Scheme obligations.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Department makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped from the Treasurer for the employer's share.

Provisions – other

Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Department's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

(p) Superannuation expense

The superannuation expense in the Statement of Comprehensive Income comprises employer contributions paid to GSS (concurrent contributions), the West State Superannuation Scheme (WSS), and GESB Super Scheme (GESBS).

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the Department to GESB extinguishes the Department's obligations to the related superannuation liability.

(q) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

Where assets or services are received from another State Government agency, these are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(r) Comparative figures

The Office of the Environmental Protection Authority was formed 27th November 2009. Comparative figures are not available for the previous financial year.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

3 DISCLOSURE OF CHANGES IN ACCOUNTING POLICY AND ESTIMATES

Initial application of an Australian Accounting Standard

The Department has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2009 that impacted on the Department.

AASB 101	<i>Presentation of Financial Statements</i> (September 2007). This Standard has been revised and introduces a number of terminology changes as well as changes to the structure of the Statement of Changes in Equity and the Statement of Comprehensive Income. It is now a requirement that owner changes in equity be presented separately from non-owner changes in equity. There is no financial impact resulting from the application of this revised Standard.
AASB 2007-10	<i>Further Amendments to Australian Accounting Standards arising from AASB 101</i> . This Standard changes the term 'general purpose financial report' to 'general purpose financial statements', where appropriate in Australian Accounting Standards and the Framework to better align with IFRS terminology. There is no financial impact resulting from the application of the Standard.
AASB 2008-13	<i>Amendments to Australian Accounting Standards arising from AASB Interpretation 17 – Distributions of Non-cash Assets to Owners [AASB 5 & AASB 110]</i> . This Standard amends AASB 5 Non-current Assets Held for Sale and Discontinued Operations in respect of the classification, presentation and measurement of non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Department where the Crown land is to be sold by the Department of Regional Development and Lands (formerly Department of Planning and Infrastructure). The Department does not expect any financial impact when the Standard is first applied prospectively.
AASB 2009-2	<i>Amendments to Australian Accounting Standards – Improving Disclosures about Financial Instruments AASB 4, AASB 7, AASB 1023 & AASB 1038</i> . This Standard amends AASB 7 and will require enhanced disclosures about fair value measurements and liquidity risk with respect to financial instruments. There is no financial impact resulting from the application of this Standard.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

Future Impact of Australian Accounting Standards not yet operative

The Department cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Department has not applied early any following Australian Accounting Standards that have been issued and that may impact the Department. Where applicable, the Department plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 2009-11	<i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].</i>	1 Jan 2013
	The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The Department does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.	

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

	2010
	\$
4 EMPLOYEE BENEFITS EXPENSE	
Wages and salaries ^(a)	4,015,423
Superannuation - defined contribution plans ^(b)	411,526
Long service leave ^(c)	72,276
Annual leave ^(c)	769,088
	<u>5,268,313</u>
^(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component.	
^(b) Defined contribution plans include West State and Gold State and GESB Super Scheme (contributions paid).	
^(c) Includes a superannuation contribution component.	
Employment on-costs such as workers' compensation insurance are included at note 7 'Other expenses'.	
The employment on-costs liability is included at note 16 'Provisions'.	
5 SUPPLIES AND SERVICES	
Consultants and contractors	1,700,809
Travel	33,608
Materials	67,917
Audit fees	23,100
Communications	34,122
Other	101,152
Resources received free of charge (see note 9)	300,182
	<u>2,260,890</u>
6 DEPRECIATION EXPENSE	
Computer hardware	20,762
Plant, machinery and equipment	12,572
Total depreciation	<u>33,334</u>
7 OTHER EXPENSES	
Repairs and maintenance	65,878
Employment on-costs ^(a)	18,681
	<u>84,559</u>
^(a) Includes workers' compensation insurance and other employment on-costs.	
8 OTHER REVENUE	
Salary and Vehicle Scheme Recoups	65,747
Cost Recoup for Kimberley Marine Survey	63,244
Cost Recoup for EPA Advice - Brookdale Decommissioning	19,905
Grant for Fertiliser Action Program	610,177
	<u>759,073</u>

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

2010

\$

9 INCOME FROM STATE GOVERNMENT

Appropriations received during the year:

Service appropriation (a)

6,755,000

6,755,000

Resources received free of charge (b)

Determined on the basis of the following estimates provided by agencies:

Department of Environment and Conservation

292,000

Landgate

8,182

300,182

7,055,182

(a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(b) Where assets or services have been received free of charge or for nominal cost, the Department recognises revenues equivalent to the fair value of assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contribution of assets or services are in the nature of contributions by owners, the Department makes the adjustment direct to equity.

10 RESTRICTED CASH AND CASH EQUIVALENTS

Current

Funds held for various Specific Purpose accounts (a)

1,221,701

Non-current

Accrued salaries suspense account (b)

156,267

(a) Amount held in the account is to be used to fund a range of specific purpose accounts.

(b) Amount held in suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

11 RECEIVABLES

Current

Receivables

26,223

GST receivable

31,503

57,726

The Department does not hold any collateral as security or other credit enhancements relating to receivables.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

	2010
	\$
12 AMOUNTS RECEIVABLE FOR SERVICES	
Current	-
Non-current	545,000
	<u>545,000</u>

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

13 PLANT AND EQUIPMENT	
Plant and equipment at cost	86,828
Accumulated depreciation	(12,572)
	<u>74,256</u>
Information technology assets	73,964
Accumulated depreciation	(20,762)
	<u>53,202</u>
	<u>127,458</u>

Reconciliation of plant and equipment

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the reporting period are set out below.

2010	IT Assets	Plant and Equipment	Total
	\$	\$	\$
Carrying amount at start of year	-	-	-
Additions	73,964	86,828	160,792
Depreciation	(20,762)	(12,572)	(33,334)
Carrying amount at end of year	<u>53,202</u>	<u>74,256</u>	<u>127,458</u>

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

2010

\$

14 IMPAIRMENT OF ASSETS

There were no indications of impairment to plant and equipment at 30 June 2010

The Department held no goodwill or intangible assets with an indefinite useful life during the reporting period and at the end of the reporting period there were no intangible assets not yet available for use.

