



## Instructions for a request to change implementation conditions of a Ministerial Statement under the *Environmental Protection Act 1986*

### Purpose of the instructions

To assist proponents to prepare a request for a change to implementation conditions (the conditions) of an approved Ministerial Statement. These Instructions only apply to requests received after publication of the Instruction, and are not retrospective.

### Purpose of the Form

The Environmental Protection Authority (EPA) requires that proponents use this Form for all requests relating to changes to implementation conditions, so that it receives sufficient information about the requested changes to decide whether or not to assess it, and to determine the process for assessment.

### How to fill out the Form

It is highly recommended that all proponents wishing to undertake a change to conditions have a pre-referral meeting with the Department of Water and Environmental Protection's EPA Services (EPA Services) prior to submitting this Form.

To complete the Form, please refer to the [Administrative Procedures](#) and [Procedures Manual](#) for more information about the processes relating to changing conditions and/or contact the EPA Services for further assistance.

## Part A: Proponent information and proposal description

### 1. Proponent information

#### Who is referring this request to change Implementation Conditions?

These Instructions apply to a nominated proponent of a proposal who wishes to change conditions of their own statement. If the nominated proponent wishes to use an authorised agent of the proponent, then an authorisation should be provided with the request for a change to conditions.

#### Referral declaration

For the EPA Services to accept a request to change conditions from a proponent, or consultant on behalf of the proponent, it must be signed by an authorised person – either a CEO or a person with evidence to act on behalf of the organisation.

Complete the details and provide an Australian Company Number (or Australian Business Number for government agencies).

### 2. Pre-referral discussions

Quote any applicable correspondence reference number and/or the EPA Services contact. Identify outcomes of any pre-referral discussions with EPA Services.

### 3. Proposal information

Provide clear proposal information, including relevant maps.

**Title of the proposal** - as stated on the Ministerial Statement.

**Ministerial Statement Number/s** - as stated on the Ministerial Statement.

**Proposal description** - as defined in the Ministerial Statement.

**Previous changes to the proposal** - brief summary of the history of the proposal including any previous changes to proposal (section 45C), changes to conditions (section 46) and related Ministerial Statements.

#### 4. Type of change to conditions request

Identify the type of change to conditions request as defined by the section of the EP Act: section 46; combined section 45C and section 46; section 46A; or section 46C.

##### **Notes on changes to conditions, level of assessment and timeframes for assessment**

The EPA will provide guidance to the EPA Services on the level of assessment. If the EPA considers that any or all implementation conditions of a Ministerial Statement no longer meet its objectives, they may recommend that a more comprehensive review of conditions be undertaken.

The EPA will only consider Statement amalgamations and consolidations if there is a good operational reason to do so. If changes can be effected through the compliance auditing and reporting process, then this would be the preferred approach.

There are no statutory timeframes for completion of a section 46 change to conditions. Timeframes will be dependent on a number of factors, which may include public consultation. Refer to section 5.4 of the *EPA's Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2016* (referred to as the Procedures Manual) in relation to timeframes for assessment.

#### 5. Summary of proposed changes to conditions

Provide a succinct (1 page or less) summary of:

- The conditions that are requested to be changed.
- The reasons for the requested changes.
- Any current non-compliances with Ministerial Statement conditions. If the proponent is non-compliant with any conditions, the assessment of the request to change conditions may be delayed until the non-compliance is rectified.
- Identify if any changes are required to Schedule 1 of the Ministerial Statement as a result of the proposed changes to conditions.

### Part B: Environmental assessment

This section should be completed for **each condition** that the proponent is seeking to be changed.

If the request is for an extension to the **'Time Limit of Authorisation'** (for substantial commencement) of the proposal, then the proponent will need to provide information on all *key environmental factors* (as defined in the Procedures Manual) relating to the proposal, as well as any new *environmental factors* (as defined in the Procedures Manual) that may have arisen since the original assessment.

##### **Justification of proposed changes**

To assist the EPA in the assessment of the proposed changes to conditions, the proponent must provide solid, evidence-based information in the request to enable the EPA to make an informed decision about the changes. Unsupported conclusions or insufficient information may lead to delays in the assessment.

#### 1. Identification of existing conditions to be changed

##### **Condition number and title**

The condition that is requested to be changed.

##### **Intent of the existing condition**

Explain the intent (objective) of the existing condition.

