



Transitional Arrangements Interim Guidance

Implementing the EPA's Environmental Impact Assessment Practice Guide

Environmental Protection Authority

November 2025

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As EPA documents are updated from time to time, users should consult the EPA website (www.epa.wa.gov.au) to ensure they have the most recent version.

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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

w: www.epa.wa.gov.au

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i. Purpose

The purpose of this interim guidance is to communicate the transitional arrangements and expectations during the implementation of the Environmental Protection Authority's (EPA's) EPA's Environmental Impact Assessment Practice Guide and revised Environmental Impact Assessment (EIA) procedures suite.

This is an interim guidance to support the introduction of the NEW EIA Practice Guide. It is anticipated that this guide will no longer be required after 12 months of operation and it is proposed that it will be archived.

ii. Introduction

The Environmental Protection Authority (EPA) has utilised Administrative Procedures since at least 1993 as a means of describing the procedures used for dealing with referrals and assessments covered by Part IV of the *Environmental Protection Act 1986* (EP Act). Since 2002, these have been published in the government gazette.

Since 2016, the Administrative Procedures have been supported by a Procedures Manual, which provides additional details for proponents, public, and staff of the Department of Water and Environmental Regulation on each stage of the environmental impact assessment (EIA) process.

In 2023 as part of its strategic plan, the EPA decided to review its procedures suite for environmental impact assessment to identify continuous improvement opportunities for efficiency and environmental protection.

After reviews and consultation in 2023 and 2024, including the Vogel McFerran review and consultation with the EPA's Stakeholder Reference Group, the EPA determined the most effective way to implement identified improvements was through a consolidated EIA practice guide. This guide will replace the existing *Environmental Impact Assessment (Part IV Divisions 1 And 2) Administrative Procedures 2024* (Administrative Procedures) and *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual 2024* (Procedures Manual).

This consolidated document is the *Environmental Impact Assessment Practice Guide Assessment of Proposals in Western Australia under Part IV of the Environmental Protection Act 1986* (the Practice Guide). A key consideration in preparing the Practice Guide was to reduce duplication of information across the EIA procedures suite, improve readability by reducing legal jargon, and to incorporate process and procedural changes to improve efficiency.

iii. Implementation

Consultation on the EIA Practice Guide was undertaken via the EPA's Stakeholder Reference Group during May – July 2025, with comments received considered by the EPA and incorporated where appropriate. To aid in the implementation of this Practice Guide, the EPA has published this guidance in advance of it coming into effect on **1 January 2026**. This is to assist proponents, consultants and the community understand the key changes.

The EPA is also systematically reviewing all the supporting guidance published for EIA, including the instructions and forms for specific steps in the EIA process. Updated guidance for referral, scoping and Environmental Scoping Documents, and Environmental Review Documents will also be published to coincide with the implementation of this Practice Guide (the 'revised procedures suite'). Attachment 1 identifies the key changes expected to each key document or process. Updated instructions and forms for other processes will be published sequentially throughout 2026.

iv. Transitional arrangements

The EP Act does not specify transitional arrangements for the application of the EPA's revised procedures suite. The EPA's general expectation is that the revised EPA procedures suite will apply to all proposals and EIA processes at the time of publication.

The EPA acknowledges that proponents will be in various stages of preparation of EIA documentation at the time of publication, and in certain circumstance it may not be practicable to use the EPA's revised procedures suite. The EPA Chair has a discretion in the application of the revised procedures suite.

The EPA has prepared guidance on how changes to the revised EPA's procedures suite may affect proponents and the public through 8 scenarios.

For proponents that have an active assessment with the EPA and want to "opt in" to the new Practice Guide approach – this can be considered on a case-by-case basis on discussion with EPA Services.

v. Assessment Scenarios

The following scenarios have been provided to assist proponents with the potential change management from **1 January 2026**.

