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By Email: [EPActamendments@dwer.wa.gov.au](mailto:EPActamendments@dwer.wa.gov.au)

Mr Mike Rowe  
Director General  
Strategy Policy - Environmental Protection Act 1986 amendments  
Department of Water and Environmental Regulation  
Locked Bag 10  
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*Mike*  
Dear Mr Rowe

### **SUBMISSION - Environmental Protection Act 1986 amendments**

DevelopmentWA commends the Department and the Environmental Protection Agency on the readability of the Discussion Paper on the proposed amendments to the Environmental Protection Act (1986) (The Act). The proposed amendments complement the current Act addressing shortcomings of the Act and proposing amendments to modernise the Act to allow for improved technologies. Thank you for the opportunity to comment on the proposed amendments, specific comments are provided below.

DevelopmentWA welcomes the proposed amendments to the assessment process (page 58) regarding the EPA being able to target referred agencies for advice relevant to the environmental factors of the proposal. Also the use of other legislative mechanisms where relevant rather than duplicate processes is a common-sense approach.

Amendments to allow for Bilateral assessments and approvals (page 312) are welcomed however should these amendments be made, as part of implementation it would be useful to provide a procedure/flowchart on how the bilateral assessment and approval processes will work e.g. can the same referral documentation be submitted to both State and Commonwealth agencies? How will assessment and approval timeframes of the State and Commonwealth agencies align? In particular it would be useful to know how Native Vegetation Clearing Permit applications would interact with this process.

Referral of proposals (page 52) the ability for Ministerial Statements to be terminated is a good initiative and alleviates the issue of non-compliance with the "Substantially commence within 5 years" condition where projects do not proceed.

Enhancement of the section relating to the Strategic Assessment process (page 58) is welcomed in particular where it can apply to Strategic industrial Areas as with the current Kemerton Industrial Area core proposal. These amendments will assist in improved environmental outcomes eg. with respect of retention of native vegetation and offsets and provide development certainty over a long period of time.

The ability for Conditions to be able to be different for different stages of a project (page 744) is acknowledged as a practical addition.

The ability for EPA members to all be full-time, not just the Chair (page 26), will assist members with the workload of reviewing referrals and assessments, and may assist expedite approvals.

DevelopmentWA is pleased to see the proposed amendments to the Native Vegetation Clearing Permit process as the current approval process can be lengthy. The proposed triage-system for initial referral to the CEO to determine if a Clearing Permit is required is commended, however it would be useful if a timeframe for how long the CEO has to make their determination is included in the Act, and if the specified criteria for when a Permit may be required could be made public so that an initial self-assessment can be completed to assist project planning.

Appeals – A structured procedure/flow-chart would be useful. The current appeals system can operate as a further round of public comment with appellants submitting the same comments as during the formal consultation period as appeals. Perhaps appeal submissions should require appellants to state which issues have previously been raised and which are new, to allow for a triage-approach to dealing with individual appeals on projects. Whilst the Act is being amended there is an opportunity to include timeframes for the determination of Appeals which would provide greater certainty regarding projects proceeding and allow planning of site works etc.

More detail on Certified Practitioners (page (341) would be useful e.g. what are they to be used for, when? This could be provided as guidance supporting the Act.

Cost Recovery – DevelopmentWA supports the EPA having enough services to perform the tasks required of it if Cost Recovery is part of this, DevelopmentWA supports this initiative.

DevelopmentWA appreciates the opportunity to provide the above comments on the proposed amendments to the EPAct and looks forward to working with the EPA and DWER in future under the amended Act.

Yours sincerely



Frank Marra  
**Chief Executive Officer**