

ENVIRONMENT INSTITUTE OF AUSTRALIA AND NEW ZEALAND INC.

INCORPORATING ENVIRONMENTAL CONSIDERATIONS INTO DEVELOPMENT PROJECTS

Introduction

Environmental considerations are an important input into decision-making both at the strategic level and in relation to specific development projects. The following position statement is intended to relate primarily to specific development projects, rather than strategic environmental planning or assessment, as existing legislation and formal procedures in Australia and New Zealand are focused primarily at project level. Such development projects may be of a scale or nature to require addressing through formal environmental assessment procedures, or may be minor projects which do not involve such formal assessment but nevertheless require environmental matters to be addressed as a matter of best practice.

While strategic environmental assessment is not addressed in the present position statement, other than in providing a context for individual projects, many of the matters discussed at the project level are relevant also to the strategic level.

As defined in most relevant government legislation and in the EIANZ Rules of Association, the term 'environment' has a broad meaning, incorporating biophysical, socio-economic and cultural aspects, and is interpreted accordingly throughout this position statement

This position statement is relevant to all participants in the development process, including environmental practitioners, proponents, regulatory authorities, and members of the community with an interest in the proposal.

The development process for specific projects can be seen as consisting of three main stages, each of which involves environmental considerations. These stages may often overlap, the key elements being as follows:

- **Planning.** This stage involves the proponent identifying the project to be undertaken, clarifying its objectives, establishing its feasibility, identifying options which are prudent and feasible in terms of meeting the objectives of the proposal, assessing these options in terms of their beneficial and adverse effects, technical quality and financial implications, and undertaking design studies at various levels of detail. In undertaking these tasks, the proponent may elect to consult more widely with regulatory authorities or the wider community. While such early consultation is not mandatory, it is often encouraged by regulatory authorities, and may broaden the mind of the proponent, for example, in identifying further options or further issues that should be addressed.
- **Review.** This stage involves external review of the project and its environmental implications as part of the decision-making process, involving the determining authority and, in some situations, other government agencies and/or the wider community.

- **Implementation.** This stage involves the construction of the project by the proponent, commonly in accordance with an environmental management plan and/or conditions of development consents or licences, as well as the subsequent operation and maintenance of the project. It may incorporate monitoring or auditing of construction and/ or operation, and implementing contingency measures if necessary, with a view to achieving closure in environmental terms.

Each of these stages can be segmented further in terms of decisions. For example, planning can involve site selection, concept planning and detailed design, review can lead to modification of earlier planning decisions, and implementation can be divided into construction, post-construction management and ongoing operation and management.

The consideration of environmental issues may be a significant input at any stage in this decision-making process. The relevant environmental issues and the way in which they are addressed will vary according to the nature of each decision. For a large or complex project, several iterations of a single decision may be needed within the planning and review stages.

Some important distinctions between environmental planning and environmental review for specific projects as described above are as follows:

- Environmental planning is a proactive process in which environmental issues can be major factors in its formative stages, while environmental review is a reactive process which tends to come into play once the options for a project have been identified and evaluated by the proponent.
- Environmental planning for specific projects is driven by the proponent while environmental review results largely from external regulatory requirements.
- There is no legislation to enforce environmental planning in the above context, while all jurisdictions have legislation for environmental review, at least for certain types of projects or levels of environmental impact. The provision for strategic environmental assessment in some legislation can nevertheless reduce the burden of environmental planning at the individual project level.
- Environmental planning usually involves a small project team with the extent of external interaction being determined by the proponent, while environmental review involves outside parties, commonly including the wider community, in accordance with established legislation and procedures.

Position Statement

The EIANZ believes that environmental issues should be considered at all stages of the development process, the relative importance of environmental issues depending on the nature of the project and its environmental context.

The EIANZ regards consideration of the environment to be relevant to all projects, not just those which are subject to formal procedures under environmental legislation.

The EIANZ recommends that an environmental scoping assessment should be undertaken by or on behalf of the proponent early in the planning stage of the project to determine the relevant environmental issues, their relative importance, the points in the decision-making process when they are relevant, and the level of investigation or action required to address them at each point. As part of the scoping process, relevant regulatory agencies should be consulted to ensure that statutory processes are correctly followed to identify possible additional issues that agencies may want addressed or further options justifying consideration.

The EIANZ believes that the proponent should be involved in the consideration of environmental issues throughout the development process by:

- (a) being informed of such issues and their implications for the project; and
- (b) being given the opportunity to develop measures which would address any environmental concerns.

Other members of the project team should also be involved in environmental issues which are relevant to their inputs and expertise. The EIANZ regards the environment as everybody's business, and the primary responsibility for environmental matters should be closely integrated with the mainstream development process.

The EIANZ considers that all professional environmental advice should be provided by persons with appropriate levels of expertise in the context of the project, working in an interdisciplinary manner.

The EIANZ considers that all professional environmental investigation and advice should be objective and should place the integrity of the natural and cultural environment and the health, safety and welfare of the community above sectional or private interests, including those of the proponent or of parties which may oppose the development. The EIANZ sees the primary purpose of environmental inputs as the achievement of favourable environmental outcomes to the extent that this is feasible and practicable within the context of the project.

The EIANZ believes that for projects involving the prospect of significant environmental consequences and/or of wide public interest, engagement of the community or specific stakeholders should be undertaken at an early stage, which may precede any statutory external review process. This may include collaboration with community groups and non-government organisations, involving the community in the identification and prioritising of issues (scoping) and early notification of development intentions. If statutory processes do not apply, such engagement should be initiated by or on behalf of the proponent.

To promote the objectivity of environmental advice, the EIANZ considers that the opportunity for environmental review of projects which is independent of the proponent and other parties with vested interests should be provided at major decision points in the development process through statutory procedures or other means. For projects with potential significant environmental consequences and/ or of wide public interest, such independent review may include:

- public reviews such as that provided through release of an environmental impact statement or similar document;
- the conduct of a public hearing; or
- other independent public engagement processes.

For a project involving decisions of major environmental significance at several points, independent environmental review may be required at more than one point in the process. For projects of minor environmental impact and limited public interest, the independent review may be conducted in accordance with the established decision-making procedures of regulatory authorities without the need for wider consultation.

The EIANZ considers that the responsibility for the independent review of a project should rest with an entity which has staff who are suitably qualified environmental practitioners and which does not have a vested interest in either supporting or opposing the project. The review process should address impacts on the environment in an holistic and transparent manner.

While decisions on approval and determination of conditions normally follow the review stage, the EIANZ considers that effective environmental inputs should continue beyond the point of approval, and through to the construction and operational phases of the project. This can include *inter alia*:

- the formulation, implementation and monitoring of an environmental management plan;
- other measures that may be required as a condition of development consent or licence; and
- addressing any predicted or unforeseen environmental effects.

The EIANZ recommends that the eventual environmental outcome of a project and the environmental effects experienced during its implementation should be monitored with a view to meeting performance standards that are consistent with legislative and policy requirements, development consent/ licence conditions and agreed stakeholder expectations, and that protect important environmental values. Contingency measures should be identified and implemented in the event that adverse outcomes prove to be more serious than predicted.

While environmental inputs must satisfy any relevant legal requirements, the EIANZ recommends that they should also pursue industry and community environmental best practice. Legislative approaches may specify acceptable standards, while environmental best practice commonly involves going beyond these standards, and should be encouraged wherever possible.