

# Environmental Impact Assessment Processes Review

Stakeholder Reference Group Meeting held at 9.00 am on 5 May 2009

## Draft Notes

### Present

**Members:** Paul Vogel (EPA - Chair); Doug Koontz (AMEC); Greg Kaeding (CCI); Gavin Price (CME); Phil Gorey (DMP); Barbara Brown (ECA); Bill Biggs (DSD); Angus Morrison-Saunders (Murdoch University); Steve Rolls (UDIA); Mark Batty (WALGA); Jim Dodds (DoH); Piers Verstegen (CCWA); Petrina Raitt (APPEA)

**Observers:** Richard Ellis (APPEA); Cara Babb (CME); Aileen Murrell (CME); Simon Bennison (AMEC); Judy Harley (UDIA); Colin Murray (EPA SU)

**Apologies:** Gary Prattley (WAPC), Eric Lumsden (DPI), Paul Gamblin (WWF), Mike Allen (DPI), Warren Tacey (EPA SU)

**Review Team:** Michelle Andrews (EPA SU)

### Item 3. NOTES OF MEETING 19 NOVEMBER 2008

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

Action 1: EPA and DMP to finalise MoU - will be discussed later in the meeting.

Action 2: EPA to prepare proposal for addressing the assessment of pre-1996 zoned land.

Action 3: EPA to arrange meeting of the working group to progress the preparation of a new MoU with DPI/WAPC to be convened when the proposal re pre-1996 zoned land is drafted.

Action 4: EPA to prepare guidelines for s45C applications.

Action 5: SRG should have an ongoing role - draft Terms of Reference will be discussed later in the meeting.

Action 6: EPA and DoH to establish a working group to progress the preparation of MoU consistent with the new draft health legislation.

Action 7: SRG members to consider and provide advice at the next meeting on environmental policy gaps in Western Australia.

### Item 4. EIA REVIEW FINAL REPORT

The Chair provided an overview of the EPA's final report. The report received widespread support.

The EPA identified four strategic issues for consideration by the Minister and the Ministerial Taskforce:

- project management
- management of environmental data
- funding of environmental NGOs

- EPA being given control of resources

## **Item 5. ANNOUNCEMENT BY MINISTER FOR ENVIRONMENT**

The Chair summarised the announcement of the Minister for Environment to establish two groups:

- Environmental Stakeholder Advisory Group to provide high level advice to the Minister on reforms in the environment portfolio. The Advisory Group will consider the outcome from three recent review – EIA Review, Clearing Regulations Review, Industry Working Group Review.
- Environmental Data Taskforce to provide advice to the Minister on a model and business case for improving the management of environmental information related to assessment and approvals processes.

SRG members made the following comments:

- The election commitment regarding reforms is broader than the Environmental Protection Act
- The Minister should consider including Health representation on the Environmental Advisory Group
- DoH is developing a similar data management project (EPA SU is represented on committee)

Action 8: The Chair will discuss suggestion that the Environmental Advisory Group includes Health representation.

## **Item 6. APPROVALS PROCESSES REVIEW**

The Chair provided an update on the Government's approvals processes review.

SRG members made the following comments:

- There is a preference for the Industry Working Group's (IWG) report to be released to the public to enable discussion and debate
- The Premier and Minister Moore will decide on the process for releasing the IWG report

## **Item 7. ONGOING ROLE FOR SRG – REVISED TERMS OF REFERENCE**

The Chair commented that SRG has proved enormously useful for the EPA throughout the EIA Review. The EPA's preference is to take the group to another level. Draft Terms of Reference have been developed. In addition, it is suggested that the membership be expanded to include NRM representation.

SRG members made the following comments:

- The SRG should focus on strategic and higher level policies and processes, eg the clearing regulations. Consider broadening the Terms of Reference to cover these sorts of issues
- The SRG should not replace other means of engagement and consultation
- Need to resolve eNGO operational issues
- Consider peak public health group representation

Action 9: SRG members to provide comment on draft Terms of Reference to Michelle Andrews.

