

ENVIRONMENTAL PROTECTION AUTHORITY SUBMISSION TO THE INFRASTRUCTURE WESTERN AUSTRALIA – STATE INFRASTRUCTURE STRATEGY DISCUSSION PAPER

13 August 2020

Background

Infrastructure Western Australia's (IWA) *State Infrastructure Strategy Discussion Paper* (the discussion paper) represents a key opportunity to shape a coordinated, considered and systematic delivery of infrastructure planning and prioritisation in Western Australia (WA) for the next 20 years.

The Environmental Protection Authority (EPA) welcomes IWA's inaugural delivery of a strategic, evidence-based, and bipartisan framework for WA. In doing so, the EPA notes that while Part IV of the *Environmental Protection Act 1986* (EP Act) provides for independent advice on matters including potential impacts to the environment, proponents of development, planners and the wider community benefit from clarity in government priorities, strategic initiatives and regulation. The EPA also has a statutory role associated with the environmental impact assessment (EIA) of significant infrastructure projects in WA. As such, while independent, EPA advice is developed with an understanding of how the State's policy and regulatory environment also serves to protect and enhance the environment.

It is in this context that we provide the following comments:

State Infrastructure Strategy Discussion Paper

The discussion paper outlines the short, medium and long-term options available to meet WA's infrastructure needs and priorities within a physical 'built' context and a collaborative governance 'non-built' context. The EPA has a particular interest in the potential environmental policy intersection related to the key objectives of the discussion paper, and provides the following comments in this regard.

- *Climate change* – Infrastructure planners and developers will need to factor climate change into their practices to ensure infrastructure projects are resilient and adaptable to a changing environment and ensure long-term sustainability is considered. This may include significant shifts and adaptations to traditional business models in infrastructure planning and development.
- *Land rehabilitation and restoration* – Land rehabilitation and restoration is continuing to evolve in both policy and practice and is particularly associated with offsets for infrastructure development. The recent interim report for the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* review highlighted the need for genuine objectives that aim to restore the environment. The infrastructure strategy should ideally embrace the opportunity to improve data capture and coordination of land planning and rehabilitation activities that will enhance environmental outcomes for the whole of the state.

- *Roadside and Remnant Vegetation* – Roadside and remnant vegetation has significant environmental and social value to the WA community, and its management is an important responsibility for a range of State and Local government agencies. There are significant inconsistencies in the approach to roadside and remnant vegetation management taken by these different agencies, and the evidence base that supports these practices is often not clear. The EPA considers that a more strategic and consistent approach to roadside and remnant vegetation management should be acknowledged in the infrastructure strategy given the strong interaction of infrastructure proposals and vegetation.

Discussion Paper Strategic Objectives

The EPA supports the proposed objectives the infrastructure strategy seeks to achieve. The EPA has particular interest in the development of the 'non-build' solutions as set out in the discussion paper and provides the following comments in this regard.

Cross government coordination and planning –

- The cross-sectoral considerations highlighted in the discussion paper have a noticeable gap in referencing the environment. The EPA strongly encourages the infrastructure strategy to capture the environment as a necessary sector for engagement. WA is recognised nationally and internationally for its pristine environment, which has strong economic ties to tourism, agriculture and pastoral sectors. Recognising these vital links between infrastructure and the environment is critical.
- The WA Government has embarked on a number of State-level strategies and policies in recent years. In order to support effective cross-government coordination and planning, relevant state strategies and policies should be explicitly considered in the development of the infrastructure strategy. Acknowledgement of State initiatives and policy positions such as the Native Vegetation Strategy, State Offsets Policy and draft State Climate Policy is encouraged in the infrastructure strategy.
- Infrastructure-based proposals are typically state-led initiatives in WA, resulting in the State Government being both the proponent and regulator within an environmental assessment context. The EPA strongly recommends that the infrastructure strategy recognises the need for government agency proponents to engage and consult early across-government on infrastructure proposals, particularly where infrastructure proposals may intersect with other government-led strategic initiatives and commitments.
- There are a number of significant reform initiatives underway for both State and Commonwealth legislation, which may have implications for delivering infrastructure projects in the future. The infrastructure strategy should be proactive in its engagement with the reform initiatives, particularly pertaining to proposed environmental and Aboriginal Heritage legislative changes. The infrastructure

strategy should consider how to embrace and adapt to potential changes such as cost recovery and bilateral agreements for environmental impact assessments.

- EIA and regulatory processes can be extensive for complex and contentious proposals. The EPA considers that government agency proponents have scope to innovate their culture and practices to support a robust and efficient delivery of future infrastructure proposals through the regulatory process. The infrastructure strategy should reflect this scope as a priority.

Embrace technology, data and digital connectivity –

- The EPA has identified and embraced the role of technology and data as key priorities to improving the robustness, soundness and transparency for the EIA process. This includes playing a pivotal role in the development and delivery of the State-Commonwealth Digital Environmental Assessment Program (DEAP), which aims to deliver an innovative digital EIA process to streamline environmental assessments.
- Inside and outside of the DEAP, the EPA continues to explore innovative concepts for improving EIA and regulatory processes in WA. This includes collaborating with State and Commonwealth governments to advance further digital disruption in the EIA process through decision making support tools and analytics. The EPA notes that these initiatives will form a valuable resource for a range of stakeholders, including IWA, in preparing its State Infrastructure Strategy.

Environmental sustainability –

- The EPA acknowledges the reference to sustainable fiscal management as a guiding principle; however, the EPA notes there is a gap for a comparable emphasis on ecological sustainability for the built environment. Future infrastructure proposals will increasingly be exposed to more public scrutiny, concern on environmental grounds during a project life-cycle.
- Noting the references to climate change and disruptive technologies, the infrastructure strategy should embrace the need to build smart infrastructure that encompasses sustainability of materials, energy efficiency, and is adaptive and resilient under a changing environment. Infrastructure strategy should require the built environment to consider innovation, responsiveness and adaptability into the future as part of long-term prudence and sustainability.

Conclusion

In summary, the EPA is supportive of IWA's innovative approach in developing the first state-wide State Infrastructure Strategy and commends the inclusion of non-build considerations reflected in the proposed objectives set out in the discussion paper.

The EPA welcomes this opportunity to provide input to the process and would similarly welcome the opportunity to provide input and expertise on the issues outlined above as the State Infrastructure Strategy is further developed. The EPA looks forward to establishing a productive relationship with IWA in this regard.