

e udia@udiawa.com.au
t 08 9321 1101
f 08 9321 1102
w www.udiawa.com.au

Urban Development Institute of Australia
(Western Australia)
Level 5, 150 St Georges Terrace,
Perth, Western Australia 6000



21 May 2010

Dr. Paul Vogel
Chairman
Environmental Protection Authority
Locked Bag 33, Cloisters Square
Perth Western Australia 6850

By email: murray.hogarth@epa.wa.gov.au

Dear Dr. Vogel

The Urban Development Institute of Australia (UDIA) is the peak body representing the urban land development industry in Australia and we pleased to provide comment on *Draft Timelines for Environmental Impact Assessment of Proposals*.

Industry is supportive of any move to streamline process which would provide more certainty to everyone involved in the process. However, we are unsure that the proposed changes can achieve this. More specific comments follow:

Assessment on Proponent Information (API)

Category A

- a) *the proposal raises a limited number of significant environmental factors that could be readily managed, and for which there is an established condition-setting framework;*
- b) *the proposal is consistent with established environmental policy frameworks, guidelines and standards; and*
- c) *there is limited or local interest only in the proposal.*
 - Referring to c) above, and similarly to the Draft Administrative procedures, it is our view that a project should not be formally assessed if it can be clearly demonstrated that is environmentally manageable. This is in conflict with the reform agenda of outcomes based assessment. The popularity or otherwise of environmentally acceptable projects should be considered in other processes, such as planning. Is it the role of the EPA to consider levels of public interest?
 - API suggests an additional level of assessment (API, ER, PER).
 - The best case scenario for Assessment on Proponent Information as illustrated in Figure 1 is 20 weeks, or 26 weeks if Environmental Review required which in industry's view is too long.

- The API process has the **potential** to save time, particularly some of the larger proposals now being assessed as PERs or EPS that could be assessed under a lower level of assessment.
- Potential for EPA time delays for deciding to assess as API (4 weeks – Step 8, Figure 1) and prepare guidelines (6 weeks - Step 10) would effectively mean an additional 3 months, when the level and guidelines could be issued in Step 8, providing sufficient information were provided. This would encourage proponents to provide more quality information up front and save time delays.

PER level of assessment

- d) the proposal has regional and/or State-wide impact;*
- e) the proposal has several significant environmental factors or issues, some of which are considered to be complex or of a strategic nature;*
- f) substantial and detailed assessment is required to determine whether, and if so how, the environmental issues could be managed; or*
- g) the level of interest in the proposal warrants a public review period.*
 - Is it the role of the EPA to consider levels of public interest? This could occur as part of the planning process.
 - There does not appear to be any improvement in process apart from some minor aspects related to those under the more onerous ERMP.
 - The introduction of additional steps for the EPA (refer to Step 7, Figure 2) and additional time to approve ESD (refer to point 15) will in fact add time.
 - If the EPA prepares the ESD (and liaises with OEPA staff during the process), you would expect that a 5 week approval time from the EPA (refer to Step 16) appears excessive.
 - The remaining steps look fairly standard, although there are small reductions in time on EPA steps compared to current practice (refer to Steps 22, 24, and 26).

4.2 Proposal Assessment Timelines

- The variations to timelines and when/why these may occur in 4.2 are a vague and do not add certainty to the process.
- All projects referred to the EPA will go out for 7 day public comment in the setting of assessment period. The EPA will set a level of assessment without discussion of the public submissions with the proponent. It is our view that the proponent deserves the right of reply prior to the assessment being set (especially where there is escalation to PER).

Page 15, paragraph 2

... Proponents and key government agencies will be consulted on the draft recommended conditions at the same time ... The OEPA will then have 5 working days to provide their comment.

- If there is no response in 5 days is the proposal deemed acceptable?

Page 15, Assessment by the EPA

- This is supported by industry.

UDIA has reservations about the capacity of the OEPA, based on its current resources, to manage the assessment process within specified timeframes. Recent experience indicates that this may not be possible, noting that there have also been considerable delays at the Ministerial determination/approvals phase.

It is hoped that this change will also result in an increase in proposals being assessed on referred information under Section 38 (ie Not Assessed), which should again encourage quality EIA documentation to be referred by proponents. The ESDs issued for similar projects should assist in outlining scope requirements for referrals.

We trust that you will find this feedback instructive and thank you for the opportunity to provide it.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

Debra Goostrey
Chief Executive Officer