

Our Ref – EDM 51476218

24 January 2020

Department of Water and Environmental Regulation

Email - EPActamendments@dwer.wa.gov.au

Western Power EP Act Amendment submission

Where no mention is made of the matter in the below submission, Western Power has no comment on the matter.

Discussion Paper Section 2.1:

Western Power is supportive of facilitating bilateral agreements with the commonwealth to reduce duplication of assessment process. Western Power notes that the Commonwealth already have a cost recover mechanism via their fees which are still currently charged for bilateral assessments made by the State. Western Power raises the issue of cost recover of the assessment being done by both parties and seeks a mechanism to prevent this double charging of proponents when only one agency undertakes the assessment component.

Western power is supportive of the improvements to advertising and publishing and associated open data policy and the environmental protection covenants and monitoring programs.

Western Power regularly uses consultancy services to support compliance with relevant environmental legislative requirements. Some of these runs over the course of 5 and 10 year periods (rehabilitation typically). Western Power is interested in the application of the head power and any transitional period for works already in train and under contract.

Discussion Paper Section 2.2:

These minor amendments are sorted to reduce administrative burden.

Discussion Paper Section 2.6:

Western Power understands the need for cost recovery and is interested in being involved as a stakeholder in the consultative process in determine the fee structure. Western Power notes the fees are to be used to administer Part IV of the Act only, Western Power raises the concern that this does not become the only source of money to fund the officers in the OEPA and the appropriate levels of resourcing are maintained to enable timely assessment of referred projects.

Discussion Paper Section 2.7:

Western Power is supportive of the proposed new referral system, however considers the timeframe of 21 days (assumed to be business days) is unreasonable) Recommendation is that this is reduced to 10 business days. Further it noted that there are no proposed appeal provisions for a third party.

Other issue raised:

Schedule 5 Principles for Clearing Native Vegetation

Western Power recommends that Principal F is amended to reference a significance test (like the rest do). Potential along the lines of “the vegetation is growing in, or in association with, an environment associated with a watercourse or wetland and will result in the degradation of the watercourse or wetland environmental values

Western Power has experienced frustration with the limited progress of timely use of the offset funds. The act could be amended to allow for head powers for the appropriate administration of offset funds, including use of interest gained, an application process to nominated land for purchase and other similar measures to improve offset management.

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