1. New proposal

Scenario 1: I have a new project (proposal) which might have a significant effect on the environment

- The EPA's EIA Practice guide and accompanying revised procedure suite will apply to your project.
- Consider the EPA's guidance on whether your proposal is likely to be significant – see the EPA's [Statement of environmental principles, factors, objectives and aims of EIA](#).
- Consider all the elements of your proposal which have the potential to have a significant effect on the environment, including infrastructure requirements.
- Proposals cannot be split up into separate parts for approval purposes – the EPA needs to be able to assess and consider the proposal as a whole.
- If relevant, engage with other government agencies and stakeholders.
- Prepare for pre-referral meeting by considering:
 - proposal alternatives
 - proposal options to avoid impacts
 - if another DMA process can appropriately mitigate any impacts on the environment
 - proposal options to minimise impacts

- likely environmental impacts and outcomes (and whether these are consistent with the EPA's objectives for environmental factors)
- relevant DMAs (the EPA encourages other to be invited to attend the pre-referral meeting particularly if a proponent wishes to pursue a parallel approval)
- potential assessment pathways, including possible level of assessment if the EPA is likely to assess the proposal
- whether an accredited assessment under the EPBC Act will be sought
- potential requirement for offsets.

2. New proposal

Scenario 2. I have a new proposal that I want to refer to the EPA

- The EPA's EIA Practice guide and accompanying revised procedure suite will apply to your proposal.
- Include in the **referral package**:
 - proposal content document (PCD)
 - accurate spatial data
 - sufficient information on the receiving environment, impacts, mitigation and likely environmental outcomes in the Referral ERD.
- Use the revised *Instruction and form - Referral of a proposal under section 38* (which will be available by 1 January 2026), refer Attachment 1.
- Prepare a Proposal Content Document (PCD) using the [*Instruction and form for how to identify the content of a proposal*](#).
- Include all elements of your proposal, including infrastructure requirements.
- Liaise with government agencies about whether their processes can mitigate the specific environmental impacts of your proposal and include the relevant details the Referral ERD.
- If a proponent is expecting a 'not assessed' decision, then sufficient information should be provided at referral to demonstrate that the proposal's potential impacts are not so significant as to warrant assessment under Part IV and/or other statutory decision-making processes can effectively mitigate the potentially significant impacts of a proposal.
- If a proponent is expecting the proposal to be assessed, they may either:
 - provide all information on the environmental factors at referral with the aim of minimising the amount of additional information EPA may require through a s. 40(2) RFI or ESD
 - provide a streamlined referral ERD that briefly identifies potential impacts and outlines where information will be provided in a future revision of the ERD following the scoping process.

3. Environmental Scoping Document stage

Scenario 3. My proposal is being formally assessed, the ESD (Environmental Scoping Document) is currently being prepared

- The EPA's EIA Practice Guide and revised procedure suite will likely apply to your proposal. However, case-by-case considerations can be made depending on how

far progressed the drafting, review and approval of the ESD is for specific proposals. See further information in Attachment 1.

- Unless the EPA has previously determined that the ESD will be 'proponent-prepared' (as published on the EPA website for the proposal), the EPA will prepare the scoping document, focussing on the specific information which is needed for your proposal.
- Liaise with the EPA Services, Department of Water and Environmental Regulation (DWER), if you believe the new ESD elements of the EPA's revised procedure suite are not practical and should not apply.
- If you need to make proposal changes, notify EPA Services and seek approval under section 43A of the EP Act.
- Note: the EPA has the power to require additional information outside the ESD if it needs this to assess your proposal.
- The Practice Guide will provide you with what you need to know, including how to provide optimal information for the rest of the proposal's assessment.

