

**ENVIRONMENTAL SCOPING DOCUMENT**

<b>PROPOSAL:</b>	<b>Western Australian Shark Hazard Mitigation Drum Line Program 2014-2017 (Assessment No. 2005)</b>
<b>LOCALITY:</b>	<b>Western Australian State waters</b>
<b>PROPONENT:</b>	<b>Director General, the Department of the Premier and Cabinet on behalf of the State of Western Australia</b>
<b>LEVEL OF ASSESSMENT:</b>	<b>Public Environmental Review with a four week public review period</b>
<b>EPBC REFERENCE:</b>	<b>EPBC2014/7174</b>

This Environmental Scoping Document (ESD) is provided to define the form, content and timing of the Public Environmental Review (PER) document to be prepared in accordance with the Western Australian *Environmental Protection Act 1986* (EP Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)..

The preliminary key environmental factor to be addressed is identified in Section 2. The generic guidelines for the format of an environmental review document are attached (Attachment 1). Other supporting guidance is available on the Environmental Protection Authority's (EPA's) website [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

**The environmental review document must adequately address all elements of this scoping document prior to approval being given to commence the public review.**

**The Environmental Protection Authority expects the proponent to fully consult with interested members of the public and relevant stakeholders, and to take due care in ensuring any other relevant environmental factors which may be of interest to the public and stakeholders are addressed. The PER should document the results of all consultation undertaken.**

## 1. Introduction

The EP Act sets out that where a proposal is considered to be likely to have a significant environmental impact it will be subject to an assessment by the Environmental Protection Authority (EPA) under section 38 of the EP Act. This proposal is being assessed by way of a Public Environmental Review (PER) because it raises a preliminary key environmental factor. The EPA will, at the conclusion of its assessment, prepare a report on the outcome of its assessment of the proposal and give the assessment report to the Minister for Environment. In accordance with the requirements of the EP Act, the Minister for Environment will then decide whether or not the proposal may be implemented, and, if the proposal may be implemented, the conditions and procedures that implementation of the proposal should be subject to.

The procedure for a PER is described in the Western Australian EP Act *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012*. The proponent should have regard to the Administrative Procedures when preparing the PER (refer to Clause 10.2.4).

As this proposal is subject to a PER, the proponent is required to produce a PER document in accordance with an approved Environmental Scoping Document (ESD). The purpose of the ESD is to:

- develop proposal-specific guidelines to direct the proponent on the preliminary key environmental factor for the proposal that should be addressed in preparing the PER document; and
- identify the necessary impact predictions for the proposal and the information on the environmental values required to carry out the assessment.

The EPA has determined that it will prepare and issue the ESD (this document) outlining the scope and content of the PER to be prepared, in relation to this proposal.

The EPA, in its formulation of the ESD, undertakes consultation with the proponent regarding the details of the proposal, the preliminary key environmental factor and the scope of works required and expected outcomes. In addition the EPA will consult with the relevant government agencies. In many cases the Office of the Environmental Protection Authority (OEPA) will act for the EPA.

ESDs prepared by the EPA are not subject to a public review period. The ESD will be available on the EPA website ([www.epa.wa.gov.au](http://www.epa.wa.gov.au)) upon finalisation and must be included as an appendix in the PER document.

The proponent will then be required to prepare a PER document in accordance with the ESD. When the EPA is satisfied that the PER document:

- focuses only on the preliminary key environmental factor, not on other factors which fall below the significance threshold as outlined in Environmental Assessment Guideline 9 *Application of a significance framework in the environmental impact assessment process*;

- demonstrates that all studies identified in the scoping document have been undertaken, and presents the findings of those studies, including how the proposal or its management has been informed by the outcome of any studies;
- demonstrates that the proposal can meet the EPA's objectives through the mitigation hierarchy; and
- is concise,

the proponent will be required to release the document for a public review period of 4 weeks.

An important aspect of the environmental impact assessment process is the review by the public. The EPA requires public input into the possible environmental impacts of this proposal and its implementation. The EPA expects the proponent to fully consult with interested members of the public and relevant stakeholders, and to take due care in ensuring any other relevant environmental factors which may be of interest to the public and stakeholders are succinctly addressed. The PER should document the matters raised in consultation, ideally in a table.

The EPA considers that adequate consultation can be demonstrated when the stakeholders:

- are included in the consultation process and are able to make their concerns known;
- are kept informed about the potential and actual environmental impacts; and
- receive responses to the concerns raised, including identifying how the proposal has been modified and/or identifying management measures that will be implemented to address the concerns raised.

To facilitate adequate public input, the PER document should be made available as widely as possible and at a reasonable cost consistent with *Environmental Impact Assessment (Part IV Division 1 and 2) Administrative Procedures 2012* (refer to clause 10.2.5) and the guidelines in Attachment 1.

## **2. Specific Guidelines for the Preparation of the Environmental Review**

### **2.1 The proposal**

The Director General of the Department of the Premier and Cabinet (DPC) on behalf of the State of Western Australia, proposes to implement the Western Australian Shark Hazard Mitigation Drum Line Program 2014-2017 (the program). The program forms part of a number of hazard mitigation strategies in place and is intended to reduce the likelihood of shark attacks within Western Australia.

The program involves the establishment of two Marine Monitored Areas (MMA) in the metropolitan and South West regions of Western Australia (refer to Figures 1 and 2). The program is proposed to involve the deployment up to 60 static drum lines within the MMAs and allow for the temporary placement of drum lines anywhere in State waters at any time following an identified shark threat or incident. Drum lines will be

managed to ensure that there will not be more than 72 drum lines in the water at any one time.

The target sharks which are intended to be captured and destroyed include white sharks (*Carcharodon carcharias*), tiger sharks (*Galeocerdo cuvier*) and bull sharks (*Carcharhinus leucas*) greater than or equal to 300 cm in total length. All other marine fauna unintentionally caught including all sharks less than 300 cm in total length are considered non-target marine fauna.

The program is proposed to take place from 15 November to 30 April, over a three year period, commencing 15 November 2014 and concluding on 30 April 2017. The program will be subject to review following its conclusion.

The PER document will need to provide detailed justification for the proposal, including a genuine evaluation of options or alternatives considered in the planning and design of the program to avoid or minimise environmental impacts to the preliminary key environmental factor identified in Section 2.2, consistent with the *Environmental Impact Assessment (Part IV Division 1 and 2) Administrative Procedures 2012* (refer to clause 5(3)).

The PER document will need to define the proposal consistent with Environmental Assessment Guideline 1 *Defining the Key Characteristics of a Proposal* (May 2012) (EAG 1). EAG 1 describes how to define the key proposal characteristics for the purposes of assessing the proposal and subsequent incorporation in the Ministerial approval statement. It is expected that the PER will set out the details of the proposal with respect to the:

- proposed activities including static drum line deployment and temporary drum line deployment in response to identified shark threats or incidents;
- geographic extent and timing of the activities; and
- protocols developed for the deployment of shark drum lines within the Marine Monitored Areas, and other areas, following the identification of a shark threat or incident.

