

Appendix A

EPA Guidelines



Environmental Protection Authority

Mr Clayton Dodd
Managing Director
Striker Resources N.L.
10th Floor 256 Adelaide Terrace
PERTH WA 6000

19 JUN 2001

Attention: Ross Carpenter

Dear Mr Dodd

GUIDELINES FOR PUBLIC ENVIRONMENTAL REVIEW OF GUMBOOT BAY BARGE LANDING, LAYDOWN AREA AND ROAD.

The Minister for Environment and Heritage has upheld public appeals on the level of assessment for the above proposal, and directed the Environmental Protection Authority (EPA) to undertake a formal environmental assessment at the level of Public Environmental Review (PER) with a 4 week review period. The purpose of this letter is to provide guidance to Striker Resources N.L. in the preparation of the PER document as the first stage in the assessment.

I acknowledge the work already undertaken by Striker Resources N.L. in the preparation of the Environmental Management document, and this can be used as the basis for the PER documentation. However, the PER document will need to include the issues raised by the public during the appeals on level of assessment. These issues are summarised in the attached advice of the Appeal Decision Summary (Attachment A).

In addition, the PER document should include commitments to

- Minimise visibility of the fuel storage facility from vessels traversing Gumboot Bay or from the air (eg through the use of camouflage netting).
- Limit all construction activities and related vehicle movements within a 5km radius of the Faraway Bush Camp to daylight hours.
- Limit barge movements to no more than 40 per field season.
- Give one week's prior written notice to the operators of Faraway Bay Bush Camp of each proposed use of the barge landing site.

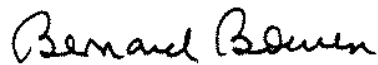
- Plus any additional environmental commitments that may have arisen out of other processes which may be appropriate.

These were included for transmittal to the Department of Minerals and Energy for inclusion in its approval when I originally took the decision to not assess the proposal.

Enclosed as Attachments B to F are generic guidelines for the writing of commitments and advertising for public review, together with a recommended distribution list. If you have any questions regarding these guidelines, please contact Sam Wilkinson in the first instance on 9222 8307.

In addition, you are required to provide formal notification to the EPA of your company name, ACN, and contact particulars. Please supply this in writing, addressed to the attention of Sam Wilkinson, Evaluation Division, Department of Environmental Protection, PO Box K822, Perth, Western Australia, 6842.

Yours sincerely



Bernard Bowen
CHAIRMAN

15 June 2001

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ATTACHMENT A: Appeal Decision Summary

APPEAL DECISION SUMMARY

Appeal Number 014 of 2001

The appeal is lodged in objection to the level of assessment as set by the Environmental Protection Authority (EPA) at Informal Review with Public Advice.

Appellant: Russell Willis, Willis's Walkabouts

Proponent: Striker Resources NL

Proposal: PROPOSED BARGE SITE AND LAYDOWN AREA ON FARAWAY BAY, NORTH KIMBERLEY

Minister's Decision: Appeal is allowed. The EPA will formally assess this proposal at the level of Public Environmental Review, with a 4 week public review period.

Date of Decision: 6 June 2001

Grounds of Appeal and Reasons for Decision:

Appeal Grounds

1. Insufficient Consideration of Alternative Sites

The Environmental Management Plan (EMP) developed by the proponent did not adequately address all the issues. In particular, there were inadequacies with the evaluation of alternate sites. An Environmental Review and Management Programme (ERMP) would allow full and comprehensive examination of the data by all interested parties so that a more accurate determination of the suitability of alternative sites could be made.

2. Insufficient public consultation

Insufficient public consultation has been undertaken, particularly with barge and charter boat operators in the area. This has meant that possible barge landing sites were not considered by Striker Resources NL.

There is significant public interest in the environmental issues connected with the proposal. The public has not had sufficient chance to comment on the proponent's EMP document. Therefore, an assessment at the level of ERMP is required to allow the public such an opportunity.

3. *Environmental Impacts*

A section of the development crosses a proposed national park. Impacts arising from this need to be more fully considered.

The Striker proposal, with barge access, laydown area and service road will inevitably result in more open access to the area and diminution of the wilderness aspect.

Possible spillage of materials being unloaded and the clearing of native vegetation are also of concern.

4. *Inadequate Consideration of Impacts to the Bush Camp Faraway Bay*

The EMP did not adequately address all the issues. In particular, there were inadequacies with:

- Noise: Tourists at the Bush Camp would potentially be disturbed from 4.30 am to approximately 6.30pm. This directly compromises the eco-tourism value of the Bush Camp, and the wilderness experience.
- Visual Impact. The 6m unsealed road is adjacent to the Bush Camp tracks to the airstrip road and visible to tourists as they are taken on land activities. Even though the laydown area is proposed to be camouflaged, it will still be clearly visible from the Bush Camp activities undertaken in Gumboot Bay such as fishing and viewing wildlife. This would be a conflict with visitor expectations.