All surplus assets at 30 June 2010 have either been classified as assets held for sale or written-off.

15 PAYABLES

Current

Trade payables	1,882
Accrued expenses	108,550
Accrued salaries	362,792
	<u>473,224</u>

16 PROVISIONS

Current

Employee benefits provision

Annual leave ^(a)	666,983
Long service leave ^(b)	594,755
	<u>1,261,738</u>

Other provisions

Employment on-costs ^(c)	11,355
	<u>1,273,093</u>

Non-current

Employee benefits provision

Long service leave ^(b)	814,121
-----------------------------------	---------

Other provisions

Employment on-costs ^(c)	7,326
	<u>7,326</u>
	<u>821,447</u>

(a) Annual leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of reporting date	666,983
------------------------------------	---------

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

2010

\$

- (b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of the end of the reporting period	594,755
More than 12 months after the reporting period	814,121
	<u>1,408,876</u>

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense, apart from the unwinding of the discount (finance cost), is included at note 7 'Other expenses'.

Movements in other provisions

Movements in each class of provisions during the financial year, other than employee benefits are set out below.

Employment on-cost provision

Carrying amount at start of year	-
Additional provisions recognised	18,681
Payments/other sacrifices of economic benefits	-
Carrying amount at end of year	<u>18,681</u>

17 EQUITY

Equity represents the residual interest in the net assets of the Department. The Government holds the equity interest in the Department on behalf of the community.

Contributed equity

Balance at start of period	-
----------------------------	---

Contributions by owners

Capital appropriation	356,000
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Transfers of net assets from other agencies

Net assets transferred from the Department of Environment and Conservation at the formation of the Office of the Environmental Protection Authority	(129,325)
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Total contribution by owners	<u>226,675</u>
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Balance at end of period	<u>226,675</u>
---------------------------------	-----------------------

Accumulated surplus

Balance at start of year	-
Result for the period	167,159
Balance at end of period	<u>167,159</u>

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS**For the seven months ended 30 June 2010****2010****\$****18 NOTES TO THE STATEMENT OF CASH FLOWS****Reconciliation of cash**

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

Cash and cash equivalents	853,446
Restricted cash and cash equivalents (see note 10 'Restricted cash and cash equivalents')	1,377,968
	<u>2,231,414</u>

Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services	(6,888,023)
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Non-cash items:

Depreciation expense (note 6)	33,334
Resources received free of charge (note 9)	300,182
Assets less than \$5,000 expensed	26,461

(Increase) in assets:

Current receivables ^(c)	(26,223)
------------------------------------	----------

Increase in liabilities:

Current payables ^(c)	473,224
Current provisions	34,354
Non-current provisions	(21,126)

Net GST receipts ^(a)	(33,887)
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Change in GST in receivables and payables ^(b)	2,384
--	-------

Net cash (used in) operating activities	<u>(6,099,320)</u>
---	--------------------

(a) This is the net GST paid/received, ie. cash transactions.

(b) This reverses out the GST in receivables and payables.

(c) Note that the Australian Taxation office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

During the year there were assets transferred/assumed from the Department of Environment and Conservation for non-current assets of \$694,253, and liabilities of \$2,081,312 not reflected in the Statement of Cash Flows.

At the reporting date, the Department had fully drawn on all financing facilities, details of which are disclosed in the financial statements.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

2010

\$

19 RESOURCES PROVIDED FREE OF CHARGE

During the year there were no resources provided to other agencies free of charge for functions outside the normal operations of the Department.

20 COMMITMENTS

Lease Commitments

Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:

Within 1 year	59,840
Later than 1 year and not later than 5 years	39,263
	<u>99,103</u>

OEPA's fleet leases account for all of the non cancellable operating lease commitments. The lease term varies depending on the vehicle. The lease payments are fixed for the term of the lease and are payable monthly. There is no option to renew the lease at the end of the lease term.

The commitments are inclusive of GST.

21 CONTINGENT LIABILITIES AND CONTINGENT ASSETS

The Department has no contingent liabilities and contingent assets as at 30 June 2010.

22 EVENTS OCCURRING AFTER THE END OF THE REPORTING PERIOD

No events have occurred after the end of the reporting period which would materially impact on the financial statements.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
For the seven months ended 30 June 2010

23 EXPLANATORY STATEMENT

Total appropriations provided to deliver services

Significant variances between estimated and actual results for 2010

	2010 Estimate \$	2010 Actual \$	Variance \$
Total appropriations provided to deliver services	5,992,000	6,755,000	763,000

An amount of \$426,000 of supplementary funding has been provided in the current year to initiate the funding for the new department. This funding is included in appropriations in subsequent years.

A further \$337,000 of supplementary funding has been provided to fund redundancy payments.

Environmental Impact Assessment and Policies ^(a)	6,021,443	6,877,215	855,772
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- (a) The expenses for setting up the new Department exceeded those transferred from the Department of Environment and Conservation (DEC). Extra costs were incurred to employ a General Manager and senior officers to replace the management structure previously used within DEC.

Environmental Compliance Audits ^(b)	912,557	769,881	(142,676)
--	---------	---------	-----------

- (b) Increases in cost of services are partially offset by savings from delaying recruitment of staff in Environmental Compliance Audits.

A redundancy package was also offered and taken up therefore increasing net costs of the organisation.

Total Income ^(c)	(650,000)	(759,073)	(109,073)
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- (c) Recoup of costs and other income associated with the formation of the Department has exceeded target.