Should the proponent propose to change the proposal, as described above and shown in Figures 1 and 2, during the assessment process the EPA may consider these changes without a revised proposal being referred to the EPA, if it considers that the change is unlikely to significantly increase any impact that the proposal may have on the environment, under Section 43A of the EP Act.

## **2.2 Preliminary Key Environmental Factor, scope of works and policy documents relevant to this proposal**

The PER should give a detailed assessment of the preliminary key environmental factor identified for this proposal. At this stage, the EPA believes the preliminary key environmental factor, objective and work required is detailed in Table 1.

**Table 1 – Preliminary Key Environmental Factor and scope of works relevant to the proposal**

Marine Fauna	
<b>EPA objective</b>	To maintain the diversity, geographic distribution and viability of fauna at the species and population levels.
<b>Potential impacts</b>	<p>The proposal (as set out in section 2.1 and to be detailed in the PER) has the potential to impact on:</p> <ul style="list-style-type: none"> <li>• the target sharks<sup>1</sup> which includes White, Tiger and Bull sharks;</li> <li>• non-target marine fauna<sup>2</sup> which includes: <ul style="list-style-type: none"> <li>○ all sharks under 300 cm in total length; and</li> <li>○ other marine fauna including non-target shark species, non-shark fish species, marine mammals and reptiles, and seabirds, and</li> </ul> </li> <li>• marine fauna diversity through the removal of apex predators.</li> </ul> <p><sup>1</sup>The target sharks are defined as white sharks (<i>Carcharodon carcharias</i>), tiger sharks (<i>Galeocerdo cuvier</i>) and bull sharks (<i>Carcharhinus leucas</i>) greater than or equal to 300 cm in total length. White sharks are listed rare or likely to become extinct under the <i>Wildlife Conservation Act 1950</i> (WC Act) and totally protected under the <i>Fish Resources Management Act 1994</i> (FRM Act). Tiger and bull sharks with an interdorsal measurement greater than 70 cm are totally protected under the FRM Act.</p> <p><sup>2</sup>Non-target marine fauna are defined as all other fauna unintentionally caught as a result of this program, including all sharks below 300 cm in total length, all non-target shark species, all non-shark fish species, marine mammals, reptiles and seabirds.</p>
<b>Work and output required</b>	<p>The proposal consists of two components:</p> <ol style="list-style-type: none"> <li>i. the deployment of static drum lines in MMAs from 15 November to 30 April, commencing 15 November 2014 and concluding 30 April 2017; and</li> <li>ii. the temporary deployment of drum lines in response to an identified shark threat or incident anywhere within State waters<sup>3</sup> at any time.</li> </ol> <p>The work and output required is as follows.</p> <ol style="list-style-type: none"> <li>1. Present scientifically sound predictions of the nature, extent, and duration of potential impacts from all activities associated with the proposal, on target sharks and non-target marine fauna. In doing so, set out the scientific confidence associated with the likelihood and consequence of potential impacts, including reference to technical data, scientific papers or other information relied upon in predicting potential impacts.</li> </ol> <p>The predictions shall be informed by the following:</p> <ol style="list-style-type: none"> <li>a. an evaluation of the environmental impacts from the Shark Drum Line Trial (trial), which ran from late January 2014 to 30 April 2014, including the predicted catch data, actual catch data for all species, and effectiveness of measures to minimise impacts on non-target marine fauna;</li> <li>b. predicted catch rates for the target sharks and non-target marine fauna;</li> <li>c. a determination of the acceptable range or levels of catch/mortality of target sharks (to maintain the viability of the target sharks at the population level), based on the most contemporary estimates of the</li> </ol>

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	<p>population size of the target sharks and non-target marine fauna, and consideration of their biological characteristics (reproductive rates etc); and</p> <p>d. an examination of the cumulative impacts on target sharks, non-target marine fauna and marine fauna diversity through the removal of apex predators associated with the proposed implementation of the program over time and within the context of other projects.</p> <p>2. Provide a draft operational management plan which includes measures to avoid and, where avoidance is not possible, minimise impacts and mortality to non-target marine fauna. The draft operational management plan shall:</p> <p>a. define the performance objectives, describe the management measures and outline the monitoring (including biological sampling) and reporting procedures and potential contractual requirements;</p> <p>b. address catch or trigger criteria and the corresponding contingency actions that would be implemented if they are reached;</p> <p>c. include a program of regular surveillance and inspections of the drum lines;</p> <p>d. include marine fauna handling procedures to maximise survival of non-target marine fauna;</p> <p>e. incorporate best-practice measures based on the evaluation of the trial detailed in 1.a. (above) and through a review of shark control programs in other jurisdictions (including consideration of animal welfare and measures to reduce entanglement from migrating whales); and</p> <p>f. address the implication of the proposal on marine parks and reserves<sup>4</sup>.</p> <p>3. Based on the work required in 1. and 2. above, demonstrate how the mitigation hierarchy - avoid, minimise, rectify and offset - has been incorporated into the development of the program, (including the completion of Environmental Offsets Reporting Form in EPA, Guidance Statement No. 19 Environmental Offsets – Biodiversity, 2008) to achieve the EPA's objective for marine fauna. This should include details of any compensatory measures that provide benefits to the impacted species, such as population research, that will be undertaken as a part of the program.</p> <p><sup>3</sup>State waters are coastal waters typically within three nautical miles of the shore.</p> <p><sup>4</sup>Marine park and reserve as defined in the <i>Conservation and Land Management Act 1984</i>.</p>
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This preliminary key environmental factor must be addressed within the environmental review document for the public to consider the impacts of the proposal and proposed management, and make informed comment to the EPA. All technical reports, modelling and referenced documents (not currently in the public domain) used in the preparation of the PER document should be included as appendices to the document. Documents used in the preparation of the PER must not contain disclaimers that preclude their public availability.

The EPA anticipates addressing this factor in its report to the Minister for Environment.

## 2.3 Other Environmental Issues

During the course of the preparation of the document if there are other environmental factors consider to be relevant they should be included in the PER following consultation with the EPA.

## 2.4 Matters of National Environmental Significance (MNES)

The Commonwealth Minister for the Environment has determined that the proposal is a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as it is likely to have a significant impact on one or more Matters of National Environmental Significance (MNES).

It has been determined that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A).

The proposed action is likely to have a significant impact because it targets the listed and vulnerable migratory White Shark (*Carcharodon carcharias*). The white shark is also listed in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals.

This proposal is being assessed by way of an accredited process with the EPA under the bilateral agreement with the Commonwealth Government made under section 47 of the EPBC Act. The bilateral agreement allows the Commonwealth Minister for the Environment to rely on the PER process of the State of Western Australia in assessing the action under the EPBC Act.

The PER document should contain a separate section identifying MNES, discussing how these matters have been addressed within the document and discussing any offsets proposed to address impacted MNES. Attachment 2 sets out the requirements for information that must be included in the PER document to address EPBC Act requirements.

