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Via email: [betterregulatorypractice@dwer.wa.gov.au](mailto:betterregulatorypractice@dwer.wa.gov.au)

Dear Michelle

### **ENVIRONMENTAL PROTECTION AUTHORITY SUBMISSION ON THE GUIDELINES FOR ASSESSMENT OF ENVIRONMENTAL NOISE EMISSIONS**

Thank you for your invitation to the Environmental Protection Authority (EPA) to comment on the Guideline: Assessment of environmental noise emissions (Guideline).

The EPA considers noise emissions from significant proposals in the context of Part IV of the *Environmental Protection Act 1986* (EP Act) and the EPA's environmental impact assessment (EIA) procedures framework. The relevant Environmental Factor Guidelines for noise is Social Surroundings, and the EPA's objective for this factor is 'to protect social surroundings from significant harm'.

Amendments to the EP Act were passed by the Parliament of Western Australia in November 2020. The EPA is currently implementing amendments to Part IV through revisions to its Environmental Impact Assessment (EIA) procedure suite. One of the amendments to the EP Act will enable the EPA to take into account other statutory decision-making processes that can mitigate the potential impacts of a proposal on the environment. This is intended to reduce regulatory duplication, while ensuring strong environmental protection. The EPA considers that the Department of Water and Environmental Regulation (DWER), and the regulation of activities through Part V of the EP Act provides a strong foundation for implementing this provision.

The EPA provides the following comments in the context of the above.

While the focus of the Guideline is providing advice to applicants for works approval or licenses under Part V, it also provides technical support for EIA of proposals and schemes under Part IV of the EP Act.

It is recommended that the Guideline more clearly articulates consideration of the EIA process throughout the document. This can be achieved by:

- explicitly referring to the mitigation hierarchy which may be most appropriate in Section 7.1.
- including mention of consultation where appropriate and identify consultation as being an important part of Part IV assessments.
- amending Figure 2 to add steps addressing the mitigation hierarchy and consultation of stakeholders.
- adding mention of Part IV to Section 6.2 stating that the EPA will consider noise emissions from any proposal, regardless of source. Examples of noise assessed under Part IV could be included as dot points (e.g. regional airport, helipad, windfarm).

In order to clearly set out what is required for assessment of noise emissions, it is recommended that Figure 2 (and potentially Section 8) is brought forward in the Guideline. Further consideration could include aligning the Guideline structure with the EPA's Technical guidance for flora and vegetation survey, which sets out the survey or assessment requirements early in the document.

The EPA notes in the EP Act amendments the change in language in Part V Division 3 from prescribed premises to prescribed activities. The guideline could more clearly reflect this change and outline the implications of the change for proponents.

Language that pre-empts the outcome of an assessment should be avoided. It is recommended that the third paragraph of Section 2 is reworded.

A key action from the EPA's strategic plan 2019-2022 is to champion improvements to the assessment and management of cumulative impacts. It is welcomed that the Guideline provides advice in relation to cumulative impacts in Section 7.2.2 and 7.2.6.

Consideration should be given to encouraging peer review of noise modelling, analyses and assessments. This may be most appropriate where there is no clear approach such as cultural heritage soundscapes.

There are a number of further specific edits suggested as follows.

- Page 1 add 'and schemes' to the first dot point under the 'This guideline also provides technical support for:'
- Page 2 Recommend listing what the guideline does not apply to as dot points.
- Page 12 'EPA's objectives': be specific, state the factor and/or quote the objective
- Page 17 Consider including cultural heritage areas/sites to the last paragraph of Section 7.2.7.
- Page 22 Add the following to the list of DPLH (non-department) documents:  
State Planning Policy 5.1 Land use planning in the vicinity of Perth Airport and  
State Planning Policy 5.3 Land use planning in the vicinity of Jandakot Airport

### Conclusions

The EPA considers that this Guideline fills a gap in available noise emissions guidance. It will be useful for referring proponents for initial guidance on how noise emissions are assessed and expectations for preparing applications. It also provides DWER officers with a broader understanding of noise and its regulation.

The Guideline needs some refinement to cater for Part IV requirements and we have provided some suggestions to address this.

The EPA welcomes the opportunity to provide input on the draft Guideline.

Yours sincerely



**Matthew Tonts**  
CHAIR

27 August 2021