Capital appropriations ^(d)	356,000	-	(356,000)
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- (d) The timing of the spend for the capital appropriation has been delayed due to setting up of the new Department. This is expected to be spent during 2010/11.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

24 FINANCIAL INSTRUMENTS

(a) Financial risk management objectives and policies

Financial instruments held by the Department are cash and cash equivalents, restricted cash and cash equivalents, receivables, and payables. The Department has limited exposure to financial risks. The Department's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the Department's receivables defaulting on their contractual obligations resulting in financial loss to the Department.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment as shown in the table at note 24(c) 'Financial Instruments disclosures' and note 11 'Receivables'.

Credit risk associated with the Department's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Department trades only with recognised, creditworthy third parties. The Department has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Department's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Department is unable to meet its financial obligations as they fall due.

The Department is exposed to liquidity risk through its trading in the normal course of business.

The Department has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Department's income or the value of its holdings of financial instruments.

The Department does not trade in foreign currency and is not materially exposed to other price risks. The Department's exposure to market risk for changes in interest rates relate primarily to the long-term debt obligations.

(b) Categories of financial instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows:

	2010 \$000
<u>Financial Assets</u>	
Cash and cash equivalents	853
Restricted cash and cash equivalents	1,378
Loans and receivables	571
<u>Financial Liabilities</u>	
Financial liabilities measured at amortised cost	473

(a) The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable).

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY

NOTES TO THE FINANCIAL STATEMENTS

For the seven months ended 30 June 2010

c) Financial instrument disclosures

Credit Risk, Liquidity Risk and Interest Rate Exposure

The following tables disclose the Department's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Department's maximum exposure to credit risk at the end of the reporting period is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Department.

The Department does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Department does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Interest rate exposures and ageing analysis of financial assets

	<u>Interest rate exposure</u>				<u>Past due but not impaired</u>		
	Weighted average effective interest rate %	Carrying amount \$000	Variable interest rate \$000	Non- interest bearing \$000	1 year or less \$000	1 to 5 years \$000	More than 5 years \$000
2010							
Financial Assets							
Cash and cash equivalents		853	-	853	-	-	-
Restricted cash and cash equivalent	4.18	1,378	-	1,378	-	-	-
Receivables ^(a)		26	-	26	26	-	-
Amounts receivable for services		545	-	545	-	-	-
		2,802	-	2,802	26	-	-

(a) The amount of receivables excludes the GST recoverable from the ATO (statutory receivable).

Liquidity risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the end of the reporting period. The table includes interest and principal cash flows. An adjustment has been made where material.

Interest rate exposures and ageing analysis of financial liabilities

	<u>Interest rate exposure</u>				<u>Past due but not impaired</u>		
	Weighted average effective interest rate %	Carrying amount \$000	Variable interest rate \$000	Non- interest bearing \$000	1 year or less \$000	1 to 5 years \$000	More than 5 years \$000
Financial Liabilities							
Payables		473	-	473	-	-	-
		473	-	473	-	-	-

The amounts disclosed are the contractual undiscounted cash flow of each class of financial liabilities.

Interest rate sensitivity analysis

The following table represents a summary of the interest rate sensitivity of the Department's financial assets and liabilities at the end of the reporting period on the surplus for the period and equity for a 1% change in interest rates. It is assumed that the change in interest rates is held constant throughout the reporting period.

	Carrying amount \$000	-100 basis points		+100 basis points	
		Surplus \$000	Equity \$000	Surplus \$000	Equity \$000
2010					
<u>Financial Assets</u>					
Restricted cash and cash equivalents	-	-	-	-	-
<u>Financial Liabilities</u>					

Fair values

All financial assets and liabilities recognised in the statement of financial position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

OFFICE OF THE ENVIRONMENTAL PROTECTION AUTHORITY
NOTES TO THE FINANCIAL STATEMENTS
For the seven months ended 30 June 2010

2010
\$

25 REMUNERATION OF SENIOR OFFICERS

The number of senior officers whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year, fall within the following bands are.

\$	2010
50,001 - 100,000	1
Total remuneration of senior officers	<u>98,415</u>

The total remuneration includes the superannuation expense incurred by the Department in respect of senior officers.

26 REMUNERATION OF AUDITOR

Remuneration of the Auditor General in respect of the audit for the current financial year is as follows:

Auditing the accounts, financial statements and performance indicators	<u>23,100</u>
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27 RELATED AND AFFILIATED BODIES

The Department does not provide any assistance to other agencies which would deem them to be regarded as related or affiliated bodies under the definitions included in Treasurer's Instruction 951.

28 SUPPLEMENTARY FINANCIAL INFORMATION

(a) Write-offs

The Department did not write off any bad debts, revenue, debts due to the State, public or other property during the financial year.

(b) Losses through theft, defaults and other causes

The Department had no losses through theft, defaults and other causes during the financial year.

(c) Gifts of public property

The Department had no gifts of public property during the financial year.

Key Performance Indicators

OEPA Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Office of the Environmental Protection Authority's performance, and fairly represent the performance of the Office of the Environmental Protection Authority for the financial year ended 30 June 2010.

A handwritten signature in black ink, appearing to read 'MA', with a long horizontal flourish extending to the right.

Michelle Andrews
Accountable Authority
Date: 31 August 2010

KEY PERFORMANCE INDICATORS

Vision

An environment that is highly valued and protected.

Mission Statement

The Department's mission is to support the work of the EPA by providing rigorous environmental impact assessment advice and policies, and to undertake effective compliance audits.

Funding Objectives

Funding for the year was received in accordance with the following Outcome and Services.

Outcome 1

An efficient and effective environmental assessment and compliance system

Service 1 Environmental Impact and Assessment Policies

Manage the environmental impact assessment process and coordinate the development of policy for the Environmental Protection Authority to enable sound environmental advice to be provided to the Government, developers and the public in accordance with statutory functions.

Service 2 Environmental Compliance Audits

Audit the compliance with conditions set under Ministerial approvals and undertake enforcement action as appropriate.