5. *Lack of Research*

There is concern over the lack of comprehensive environmental, archaeological and cultural research undertaken by Striker Resources NL and the EPA in the proposed development area.

6. *Inconsistency of EPA in Setting Level of Assessment*

The Bush Camp at Faraway Bay required an environmental assessment at the level of Public Environmental Review. Striker Resources Barge Site and Access Road, with potentially highly inflammable chemicals, is of a much higher impact. It is incongruous that this proposal is not assessed as an ERMP.

Consideration

Based on advice from the EPA, the Department of Environmental Protection and the Appeals Convenor on the issues raised in the appeals, it is concluded that the public may not have an adequate opportunity to comment and be involved through an informal assessment. There is also concern that the proposal needs to be better defined in relation to the potential environmental impacts on visual outlook and potential disturbance to the wilderness aspect.

While the proponent has taken reasonable steps to inform the people likely to be affected by the proposal, the degree of public interest and concern with this proposal is of significance. As such, a more formal level of assessment of the environmental impacts with consultation arranged through the EPA process is required.

(For more detail see Appeal Convenor's Report)

Attachment B: Distribution List

1. Availability of the environmental review

1.1 Copies for distribution free of charge

Supplied to DEP:

- Library/Information Centre..... 9
- EPA members 6
- Officers of the DEP (Perth) 3

Distributed by the proponent to:

Government Departments	<ul style="list-style-type: none"> • Department of Mineral and Energy 2 • Department of Conservation and Land Management..... 2 • Water and Rivers Commission 1 • WA Tourism Commission..... 1
Local government authorities	<ul style="list-style-type: none"> • Shire of Wyndham-East Kimberley..... 2
Libraries	<ul style="list-style-type: none"> • J S Battye Library 3 • The Environment Centre 2 • Kununurra Library 1 • Wyndham Library 1
Other	<ul style="list-style-type: none"> • Conservation Council of WA 1 • Bush Camp Faraway Bay..... 1 • Tourism Council of WA 1 • Kununurra Tourist Bureau 1

1.2 Available for public viewing

- J S Battye Library;
- Local libraries;
- Department of Environmental Protection Library; and

Attachment C: Additional Guidelines for the Content of Your Environmental Review Document

Key characteristics

The Minister's statement will bind the proponent to implementing the proposal in accordance with any technical specifications and key characteristics¹ in the environmental review document. It is important therefore, that the level of technical detail in the environmental review, while sufficient for environmental assessment, does not bind the proponent in areas where the project is likely to change in ways that have no environmental significance.

Include a description of the components of the proposal, including the nature and extent of works proposed. This information must be summarised in the form of a table, an example of which follows:

Table 1: Key characteristics (example only)

Element	Description
Life of project (mine production)	< 5yrs (continual operation)
Size of ore body	682 000 tonnes (upper limit)
Area of disturbance (including access)	nominal 100 hectares
Major components <ul style="list-style-type: none"> • pit • waste dump • infrastructure (water supply, roads, etc) 	refer plans, specifications, charts section immediately below for details of map requirements
Ore mining rate <ul style="list-style-type: none"> • maximum 	•nominal 200 000 tonnes per year
Waste materials: <ul style="list-style-type: none"> • (solid, liquid, gaseous) maxima 	•nominal 800,000 tonnes per year
Water supply <ul style="list-style-type: none"> • source • maximum hourly requirement • maximum annual requirement 	<ul style="list-style-type: none"> • XYZ borefield, ABC aquifer •nominal 180 cubic metres • 1,000,000 cubic metres
Fuel storage capacity and quantity used	litres; litres per year
Heavy mineral concentrate transport <ul style="list-style-type: none"> • truck movements (nominal) 	• 75 return truck loads per week

¹ Changes to the key characteristics of the proposal following final approval, would require assessment of the change and can be treated as non-substantial and approved by the Minister, if the environmental impacts are not significant. If the change is significant, it would require assessment under section 38 or section 46. Changes to other aspects of the proposal are generally inconsequential and can be implemented without further assessment. It is prudent to consult with the Department of Environmental Protection about changes to the proposal.

Environmental management commitments

The final stage of the Environmental Impact Assessment (EIA) process is reached when the Minister for the Environment and Heritage issues the Ministerial Statement for the project, which is a set of legally enforceable conditions and procedures for the implementation of the project. One of the standard procedures is a requirement for the proponent to implement the commitments which it has made during the EIA process. A consolidated list of the proponent's commitments is attached to the Minister's Statement which then become legally enforceable. Therefore, they should be written clearly and in a similar style to an environmental condition. Management strategies, policies, objectives and non-environmental issues should be separated from the commitments.

