

EPA Policy and Guideline Review: Feedback from members of the Environmental Consultants Association (ECA)

The Department of Water and Environmental Regulation Environmental Protection Authority (EPA) Services branch (previously Office of the EPA) completed a thorough review of policies and guidelines associated with Part IV of the Environmental Protection Act 1986 (EP Act) in late 2016. EPA Services has requested the Environmental Consultants Association (ECA) provide feedback on the revised policies and guidelines following the policies being in place for 12 months.

The ECA is a membership body representing practicing Western Australian Consultants with a committee that acts, in a voluntary capacity, on behalf of members. As part of this review the ECA committee consulted with members on the revised policies and guidelines to identify members' experiences and any areas of potential improvements.

The overwhelming feedback from members of the ECA is that the revised policies and guidelines have been beneficial and assist in the development of better environmental review documents. Members have mentioned numerous examples of the benefits of the revisions to the policies and guidelines, including:

- the logical separation of process and science
- improved transparency on how the EPA will determine significance and criteria that can be used by practitioners
- clear straight-forward language in the revised guidance also improves the understanding of assessments
- consistency of language and structure between different guidelines and policies.

In addition to the revised guidelines, members also noted that the availability of senior EPA Services staff to attend meetings with proponents and consultants as a key strength of the assessment process and something that is greatly appreciated by our members and their clients. More broadly, feedback has also been that staff have also been very knowledgeable on the changes to guidelines.

The following list notes feedback that may be of assistance in the review of the guidance material so as to improve process. These comments have been provided in a manner not intended in any way a criticism of the revised guidelines and policies.

1. Numbering of guidelines

A substantial number of guidelines were released in December 2016. When writing reports that reference these guidelines it is often necessary to reference EPA 2016a, 2016b....). By having such similar references it is potentially confusing and affects readability. It is also time consuming to change references (i.e. so that that they appear in sequential order) if changes are needed in the document that affect the order in which the references are introduced.

It would be of assistance if the guidelines can have a number as well. It is noted that page 143 of the Quinlan Review has the following recommendation:

6.90 The instruments in this level should be arranged numerically within the category of the particular factor, so that its placement within the hierarchy is clear. More importantly, the content of the instruments should explicitly link back to the principles and objectives identified for that factor in the

overarching policy (as suggested, the “Environmental Impact Assessment: Key Factors, Principles and Objectives Policy”).

2. Cost of advertising

Previously public advertising of Environmental Reviews were located in the public notices. The “Instructions for the advertising requirements and release of a document for public review” require that:

Advertisement to be published in the Early General News section of the main daily newspaper (The West Australian), Saturday or Monday edition, and in the news section of the main local newspaper at the start of the public review period.

In comparison to the public notices section of the newspaper, advertising in the Early General News section is substantially more expensive. Often these advertisements are also adjacent to news articles on political or current affairs, which have the potential to affect or detract from the assessment.

It would be more appropriate if the advertising could be placed in the public notices section.

3. Procedures manual flow chart readability

The Procedures Manual contains a substantial amount of information and is thorough in providing the necessary steps and details required. By focusing on the requirements of each step, while useful, it makes it difficult for readers to understand how each step fits together and what the total timeline of a project may be.

It would be of assistance if there is additional material added to the procedures manual to provide an overview of an entire process.

4. Consideration of wetlands

Consideration of wetlands within the factor guidelines is an aspect that still remains difficult for assessments. It is noted that, while there was no previous guidelines on wetlands, this is an area that would be of benefit to practitioners in terms of how impacts are assessed in order to improve consistency across assessments.

5. Minor factor and holistic impact assessment

Some additional clarification regarding the level of detail required for an assessment of Other Environmental Factors, and the type of information to be presented in the Holistic Impact Assessment section of an ER document, would be useful.

6. Required Work section of Environmental Scoping Documents

The Required Work items identified in some ESDs are, for some projects, highly prescriptive and pre-empt the outcomes of the impact assessment. These sections are acknowledged as difficult to write; however, where they are repetitive or unclear it makes it difficult to structure an Environmental Review document in a logical and readable manner.

7. Social surrounding

It is noted that EIA in relation to the Social Surroundings factor will continue to be an evolving area of impact assessment and that additional clarity regarding the following points may only come with time. However, the guidance regarding the ‘Information required in EIA’ is limited to the established considerations of dust, noise, visual impact assessment etc. Some additional guidance on presenting economic impacts (associated with an environmental impact) or social impacts relating to the more subjective elements of amenity such as loss of amenity in low population wilderness areas would be useful. The challenge of assessing the significance of impacts on amenity is acknowledged.

8. Implications of the removal of rehabilitation as a factor

Section 2.1.2 of the Guideline for preparing Mine Closure Plans (May 2015) identify that the EPA formally assesses mine closure plans:

... where the EPA considers that there is a significant impact or risk and identifies Rehabilitation and Closure as a preliminary Key Integrating Factor of a proposal (EPA 2013a). Where the EPA assesses the key environmental factor of rehabilitation and mine closure as part of the EIA process, proponents will need to provide sufficient information on rehabilitation and closure, as part of their EIA documentation.

With the removal of Rehabilitation as an Environmental factor further guidance is required as to when the EPA would assess Mine Closure Plans.
