

## **Environmental Impact Assessment Processes Review**

### **Stakeholder Reference Group Meeting held at 9.30 am on 18 August 2008**

#### **Notes**

**Present:**

**Members:** Paul Vogel, (Chair); Doug Koontz (AMEC); Gordon Baird (APPEA); Greg Kaeding (CCI); Piers Verstegen (CCWA); Gavin Price (CME); Graham Cobby (DoIR); Mike Mouritz to Item 6 (DPI); Barbara Brown (ECA); Warren Tacey (EIA Div. DEC); Cam Kneen (ODAC); Steve Rolls, (UDIA); Paul Gamblin (WWF)

**Observers:** Darren Brown (AMEC); Richard Ellis (APPEA); Tim Nicoll, Nick Dunlop (CCWA); Aileen Murrell, Trent Leach (CME); Kim Anderson, Carmel Staniland (DoIR); Judy Harley (UDIA)

**Review Team:** Charlie Welker,

#### **1. NOTES OF MEETING 26 MAY 2008**

No comments were received on the notes of the previous meeting. The Chair provided an update on the actions from the last meeting.

#### **2. MOU WORKING GROUPS**

The DoIR MOU working group has met and an early draft of the proposed MOU between EPA and DoIR was tabled by the DoIR representative reflecting the new MOU structure. Comments received from members included:

- circumstances have changed with the introduction of mining proposals which better address environmental issues thereby potentially reducing referrals to EPA
- need to address openness and transparency of processes in the MOU
- incorporate risk-based approach
- develop case studies
- address strategic assessment

A further meeting of the working group is required to progress the formulation of the MOU and schedules.

The DPI MOU working group has met and has focused on addressing the issue of the number scheme referrals and the assessment of pre-1996 urban and industrial zoned land. The current system of referral provides certainty and is legislated. There appears little merit in changing the current arrangements of referral and consideration by the EPA.

The assessment of pre-1996 zoned land is being addressed as a priority and a proposal is being developed for presentation to the Ministers for Environment and Planning and Infrastructure. This proposal will also address Commonwealth interests arising from EPBC Act considerations.

Action 1: Convene a meeting of the DoIR Working Group to progress the preparation of the DoIR MOU.

Action 2: Complete the proposal for addressing the assessment of pre-1996 zoned land

Action 3: Convene the DPI working group to progress the preparation of a new MOU with DPI/WAPC and the proposal re pre-1996 zoned land.

### 3. PROGRESS OF EIA REVIEW

A brief summary of progress of the review was provided by the Chair. Issues raised during the discussion of progress included:

- need a tracking system for projects in the approval process which is accessible to the public. The Commonwealth DEWHA operates a system which is publically accessible
- DEC is responsible for the current system and would need to develop any future system to satisfy EPA and community needs
- EPA does have a spreadsheet on the web providing information on projects in the EIA process
- EPA will be taking a greater interest in compliance with conditions in order to ascertain effectiveness

Action 4: EIA Review to consider the development of project tracking system which is accessible to the public.

### 4. REVIEW OF POLICIES

**Marine policies** – Two meetings held and review report due to go to the EPA in September.

**Greenhouse gases** – Draft policy to be finalised in September.

**Offsets** - Draft Policy will go out for review in September.

**Wetlands** – Awaiting for completion of DEC work on buffers before progressing. Request for quotes for this work have been issued by DEC.

### 5. REFORM OF EIA PROCESS

5.1 **Resourcing** – Conservation Council of WA tabled a paper on principles for risk-based assessment and resource implication of participating in the process. It was agreed that the Chair would meet with the CCWA to discuss resourcing proposals

Action 5: Chair of EPA to meet with the CCWA to discuss resourcing of NGOs.

5.2 **Strategic Environmental Assessment** – Members indicated in principle support for the approach in the paper. A number of comments were made including:

- how NRM is considered in SEA process is uncertain
- there needs to be third party involvement and appeal rights
- establish triggers for SEA
- application to fisheries
- difficult to have strategic proposals with multiple proponents
- Chamber of Minerals and Energy is collecting/pooling growth data from its members

Action 6: Members to provide comments on the paper by 25 August.

5.3 **Administrative procedures** – An early draft of administrative procedures based on the changes to the level of assessment has been prepared

5.4 **S. 45C issues** – The Chair provided an outline of issues that have arisen from recent s.45C applications including:

- cumulative impacts need to be considered
- splitting of proposals which will add to EPA workload
- applications for changes that are really new proposals and not insignificant changes to original proposals.
- lack of transparency of the s. 45C process means a cautious approach to approval of changes is required.
- there is backlog of s. 45C which is causing some concern.

Action 7: EPA to prepare guidelines for the s. 45C applications and determine additional resource requirements for processing backlog of applications.

5.5 **Application of risk-based approach** – A document is being prepared outlining the EPA expectation as to risk-based EIA. CCWA tabled a document describing its expectations of a risk-based EIA and principles for NGO involvement in the process. Further discussions on these proposals will be held with sub-group of the SRG including members from CCWA, WWF, CME, APPEA, AMEC, CCI and UDIA.

Implementation of a standard approach to risk-based EIA facilitated by the use of accredited consultants was suggested.

EPA will be trialling risk-based assessment on more complex proposals.

Action 8: Complete the risk-based EIA paper for consideration by EPA and circulation to SRG members.

Action 9: Chair to convene a meeting of a sub-group of SRG members to discuss NGO involvement in a risk-based EIA.

5.6 **Outcome-based conditions** – EPA has been implementing this approach in recent assessments.

5.7 **Review report and roll out of review outputs** – An Implementation Plan is being prepared by the Review for completion by early September. Implementation will take some time as there are number of guidelines and policies to be prepared which will have internal resource implications.

The review report is due for completion in September/October.

## 6. FUTURE ROLE OF SRG

The meeting agreed that SRG has an ongoing role in the implementation of the review outputs and in the development of policies and guidelines. The EPA will rationalise its existing stakeholder advisory groups.

## 7. NEXT MEETING

The next meeting will be held in October. The time and date is to be advised.