Commitment formatting

1. Commitment components

The commitments need to be framed in a format similar to that of the conditions so that both can be easily implemented by the proponent and audited efficiently by the DEP. By applying the principles of quality management, a standard format for the commitments has been arrived at. The format ensures that a chain of responsibility is established to facilitate compliance and that redundant, overlapping or non-enforceable commitments are avoided.

The required standard format for all commitments comprises a number of components as follows:

The proponent (**who**) will undertake an action (**what, how, where**) to meet an environmental objective (**why**) to a time frame (**when**), and on advice of somebody (**to whom**, eg. third party, government agencies such as Department of Conservation and Land Management, Department of Minerals and Energy, Water and Rivers Commission, Shire Council). With regard to 'whom' this need only be included if the expertise of a third party is relevant to implementing the commitment.

It is important for the consolidated list of commitments to be numbered correctly for easy reference in the implementation and auditing stages of the project. These should therefore be sequentially numbered 1, 2, 3, ... without use of subgroups such as 1.1, 1.2 or 2(i) or 2(a), 2(b).

2. Paragraph format

In applying the standard components (who, what, why, how, where, when, to whom) an example of a commitment in paragraph form is as follows:

The proponent will prepare and implement a Dust Control Program which will minimise dust generation on-site and prevent dust emission from construction of the foreshore extension in order to protect the amenity of nearby land users. The Program will be prepared during the design (project planning) phase and will meet EPA dust control criteria (EPA, 1996), on advice of the Shire of Widgiemooltha. The approved Program will be implemented during the construction phase.

However, writing the commitment in paragraph form can result in a confusing or clumsy sentence structure that may be difficult to interpret for future auditing purposes. Also it is difficult to verify that all components have been incorporated into every commitment. A paragraph format is therefore not the preferred format.

3. Tabular format

Due to the limitations of the paragraph format, it is preferable to format a commitment in tabular form. It is recommended that the table column headings be ordered as: 'commitment number', 'topic', 'action', 'objective', 'timing' and 'advice'. However table headings can be re-ordered if necessary.

The example in paragraph form on page 1 can therefore be written in tabular form as per examples 1 and 2 below. Note that the tabular format makes it easier to ensure that no component of the commitment is left out and that each action is recognised as a separate commitment. This format also permits the inclusion of additional clauses or more precise wording of clauses which can be difficult in a sentence structure. It is acceptable for table columns to be re-ordered if necessary. Finally, the tabular format provides an immediate audit framework for use by the proponent and the DEP, enabling efficient administration of environmental approvals.

Examples 1 & 2.

The proponent is committed to the following:

No.	Topic	Action (What/How/Where)	Objective/s (Why)	Timing (When)	Advice (Agency to provide advice to EPA))
1.	Dust management	Prepare a Dust Control Program for the foreshore construction site which addresses: 1) abc 2) xyz	<ul style="list-style-type: none"> • Minimise dust during the construction phase • Maintain the amenity of nearby land users • To meet EPA dust control criteria 	Prior to the start of construction	Shire
2.	Dust management	Implement the approved Dust Control Program	Achieve the objectives of Commitment 1	Construction	-

Example 3.

No	Topic	Action	Objective/s	Timing	Advice
3.	Fauna protection	Undertake a trapping programme for capturing and relocating the Southern Brown Bandicoots	Minimise impact on Southern Brown Bandicoots	Pre- construction (prior to commencement of ground disturbance)	CALM

Example 4.

No	Topic	Action	Objective/s	Timing	Advice
4.	Vegetation	Revegetate disturbed areas with vegetation types indigenous to the area	<ul style="list-style-type: none"> • To minimise impact on local flora • To achieve the completion criteria stated in PER (Section 5.1.1) 	Post- construction (progressively during operations)	Kings Park Board

Example 5.

No	Topic	Objective	Action	Timing	Advice
5.	Ground water	Minimise impact on groundwater levels, surface water levels and surrounding vegetation	Groundwater drawdown shall not exceed 0.5 m at any boundary of the mine site	Operation	Water and Rivers Commission

Example 6.

No	Topic	Action	Objective	Timing	Advice
6.	Clean-up	Post-clean up activities will only proceed after demonstrating to (and gaining approval from) the DEP that the site clean-up criteria identified in the 1993 CER have been met	To achieve the soil quality objectives in the Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites, Jan 1992	Post-clean up (On completion of cleanup and prior to commencement of post-cleanup activities)	--

Attachment D: Invitation to Make a Submission

The first page of the proponent's environmental review document must be the following invitation to make a submission, with the parts in square brackets amended to apply to each specific proposal. Its purpose is to explain what submissions are used for and to detail why and how to make a submission.

Invitation to make a submission

The Environmental Protection Authority (EPA) invites people to make a submission on this proposal. If you are able to, electronic submissions emailed to the DEP Project Assessment Officer would be most welcome.