Outcomes and Key Effectiveness Indicators

	2009-10 Target	2009-10 Actual	Variation
Percentage of approved projects with actual impacts not exceeding those predicted during the assessment	100%	100%	-
Percentage of audited projects where all environmental conditions have been met	80%	83.6%	3.6%

Notes to the Indicator: The key effectiveness indicators for the Office of the Environmental Protection Authority either met or exceeded targets for 2009/10.

Key Efficiency Indicators

Service 1: Environmental Impact Assessment and Policies

Average cost per environmental assessment

The average cost per environmental assessment largely reflects the number of significant development proposals considered each year.

	2009-10 Target	2009-10 Actual	Variation
	\$31,303	\$39,138	\$7,835

Note to the indicator: The establishment of the Office of the Environmental Protection Authority resulted in additional corporate costs to be accounted for and fewer reports than predicted were published

Average cost per environmental policy developed

This indicator is a measure of efficiency of the number of environmental policies developed.

	2009-10 Target	2009-10 Actual	Variation
	\$179,641	\$161,669	(\$17,972)

Note to the indicator: A greater than anticipated number of policies were developed in 2009/10, resulting in a lower unit cost.

Service 2: Environmental Compliance Audits

Average cost per environmental audit completed

The average cost per environmental audit reflects the significance of the approved projects for which environmental audits were completed.

	2009-10 Target	2009-10 Actual	Variation
	\$23,108	\$22,140	(\$968)

Note to the indicator: A number of approved projects for which environmental audits were conducted in 2009/10 were subject to multiple ministerial Statements of approval resulting in a lower unit cost per audit.

Ministerial Directives

No Ministerial Directives were received during this financial year.

Other Financial Disclosures

Pricing Policies of Services Provided

The department is fully funded from the appropriations and does not charge any fee for service.

Employment and Industrial Relations

There were no employee relations or industrial relations issues that impacted on the OEPA during the last financial year.

Governance Disclosures

Contracts with senior officers

At the date of reporting, senior officers of the department held no contracts with the department other than normal employment contracts. No senior officers of the department had substantial interests in entities with existing or proposed contracts or agreements with the department

Other Legal Requirements

EPA Electoral Act 1907 (s175 ZE Disclosure)

In accordance with Section 175 ZE of the *Electoral Act 1907*, the EPA incurred the following expenditure in advertising, market research, polling, direct mail and media advertising:

1. Total expenditure for 2009/2010 was \$39 482.79.
2. Expenditure of specified amounts of \$1 800 or greater in the following areas:

Advertising Agencies	\$39 482.79	Adcorp	\$39 482.79
Market research organisations	Nil		
Polling organisations	Nil		
Direct mail organisations	Nil		
Media advertising organisations	Nil		

Note:

Section 175 ZE of the *Electoral Act 1907* requires “specified amounts” of \$1 800 or greater expended on advertising in the above categories to be notified in the annual report.

OEPA Electoral Act 1907 (s175 ZE Disclosure)

In accordance with Section 175 ZE of the *Electoral Act 1907*, the OEPA incurred the following expenditure in advertising, market research, polling, direct mail and media advertising:

1. Expenditure of specified amounts of \$1 800 or greater in the following areas:

Advertising Agencies	Nil
Market research organisations	Nil
Polling organisations	Nil
Direct mail organisations	Nil
Media advertising organisations	Nil

Note:

Section 175 ZE of the *Electoral Act 1907* requires “specified amounts” of \$1 800 or greater expended on advertising in the above categories to be notified in the annual report.

Disability Access and Inclusion Plan outcomes

The OEPA has adopted the DEC's *Disability Access and Inclusion Plan (DAIP) 2007 – 2012* that continues with an ongoing program of improving access, facilities, and services to ensure they meet the needs of our customers and staff. The plan is monitored by the Disability Access and Inclusion Committee which has representatives from various divisions and Corporate Executive continues to meet and takes into account the interests of all OEPA staff that are covered by the plan.

Equal Employment Opportunity and Diversity Management Outcomes

The OEPA has adopted the DEC's EEO and diversity plans and the respective management outcomes to ensure the Office's commitment to equity and diversity obligations are met.

Compliance with Public Sector Standards and Ethical Codes**Office of the Public Sector Standard Commissioner reporting under s31 of the Public Sector Management Act 1994 for 2009-2010**

Compliance Issue	Significant action taken to monitor and ensure compliance
Public Sector Standards The OEPA was gazetted on 27 November 2009. There were no breach claims lodged in 2009-2010.	<ul style="list-style-type: none">The OEPA under a number of Service Level Agreements (SLA) with the DEC utilise the services of DEC's People Services Branch for the provision of advice, policies, procedures, management and compliance with the Public Sector Standards. The SLA provides OEPA personnel with access to DEC related policies, procedures and guidelines including a hyperlink to the Office of Public Sector Standards Commissioner's (OPSSC) internet site.

Compliance Issue	Significant action taken to monitor and ensure compliance
	<ul style="list-style-type: none"> • Ongoing training is provided to grievance officers and made available to officers required to participate on recruitment panels to ensure that the relevant standard are complied with. • Development and presentation of Human Resources Awareness Raising session. • DEC's Management Audit has completed an internal audit of the Department's compliance with the Public Sector Standards and its opinion was <i>"Management Audit is of the opinion that the Department is continuing to take appropriate action to ensure compliance with the Public Sector Standards"</i>
WA Code of Ethics There were no reports of non-compliance with the WA Code of Ethics	<ul style="list-style-type: none"> • The OEPA's Code of Conduct continues to incorporate references to the WA Code of Ethics including a hyperlink to the "Western Australia Public Sector Code of Ethics", legislation.
Department's Code of Conduct There were no allegations raised of breaches of the code of conduct raised in 2009-2010.	<ul style="list-style-type: none"> • Prior to the development of the OEPA Code of Conduct in June 2010, the Office personnel utilised the DEC's Code of Conduct

Recordkeeping Plans (State Records Act 2000, S61, State Records Commission Standards)

DEC's Corporate Information Services (CIS) Section continues to support the OEPA's compliance with the *State Records Act 2000* and has been progressing recordkeeping compliance throughout the year.