##### **EPA Environmental Factor(s) and Objective(s)**

- Identify the relevant key Environmental Factors identified by the EPA in its original *Report and Recommendations of the Environmental Protection Authority* for the proposal, and those environmental factors relevant to the proposed change to conditions.
- Identify the relevant EPA Environmental Factor and Objective relevant to the proposed changes, in accordance with the EPA's Statement of Environmental Principles, Factors and Objectives. For guidance on each environmental factor refer to the associated EPA's Environmental Factor Guidelines.

- Identify if there are any new environmental considerations not previously assessed that may cause an environmental impact, that have arisen since the original EPA assessment of the proposal; how these considerations will be affected by the proposed changes; and if new conditions are required to address these considerations.

## 2. Proposed changes to conditions

- Provide the proposed revised wording of the existing condition to be changed.
- Where the proponent proposes new conditions, alternative wording should be proposed. Refer to Section 4.2 - Implementation conditions and procedures of the Procedures Manual, for the types of conditions the EPA may recommend.
- Discuss the requested changes to conditions as they relate to the relevant key environmental Factors and Objectives for the proposal, as well as any newly identified environmental considerations not previously assessed that may cause an environmental impact. The proponent should demonstrate how the intent of the existing condition will be maintained or improved, and how the proposed new condition changes will meet the EPA's objectives for the relevant key environmental factors.  
**NOTE:** Where the requested changes relate to emissions and discharges, the EPA will assess whether it is more appropriate for emissions and discharges to be regulated under Part V of the EP Act.
- Identify any changes to Schedule 1 of the existing Ministerial Statement as a result of the proposed changes to conditions.
- If you are applying for a combined change to proposal and change to conditions refer to the Instructions for request for a change to proposal under Section 45C. Please note that changes to proposal (section 45C) will need to be addressed separately.

### EPA Policy and Guidelines applied

Describe how EPA Policy and Guidelines have been applied and considered in the proposed changes to conditions. Discussion of the proposed changes should demonstrate evidence of "proper, genuine and realistic consideration" of relevant EPA Policy and Guidance documents.

### Environmental Studies/Supporting Information

Include relevant information to support the requested changes, such as an analysis of recent monitoring data, technical reports, maps and other relevant reference information. These can be included as Attachments or Appendices. It may be appropriate to reference documents used during the assessment of the original proposal to justify that the proposed changes can be made against a known baseline (this may be required when the condition to be changed refers to background levels, thresholds, or trigger levels etc).

### Consultation conducted

- Ensure that appropriate consultation occurs with relevant stakeholders regarding the requested changes. Evidence of consultation should be provided, including the method used to consult, evidence of stakeholder feedback received, and the proponent's assessment and response to this feedback.
- Provide information on any existing licences or permits issued for the proposal that are relevant to the proposed change to conditions, and discuss any changes that would be required. If the proposed changes will require an amendment to an existing licence or permit, the Agency responsible for regulation should be consulted, and their advice provided within the supporting documentation.

Note that the EPA may seek validation of advice provided by stakeholders.

### Changes to Environmental Management Plans

Identify if any relevant Environmental Management Plans will need to be amended to manage the proposed changes.

### Spatial information requirements

If the proposed changes to conditions will change any physical aspects of the proposal, then proponents are required to submit spatial data in GIS format, that is geo-referenced and conforms to the following parameters:

- Data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint).
- Attribution: Name the development envelope and each activity area in the attribute table of the spatial data.
- Format: ESRI geodatabase or shapefile.
- Coordinate System: GDA94 (datum) and projected into the appropriate Map Grid of Australia (MGA) zone.

Maps and figures should be clear and readable, of appropriate scale, in either jpeg or pdf format and of good resolution (> 300 dpi).

**Note:** GIS spatial data that is not provided in the above format *will not* be accepted.

## **Submitting a completed Form for a request to change implementation conditions**

Ensure that all required information in the Request Form is provided with your request.

The EPA prefers that requests are emailed but will also accept applications submitted by post (please include an electronic copy). Files must be below eight megabytes (8MB) in size as they may be published on the EPA's website.

For electronic submissions hardcopies are not required to be submitted.

Email: [registrar@dwer.wa.gov.au](mailto:registrar@dwer.wa.gov.au) or EPA Services  
Department of Water and Environmental Regulation  
Locked Bag 33, Cloisters Square, Perth WA 6850

**Note:** Form submissions emailed direct to an EPA Services Officer *will not* be accepted, please ensure all email applications are sent to the Registrar email above.

### **Enquiries:**

Telephone: 6364 7000

Email: [info.epa@dwer.wa.gov.au](mailto:info.epa@dwer.wa.gov.au)

Website: [www.epa.wa.gov.au](http://www.epa.wa.gov.au)