[the proponent] proposes [the rezoning of land and the development of a Marina Complex in the City of Bunbury]. In accordance with the Environmental Protection Act, a [PER] has been prepared which describes this proposal and its likely effects on the environment. The [PER] is available for a public review period of [8] weeks from [date] closing on [date].

Comments from government agencies and from the public will help the EPA to prepare an assessment report in which it will make recommendations to government.

Why write a submission?

A submission is a way to provide information, express your opinion and put forward your suggested course of action - including any alternative approach. It is useful if you indicate any suggestions you have to improve the proposal.

All submissions received by the EPA will be acknowledged. Submissions will be treated as public documents unless provided and received in confidence subject to the requirements of the Freedom of Information Act, and may be quoted in full or in part in the EPA's report.

Why not join a group?

If you prefer not to write your own comments, it may be worthwhile joining with a group interested in making a submission on similar issues. Joint submissions may help to reduce the workload for an individual or group, as well as increase the pool of ideas and information. If you form a small group (up to 10 people) please indicate all the names of the participants. If your group is larger, please indicate how many people your submission represents.

Developing a submission

You may agree or disagree with, or comment on, the general issues discussed in the [PER] or the specific proposals. It helps if you give reasons for your conclusions, supported by relevant data. You may make an important contribution by suggesting ways to make the proposal more environmentally acceptable.

When making comments on specific elements of the [PER]:

- clearly state your point of view;
- indicate the source of your information or argument if this is applicable;
- suggest recommendations, safeguards or alternatives.

Points to keep in mind

By keeping the following points in mind, you will make it easier for your submission to be analysed:

- attempt to list points so that issues raised are clear. A summary of your submission is helpful;
- refer each point to the appropriate section, chapter or recommendation in the [PER];
- if you discuss different sections of the [PER], keep them distinct and separate, so there is no confusion as to which section you are considering;
- attach any factual information you may wish to provide and give details of the source. Make sure your information is accurate.

Remember to include:

- your name;
- address;
- date; and
- whether you want your submission to be confidential.

The closing date for submissions is: **[date]**

Submissions should ideally be emailed to

project.officer@environ.wa.gov.au

OR addressed to:

The Environmental Protection Authority
PO Box K822
PERTH
WA 6842

[Westralia Square
141 St George's Terrace
PERTH WA 6000]

Attention: **[Project Officer name]**

Attachment E: Advertising the environmental review

The proponent is responsible for advertising the release and arranging the availability of the environmental review document in accordance with the following guidelines:

Format and content

The format and content of the advertisement should be approved by the DEP before appearing in the media. For joint State-Commonwealth assessments, the Commonwealth also has to approve the advertisement. The advertisement should be consistent with the attached example.

Note that the DEP officer's name should appear in the advertisement.

Size

The size of the advertisement should be two newspaper columns (about 10 cm) wide by about 14 cm long. Dimensions less than these would be difficult to read.

Location

The approved advertisement should, for PER's and ERMP's, appear in the news section of the main daily paper ("The West Australian") Saturday edition, and in the news section of the main local paper at the commencement of the public review period and again two weeks prior to the closure of the public review period.

Timing

Within the guidelines already given, it is the proponent's prerogative to set the time of release, although the DEP should be informed. The advertisement should not go out before the report is actually available, or the review period may need to be extended.

Example of the newspaper advertisement

Proponent Name

Consultative/Public/ Environmental Review/and Management Programme

TITLE OF PROPOSAL

(Public Review Period: **[date]** to **[date]**)

Proponent is planning to brief description of proposal.

A Public Environmental Review (PER) / Environmental Review and Management Programme (ERMP) has been prepared by the company to examine the environmental effects associated with the proposed development, in accordance with Western Australian Government procedures. The PER / ERMP describes the proposal, examines the likely environmental effects and the proposed environmental management procedures.

Proponent has prepared a project summary which is available free of charge from the company's office address.

Copies of the PER/ERMP may be purchased for \$10 from:

Company Name

Street

Suburb/Town WA Postcode

Telephone: (08) 9xxx xxxx

Copies of the complete PER/ERMP will be available for examination at:

- Department of Environmental Protection • Relevant local libraries
Library Information Centre
8th Floor, Westralia Square
141 St Georges Terrace
PERTH WA 6000
- Department of Environmental Protection
Regional Office - if appropriate

Submissions on this proposal are invited by **[closing date]**. Please email your submission to:

project.officer@environ.wa.gov.au OR address to:

Chairman

Environmental Protection Authority

PO Box K822

PERTH WA 6842

Attention: **[Project Officer name]**

If you have any questions on how to make a submission, please ring the project officer, **[Project Officer name]**, on (08) 9222 7xxx.

ATTACHMENT F: Project Location Map

Refer to Figure 2 - Landuse and Leasing