The newly established OEPA has been incorporated into the DEC's revised Recordkeeping Plan which has been submitted to the State Records Commission for approval. DEC RKP 2010043 will replace the current plan.

In addition, following extensive negotiation a Service Level Agreement has been established outlining various services CIS will be providing the OEPA throughout 2010/2011.

Government Policy Requirements

Substantive Equality

A Substantive Equality report on DEC policies was provided to the Equal Opportunity Commission in July 2009. The Commission examined the report and found the policies compliant with their requirements. At the time, OEPA had not separated from DEC and the contents of the Commissions findings would have similar application.

Occupational Safety and Health and Injury Management

<i>Indicator</i>	<i>Performance</i>	<i>Target</i>
Number of fatalities	Zero (0)	0
Lost time injury/disease (LTI/D) incidence rate	Zero (0)	0 or 10% reduction on the previous year
Lost time injury severity rate	Zero (0)	As above
% of injured workers returned to work	Not applicable	Actual % result to be reported
% of managers trained in occupational safety, health and injury management responsibilities	(<50%)	Greater than or equal to 50%

APPENDICES

APPENDIX 1: Environmental Review and Management Programme (ERMP) and Public Environmental Review (PER) Reports

Report No.	Title	Release date
1339	Port Rockingham Marina	29/9/09
1340	Balmoral South Iron Ore Project Cape Preston WA	5/10/09
1342	Roy Hill 1 Iron Ore Mining Project Stage 1	2/11/09
1346	Albany Port Expansion	18/1/10
1347	Koolyanobbing Iron Ore Project – Mt Jackson J1 Deposit	8/2/10
1349	Bluewaters Power Station Expansion - Phase III and Phase IV, Collie	8/3/10
1350	Coolimba Power Station Project, Eneabba	10/3/10
1355	Marandoo Mine Phase 2	19/4/10
1357	Cape Lambert Port B	10/5/10
1358	Collie Urea Project, Shotts Industrial Park and Bunbury Port	10/5/10

APPENDIX 2: Environmental Protection Statement (EPS) and Assessment on Referral Information (ARI) Reports

Report No.	Title	Release date
1334	Spotted Quoll Open Pit Nickel Mine (Part of Forrestania Nickel Project), Approximately 160 km South of Southern Cross	22/7/09
1335	Wheelarra Hill Mine Modification	10/8/09
1336	Chichester Rail Deviation	31/8/09
1337	Nelson Point Dredging, RGP6 Port Development, Port Hedland	7/9/09
1338	Cundaline and Callawa Mining Operations	28/9/09
1345	Roy Hill 1 Iron Ore Mining Project Stage 2	7/12/09

Report No.	Title	Release date
1356	Orebody 24/25 Upgrade Project	19/4/10

APPENDIX 3: Section 16 Strategic Advice Reports

Report No	Project Title	Release date
1359	Strategic Environmental Advice on the Dawesville to Binningup Area	17/5/10

APPENDIX 4: Changes to Conditions - Section 46 Reports

Report No.	Title	Release date
1341 s46	Oakajee Deepwater Port, Oakajee Shire of Chapman Valley Change to Conditions	15/10/09
1343 s46	Iron Ore Mine, Downstream Processing (Direct - Reduced Hot Briquetted Iron) and Port Construction, Cape Preston, Pilbara – Proposal Under s46 of the EP Act to Amend the Marine Wastewater Outfall Condition	29/10/09
1348 s46	Busselton Regional Aerodrome – Proposal under Section 46 of the EP Act to allow a single flight to depart the aerodrome between 2200 hours 14 February 2010 and 0100 hours 15 February 2010.	4/2/10
1354 s46	Ord River Irrigation Area Stage 2 (M2 Supply Channel) – Proposal Under S46 of the EP Act to Change the Timing of the Formation of the Environmental Management Entity, Update the Minister's Title and Departmental Names and Remove the Need for the EPA to Approve a Number of Environmental Management Plans	6/4/10

APPENDIX 5: Planning - Section 48A Reports

Report No.	Subject	Release date
1333	Town of Port Hedland TPS 5 Amendment 20 - Pretty Pool	20/7/09
1344	Shire of Harvey Town Planning Scheme No. 1 Amendment No. 63 - Lots 195, 304 and Part Lot 9003 Lakes Parade, Binningup	9/11/09
1353	Shire of Gingin Town Planning Scheme No. 8 Amendment 93 – Lots 5243, 9504 and 9505 Perth-Lancelin Road, Lancelin	12/4/10

APPENDIX 6: Noise Regulation 17 Variation Reports

Report No	Project Title	Release Date
1352	Carnarvon Power Station Noise Regulation 17 Variation	15/3/10

APPENDIX 7: List of Approved Changes to Proposals (section 45C)

