

## **Environmental Impact Assessment Processes Review**

**Stakeholder Reference Group Meeting held at 9am on 16 April 2008**

### **Notes and Responses to Matters and Issues raised**

**Present:**

**Members:** Paul Vogel, (Chair); Gordon Baird (Woodside) representing APPEA; Mark Batty, WALGA; Graham Cobby, DOIR; Paul Gamblin, WWF; Cam Kneen, ODAC; Doug Koontz, AMEC; Ian Le Provost, ECA; Angus Morrison-Saunders, University Sector; Mike Mouritz, DPI; Jason Hicks, UDIA; Tim Eckersley, CME, Chris Tallentire, CCWA; Kim Taylor, DEC.

**Observers:** Aileen Murrell CME, Richard Ellis (APPEA), Tim Nicoll (CCWA), Judith Harley, UDIA

**Review Team:** Charlie Welker

**Apologies:** Jeremy Dawkins, SPC; Greg Kaeding, CCI; Gavin Price, CME;

#### **1. NOTES AND RESPONSES TO MEETING 19 MARCH 2008**

The Notes of the meeting held 19 March 2008 were accepted with the following amendments:

- amend the wording of 4 “*no clear reason for EIA*” under Section 4.1 was requested as EIA does have a purpose.
- amend to Item 14 to make more clear.

Section 41 problems - ODAC has an interest and this issue is being currently being addressed by a Parliamentary Standing Committee.

Strategic environmental assessment – what is meant by strategic environmental assessment needs to be made clear.

Risk-based approach - assumptions still have to be made clear on how risk was determined. Roll out of approach to risk-based assessment will be important.

Response: Papers are proposed on section 41 issues and strategic assessment will be available for next SRG meeting. Roll out of risk-based approach is recognised as being important.

Actions: Prepare S.41 and strategic assessment papers for next meeting of SRG. Develop roll out program for risk-based assessment approach.

#### **2. WORK PROGRAM**

The work program was noted by members.

### 3. OUTCOMES OF EIA FORUM

Members felt that the EIA forum was generally successful and enabled the identification of key issues associated with the EIA process.

Some members commented that EPASU staff should not be taken away from unplugging “log-jams”.

A suggestion was made that the forum should be held on an ongoing basis once a year.

Response: Agree that an EIA forum should be held once a year.

Action: Hold an EIA forum once a year.

### 4. FORMATION OF WORKING GROUPS

The formation of working groups was supported. The following membership of the groups was recommended:

Minerals and Petroleum Working Group – CME, APPEA, AMEC, DoIR, EPASU, WWF, CCWA, ECA and ECA

Land Use Planning Working Group – DPI, EPASU, WWF, CCWA, WALGA, UDIA, HIA, ECA, City of Wanneroo.

Actions: Prepare of terms of reference for working groups and convene working groups.

### 5. REVIEW OF POLICIES

The policy framework was generally supported. Some specific comments from members were:

- audit of effectiveness of policies need to be included in the framework paper
- alignment with State Sustainability Strategy should be considered

Action: Policy framework paper will be amended to address an assessment of the effectiveness of policies.

The Terms of Reference (TOR) for marine policies review were generally supported but the TOR should make it clear that the review is not only concerned with issues raised by existing ports (proposed ports and perhaps other areas). Suggestions as to the potential membership of the review group for marine policies were:

- Ron Hutchison or Jes Fleming – dredging engineering experience (Ian Le Provost to supply contact details)
- WWF
- Paul Lavery, James Stoddard, Eric Paling – experience with different aspects of the marine environment

Actions: Consider membership suggestions and amend terms of reference to ensure review is marine policy review is broad enough.

## 6. IDENTIFICATION OF ISSUES AND OPPORTUNITIES

### 6.1 SCOPING OF ISSUES AND EXTENT OF INVESTIGATIONS FOR SCHEME ASSESSMENTS BY EPA

#### *Issues*

1. *Strategic environmental assessment of change in land use? Level of information required.*

Earlier the involvement of EPA in the planning process the better. These issues will be addressed by Land Use Working Group.

Action: Include strategic environment assessment in planning process in the Land Use Planning Working Group terms of reference.

### 6.2 SCOPE AND CONTENT OF EIA DOCUMENTS PREPARED BY PROPONENT AND ASSESSMENT OF IMPACT ASSESSMENT DOCUMENT SUITABILITY FOR PUBLIC RELEASE BY EPA

#### *Issues*

*Address only issues signalled by scoping document. Introduction of new issues. Management plans/management requirements/mitigation. Proposed conditions (outcome based). Input and role of advising agencies and EPASU. Risk based assessment approach. Management plans and management measures. Criteria for release. Timeline for assessment. Stop the clock.*

A number of comments were received from members:

- articulate management upfront in EIA document but being cautious about detail – need to reasonably demonstrate that outcome can be achieved
- need to specify assumptions
- where information is limited or a clear outcome cannot be specified , an adaptive management approach may be taken
- address “what if” scenarios
- be more rigorous in the screening of EIA documents against the scoping document
- no clear scope for ARI and EPS – EPS end up as a PER
- keep quick yes level of assessment
- excessive information required on closure in EIA documents
- cumulative impacts

Response: A review of the levels of assessment and the Administrative Procedures for impact assessment is underway. It is likely that both a quick “no” and “yes” levels of assessment will be retained but streamlined. Timelines will be developed for all steps on the EIA based on Keating Review implementation recommendations. A formal process for escalation of issues arising from the

application of the “stop the clock” mechanism or the introduction of new issues in the assessment process to more senior levels is required.

Action: Prepare paper on a review of the levels of assessment for presentation to SRG for comment. Administrative Procedures will be amended and presented to the SRG for comment. Prepare a paper addressing timelines for all steps in the EIA assessment process and “stop the clock” mechanism. Prepare an escalation protocol to address concerns about issues related to “stop the clock” mechanism and introduction of new issues.

### **6.3 RESPONSE TO SUBMISSIONS BY THE PROPONENT AND ASSESSMENT OF RESPONSE TO SUBMISSIONS BY EPA**

#### *Issues*

*Extent of response. Form and content. Treatment of public vs agency submissions, Timeline for assessment. Stop the clock. Introduction of new issues. Changes to the proposal.*

Response to submissions are often lengthy because of the need to cover all issues raised by the public irrespective as to whether the issues may be considered trivial or are already covered in EIA documents. Some members considered the submission process as valuable to community and a key component of the assessment process. A proforma for submissions may help the public to concentrate on key issues.

Response: Issues raised will be considered in Amendments to Administrative Procedures in particular the streamlining of the response to submissions process. Timelines will be developed for all steps of the EIA process based on Keating Review implementation recommendations. A formal process for escalation of issues arising from the application of the “stop the clock” mechanism or the introduction of new issues in the assessment process to more senior levels is required.

Actions: Amend Administrative Procedures and presented to the SRG for comment. Prepare a paper addressing timelines for all steps in the EIA assessment process and “stop the clock” mechanism. Prepare an escalation protocol to address concerns about issues related to “stop the clock” mechanism and introduction of new issues.

## **7. NEXT MEETING**

The next meeting will be on 13 May from 9-12 noon in the Level 8 conference room.