Provide evidence and supporting information on the proposal in relation to requirements for decisions about threatened species and communities and migratory species (as required by section 139 and section 140 of the EPBC Act).

Once submissions have been received on the PER and the proponent has prepared an adequate Response to Submissions report, the assessment process under the EP Act and EPBC Act will continue. The assessment report on the proposed action prepared by the EPA and provided to the Western Australian Minister for Environment is forwarded to the Commonwealth Minister for the Environment who will then make a decision as to whether or not the proposal should be approved under the EPBC Act. This is separate from any Western Australian approval that may be required.

## **2.5 Agreed Assessment Milestones**

EPA Environmental Assessment Guideline No. 6 *Timelines for EIA of Proposals* addresses the responsibilities proponents and EPA for achieving timely and effective assessment of proposals.

This timeline (Table 2) is agreed between the EPA and the proponent. Proponents are expected to meet the agreed proposal assessment timeline, and in doing so, provide adequate, quality information to inform the assessment. Proponents will need to allocate sufficient time to undertake the necessary studies to the appropriate standard and incorporate the outcomes of the studies into the PER.

Where an agreed timeline is not being met by the proponent, or if adequate information is not submitted by the proponent, the timeline for subsequent steps will be re-established. Where the OEPA is unable to meet a date in the agreed timelines the proponent will be advised and the timeline adjusted.

The EPA will report to the Minister for Environment on whether the agreed proposal assessment timeline has been met. Where the timeline has not been met, the reasons for this will be identified.



**Table 2: Agreed Milestones for the proposal for bilateral assessment**

Key Stage of Proposal	Agreed Milestone
EPA approval of ESD Document	mid May 2014
Proponent submits PER Document	late May to early June 2014
EPA authorises release of PER Document	early June 2014
Proponent releases approved PER Document	early June 2014
Public Review of PER Document (four weeks)	June to early July 2014
OEPA summarises Public Submissions	mid July 2014
Proponent provides response to Public Submissions	late July 2014
OEPA reviews response to Public Submissions	mid August 2014
OEPA assesses proposal for consideration by EPA	late August 2014
Preparation and finalisation of EPA Report (including consultation on draft conditions with proponent and key Government agencies)	early September 2014

## 2.6 Decision Making Authorities

At this preliminary stage, the EPA has identified the following Decision Making Authorities (DMAs) (see Table 3). These Decision Making Authorities are constrained from making any decision that could have the effect of causing or allowing the proposal to be implemented. Throughout the assessment process further DMAs may be identified.

**Table 3: Nominated Decision Making Authorities**

Decision Making Authority	Relevant Legislation
Minister for Fisheries	<i>Fish Resources Management Act 1994</i>
Minister for Environment	<i>Wildlife Conservation Act 1950</i>

DMAs are not prevented from parallel processing, up to the point of their decision, so that their views can inform the ministerial consultation process.

### **3. Preparation of the Environmental Review Document**

Guidance on the recommended format for the Environmental Review document is detailed through Attachment 1 of this document. Further guidance material including the Environmental Assessment Guidelines (EAG) mentioned can be found on the Environmental Protection Authority's (EPA's) website at [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

When the EPA is satisfied with the standard of the environmental review document (see EAG 6 Section 4.3) it will provide a written sign-off, giving approval to advertise the document for public review. The review document may not be advertised for release before written approval is received.

The proponent is responsible for advertising the release and availability of the PER in accordance with the guidelines which will be issued to the proponent by the OEPA. The EPA must be consulted on the timing and details for advertising the document.