Statement No	Proposal Title Proponent	Variation	Approval date
635	Iron Ore Mine Downstream Processing (Direct-Reduced & Hot-Briquetted Iron) and Port Construction, Cape Preston, Pilbara Mineralogy Pty Ltd	Increases in the "footprint" of the mine pit, waste dumps, and tailings storage facility, as defined by attached delineation coordinates; and increases in mining and processing rates	3/7/09
584	Hope Downs Iron Ore Mine, 75km north-west of Newman, Pilbara Region Hamersley Hope Management Services Pty Ltd	Increase in project clearance disturbance area from 1,600 hectares to 1,850 hectares (as shown on Figure 4), and updating of Key Characteristics Table	14/07/09
523	Yandicoogina Iron Ore Mine & Railway, 90 Kilometres north-west of Newman, Hamersley Range Hamersley Iron Pty Limited	Increase of dewatering cap (shared with Statement 695) to 35 GL/a	16/07/09
695	Yandicoogina junction south-east mine, mining lease 274SA, Shire of East Pilbara Hamersley Iron Pty Limited	Increase of dewatering cap (shared with Statement 523) to 35 GL/a	16/07/09
790	Cooljarloo Mine - Falcon Extension, approximately 10 kilometres north-west of Cataby, Shire of Dandaragan Tiwest Pty Ltd	Minor changes to the clearing footprint; change typographical error of ore extracted from 3.1 million tonnes to 7.4 million tonnes	5/08/09
514	West Angelas Iron Ore Project Shires of East Pilbara, Ashburton and Roebourne Robe River Mining Co Pty Ltd	Increase throughput to 40 million tonnes per annum, update of mine figure (Figure 10) and amendments to Key Characteristics Table	20/08/09
757	Pluto liquefied natural gas development (site B option), Burrup Peninsula, Shire of Roebourne Woodside Energy Ltd	To include the construction of an Emergency Escape Route (walkpath) from Site B to Haul Road in the currently approved disturbance footprint of the proposal (as shown on Figure 5)	20/08/09
131	Brockman No 2 Detrital Iron-Ore Mine Hamersley Iron Pty Limited	Phase IIa Development: to further develop parts of the existing Pit 4, Pit 4 Extension, Valley Pit and Pit 6 to a depth of relative level 580 metres and increasing the dewatering rate from 700 megalitres per year to 950 megalitres per year so to maintain groundwater level in orebody aquifer at relative level 570 metres	25/08/09

Statement No	Proposal Title Proponent	Variation	Approval date
775	Pardoo Iron Ore Mine & Direct Shipping from Port Hedland, Shire of East Pilbara and Town of Port Hedland Atlas Iron Limited	Multiple project design and operational changes to the mine site	25/08/09
685	Bluewaters Power Station, Collie - Unit 1 Griffin Energy P/L	Increase greenhouse gas emissions to 1,562,000 tonnes per annum of carbon dioxide equivalent	2/09/09
724	Bluewaters Power Station, Collie - Unit 2 Griffin Energy P/L	Increase greenhouse gas emissions to 1,562,000 tonnes per annum of carbon dioxide equivalent	2/09/09
721	Pilbara iron ore & infrastructure project, Cloud Break (no beneficiation) Fortescue Metals Group Ltd	Increase of dewatering to up to 25 GL/a, and reinjection to up to 18 GL/a (as shown in figure 4)	25/09/09
712	Orebody 25 extension project, 8 kilometres north-east of Newman, Shire of East Pilbara BHP Billiton Iron Ore Pty Ltd	Change OB25 mine operation life until 2018 to mine additional ore from Pit 3 and portion of Pit 1 (i.e. Pit 1 East)	2/10/09
685	Bluewaters Power Station, Shire of Collie Griffin Energy Pty Ltd	Increase the power generating capacity from 208 megawatts to 217 megawatts	23/10/09
699	Clay excavation Lots 7, 19, 60, 63, 64 & 20 Hallett & Copley Roads (formerly Part Lot 1 and Lots 222, 27, 26, 25, 28 & 7 Hallett & Copley Roads) & Lots 19, 45 & 46 St Alban's Road and Lot 100 Great Northern Highway, Upper Swan Midland Brick Company Pty Ltd	Inclusion of an additional lot (Lot 18 St Alban's Road, Upper Swan) into the Upper Swan clay extraction area	2/11/09
599	Long Term Shellsand Dredging Owen Anchorage Cockburn Cement Limited	Definition of Stage 2 (West Success Bank) dredging area	19/11/09
469	Oakajee Deepwater Port, Oakajee, Shire of Chapman Valley Department of State Development	Confirmed port location as the northern option, with an offshore design capable of berthing two Cape Class (180,000 DWT fully laden) vessels plus one further Cape Class (180,000 DWT fully laden) vessel or one Panamax Class (70,000 DWT fully laden) vessel	1/12/09
518	Red October Gold Project, 80 kilometres south of Laverton Saracen Gold Mines Pty Ltd	Change of haulage of low grade ore at the Red October Project, from Leonora to the Carosue Dam Processing Plant	15/12/09

Statement No	Proposal Title Proponent	Variation	Approval date
781	Dredging at Finucane Island, BHP Billiton RGP5 Project, Port Hedland BHP Billiton Iron Ore Pty Ltd	Increase the size of the dredge footprint by three hectares to 28 hectares, and increase volume of material to be dredged by 50,000 cubic metres to be 3,950,000 cubic metres (as shown on figure 4)	15/12/09
690	Pilbara Iron Ore & Infrastructure project: port and north-south railway (stage A) Fortescue Metals Group Limited	Additional rail infrastructure & associated clearance of an additional 606 hectares	17/12/09
707	Pilbara iron ore & infrastructure project: east-west railway & mine sites (stage B) Fortescue Metals Group Limited	Additional impact area for rail duplication works (by 102ha)	21/12/09
673	Outdoor Entertainment Venue, Lot 2 Toodyay Road, Red Hill, City of Swan Ace Nominees Pty Ltd	Change orientation of the stage, realign access road, relocate sedimentation basins and seal the car park.	10/02/10
800	Gorgon Gas Development revised and expanded proposal: Barrow Island Nature Reserve Chevron Australia Pty Ltd	Change to clarify that discharge of waste from marine vessels will be in accordance with MARPOL 73/78	23/02/10
800	Gorgon Gas Development revised and expanded proposal: Barrow Island Nature Reserve Chevron Australia Pty Ltd	Change to development and usage of boil off gas flares and increase of seawater volume intake during the construction period	26/02/10
594	Desalinated Water and Seawater Supplies Project, Burrup Peninsula Water Corporation	An alternative seawater intake pump station	5/03/10
805	Karara Iron Ore Project, 215 Kilometres east-southeast of Geraldton and 320 kilometres north-northeast of Perth, Shire of Perenjori Karara Mining Limited	Relocation of the accommodation village, relocation of the airstrip, consolidation of mine infrastructure and removal of internal roads, a borrow pit and a water pipeline	15/03/10
707	Pilbara iron ore & infrastructure project: east-west railway & mine sites (stage B) Fortescue Metals Group Limited	To realign approximately 6 kilometres of the western portion of the access road used to haul ore from the Christmas Creek to Cloud Break mine sites	15/03/10

