

1 June 2016



Environment Institute  
of Australia and  
New Zealand Inc.

Office of the Environmental Protection Authority  
Locked Bag 10  
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Attention: Anthony Sheehan, A/Manager Strategic Policy Branch

Sent via email to [anthony.sheehan@epa.wa.gov.au](mailto:anthony.sheehan@epa.wa.gov.au)

Dear Mr Sheehan

**Proposed withdrawal of EPA Position Statement 3 (PS3) and Guidance Statement 6 (GS6)**

Thank you for the opportunity to comment on this proposal.

The Environment Institute of Australia and New Zealand (EIANZ) is a not-for-profit, professional association for environmental practitioners from across Australia and New Zealand. EIANZ is made up of Divisions in all states and territories of Australia and a New Zealand Chapter. The EIANZ supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. It also advocates environmental knowledge and awareness, advancing ethical and competent environmental practice. Our members come from all areas of environmental practice and are at the forefront of challenging and complex issues such as climate change, sustainability and preserving biodiversity.

The following comments are provided on behalf of the WA Division of EIANZ, herein EIANZ (WA).

In considering the merits and consequences of the EPA's proposal to withdraw PS3 and GS6, EIANZ (WA) firstly notes the findings of the recent Legal and Governance Review of Policies and Processes of the EPA by Peter Quinlan SC, Eric Heenan, and Sunili Govinnage (the Review Report).

As has been recognized by the Review Report's authors and the EPA, there is a need for a 'root and branch' reconsideration of the EPA's policy framework. EIANZ (WA) generally supports this broad and thorough review of the EPA's policy framework.

As the EPA undertakes this wholesale review process, it is important that the policy rebuild and revision exercise is undertaken in an orderly and structured process, and maintains and grows the public's confidence in the EPA.

The withdrawal of PS3 and GS6 prior to the development of a new policy framework for EIA environmental factors should be approached with caution as it may pre-empt the scope of the new policy framework(s) and their component policies. This may result in a new suite of policies that are

not able to comprehensively protect the state's environment or enable the EPA to meet its objectives.



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For example, it may be argued that EPA Position Statement 3 sets out a clear, high-level context for terrestrial biological surveys to give EIA practitioners (including the EPA) the best chance of conserving the state's biodiversity. That is, PS3 states that terrestrial fauna surveys are to inform the assessment of potential impacts on both biodiversity values (genes, species and ecosystems) as well as ecosystem functional value(s) at the ecosystem level. This latter group of values (ecosystem functional values) does not appear to be included elsewhere in the EPA's current suite of policies. For example, EAG 8 uses terms such as 'biological diversity', 'ecological integrity', 'ecological functions and environmental values of landforms', but does not include a factor of ecological function. The overarching utility of PS3 in guiding other lower level policies is explicitly stated in GS 51 (Flora and Vegetation Surveys) and GS 56 (Fauna Surveys).

The above detail is provided as an example of why the EPA may consider post-poning the withdrawal of PS3 until the new draft high level policies have been established for the EIA –related policy framework. PS3 may well be made redundant once the new policy framework is assembled.

In terms of GS6, EIANZ (WA) notes that the EPA may withdraw the guidance statement and replace it with a high level rehabilitation policy in the future. This approach would be generally supported by EIANZ (WA) especially in the context of developing the new high-level policy framework for the EPA's environmental factors. While GS6 does not guide the EIA process, it has been found by our members to provide useful information to assist industry and proponents with rehabilitation. In some cases it has been more easily accessible than the Guideline for Mine Closure Plans. Hence, prior to withdrawing GS6, it is suggested that a gap analysis is conducted to ensure important information in this guidance statement is included in Guideline for Mine Closure Plan's next revision. Also, prior to the withdrawal of GS6, any changes should be well communicated to stakeholders and direct them to the Guideline for Mine Closure Plans for information on rehabilitation. It is also suggested that perhaps a change to the EPA/DMP document title so that its scope and content is more clearly stated e.g. "Guidelines for Mine Closure Plans and Rehabilitation".

Thank you again for the opportunity to comment and be part of the EPA's Stakeholder Reference Group. Please do not hesitate to contact the undersigned should you wish to discuss any matter further.

Yours sincerely

A handwritten signature in black ink that reads "Andrew Del Marco".

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