

THE ENVIRONMENTAL APPROVALS PROCESS

PRESENTATION TO THE EPA ON THE
ENVIRONMENTAL IMPACT ASSESSMENT REVIEW

Debra Goostrey
CEO, UDIA WA

BACKGROUND TO THE REVIEW

- UDIA review addressed the following issues:
 - The need for a strategic approach to assessment
 - Complexity and duplication of process
 - Legislative Changes
 - Wetlands
 - Threatened Ecological Communities
 - Acid Sulfate Soils
 - Resources and Culture

STRATEGIC APPROACH

ISSUES

- Timing highlighted by industry as primary issue
- Issues currently the subject of conditions of subdivision should have been considered and resolved prior to subdivision stage
- Process required to manage workload generated by all developments being considered by EPA

STRATEGIC APPROACH

RECOMMENDATION

- Develop formal procedure for referral of major projects to DEC and EPA at outline development plan/ structure planning phase

COMPLEXITY AND DUPLICATION

ISSUES

- Over-regulation = overly complex approvals system
- Duplication between agencies = lack of clarity as to which agency is responsible
- Policy preparation ad hoc and lacks transparency
- Draft policies implemented as final
- More than one agency named as clearing authority

COMPLEXITY AND DUPLICATION

RECOMMENDATIONS

- Minimise draft policies in decision making
- Introduce procedural guidelines for policy preparation
- Clarify roles and responsibilities of each agency
- No more than one agency as clearing authority per condition
- Appropriately worded conditions to avoid misunderstanding/ conflict

LEGISLATIVE CHANGE

ISSUES

- Fundamental issues with Environmental Protection Act (1986)
 - Out of date
 - Provides wide administrative and Ministerial discretions with little accountability (Section 41.2)
 - Lack of procedural fairness (Parts IV & V)

LEGISLATIVE CHANGE

RECOMMENDATIONS

- Procedural fairness guidelines should be published
- Part IV & V Appeals should be transferred to SAT
- Internal review process/ pathway for internal review of decision by senior members
- Agreed procedure for handling of informal referrals to EPA

WETLANDS

Issues

- Primary source of conflict
- Lack of transparent process or scientifically repeatable criteria for assessment
- No clear escalation pathway for issues resolution
- UDIA supports DPI wetland buffer policy through participation on the working group

WETLANDS

RECOMMENDATIONS

- Publish procedural guidelines for assessment and decision making procedure relating to wetlands
- Criteria for determining management categories should be revised
- Industry forum on wetlands
- UDIA supports current review of Environmental Protection (Wetlands) Policy

THREATENED ECOLOGICAL COMMUNITIES

ISSUES

- Process for identification and criteria for classification of vegetation communities as TEC's is not clear or transparent
- Difficult to obtain consensus on what is a TEC
- Conflict between levels of government in relation to species management

THREATENED ECOLOGICAL COMMUNITIES

RECOMMENDATIONS

- Undertake review of scientific criteria for TEC's with view to develop standard criteria
- Prepare guidelines for assessment and decision making process in relation to TEC's

RESOURCES AND CULTURE

ISSUES

- Shortage of qualified and experienced staff
- High staff turnover
- Officers need a better understanding of whole development process
- Need for customer focused and transparent decision making

RESOURCES AND CULTURE

RECOMMENDATIONS

- Allocation of adequate funding to recruit and retain staff
- Increase internal focus and resources for staff training and professional development
- Employ an industry liaison officer within DEC
- Increase transparent decision making based on policy to promote a greater customer service focus
- Introduce a case management system

KEY ISSUES

- **Timing** (the earlier the better)
- Improve **transparency** and **clarity** of process and assessment criteria
- Remove **duplication** by agencies
- Improve escalation and **appeals** process