4. Environmental Review Document stage

Scenario 4. My proposal is being formally assessed, I am currently preparing the ERD (Environmental Review Document)

- The EPA's EIA Practice guide and accompanying revised procedure suite will likely apply to your proposal. However, case-by-case considerations can be made depending on how far progressed the drafting, review and approval of the ERD is for specific proposals. See further information in Attachment 1.
- Continue to prepare the ERD in accordance with your ESD (and RFIs) and the new requirements for ERDs.
- Liaise with the EPA Services, DWER, if these requirements are inconsistent with your ESD and/or you believe the new ERD elements of the EPA's revised procedures suite should not apply.
- Prepare ERD by considering:
 - proposal alternatives
 - proposal options to avoid impacts
 - proposal options to minimise impacts
 - likely environmental impacts
 - significance of likely impacts
 - what environmental outcomes you aim to achieve (and whether these are consistent with the EPA's objectives for environmental factors)
 - if there are likely to be any significant impacts and you are proposing offsets, include assessment of whether the offsets are likely to counter-balance the significant residual impact.
- Continue consultation process with relevant stakeholders.
- Liaise with government agencies to establish whether their processes can mitigate the specific environmental impacts of the proposal.
- You cannot make changes to your proposal in the ERD. If you need to make proposal changes, seek approval under section 43A of the EP Act.

5. Expansion and or amalgamation of existing operations

Scenario 5: I want to do a significant proposal expansion or make a significant change to my existing approved proposal or conditions

- The EPA's EIA Practice guide and accompanying revised procedure suite will apply to your project.
- Significant amendments are:
 - for existing approved proposals – proposal amendments which are likely, if implemented, to have a significant effect on the environment
 - for existing implementation conditions – a proposed amendment to implementation conditions relating to an approved proposal if implementation of the proposal under the amended implementation conditions is likely to have a significant detrimental effect on the environment in addition to, or different from, the effect the proposal has in its implementation under the existing implementation conditions.
- Significant amendments need to be assessed by the EPA in the context of the approved proposal and the EPA must have regard to the combined effect that the approved proposal and the significant amendment might have on the environment. It can't consider the impacts of the significant amendment alone.
- Significant amendments to conditions alone may be able to be considered under section 46 of the EP Act. You need to apply to the Minister to ask the EPA to inquire into your conditions but the process for this step remains unchanged (refer below).

6. Third party referral

Scenario 6: I am a third party and want to refer a proposal

- The ability for a third party to refer a proposal to the EPA remains unchanged, but section 3.1.4 of the EIA Practice Guide has been expanded to provide additional detail on what the EPA would like to see in that referral.
- The EPA needs sufficient information about the proposal to decide whether or not to assess it, and the EPA requests third parties to provide as much information as possible about the proposal, including:
 - identifying the proponent
 - outlining the nature of the proposal
 - providing the location of the proposal
 - outlining the potentially significant environmental impacts (i.e. why it should be assessed by the EPA).
- The EPA requests you use of the revised *Instruction and form - Referral of a proposal under section 38 of the EP Act*.

7. EPA and EPA Chair decisions

Scenario 7: I want to understand why the EPA made a decision

- The focus throughout the EIA Practice Guide is clarifying the EPA decisions that need to be made at each stage of assessment and including the specific information requirements to enable decision making.
- The EPA values transparency in the EIA processes and uses its website as a key point for distributing information and decisions. The EPA publishes a summary of

reasons for decision on key steps, which are accessed via the specific proposal page. These include:

- changes to a referral
 - why a determination was made to not assess a proposal
 - changes to proposal during assessment
 - changes to an approved proposal and/or conditions.
- The EPA also publishes decisions on whether to assess a proposal or not and when an EPA report is release in the public notices section of the EPA website [here](#).
 - The EPA conducts public consultation for proposals through its [Consultation Hub](#).

