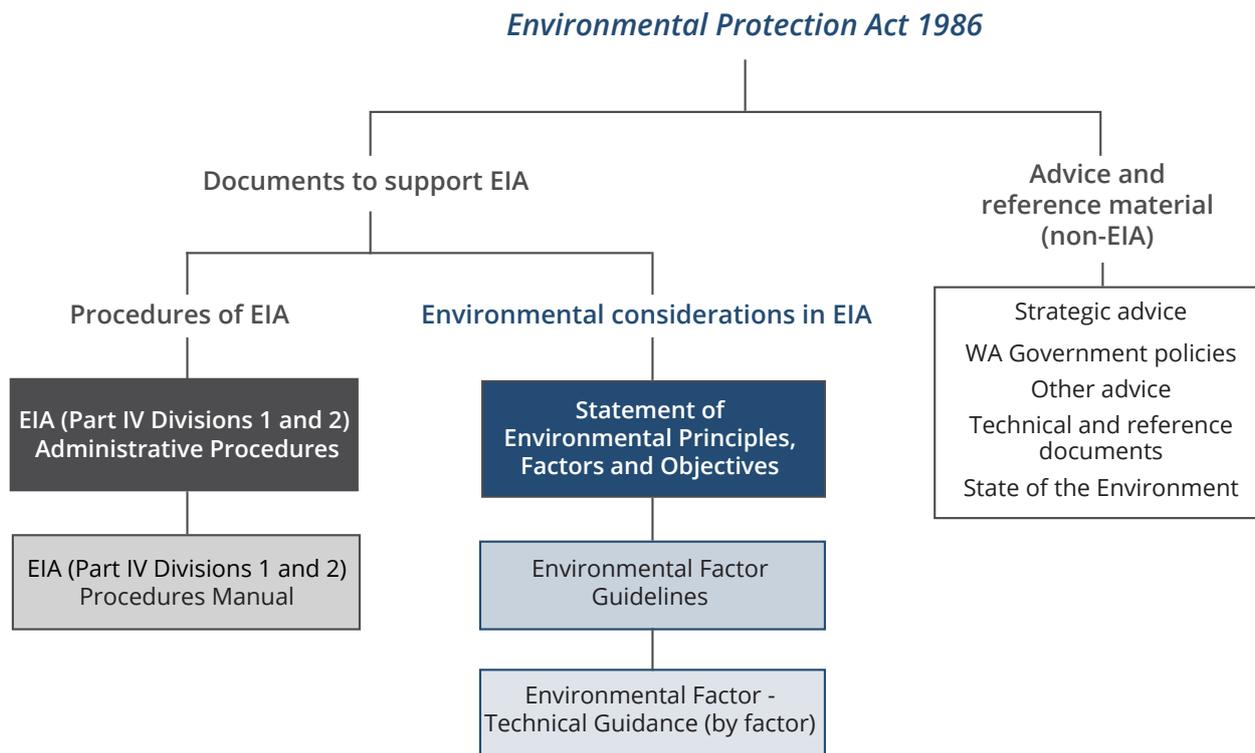


## Questions and Answers

# The EPA's Guidelines and Procedures Framework

### How are the EPA's new guidelines and procedures structured?



The framework separates the EPA's documents into two streams – those which apply to the EPA's environmental impact assessment (EIA) of proposals and schemes, and other documents published by the EPA to inform environmental management and protection.

The framework further separates the documents into two EIA streams – those related to the procedures and process of EIA, and those which relate to how environmental matters are considered in EIA.

Both EIA streams in the framework are structured in a hierarchical way.

For the procedures of EIA:

- The *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* is the highest level document under the *Environmental Protection Act 1986* (the Act). These procedures describe how the EPA undertakes EIA in accordance with the Act, and also describe post-statement processes.
- The *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* supports the Administrative Procedures, and contains more detailed information on each stage of the EIA process, including post-statement processes, with links to relevant instructions and forms.

For environmental considerations in EIA:

- The **Statement of Environmental Principles, Factors and Objectives** is the primary document under the Act. The Statement gives consideration to the principles of the Act and describes the factors and objectives that apply to EIA, and the matters the EPA considers in determining environmental significance of proposals and schemes.
- The **Factor Guidelines** further describe each of the environmental factors and associated objectives, and how each factor is considered through EIA. There is now one Factor Guideline for each factor.
- The **Technical Guidance** documents describe the methodologies and techniques which should be applied in preparing information for EIA. For some factors, no guidance has yet been prepared. For other factors, there may be more than one Technical Guidance.

