



Request for EPA consent to undertake minor or preliminary work under section 41A(3) of the *Environmental Protection Act 1986*

Instructions

Environmental Protection Authority

November 2021

Version	Change	Date
1.0	Version aligned with EP Act amendments 2020	5 November 2021

As EPA documents are updated from time to time, users should consult the EPA website to ensure they have the most recent version.

Environmental Protection Authority 2021,  
*Request for EPA consent to undertake minor or preliminary work under section 41A(3) of the Environmental Protection Act 1986*, EPA, Western Australia.

This document is available in alternative formats upon request.

National Relay Service

TTY: 133 677

(To assist persons with hearing and voice impairment)

### **More information**

EPA Services

Department of Water and Environmental Regulation

Prime House, 8 Davidson Terrace

Joondalup WA 6027

Locked Bag 10

Joondalup DC WA 6919

p: 08 6364 7000

e: [info.epa@dwer.wa.gov.au](mailto:info.epa@dwer.wa.gov.au)

w: [www.epa.wa.gov.au](http://www.epa.wa.gov.au)

## Purpose of these instructions

The proponent is prohibited from implementing their proposal or any part of it until the Minister has given the final approval and issued a Ministerial statement. However, some minor works may be allowed in certain circumstances.

Proponents must seek consent from the EPA under section 41A(3) of the *Environmental Protection Act 1986* (EP Act) if they wish to undertake minor or preliminary work during an assessment.

The purpose of this document is to assist proponents to provide the necessary information with their request to undertake minor or preliminary work.

## Purpose of EPA consent to undertake minor or preliminary work

Minor or preliminary work is work associated with the implementation of a proposal that is unlikely to have a significant impact on the environment and is not of a scale or significance that would compromise the EPA's assessment or the Minister's future decisions.

This includes any activities that a proponent would normally undertake if it was not prevented under section 41A(1) from doing anything to implement the proposal but does not include substantial implementation of the proposal.

Minor or preliminary work may include the construction of infrastructure for the proposal in an area that is unlikely to have a significant environmental impact. An example of this might be for an airstrip for survey access on previously cleared pastoral land.

If EPA consent is granted, the works can be carried out subject to the relevant decision-making authorities also having granted other necessary approvals, permits or licences (where required).

## How to prepare a request to undertake minor or preliminary work

### Proposal information provided to the EPA

The EPA needs sufficient information in the request to enable it to consider the proposed minor or preliminary work. The quality of information provided in the request, the nature of the work and the nature of the likely environmental effects associated with the proposed minor or preliminary work, may affect expected non-statutory timeframes. It may also affect the EPA's decision whether to approve the proposed works. There may be delays to expected non-statutory timeframes if adequate information is not provided, and the EPA may also require additional information.

Proponents should identify the need for minor or preliminary works as early as possible in the assessment process.

Proponents must demonstrate the following criteria for the EPA to consent to the minor or preliminary work:

- the work is minor or preliminary
- the work must be associated with the proposal's implementation
- the potential environmental impacts of the work are not likely to be significant.

## Advice

Refer also to the [Administrative Procedures](#) and [Procedures Manual](#) for more information about the processes relating minor or preliminary work.

Proponents may contact EPA Services, Department of Water and Environmental Regulation, if they need assistance to prepare a request.

The EPA may publish its decision on the EPA's website.

## Information to be provided in support of a request to undertake minor or preliminary work

If a proponent would like to request to undertake minor or preliminary work, the proponent must seek the EPA's approval and provide the EPA with the following information.

The following information is provided to assist proponents to complete the [Form – Request for EPA consent to undertake minor or preliminary work under s. 41A\(3\)](#). The following sections are aligned with the key headings in the form for ease of completion.

### PART A: Proponent information, and proposal description

#### 1. Proponent information

**Proponent name:** provide correct proponent name. Complete the details and provide an Australian Company Number (or Australian Business Number for government agencies).

**Who is requesting to undertake minor or preliminary work?** These instructions apply to a nominated proponent of a proposal. If the nominated proponent wishes to use an authorised agent, then an authorisation should be provided with the request to undertake minor or preliminary work.

**Request declaration:** For the EPA Services (on behalf of the decision-maker) to accept a request from a proponent, (or consultant on behalf of the proponent), it must be signed by an authorised person – either a CEO or a person with evidence to act on behalf of the organisation.

**Note:** If the referrer is responsible for the proposal but is not the nominated proponent, then a [Form: Change nominated proponent under s. 381](#) must be submitted with this Form.

#### 2. Pre-request discussions

Quote any applicable correspondence reference number and/or the EPA Services contact. Identify outcomes of any discussions with EPA Services at any meetings held prior to submitting the s41A(3) request.

#### 3. Proposal information

**Title of the proposal:** Provide the title of the proposal.

**Proposal description:** Provide the General proposal content description.

**Proposal content document:** Provide the Proposal content document for the Proposal. If there is no Proposal content document, the proponent is required to complete and submit the [Template: How to identify the content of a proposal](#) to outline the general proposal description and the proposal elements. This template should be completed and submitted with the request for minor or preliminary works.