Figure 1- Location of the Metropolitan Marine Monitored Area

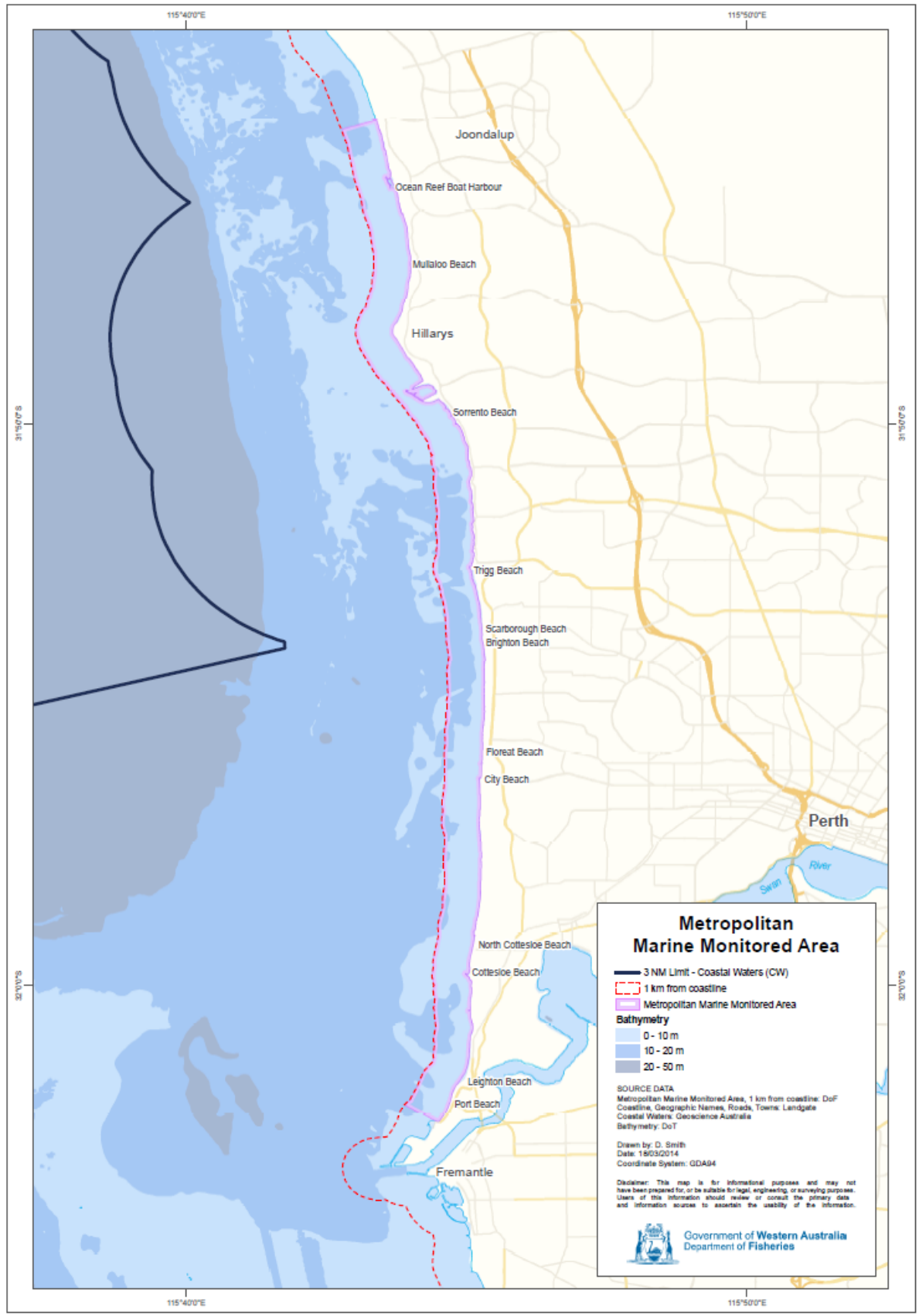
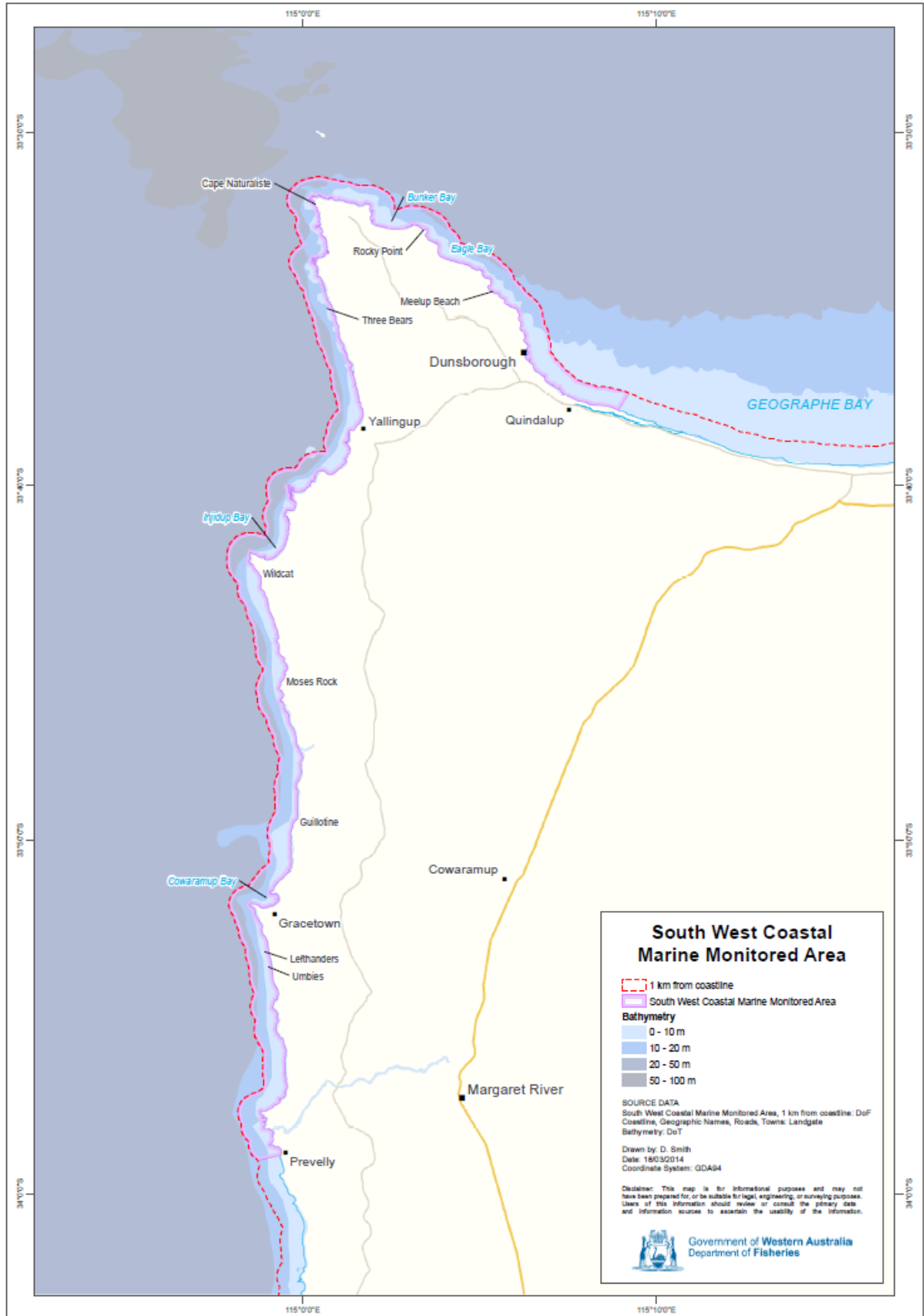


Figure 2- Location of the South West Marine Monitored Area



**Attachment 1**

**Guidelines for Preparing a Public Environmental Review**



# Guidelines for Preparing a Public Environmental Review

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Attachment 1	Example of the invitation to make a submission
Attachment 2	Advertising the environmental review
Attachment 3	Example of the newspaper advertisement
Attachment 4	Air quality and air pollution guide

**These generic guidelines are provided to assist the preparation of the proponent’s environmental review document.**

**Project specific information related to the proposal, environmental factors, impacts, management, consultation and proposed investigations are required to be outlined in the environmental scoping document prepared by the proponent (refer to [www.epa.wa.gov.au/](http://www.epa.wa.gov.au/) ). The environmental scoping document, along with these generic guidelines, comprise the EPA-agreed project guidelines.**

**The environmental review document must address all elements of the agreed environmental scoping document and these guidelines prior to approval being given to commence the public review. Where relevant, the environmental review document must also address any requirements of the Commonwealth under the *Environment Protection and Biodiversity Conservation Act 1999* (refer to the Department of Sustainability, Environment, Population and Communities website at [www.environment.gov.au/](http://www.environment.gov.au/)). The Commonwealth may, through bilateral agreements, delegate to the State the responsibility for conducting assessments consistent with the provisions of the agreement. The Environmental Protection Authority (EPA) expects the proponent to fully consult with interested members of the public and relevant stakeholders, and to ensure that any other key environmental factors, which may be of interest to the public and stakeholders, are addressed. The environmental review should document the results of all consultation undertaken.**

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## Guidelines for preparing a Public Environmental Review

### 1. Overview

All environmental reviews have the objective of protecting the environment. Environmental impact assessment is deliberately a public process in order to obtain broad ranging advice. The review requires the proponent to:

- describe the proposal;
- describe the receiving environment;
- outline the potential impacts of the proposal on factors of the environment;
- identify the proposed management strategies to ensure those environmental factors are appropriately protected;
- address the principles of environmental protection; and
- demonstrate that the proposal should be judged by the EPA to be environmentally acceptable.

Throughout the assessment process it is the objective of the EPA to help the proponent to design the proposal to improve the protection to the environment. The Office of the EPA administers the environmental impact assessment process on behalf of the EPA Board.

The primary purpose of the environmental review is to provide to the EPA information on the proposal within the local and regional framework, with the aim of emphasising how the proposal may impact the key environmental factors and how those impacts may be mitigated and managed so as to be environmentally acceptable.

How the proponent will outline the environmental setting of the proposal, address environmental principles and issues/factors and their management, and undertake consultation during the preparation of the environmental review are required to be described in the Environmental Scoping Document (ESD).