Statement No	Proposal Title Proponent	Variation	Approval date
811	Koolanooka/Blue Hills direct shipping ore mining project, Shires of Morawa and Perenjori Sinosteel Midwest Corporation Ltd	Relocation of the accommodation village, relocation of the airstrip, consolidation of mine infrastructure and removal of internal roads, a borrow pit and a water pipeline	17/03/10
724	Bluewaters power station – phase II, Shire of Collie Griffin Energy P/L	Increase power generating capacity from 208 megawatts to 212 megawatts	23/03/10
800	Gorgon Gas Development revised and expanded proposal: Barrow Island Nature Reserve Chevron Australia Pty Ltd	Use of seawater for construction earthworks on the LNG treatment plant site	23/03/10
757	Pluto liquefied natural gas development (site B option), Burrup Peninsula, Shire of Roebourne Woodside Energy Ltd	To increase the land disturbance footprint of the proposal by 3.03 hectares	29/03/10
753	Mt Gibson Iron Ore Mine and Infrastructure Project, Shire of Yalgoo Joint: Mount Gibson Mining Limited and Extension Hill Pty Ltd	Correct two errors in the Key Characteristics Table	31/03/10
707	Pilbara iron ore & infrastructure project: east-west railway & mine sites (stage B) Fortescue Metals Group Limited	Extension of pipeline from the Hillside East reinjection borefield into the Christmas Creek mine site	6/04/10
795	Devil Creek Development Project, Gnoorea Point, Shire of Roebourne Apache Northwest Pty Ltd	Discrete drilling and low level blasting of hard rock outcrops in a small portion of the onshore pipeline trench at various locations	7/04/10
818	Chichester Rail Deviation, Shire of Ashburton BHP Billiton Iron Ore Pty Ltd	Increased groundwater requirements and revised culvert numbers and locations	13/04/10
507	Prawn Farm, Doctor's Creek, Derby Kimberley Prawn Company (Aust) Pty Ltd	Farm additional species	22/04/10
523	Yandicoogina Iron Ore Mine & Railway, 90 kilometres north-west of Newman, Hamersley Range Hamersley Iron Pty Limited	To develop a new pit cutback near Phil's Creek, and to relocate the position of an approved Junction Central waste fines cell	16/06/10

Statement No	Proposal Title Proponent	Variation	Approval date
770	Hamersley Iron Dampier port upgrade to a throughput capacity of 145 million tonnes per annum; Hamersley Iron Pty Limited	Increase in throughput capacity at Dampier Port to 160 Mtpa to be achieved by the installation of two new surge bins and some additional conveyors at Parker Point	25/06/10

APPENDIX 8: Position Statements (For information - none completed 09/10)

No.	Position Statement
1.	Environmental Protection of Cape Range Province
2.	Environmental Protection of Native Vegetation in Western Australia
3.	Terrestrial Biological Surveys as an element of Biodiversity Protections
4.	Environmental Protection of Wetlands
5.	Environmental Protection and Sustainability of the Rangelands in Western Australia
6.	Towards Sustainability
7.	Principles of Environmental Protection
8.	Environmental Protection in Natural Resource Management
9.	Environmental Offsets

APPENDIX 9: Guidance Statements for the Assessment of Environmental Factors (renamed EPA Environmental Assessment Guidelines from 08/09 on see appendix 10 below)

No	Title
1	Protection of Tropical Arid Zone Mangroves along the Pilbara Coastline
2	Risk Assessment and Management: Offsite Individual Risk from Hazardous Industrial Plant
3	Separation Distances between Industrial and Sensitive Land Uses
4	Deep and Shallow Well Injection for Disposal of Industrial Waste
6	Rehabilitation of Terrestrial Ecosystems
7	Protection of Western Swamp Tortoise Habitat, Uppers Swan/Bullsbrook
10	Level of Assessment for proposals affecting natural areas within the System 6 Region and Swan Coastal Plain portion of the System 1 Region
12	Minimising Greenhouse Gases
13	Management of Air Emissions from Biomedical Waste Incinerators
15	Emissions of Oxides of Nitrogen from Gas Turbines
17	A Site Remediation Hierarchy for Contaminated Soil
18	Prevention of Air Quality Impacts from Land Development Sites
19	Environmental Offsets - Biodiversity
20	Short Range Endemic Invertebrate Fauna
28	Protection of the Lake Clifton Catchment
29	Benthic Primary Producer Habitat Protection for Western Australia's Marine Environment
33	Environmental Guidance for Planning and Development
34	Linkage between EPA Assessment and Management Strategies, Policies, Scientific Criteria, Guidelines, Standards and Measures Adopted by National Councils
40	Management of Mosquitoes by Land Developers

No	Title
41	Assessment of Aboriginal Heritage
49	Assessment of Development Proposals in Shark Bay World Heritage Property
51	Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in Western Australia
54	Consideration of Subterranean Fauna in Groundwater and Caves during Environmental Impact Assessment in Western Australia
55	Implementing Best Practice in Proposals Submitted to the Environmental Impact Assessment Process
56	Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia

Draft Guidance

No	Title
8	Environmental Noise
47	Interim Guidance on Odour as a Relevant Environmental Factor
48	Groundwater Environmental Management Areas
54 a	Sampling Methods for Subterranean Fauna – Addendum to Guidance 54

APPENDIX 10: Environmental Assessment Guidelines (Replaces Guidance Statements)

Guideline No	Project Title	Release Date
1	Defining a proposal	19/10/09
2	Changes to Proposals after Assessment – Section 45C of the <i>Environmental Protection Act 1986</i>	9/11/09
3	Protection of Benthic Primary Producer Habitat in Western Australia's Marine Environment	7/12/09
4	Towards Outcome-based Conditions Draft	21/12/09
Draft 5	Protecting Marine Turtles from Light Impacts	15/3/10
Draft 6	Timelines for Environmental Impact Assessment of Proposals	29/3/10