**Location of proposed works:** Provide clear proposal information, including relevant maps, figures and spatial data. Maps and figures showing the location and area of the proposed works in relation to the

proposal boundaries (development envelope/s or footprint) should be attached to the request to undertake minor or preliminary work.

**Spatial data:** The EPA requires maps and figures with the request. Provide spatial data in GIS format that is geo-referenced and conforms to the following parameters:

- data type: closed polygons that represent the proposal boundary (development envelope) and the activity areas for all physical elements of the proposal (footprint)
- attribution: name the development envelope and each activity area in the attribute table of the spatial data
- format: ESRI geodatabase or shapefile
- coordinate system: GDA20 (datum) (or as updated) and projected into the appropriate Map Grid of Australia (MGA) zone.

Provide maps and figures that are clear and readable, of appropriate scale, in either jpeg or pdf format and of good resolution (greater than 300 ppi).

## PART B: Information regarding minor or preliminary works

### 1. Reason for and content of request

#### Details of the work proposed

To adequately define the work, the proponent will need to include a full description of the work, detailed spatial information on the location and area of the work and timing of work.

#### How is the work associated with the implementation of the proposal?

Provide information that demonstrates that the work is associated with the implementation of the proposal. Outline which Proposal element of the Proposal content document the work is implementing.

#### Explanation of why the work should be considered minor or preliminary

Provide justification why the work is considered minor or preliminary and will not substantially implement the proposal, as defined in the proponents Proposal content document.

#### Future decisions

Explanation of why the EPA's consent would not compromise the EPA's assessment of the proposal or the Minister's future decisions on the proposal.

### 2. Assessment of environmental impacts

#### Environmental impacts

Outline the relevant environmental factors likely to be impacted by the work and analyse the associated environmental effects caused or likely to be caused by the work. Minor or preliminary work must be limited to work that, of itself, is not likely to have a significant environmental effect requiring assessment by the EPA.

#### Environmental justification for the work

Outline why the minor or preliminary work is justified and necessary in relation to the environment. For example, preliminary work prior to implementation to avoid: breeding season; phytophthora spread during winter rainfall; the increased likelihood of erosion and washouts during winter rainfall.

#### Details of any decommissioning or rehabilitation work

Discuss the details of any decommissioning or rehabilitation works which would be carried out should the proposal not be approved for implementation.

Can the impact be reversed?

Provide an explanation of how the impact can be reversed (e.g., through rehabilitation).

### 3. Decision-making authorities and their approvals

Proponents may only carry out the requested minor or preliminary work once the EPA has granted consent and the relevant decision-making authorities have granted other necessary approvals, permits or licences (such as a native vegetation clearing permit).

List the decision-making authority (for example Minister, government CEO or government department) and the law or agreement that requires a decision related to the proposal and the necessary approvals, permits or licences required.

### 4. Consultation

Consultation undertaken: Discuss whether any consultation has been undertaken, including:

- consultation with decision-making authorities
- targeted consultation with other stakeholders (including any public consultation) where there are potential environmental impacts caused or likely to be caused by the work.

Outcomes of consultation: Summarise the consultation process and outcomes:

- identify who was consulted, summary of discussions, key issues / matters raised, outcomes and whether matters raised were resolved or outstanding

Justify, if consultation has not been undertaken.

### 5. Supporting documents

IBSA and IMSA are mechanisms by which all terrestrial biodiversity survey and marine survey information collected for environmental impact assessment under the EP Act will be captured and integrated into a consolidated, indexed and publicly available repository. IBSA and IMSA are administered by DWER on behalf of itself, the EPA and the Department of Mines, Industry Regulation and Safety.

Each time a terrestrial biodiversity survey report or marine survey report is submitted (at any point in the assessment and compliance process under Part IV of the EP Act), an IBSA or IMSA data package should be provided.

The IBSA data package should be submitted via the online IBSA Submissions portal in accordance with the [Instructions and templates: Preparing data packages for the Index of Biodiversity Surveys for Assessments \(IBSA\)](#) and the IMSA data package should be provided in accordance with the [Instructions, templates and form: Preparing data packages for the Index of Marine Surveys for Assessments \(IMSA\)](#).

## Submitting a request

Ensure that all required information in the form is provided before you submit your request.

The EPA prefers emailed requests but will accept applications submitted by post.

### Submissions

Email: [registrar@dwer.wa.gov.au](mailto:registrar@dwer.wa.gov.au)      OR      EPA Services  
Department of Water and Environmental Regulation  
Locked Bag 10, Joondalup DC, WA 6919

### General Enquiries

Telephone: 6364 7000

Fax: 6364 0896

Email: [info.epa@dwer.wa.gov.au](mailto:info.epa@dwer.wa.gov.au)

Website: [www.epa.wa.gov.au](http://www.epa.wa.gov.au)