To assist proponents, the EPA has published a series of *Environmental Assessment Guidelines*, *Environmental Protection Bulletins*, *Position Statements* and associated *Guidance for the Assessment of Environmental Factors* which provides an indication of the EPA's views on matters of environmental importance and expectations about how to address specific factors. Proponents should ensure that they are aware of and utilise the information in these documents.

The language used in the body of the environmental review should be kept simple and concise, noting that the audience includes non-technical people, and any extensive, technical detail should either be referenced or appended to the environmental review. The environmental review will form the legal basis for the Minister for Environment's approval of the proposal and therefore the environmental review should include a description of all the main and ancillary components of the proposal.

Information used to reach conclusions should be properly referenced, including personal communications. Such information should not be misleading or presented in a way that could be construed to mislead readers. Assessments of the significance of an impact should be soundly based rather than unsubstantiated

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opinion, and each assessment should lead to a discussion of the management of the environmental factor.

## **2. Objectives of the environmental review**

The objectives of the environmental review are to:

- place this proposal in the context of the local and regional environment;
- adequately describe all components of the proposal, so that the Minister for Environment can consider approval of a well-defined project;
- provide the basis of the proponent's environmental management program, which shows that the environmental impacts resulting from the proposal, including cumulative impact, are minimised and can be acceptably managed;
- communicate clearly with stakeholders (including the public and government agencies), so that the EPA can obtain informed comment to assist in providing advice to government; and
- provide a document which clearly sets out the reasons why the proposal should be judged by the EPA and the Minister for Environment to be environmentally acceptable.

## **3. Preparation of the environmental review document**

Proponents are encouraged to maintain close contact with the Office of the EPA project officer during the preparation of the environmental review. The environmental review should be provided to the Office of the EPA project officer as a draft for comment. At this stage the document should have all figures produced in the final format and colours.

The proponent and Office of the EPA project officer/manager should agree on the time to be taken to review the draft, taking into account the level of consultation during the environmental review preparation, Office of the EPA project officer's availability, the need for external review and any peer review arranged by the proponent. Revision of the document may be requested to ensure that it addresses all topics and issues in these guidelines, can be read by the educated layperson, contains no significant error of science and meets the required format.

Where the proposal is subject to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, the environmental review should also address requirements under that Act. These can be obtained from [www.environment.gov.au](http://www.environment.gov.au).

When the EPA is satisfied with the standard of the environmental review document it will provide a written sign-off to the proponent, giving approval to advertise the document for public review. The review document should not be advertised for release before written approval is received.

Following approval to release the review for public comment, the final environmental review document should be provided to the Office of the EPA project officer in both hard copy and electronic form, including figures and spatial data in the required format.

Proponents are to prepare and publish the environment review and appendices in electronic format (CD and on the internet), although there remains the requirement



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for printed copies of the document. This should be discussed with the Office of the EPA project officer early in the preparation of the environmental review document.

#### **4. Contents of the environmental review document**

The environmental review document should include an executive summary, introduction and at least the following:

##### **4.1 The proposal**

###### **General requirements**

The environmental review document should provide a comprehensive description of the proposal including its location (address and certificate of title details where relevant). Specific matters requiring attention are:

- the identification of the proponent and proposal location;
- justification and objectives for the proposed development;
- the legal framework, including existing zoning and environmental approvals, and decision making authorities and involved agencies; and
- alternatives considered, including location options. This section should provide analysis of alternatives in the following hierarchy that moves from broad/strategic to increasingly narrow/project specific in nature:
  - Need/meeting needs – is this development needed? Consider no-action alternative.
  - Mode/meeting general goals – is this development proposal the best way to meet the general goal? Consider alternative technologies or options.
  - Location/meeting project objectives spatially – what is the best location for the project. Consider alternative locations with a view to minimising environmental impacts.
  - Timing/meeting project objectives temporally – what is the best sequence of development for components of the project?
  - Implementation mechanisms/designing project – What is the best way to optimise the project so as to minimise environmental impacts? Consider detailed site design, layout, technologies and mitigation strategies.

###### **Brief description of the proposal which is the subject of these guidelines**

A description of the proposal and location, in sufficient detail to enable readers to clearly understand the nature and scale of the proposal, and to support later discussion of impacts. This should include an outline of the various components of the proposal (including how this proposal relates to other operations or proposals).

Spatial data on the proposal and its location should be provided in the form of both hard copy maps and in accordance with the electronic requirements set out in the Referral Form, available on [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

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## Key characteristics of the proposal

The Minister's statement will bind the proponent to implementing the proposal in accordance with any technical specifications and key characteristics<sup>1</sup> in the environmental review document. It is important therefore, that the level of technical detail in the environmental review, while sufficient for environmental assessment, does not bind the proponent in areas where the project is likely to change in ways that have no environmental significance.

Include a description of the key components of the proposal, including the nature and extent of works proposed. This information must be summarised in the form of a table, an example of which follows:

**Table 1: Key characteristics (example only)**

Element	Description
Life of project (mine production)	< 5 yrs (continual operation)
Size of ore body	682 000 tonnes (upper limit)
Depth of mine pit	less than 30m
Water table depth	50m below ground surface
Area of disturbance (including access)	100 hectares
Mine operation	Daylight hours only, Monday to Friday
List of major components <ul style="list-style-type: none"><li>• pit</li><li>• waste dump</li><li>• infrastructure (water supply, roads, etc)</li></ul>	refer 'Plans, specifications, charts' section immediately below for details of map requirements
Ore mining rate <ul style="list-style-type: none"><li>• maximum</li></ul>	<ul style="list-style-type: none"><li>• 200 000 tonnes per year</li></ul>
Solid waste materials <ul style="list-style-type: none"><li>• maximum</li></ul>	<ul style="list-style-type: none"><li>• 800 000 tonnes per year</li></ul>
Water supply <ul style="list-style-type: none"><li>• source</li><li>• maximum hourly requirement</li><li>• maximum annual requirement</li></ul>	<ul style="list-style-type: none"><li>• XYZ borefield, ABC aquifer</li><li>• 180 cubic metres</li><li>• 1 000 000 cubic metres</li></ul>
Fuel storage capacity and quantity used	50 000 litres; 300 000 litres per year

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<sup>1</sup> Changes to the key characteristics of the proposal following final approval would require assessment of the change. Depending on the significance of the change, it would be assessed under either s45C if the environmental impacts are not significant, or section 46 or section 38 if the change is significant. Changes to other aspects of the proposal are generally inconsequential and can be implemented without further assessment. It is prudent to consult with the Department of Environment and Conservation about changes to the proposal.

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## **Plans, specifications, charts**

Provide adequately dimensioned plans showing clearly the location and elements of the proposal which are significant from the point of view of environmental protection. Locate and show dimensions (for progressive stages of development, if relevant) of all relevant components of the proposal.

Only those elements of plans, specifications and charts that are significant from the point of view of environmental protection are of relevance here.