## What are the main procedural changes to EIA?

The new Administrative Procedures contain strictly procedural content, closely mirror the Act, and describe EIA in five discrete stages.

The Administrative Procedures allow for flexibility in how a proposal is assessed, as provided for by the Act. However, there are three common levels of assessment, described in the Procedures Manual, and further discussed below.

The content of the Procedures Manual largely reflects the content of 13 former environmental assessment guidelines and environmental protection bulletins dealing with procedural matters. Background and duplicative information has been removed and some procedures simplified, resulting in 60% less content.

The Procedures Manual includes some changes to procedures to reflect the changes to levels of assessment. There is also increased transparency incorporated into the Procedures Manual, particularly in relation to publication of the proponent's response to public submissions on a proposal earlier in the assessment process.

## What are the main changes to guidelines on environmental considerations?

The *Statement of Environmental Principles, Factors and Objectives* includes some changes to environmental factors, and the environmental objectives for all factors have been revised to more closely align with the principles of the Act:

- The 'integrating factors' – Rehabilitation and Decommissioning; and Offsets – have been moved. Rehabilitation and Decommissioning is dealt with under relevant factor guidelines and technical guidance documents. Offsets are addressed in the Administrative Procedures and Procedures Manual.
- A new factor *Social Surroundings* includes the former factors of Amenity and Heritage.

The Statement also describes the matters that the EPA takes into account in determining significance. Some of these matters, which were previously described in administrative procedures, have changed.

The factor guidelines and technical guidance documents address similar matters as those covered in former EPA policies, but focus on the current practice of EIA. There is now a guideline for each environmental factor.

## What are the common levels of assessment?

The EP Act provides the EPA with a broad range of powers for determining what information is required to allow it to assess a proposal. Consistent with the Act, the Administrative Procedures maintain the flexibility for the EPA to choose the proposal-specific requirements that the EPA determines are necessary to assess the proposal.

However, the three most common levels of assessment are:

- **Referral Information** – where a proposal is assessed without the need to prepare an (additional) environmental review document
- **Environmental Review - no public review** – where an environmental review document is prepared but there is no public comment period
- **Public Environmental Review** – where an environmental review document is prepared and is available for public comment.

The EPA may also decide other assessment requirements. For example, to conduct a public inquiry (with the Minister's approval) or commission a peer review or a scientific report.

## Are there changes to the opportunities for public participation?

The opportunities for public participation have not changed. They remain as:

- Public comment on referrals
- Appeal on a decision to not assess a proposal (except if the decision includes a recommendation that the proposal be dealt with under the clearing provisions in Part V)
- Public comment on some proponent prepared environmental scoping documents
- Public comment on some environmental review documents
- Appeal on the EPA report.

The EPA is also increasing transparency during the assessment process. The EPA may release assessment information on its website during an assessment for information, such as changes to a proposal during assessment, the proponent's response to public submissions, and consents to minor and preliminary works.

## When do the new procedures and guidelines apply?

The Environmental Protection Authority will apply the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2016* from 13 December 2016 to all future proposals.

The new procedures will also apply to proposals currently being assessed, to the extent that it is appropriate and practicable to do so. If application of these procedures is neither appropriate nor practicable, the administrative procedures applying at the time the decision was made on the level of assessment for the proposal will apply to that proposal.

The *Statement of Environmental Principles, Factors and Objectives*, factor guidelines, and technical guidance apply to all proposals currently under assessment and all future proposals.

Staff of the OEPA will liaise with proponents to facilitate consideration of the new environmental guidance for proposals currently being assessed.

## What has happened to the EPA's former policies and how do they link to the new documents?

The EPA has replaced a number of environmental assessment guidelines, environmental protection bulletins, guidance statements, and position statements. Much of the content of the previous documents has been incorporated into the new policy framework. The attached table identifies the documents that have been replaced and how they link to the new guidelines and procedures framework.

The EPA has retained some documents which contain information relevant to protection of the environment. These documents are available on the EPA website under Non-EIA Advice and Reference Material.

## How will my proposal, already being assessed by the EPA, be affected?

Staff of the OEPA will consult with proponents to ensure they have an opportunity to comment on the implications of the new procedures and guidelines for proposals currently under assessment, so that they are not inappropriately impacted.