8. Processes that are unchanged by the EIA Practice Guide

Scenario 8: I want to change my proposal (after referral, during assessment or to an approved proposals) or undertake minor or preliminary works

- There has been no change to the following process – refer to the relevant instructions and form for more information on how to submit an application and what is required as part of that application.
 - Amending a referral prior to an assessment decision – refer [Instructions for amending a proposal during referral under s.38C of the EP Act](#)
 - Amending a proposal under assessment – refer [Instruction and form – Amend proposal during assessment under section 43A of the EP Act](#) to complete an application.
 - Minor or Preliminary works – refer [Instruction and form – Request for EPA consent to undertake minor and preliminary work under section 41A](#) to prepare an application for the works.
 - Amending an approved proposal and conditions where the changes are not considered significant amendments – [refer Instruction and form – Request to amend proposal and/or implementation conditions under section 45C of the EP Act](#) to prepare an application.
 - Amending conditions on an approved proposal – refer [Instructions for request to amend implementation conditions under s. 46](#).

Attachment 1

Summary of changes and transitional arrangements for the EPA's revised procedures suite from 1 January 2026.

Stage of EIA	Procedure/Instruction	Type and summary of Changes	Transitional Arrangements
All stages	Administrative Procedures	Replaced by the EIA Practice Guide	The EPA Chair may exercise discretion for existing applications and assessments. A copy of the Administrative Procedures will still be available on the EPA website (but marked superseded).
All stages	Procedures Manual	Replaced by the EIA Practice Guide	The EPA Chair may exercise discretion for existing applications and assessments. A copy of the Procedures Manual will still be available on the EPA website (but marked superseded).
Pre-referral		The EPA expects the proponent to request a pre-referral meeting with EPA Services and to provide pre-referral information as requested by EPA Services to discuss the proposal.	Proponents may request a pre-referral meeting, but after 1 January 2026 it is expected that all proponents will contact EPA Services to arrange a pre-referral meeting.
Referral	Instruction and Form – Referral of a proposal under section 38 of the EP Act [Replaces s.38 <i>Referral Instruction and Form</i>]	The revised Instruction and Form align with the EIA Practice Guide. The referral form will be streamlined to reflect the updated requirement to include environmental information in an ERD. Include in the referral package: • proposal content document (PCD) • accurate spatial data • sufficient information on the receiving environment, impacts, mitigation and likely environmental outcomes in the Referral ERD	Proponents are expected to use the revised Referral and Instruction and Form for new referrals, unless proponents can demonstrate material practical difficulty in doing so. In such cases the EPA Chair may exercise discretion, however, proponents should note that if the EPA is not provided with sufficient information before its assessment is complete, the EPA may request such information, and this may affect expected (non-statutory) assessment timelines.

Stage of EIA	Procedure/Instruction	Type and summary of Changes	Transitional Arrangements
Referral and Assessment	Instruction and Template-How to prepare an Environmental Review Document (ERD) [Replaces <i>ERD – Instructions on how to prepare an Environmental Review Document</i>]	The revised Instructions incorporate the change of submitting an ERD at referral and if required at assessment.	If an ERD has not yet been submitted, proponents are expected to follow the revised ERD Instruction and Template in addition to the requirements of their ESD. Any potential inconsistency with the new Practice Guide should be raised with EPA Services as soon as practicable. Case-by-case considerations can be made depending on how far progressed the drafting, review and approval of the ERD is for specific proposals. The EPA Chair may exercise discretion and allow an existing ERD process to continue if the proponent can demonstrate substantial work has commenced on drafting the ERD under the previous guidance. The EPA Chair may also require additional information if needed to address the requirements of the EP Act amendments before its assessment is complete.
Assessment – Scoping	Instruction and Template – Environmental Scoping Document (ESD) Guide [Replaces <i>ESD – Instructions on how to prepare an Environmental Scoping Document</i>]	The ESD Guide provides a collection of standard work items for each of the Environmental Factors to assist with demonstrating the information the EPA requires to undertake the assessment. Some specific regional and industry items have been included.	If a proponent-prepared ESD has not yet been submitted, proponents are expected to follow the revised ESD Guide. EPA Services will be applying the updated ESD guide for EPA-prepared ESDs. Case-by-case considerations can be made depending on how far progressed the drafting, review and approval of the ESD is for specific proposals.