Action 10: EPA to confirm Terms of Reference and advise members of existing reference panels.

Action 11: EPA to write to the Chair of the NRM Council regarding representation on the SRG.

## **Item 8. EIA REVIEW – DRAFT IMPLEMENTATION PLAN**

The Chair outlined the EIA Review implementation plan, and highlighted importance of resourcing. A priority will be increasing information on effectiveness, particularly through targeted compliance auditing of projects.

SRG members made the following comments:

- Resourcing is critical. Limited resources will result in limited flexibility
- SRG interested in assisting with the development of performance indicators
- Compliance auditing is an important issue for the community
- Risk-based approach and outcome-base conditions involve a complete change in approach and need to resource implementation to get long-term gains
- SRG members may be able to assist by emphasising the importance of resourcing with the Government
- Need to ensure resources are not wasted – risk-based approach is expected to deliver more efficient use of resources
- Completion dates are very optimistic, need to prioritise
- Communication strategy important
- Some initiatives should be referred to SRG, others should be implemented
- Some timelines are meaningless, eg strategic assessment
- Strategic assessment, including administrative procedures, a priority for the SRG
- Need to increase frequency of SRG meetings
- Outcome-based conditions and parallel processing important for land development sector

Action 12: EPA to discuss resourcing with the DG of DEC, and the Minister

Action 13: SRG members to emphasise importance of resourcing with the Government

Action 14: EPA and SRG to identify reforms to be referred to SRG

Action 15: EPA to ensure SRG meets frequently

Action 16: UDIA to recommend suitable land development project for risk trials

## **Item 9. EPA/DMP MEMORANDUM OF UNDERSTANDING**

Michelle Andrews and Phil Gorey provided an update on the revision of the EPA/DMP MoU.

SRG members made the following comments:

- Need to consider whether it is better to defer finalising the revised MoU while other reviews are pending
- The MoU gives effect to the requirement on DMAs to refer significant proposals. It is hope that this requirement will be maintained, in which case the MoU would remain relevant
- It is important that a more collaborative approach is built between EPA and DMP
- CCI, CME, AMEC and CCWA are interested in commenting on the draft MoU.
- The revised MoU may be a model for others

Action 17: EPA to ensure CCI, CME, AMEC and CCWA are consulted on the MoU.

#### **Item 10. RISK – BASED APPROACH TO EIA**

The Chair and Peter Walkington provided an overview of the trials being conducted on the approach outlined in the EIA Review report.

SRG members made the following comments:

- Critical aspect will be the consequence criteria
- Use communication/training to raise understanding of the approach very quickly
- Need to get fast decisions on what the key issues for a project are, and this decision needs to be made by the right people in the EPA SU
- It is recognised that eNGO involvement early is critical for the trials. The eNGO support for the reform process is based on the assumption that the risk-based trials will be done with proper engagement. It is important that the questions of resourcing of the eNGO's is resolved.
- CME and APPEA have raised this issue of eNGO resourcing with the Government

Action 18: EPA to make risk-based approach a standing item on the SRG agenda while it is being developed.

#### **Item 11. DRAFT BULLETIN ON PARALLEL PROCESSING**

The Chair and Sarah McEvoy provided an overview of the EPA's objectives in clarifying the requirements on Decision Making Authorities and the opportunities for parallel processing across government.

SRG members made the following comments:

- difficult to define decisions that are constrained, and those that are not. In the end is a judgement.
- Need to consider implications of heritage information being out-of-date by the time the Minister for Environment is consulting (may have been sitting with the Minister for Indigenous Affairs for 12 months)

Action 19: SRG members to provide comments to Michelle Andrews by COB 12 May.

**Item 12. OTHER BUSINESS**

No other business.

**Item 13. DATE OF THE NEXT MEETING**

To be confirmed.