## Why does the assessment bilateral agreement with the Commonwealth Government no longer apply, and how will this affect my proposal?

The Assessment Bilateral Agreement between the Western Australian and Commonwealth Governments refers to the 2012 and earlier versions of Administrative Procedures. The Agreement requires amendment to reflect the 2016 Administrative Procedures. This process is not yet complete.

Proposals currently being assessed under the Bilateral Agreement will not be affected.

Until the Agreement is amended, the assessment of any new proposals that would otherwise have been assessed by the EPA under the Agreement will be individually accredited by the Commonwealth Government. This will not have any impact on proponents.

### More information

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REPLACED POLICY	LOCATION OF RELEVANT CONTENT IN NEW FRAMEWORK
<b>Procedural documents</b>	
EAG 1 – Defining the key characteristics of a proposal	Procedures Manual (and Instructions)
EAG 2 – Changes to a proposal after assessment - Section 45C	Procedures Manual (and Instructions)
EAG 6 – Timelines for EIA	Procedures Manual
EAG 10 – Scoping a proposal	Procedures Manual (and Instructions)
EAG 11 – Recommending environmental conditions	Procedures Manual
EAG 14 – Preparation of an API-A environmental review document	Procedures Manual (and Instructions)
EAG 16 – Referral of a proposal under section 38	Procedures Manual (and Instructions)
EAG 17 - Preparation of environmental management plans	Procedures Manual (and Instructions)
EPB 1 – Environmental Offsets	Procedures Manual
EPB 11 – Consultation on conditions	Procedures Manual
EPB 16 – Minor or preliminary works	Procedures Manual (and Instructions)
EPB 17 – Strategic and derived proposals	Procedures Manual
EPB 19 – EPA involvement in mine closure	Procedures Manual
<b>Environmental factor documents</b>	
EAG 3 – Protection of benthic primary producer habitats	Factor Guideline – Benthic communities and habitats  Technical Guidance – Benthic communities and habitats
EAG 7 – Marine dredging proposals	Factor Guideline – Benthic communities and habitats  Technical Guidance – Environmental impact assessment of marine dredging proposals
EAG 8 – Environmental Principles, Factors and objectives	Statement of Environmental Principles, Factors and Objectives
EAG 9 – Significance framework	Statement of Environmental Principles, Factors and Objectives
EAG 13 – Noise	Factor Guideline – Social surroundings

REPLACED POLICY	LOCATION OF RELEVANT CONTENT IN NEW FRAMEWORK
EAG 14 – Benthic primary producer habitat loss in and around Port Hedland	Technical guidance – Benthic communities and habitat
EAG 15 – Protecting the quality of WA's marine environment	Factor Guideline – Marine environmental quality  Technical Guidance – Protecting the quality of Western Australia's marine environment
GS 10 – Level of assessment for natural areas within System 6	Factor Guideline – Flora and vegetation
GS 28 – Protection of Lake Clifton catchment	Factor Guideline – Inland water environmental quality
GS 49 – Assessment of development proposals - Shark Bay World Heritage area	Procedures Manual
GS 51 – Terrestrial Flora and Vegetation surveys	Technical Guidance – Flora and vegetation surveys
GS 55 – Implementing best practice in EIA	Statement of Environmental Principles, Factors and Objectives, and some factor guidelines
EPB 2 – Port Hedland dust and noise	Factor Guideline – Social surroundings
EPB 5 – Inland drainage proposals in the wheatbelt	Factor Guideline – Inland water environmental quality  Factor Guideline – Hydrological processes
EPB 10 – Geraldton Regional flora and vegetation survey	Technical Guidance – Flora and vegetation surveys
EPB 13 – Albany Regional vegetation survey	Technical Guidance – Flora and vegetation surveys
EPB 18 – Sea level rise	Factor Guideline – Coastal processes
EPB 21 – Guidance for wind farms	Factor Guideline – Social Surroundings
EPB 23 – Landforms	Factor Guideline – Landforms
EPB 24 – Greenhouse Gas Emissions	Factor Guideline – Air quality
PS 2 – Environmental Protection of Native Vegetation	Factor Guideline – Flora and vegetation
PS 3 – Terrestrial Biological surveys	Factor Guidelines – Flora and vegetation, Terrestrial fauna  Technical Guidance – Flora and vegetation surveys
PS 4 – Environmental Protection of Wetlands	Factor Guidelines – Flora and vegetation, Hydrological processes, Inland waters environmental quality, Terrestrial fauna