Always include:

- a map showing the proposal in the local context - an overlay of the proposal on a base map of the main environmental constraints;
- a map showing the proposal in the regional context; and, if appropriate,
- a process chart / mass balance diagram showing inputs, outputs and waste streams.

The plan/s should include contours, north arrow, scale bar, legend, grid coordinates, the source of the data, and a title. The dates of any aerial photos should be shown. Mapping should be provided in electronic form to meet the following specifications:

- Datum: GDA94
- Projection: Geographic (latitude/longitude) or Map Grid of Australia (MGA)
- Format: Arcview shapefile (...shp), Arcinfo coverages, Microstation or AutoCAD (.dgn, .dwg, .dxf.)

## **Other logistics**

- timing and staging of project; and
- ownership and liability for other aspects related to the proposal, such as waste during transport, disposal operations and long-term disposal (where appropriate to the proposal).

## **4.2 The environment**

Provide a description of the existing environment in a local and regional context, with an emphasis on those aspects that may affect or be affected by the proposal, including:

- key ecosystem processes;
- biodiversity;
- existing site condition; and
- other environmental issues that may be constraints or fatal flaws to the proposal.

## **4.3 Environmental factors and principles**

The environmental review should focus on the key or more significant environmental issues and the environmental factors associated with these issues. The EPA has often combined several factors which have clear relationships into environmental issues or broadly interpreted a single factor to encompass a range of related

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impacts. These may be significant in a local, regional or cumulative context. Where this occurs, it is important that the factors are still identified.

The identification of key issues and key environmental factors for the proposal must be incorporated into the proponent's environmental scoping document and agreed by the EPA.

The EPA has prepared a *Guide to Preparing an Environmental Scoping Document* and a *Guide to EIA Environmental Principles, Factors and Objectives* to assist proponents of proposals being formally assessed. These guides are available at [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

The environmental factors should be addressed within the environmental review document for the public to consider and make comment to the EPA. The EPA is required to address key environmental factors in its report to the Minister for Environment.

Reference to relevant *Environmental Protection Bulletins* and *Position Statements* and demonstration of compliance with associated *Environmental Assessment Guidelines* and *Guidance for the Assessment of Environmental Factors* should be included in the discussion about environmental issues/ factors.

The EPA expects the proponent to fully consult with interested members of the public and take due care in ensuring all other key environmental factors, which may be of interest to the public, are addressed.

Additional environmental factors may be identified during the preparation of the environmental review. These should be addressed in the PER. On-going consultation with the EPA and other relevant agencies is recommended. The Office of the EPA can advise on the recommended EPA objective for any new environmental factors raised. Minor matters which can be readily managed as part of normal operations for the existing operations or similar projects may be briefly described.

The EPA will expect to see a discussion of the extent to which best practice will be applied to the proposal and also an explanation of how the principles of environmental protection have been given attention, where appropriate.

Discussion under each environmental issue/factor should include:

- a description of where this factor fits into the broader environmental / ecological context (only if relevant - may not be applicable to all factors);
- a clear definition of the area of assessment for this factor;
- the EPA objective for this factor;
- a description of what is being affected - why this factor is relevant to the proposal and how is it significant;
- a description of how this factor is being affected by the proposal - the predicted extent of impact;
- a straightforward description or explanation of any relevant standards / regulations / policy;
- environmental evaluation - does the proposal apply best practice and does it meet the EPA's objective as defined above;

- if not, what environmental management is proposed to ensure the EPA's objective is met; and
- predicted outcome.

The proponent should provide a summary table of the above information for all environmental factors, under the three categories of biophysical, pollution management and social surroundings as shown in Table 2:

**Table 2: Environmental factors and management (example only)**

<b>Environmental Factor</b>	<b>EPA Objective</b>	<b>Existing environment</b>	<b>Potential impact</b>	<b>Environmental management</b>	<b>Predicted outcome</b>
<b>BIOPHYSICAL</b>					
vegetation	To maintain the abundance, diversity, geographic distribution and productivity of flora at species and ecosystem levels through the avoidance or management of adverse impacts and improvement in knowledge	Reserve 34587 contains 45 ha of community type 20b and 34 ha of community type 3b	Proposal avoids all areas of community types 20b and 3b	Surrounding area will be fully rehabilitated following construction	Community types 20b and 3b will remain untouched  Area surrounding will be revegetated with seed stock of 20b and 3b community types
<b>POLLUTION MANAGEMENT</b>					
Dust	To ensure that emissions do not adversely affect the environment or health, welfare and amenity of people and nearby land uses by meeting statutory requirements and acceptable standards	Light industrial area - three other dust producing industries in close vicinity  Nearest residential area is 800 metres	Proposal may generate dust on two days of each working week.	Dust Control Plan will be implemented	Dust can be managed to meet EPA's objective

## SOCIAL SURROUNDINGS

Visual amenity	To ensure that aesthetic values are considered and that measures are adopted to reduce visual impacts on the landscape as low as reasonably practicable.	Area already built-up	This proposal will contribute negligibly to the overall visual amenity of the area	Main building will be in 'forest colours' and screening trees will be planted on road	Proposal will blend well with existing visual amenity and the EPA's objective can be met
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### 4.4 Principles

The proponent should provide a table showing how consideration has been given to the principles of environmental protection, as shown in Table 3:

**Table 3: Consideration given to principles (example only)**

Principle	Relevant Yes/No	If yes, consideration
<p><i>1. The precautionary principle</i> Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In application of this precautionary principle, decisions should be guided by –</p> <p>(a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and</p> <p>(b) an assessment of the risk – weighted consequences of various options.</p> <p>(c)</p>	No	Investigations required to provide sufficient information to address potential environmental impacts.
<p><i>2. The principle of intergenerational equity</i> The present generation should ensure that the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations.</p>	Yes	See 3. Information on long-term emissions, greenhouse gas emissions, with respect to Guidance Statement No. 12.
<p><i>3. The principle of the conservation of biological diversity and ecological integrity</i> Conservation of biological diversity and ecological integrity should be a fundamental consideration.</p>	Yes	Flora and fauna surveys to be undertaken. DRF, TECs etc. to be checked. Quantity of vegetation loss.
<p><i>4. Principles relating to improved valuation, pricing and incentive mechanisms</i> (1) Environmental factors should be included</p>	No	

<p>in the valuation of assets and services.</p> <p>(2) The polluter pays principles – those who generate pollution and waste should bear the cost of containment, avoidance and abatement.</p> <p>(3) The users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste.</p> <p>(4) Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structure, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solution and responses to environmental problems.</p>		
<p>5. <i>The principle of waste minimisation</i> All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.</p>	<p>Yes</p>	

#### 4.5. Environmental management

The EPA expects the proponent to have in place an environmental management system (EMS) appropriate to the scale and impacts of the proposal, including provisions for performance review and a commitment to continuous improvement.

The system may be integrated with quality and health and safety systems and should include the following elements:

- environmental policy and commitment;
- planning of environmental requirements;
- implementation of environmental requirements;
- measurement and evaluation of environmental performance; and
- review and improvement of environmental outcomes.