APPENDIX 11: Environmental Protection Bulletins

Bulletin No	Project Title	Release Date
1	Environmental Offsets – Biodiversity	1/9/08
2	Port Hedland Noise and Dust	12/1/09
3	EIA Review-Interim Assessment Procedures	10/3/09
4	Strategic Advice-Dawesville to Binningup	4/5/09
5	Deep Drainage in the Wheatbelt	26/6/09
6	The Natural Values of the Whicher Scarp	10/8/09
7	Risk-based Approach to EIA – update	17/8/09
8	South West Regional Ecological Linkages	2/10/09
9	Risk-based Approach to EIA – update	7/12/09
10	Geraldton Regional Flora and Vegetation Survey	3/5/10

APPENDIX 12: EPA site visits

Date	Site (Proposed Developments)
30-31 July, 2009	Marandoo iron ore mine and Weeli Wolli Springs, Pilbara
10-11 September 2009	Eneabba Mineral Sands Proposal
21-22 October 2009	Wheatstone Project, Onslow
16-17 December 2009	South West Forest
27-28 January 2010	South West Forest
2-4 May 2010	Oakajee Port and Rail proposal and the Mid West

APPENDIX 14: Attendance at EPA Meetings

Attendance EPA Meetings – 1 July 2008 to 30 June 2009		
Name	No of Meetings Held	No of Meetings Attended
Dr P Vogel	23	19
Dr A Hinwood ¹	23	9
Mr D Glennon ⁴	23	20
Ms J Payne	23	23
Dr C Whitaker ²	23	22
Dr Rod Lukatalich ³	23	12

Foot Notes:

1. Dr A Hinwood retired as Deputy Chairman on 30 October, 2009.
2. Dr C Whitaker was appointed Deputy Chairman from 18 November 2009 to 17 November 2012.
3. Dr R Lukatalich was appointed member from 18 November 2009 to 17 November, 2014.
4. Mr D Glennon was re-appointed member from 1 July, 2010 to 30 June, 2013.

APPENDIX 15: Abbreviations

ACMER	Australian Centre for Minerals Extension and Research
AHC	Australian Heritage Council
ARI	Assessment on Referral Information
BIF	Banded Ironstone Formation
BPPH	benthic primary producer habitat
CALM	Department of Conservation and Land Management
CAMBA	China Australia Migratory Bird Agreement
CAR	comprehensive, adequate and representative
CCS	Carbon Capture and Storage
CCWA	Conservation Commission of Western Australia
CSIRO	Commonwealth Scientific and Industrial Research Organisation

DAFWA	Department of Agriculture and Food Western Australia
DEC	Department of Environment and Conservation
DoF	Department of Fisheries
DoH	Department of Health
domgas	domestic gas
DoW	Department of Water
DIA	Department of Indigenous Affairs
DMAAs	decision making authorities
DMP	Department of Mines and Petroleum
DoP	Department for Planning
DRF	Declared Rare Fauna
DSD	Department of State Development
CITES	Convention on International Trade of Endangered Species
EAG	Environmental Assessment Guidelines
EIA	Environmental Impact Assessment
EIS	Environmental Impact Statement
EMIAA	Environmental Management Industry Association of Australia
EMP	Environmental Management Plan
EPA	Environmental Protection Authority
EP Act	<i>Environmental Protection Act (1986)</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act (1999)</i>
EPASU	EPA Service Unit
EPP	Environmental Protection Policy
EPS	Environmental Protection Statement
EQC	Environmental Quality Criteria
EQO	Environmental Quality Objectives
ERMP	Environmental Review and Management Programme
ESD	Environmental Scoping document
EV	Environmental Values
FMP	Forest Management Plan
GBRS	Greater Bunbury Region Scheme
GHG	Greenhouse Gas
HRA	Health Risk Assessment
JAMBA	Japan Australia Migratory Bird Agreement
LNG	Liquefied Natural Gas
LoA	Level of Assessment
LSP	Local Structure Plan
Mscfd	Million standard cubic feet per day
MoU	Memorandum of Understanding
MPRA	Marine Parks and Reserves Authority
MRWA	Main Roads Western Australia

Mtpa	Million tonne per annum
MW	Megawatt
NAP	National Action Plan
NDT	Northern Development Taskforce
NEPC	National Environmental Protection Council
NEPM	National Environment Protection Measure
NHT	Natural Heritage Trust
NWQMS	National Water Quality Management Strategy
NRM	Natural Resource Management
ODP	Outline Development Plan
OEPA	Office of the Environmental Protection Authority
OPSSC	Office of Public Sector Standards Commissioner
PEC	Priority Ecological Community
PER	Public Environmental Review
PIMB	Proposal Implementation Monitoring Branch
PUEA	Proposal Unlikely to be Environmentally Acceptable
RO	Reverse Osmosis
SCP	Swan Coastal Plain
SEA	Strategic Environmental Assessment
SEP	State Environmental Policy
SLA	Service Level Agreement
SoE	State of the Environment
SOER	State of Environment Reporting
SPP	State Planning Policy
SRE	short range endemics
SRG	Stakeholder Reference Group
SRT	Swan River Trust
TEC	Threatened Ecological Communities
TPS	Town Planning Scheme
UCL	Unallocated Crown Land
UNEP	United Nations Environment Program
UNESCO	United Nations Education Scientific and Cultural Organisation
VOC	Volatile Organic Compound
WA	Western Australia
WALA	Western Australian Land Authority
WALGA	Western Australian Local Government Association
WAPC	Western Australian Planning Commission
WMWA	Waste Management WA
WQIP	Water Quality Improvement Plan
WRC	Water and Rivers Commission
WWF	World Wide Fund for Nature