

Proposed amendments to the Environmental Impact Assessment Process in WA

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On March 30th, the EPA released its eagerly awaited recommendations for amendments to Western Australia's Environmental Impact Assessment Process. The recommended amendments are comprehensive.

The Review of the Environmental Impact Assessment Process in Western Australia followed extensive consultation and was wide-ranging, with the general aim of enhancing the quality and timeliness of the EPA's advice to Government. The recommendations represent a concerted attempt to address the challenges facing the EPA, and include:

Risk-based EIA - Adopting a risk-based approach to key stages of the EIA process. The EPA suggests that through the systematic consideration of both the likelihood and the significance of potential environmental impacts, key environmental issues will be given priority.

Outcomes-based conditions - Using an outcomes-based, rather than a prescriptive approach, when setting conditions in the EIA process. An outcomes-based approach would focus on the results to be achieved rather than detailed management techniques.

Levels of assessment - Reducing the current five levels of proposal assessment to two.

Assessment on Referral or Additional Information; and

Public Environmental Review and Management Programme - The main difference between the two levels of assessment is the requirement for public review under the second one.

Strategic assessment - Making greater use of Strategic Environmental Assessment in the EIA process to promote streamlining of proposals. To date this has not been widely used, however the EPA suggests it could be applied to key stages of planning and policy to ensure environmental factors are addressed early in the decision-making process.

Timelines - Setting target timelines for key steps in the assessment process.

Parallel processing - That efforts be made to clarify the restrictions and obligations regarding parallel processing under Part IV of the Environmental Protection Act 1986 (WA). Proponents will be asked to improve project definition to ensure that activities, which are not

environmentally significant, may be approved by other decision-making authorities without EPA constraint.

As well as aiming to improve the effectiveness and efficiency of the assessment process, the proposed changes seek to improve the capacity of the EPA to identify, understand and control the range of environmental issues, risks and impacts that are associated with development proposals.

Media reports, and the Review itself, indicate that the recommendations have broad support. However, the EPA has indicated that additional resources would be required in order to implement the changes. Interestingly, the Review identifies opportunity for future co-investment by industry and Government to manage the likely shortfall of resources under current EPA workload projections.

The proposed changes to the EIA process do not require significant legislative amendments which, if the Government adopts the recommendations, would allow for expeditious implementation. However, as no implementation timetable has yet been provided, the EPA has stated that it is accepting comment on the Review until further notice.

Source: http://www.theajmonline.com.au/mining_news/news/2009/may-21st-09/featured-stories/proposed-amendments-to-the-environmental-impact-assessment-process-in-wa