A description of the environmental management system should be included in the environmental review documentation. If appropriate, the documentation can be incorporated into a formal environmental management system (such as AS/NZS ISO 14001). Public accountability should be incorporated into the approach on environmental management.

The environmental management system should include plans to manage the key environmental factors, define the performance objectives, describe the resources to

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be used, outline the operational procedures and outline the monitoring and reporting procedures which would demonstrate the achievement of the objectives.

## **5. Public consultation**

A description of the public participation and consultation activities undertaken by the proponent in preparing the environmental review should be provided. It should describe the activities undertaken, the dates, the groups/individuals involved and the objectives of the activities. Cross-reference should be made with the description of environmental management of the factors which should clearly indicate how community concerns have been addressed. Those concerns which are dealt with outside the EPA process can be noted and referenced.

## **6. Conclusion**

The environmental review document should indicate the proponent's view of the environmental costs and benefits of the proposal. This should be a synthesis of the preceding relevant information and aim to show how the proposal would achieve an overall net environmental benefit.

When presenting this synthesis, the proponent should note that the proponent's own commercial arrangements and aspects such as employment opportunities, including economic benefits that might accrue as a result of these, are not matters that the EPA can consider in its assessment.

Where relevant, the implications of the adoption in the proposal design and operation of best practicable measures to minimise environmental impacts should be mentioned. Proponents should also note how the proposal addresses the object and Principles set out in s4A of the EP Act.

Proponents are also requested to outline the basis upon which they believe the EPA should conclude that the proposal is environmentally acceptable.

## **7. Availability of the environmental review**

The EPA expects the proponent to provide copies of the PER for distribution free of charge to the EPA, Office of the EPA and relevant government agencies, local governments, libraries and other organisations.

The EPA expects copies of the environmental review documentation to be distributed through electronic means (CD and internet), but a number of printed copies will also be required. The specific number of copies required, the type of copy, and the means of distribution, are invariably case-specific and should be agreed with the Office of the EPA project officer/manager during the early stages of preparation of the environmental review document.



**Example of distribution requirements:**

		<b>Hard copy format</b>	<b>CD format</b>
<b>Supplied to EPA for:</b>			
	Library/Reading Room	2	5
	EPA Members	5	-
	Office of the EPA	3	2
	Minister	1	-
<b>Distributed by Proponent to:</b>			
Government Departments	Department of Environment and Conservation Regional Office	1	1
	Department of Water	2	1
	Department of Mines and Petroleum	2	1
	Department of Indigenous Affairs	1	1
Local Government Libraries	Shire	2	-
	J S Battye Library	3	-
	Shire Library	2	-
Others	Local Libraries	2	-
	Conservation Council of WA	1	-
	Interest Groups	1	-

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## Attachment 1

*The first page of the proponent's environmental review document must be the following invitation to make a submission, with the parts in square brackets amended to apply to each specific proposal. Its purpose is to explain what submissions are used for and to detail why and how to make a submission.*

*It is the EPA that is inviting submissions. Therefore the invitation should be distinguishable from the Proponent's environmental review document. This is achieved by printing the invitation on different coloured paper (from the environmental review document) and ensuring that no Proponent identifiers, such as name or logos, appear on the invitation, including in headers and footers.*

### Invitation to make a submission

The Environmental Protection Authority (EPA) invites people to make a submission on this proposal. Both electronic and hard copy submissions are most welcome.

[The proponent] proposes [brief description of proposal]. In accordance with the *Environmental Protection Act 1986* (EP Act), a Public Environmental Review (PER) has been prepared which describes this proposal and its likely effects on the environment. The PER is available for a public review period of [4] weeks from [date] closing on [date].

Comments from government agencies and from the public will help the EPA to prepare an assessment report in which it will make recommendations to government.

### Why write a submission?

A submission is a way to provide information, express your opinion and put forward your suggested course of action - including any alternative approach. It is useful if you indicate any suggestions you have to improve the proposal.

All submissions received by the EPA will be acknowledged. Submissions will be treated as public documents unless provided and received in confidence, subject to the requirements of the *Freedom of Information Act 1992* (FOI Act), and may be quoted in full or in part in the EPA's report.

### Why not join a group?

If you prefer not to write your own comments, it may be worthwhile joining a group interested in making a submission on similar issues. Joint submissions may help to reduce the workload for an individual or group, as well as increase the pool of ideas and information. If you form a small group (up to 10 people) please indicate all the names of the participants. If your group is larger, please indicate how many people your submission represents.

### Developing a submission

You may agree or disagree with, or comment on, the general issues discussed in the PER or the specific proposal. It helps if you give reasons for your conclusions, supported by relevant data. You may make an important contribution by suggesting ways to make the proposal more environmentally acceptable.

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When making comments on specific elements of the PER:

- clearly state your point of view;
- indicate the source of your information or argument if this is applicable;
- suggest recommendations, safeguards or alternatives.

### **Points to keep in mind**

By keeping the following points in mind, you will make it easier for your submission to be analysed:

- attempt to list points so that issues raised are clear. A summary of your submission is helpful;
- refer each point to the appropriate section, chapter or recommendation in the PER;
- if you discuss different sections of the PER, keep them distinct and separate, so there is no confusion as to which section you are considering;
- attach any factual information you may wish to provide and give details of the source. Make sure your information is accurate.

Remember to include:

- your name;
- address;
- date; and
- whether and the reason why you want your submission to be confidential.

Information in submissions will be deemed public information unless a request for confidentiality of the submission is made in writing and accepted by the EPA. As a result, a copy of each submission will be provided to the proponent but the identity of private individuals will remain confidential to the EPA.

The closing date for submissions is: [\[date\]](#)

The EPA prefers submissions on PER documents to be made electronically on its consultation hub at <https://consultation.epa.wa.gov.au>.

Alternatively, submissions can be

- posted to: Chairman, Environmental Protection Authority, Locked Bag 33, CLOISTERS SQUARE WA 6850, Attention: [\(project officer\)](#); or
- delivered to the Environmental Protection Authority, Level 4, The Atrium, 168 St Georges Terrace, Perth, Attention: [\(project officer\)](#); or

If you have any questions on how to make a submission, please ring the EPA assessment officer, [xxxxxx](#) on 6467 [xxxx](#).

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## **Attachment 2**

### **Advertising the environmental review**

The proponent is responsible for advertising the release and arranging the availability of the environmental review document in accordance with the following guidelines:

#### **Format and content of the advertisement**

The Office of the EPA should approve the format and content of the advertisement before it appears in the media. For joint State-Commonwealth assessments, the Commonwealth also has to approve the advertisement. The advertisement should be consistent with the attached example (Attachment 3).

Note that the Office of the EPA project officer's name should appear in the advertisement.

#### **Size**

The size of the advertisement should be two newspaper columns (about 10 cm) wide by about 14 cm long. Dimensions less than these would be difficult to read.

#### **Location**

The approved advertisement should appear in the news section of the Saturday or Monday edition of the main daily paper (*The West Australian*), and in the news section of the main local paper.

#### **Timing**

Within the guidelines already given, it is the proponent's prerogative to set the time of release, although the Office of the EPA should be kept informed. The advertisement should appear at the commencement of the public review period. For PERs with a review period in excess of 4 weeks, the same advertisement should appear again two weeks prior to the closure of the public review period. The advertisement should not go out before the report is actually available to the public, or the review period may need to be extended.

Throughout the public review period, the document should be freely available for distribution in both CD and hard copy forms and as a download from the proponent's website. If the document is unavailable during the review period, the submissions period will need to be extended to reflect the delays.

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## Attachment 3 Example of the newspaper advertisement

Proponent Name

Public Environmental Review

TITLE OF PROPOSAL

(Public Review Period: [date] to [date])

[Proponent] is planning to [brief description of proposal].

A Public Environmental Review (PER) has been prepared by the company to examine the environmental effects associated with the proposed development, in accordance with Western Australian Government procedures. The PER describes the proposal, examines the likely environmental effects and the proposed environmental management procedures.

[Proponent] has prepared a project summary which is available free of charge from the company's office address. The PER is available for examination on the following web site – [www.xxxxxxxx.com.au](http://www.xxxxxxxx.com.au).

Copies of the PER may be purchased for [\$10] from:

Company Name

Street

Suburb/Town WA Postcode

Telephone: (08) 9xxx xxxx

A CD version of the PER can be obtained from the above address.

Copies of the PER will be available for examination at:

- Department of Environment and Conservation  
Library/Reading Room  
4th Floor, The Atrium  
168 St Georges Terrace  
PERTH WA 6000
- Department of Environment and Conservation Regional/District Office - if appropriate  
[address]
- [Local Authority] public libraries
- J S Battye Library

Public submissions close on DATE

The EPA prefers submissions to be made electronically on its consultation hub at <https://consultation.epa.wa.gov.au>

Alternatively submissions can be

- posted to: Chairman, Environmental Protection Authority, Locked Bag 33, CLOISTERS SQUARE WA 6850, Attention: (project officer); or
- delivered to the Environmental Protection Authority, Level 4, The Atrium, 168 St Georges Terrace, Perth, Attention: (project officer).

If you have any questions on how to make a submission, please ring the EPA assessment officer, xxxxxx on 6467 xxxx.

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## **Attachment 4 Air quality and air pollution guide:**

The Department of Environment and Conservation (DEC) is frequently required to review assessments of the air quality impact of existing or proposed sources of air pollutants. This often occurs in the course of individuals or companies meeting their obligations under the *Environmental Protection Act 1986* (the EP Act), notably environmental impact assessment under Part IV of the EP Act or in relation to Works Approvals and Licences under Part V of the EP Act. Guidance notes have been prepared to provide an understanding of the DEC's expectations with respect to air quality modelling. These may be found at

<http://portal.environment.wa.gov.au/pls/portal/url/item/DCF0AF7CDA113864E03010AC6E055303>

## Attachment 2

### **MATTERS THAT MUST BE ADDRESSED IN A PER AND EIS (SCHEDULE 4 OF THE EPBC REGULATIONS 2000)**

#### **1 General information**

1.01 The background of the action including:

- (a) the title of the action;
- (b) the full name and postal address of the designated Proponent;
- (c) a clear outline of the objective of the action;
- (d) the location of the action;
- (e) the background to the development of the action;
- (f) how the action relates to any other actions (of which the Proponent should reasonably be aware) that have been, or are being, taken or that have been approved in the region affected by the action;
- (g) the current status of the action; and
- (h) the consequences of not proceeding with the action.

#### **2 Description**

2.01 A description of the action, including:

- (a) all the components of the action;
- (b) the precise location of any works to be undertaken, structures to be built or elements of the action that may have relevant impacts;
- (c) how the works are to be undertaken and design parameters for those aspects of the structures or elements of the action that may have relevant impacts;
- (d) relevant impacts of the action;
- (e) proposed safeguards and mitigation measures to deal with relevant impacts of the action;
- (f) any other requirements for approval or conditions that apply, or that the Proponent reasonably believes are likely to apply, to the proposed action;
- (g) to the extent reasonably practicable, any feasible alternatives to the action, including:
  - (i) if relevant, the alternative of taking no action;

- (ii) a comparative description of the impacts of each alternative on the matters protected by the controlling provisions for the action; and
  - (iii) sufficient detail to make clear why any alternative is preferred to another;
- (h) any consultation about the action, including:
- (i) any consultation that has already taken place;
  - (ii) proposed consultation about relevant impacts of the action; and
  - (iii) if there has been consultation about the proposed action — any documented response to, or result of, the consultation; and
- (i) identification of affected parties, including a statement mentioning any communities that may be affected and describing their views.

### **3 Relevant impacts**

3.01 Information given under paragraph 2.01(d) must include

- (a) a description of the relevant impacts of the action;
- (b) a detailed assessment of the nature and extent of the likely short term and long term relevant impacts;
- (c) a statement whether any relevant impacts are likely to be unknown, unpredictable or irreversible;
- (d) analysis of the significance of the relevant impacts; and
- (e) any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

### **4 Proposed safeguards and mitigation measures**

4.01 Information given under paragraph 2.01(e) must include:

- (a) a description, and an assessment of the expected or predicted effectiveness of, the mitigation measures;
- (b) any statutory or policy basis for the mitigation measures;
- (c) the cost of the mitigation measures;
- (d) an outline of an environmental management plan that sets out the framework for continuing management, mitigation and monitoring programs for the relevant impacts of the action, including any provisions for independent environmental auditing;
- (e) the name of the agency responsible for endorsing or approving each mitigation measure or monitoring program; and
- (f) a consolidated list of mitigation measures proposed to be undertaken to prevent, minimise or compensate for the relevant impacts of the action, including mitigation



measures proposed to be taken by State governments, local governments or the Proponent.

## **5 Other Approvals and Conditions**

5.01 Information given under paragraph 2.01(f) must include:

- (a) details of any local or State government planning scheme, or plan or policy under any local or State government planning system that deals with the proposed action, including:
  - (i) what environmental assessment of the proposed action has been, or is being carried out under the scheme, plan or policy; and
  - (ii) how the scheme provides for the prevention, minimisation and management of any relevant impacts;
- (b) a description of any approval that has been obtained from a State, Territory or Commonwealth agency or authority (other than an approval under the Act), including any conditions that apply to the action;
- (c) a statement identifying any additional approval that is required; and
- (d) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.

## **6 Environmental record of person proposing to take the action**

6.01 Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which a person has applied for a permit, the person making the application.

6.02 If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

## **7 Information sources**

7.01 For information given the PER/EIS must state:

- (a) the source of the information; and
- (b) how recent the information is; and
- (c) how the reliability of the information was tested; and
- (d) what uncertainties (if any) are in the information.