

ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE

QUESTIONS TAKEN ON NOTICE

Thursday, 16 June 2016

Office of the Environmental Protection Authority

Supplementary Information Number C1: Hon Adele Farina asked -

I understand that in the 2015-16 financial year to date, six requests from members of the community have been received by the EPA seeking proposals to be considered under section 38 of the EPA act, and I was just wondering if you could provide me with a list of those requests and details on each of those proposals.

Answer: The following matters were brought to attention of the Environmental Protection Authority (EPA) by third parties in 2015-2016 and after investigation the EPA considered that they did not meet the requirements of a “proposal” and/or a “significant proposal” under the provisions of the Environmental Protection Act 1986.

1. Sandalwood Exploitation Quotas: The setting of wild sandalwood harvesting quotas
2. Western Trade Coast Protection Area legislation: The Planning and Development Legislation Amendment (Western Trade Coast Protection Area) Bill 2015
3. Broiler Chicken Sheds Expansion: Expansion of Poultry Farm Sheds – Lot 505 Henderson Road, Hopeland
4. Southdale Pet Meats Darling Downs: Application for Planning Approval - Lot 5 (No.49) Butcher Road, Darling Downs
5. St Andrews Church St Georges Terrace Perth: Construction of a Mixed Use Development Lot 18, 19 And 50 St George’s Terrace Perth
6. Integrated Aged Care Facility Lot 59 Wilkins Road, Kalamunda: Development of Lot 59 Wilkins Road, Kalamunda (Reserve 30314) into an integrated aged care facility



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Supplementary Information Number C2: Hon Adele Farina asked -

My next question is in relation to the Pilbara strategic conservation fund. I understand that there have been ministerial approval statements — for example, statement 899 — that require FMG Cloudbreak to actually put some money into those funds. Based on the rate of mining at Cloudbreak, how much money does FMG currently owe the fund?

Answer: The current obligation of Fortescue Metals Group (FMG) to the Pilbara Strategic Conservation Initiative is \$1,263,040. This is based on clearing to 30 June 2015 under Ministerial Statement 899 (Cloudbreak Life of Mine).

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Supplementary Information Number C3: Hon Adele Farina asked -

- 1) *Given that both the company and the minister signed the ministerial approval statement 899 and agreed to pay \$1 500 to \$3 000 for every hectare of mulga vegetation type destroyed, how much does FMG currently owe to the fund?*
- 2) *There was an agreement to pay \$3 000 for every hectare of samphire vegetation destroyed, and the question is: how much funding does FMG owe to the fund as a result of that?*
- 3) *If all the environmental destruction detailed in the ministerial approval statement were fully implemented, how much would be paid into the fund?*
- 4) *Lastly, based on the current extent of mining and Pilbara infrastructure activity, how much is currently owing to the fund?*

Answer:

- 1) Up to 30 June 2015 FMG's current Pilbara fund obligation for this clearing is \$1,227,730.
- 2) Up to 30 June 2015 FMG's current Pilbara fund obligation for this clearing is \$2319.
- 3) Based on the total approved clearing, the total offset obligation to the Pilbara Strategic Conservation Initiative under the Ministerial Statement 899 is expected to be \$13.9 million plus CPI.
- 4) The current obligation to Pilbara Strategic Conservation Initiative is \$6,297,213.

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Thursday, 16 June 2016

Office of the Environmental Protection Authority

Supplementary Information Number C4: Hon Adele Farina asked -

My next question is in relation to environmental policies guidelines and position statements. A significant number of these have been suspended since March 2013. Are you able to provide a list of all of those suspended and the reason why they were suspended?

Answer: The EPA does not suspend its policies. They are withdrawn from the EPA's policy suite.

Type	Name	Withdrawal reasons
Position Statement 1	Environmental Protection of Cape Range Province	Outdated.
Position Statement 5	Environmental Protection and Ecological Sustainability of the Rangelands in Western Australia	Considered redundant, much of it repeated in other sources.
Position Statement 7	Principles of Environmental Protection	Principles incorporated into revision of Environmental Assessment Guideline 8 - Environmental principles, factors and objectives.
Position Statement 8	Environmental Protection in Natural Resource Management	Outdated.
Position Statement 9	Environmental Offsets	Replaced by new EPA position on offsets as expressed in Environmental Protection Bulletin 1 - Environmental Offsets.
Environmental Protection Bulletin 3	EIA Review - Interim Assessment Procedures	Redundant as new procedures bought into place.
Environmental Assessment Guideline 4	Towards Outcome-based Conditions - DRAFT	Superseded by Environmental Assessment Guideline 11 - Recommending environmental conditions

Environmental Protection Bulletin 7	Risk-based Approach to EIA - update	Superseded by Environmental Assessment Guideline 9 - Application of a significance framework in the environmental impact assessment process.
Environmental Protection Bulletin 8	South West Regional Ecological Linkages	Outdated.
Environmental Protection Bulletin 9	Risk-based Approach to EIA - update	Superseded by Environmental Assessment Guideline 9 - Application of a significance framework in the environmental impact assessment process.
Environmental Protection Bulletin 15	Hydraulic fracturing of gas reserves	Revised and updated into Environmental Protection Bulletin 22 - Hydraulic fracturing for onshore natural gas from shale and tight rocks
Guidance Statement 8	Environmental Noise - DRAFT	Superseded by Environmental Assessment Guideline 13 - consideration of environmental impacts from noise
Guidance Statement 12	Minimising Greenhouse Gas Emissions	Superseded by Environmental Protection Bulletin 24 - Greenhouse gas emissions and consideration of projected climate change impacts in the EIA process.
Guidance Statement 17	Remediation Hierarchy for Contaminated Land	Out of date, superseded by the <i>Contaminated Sites Act 2003</i> .
Guidance Statement 18	Prevention of air quality impacts from land development sites	Superseded by guidance from the Department of Environment Regulation "A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities" (2011).
Guidance Statement 19	Environmental Offsets - Biodiversity	Replaced by new EPA position on offsets as expressed in Environmental Protection Bulletin 1 - Environmental Offsets.
Guidance Statement 40	Management of Mosquitoes by Land Developers	Stakeholder consultation indicated that the policy was generally not used by agencies as a guidance tool for managing mosquitoes.

Guidance Statement 54	Sampling of Subterranean Fauna in Groundwater and Caves	Superseded by Environmental Assessment Guideline 12 - Consideration of subterranean fauna in environmental impact assessment in Western Australia.
State Environmental Policy	Ambient Air - DRAFT	A draft that was not finalised.

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Supplementary Information Number C5: Hon Adele Farina asked -

My question about whether the government is considering any amendments to the EP act to actually address the issue of a cancellation of an environmental approval subject to conditions if conditions have been breached.

Answer: No

Handwritten signature in black ink, appearing to be the initials 'AG'.

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Thursday, 16 June 2016

Office of the Environmental Protection Authority

Supplementary Information Number C6: Hon Adele Farina asked -

Moving back to the Swan coastal plain EPP that has been suspended. In your earlier answer you indicated that legislative changes have been passed since that EPP was established that protect wetlands. Would you be able to provide me with a list of those legislative provisions that provide protection for wetlands that previously did not exist when the EPP was first brought down?

Answer:

- The clearing provisions of Part V, Division 2 of the *Environmental Protection Act 1986* (EP Act).
- The *Environmental Protection (Unauthorised Discharges) Regulations 2004*.
- The environmental harm provisions of Part V, Division 1 of the EP Act.
- State Planning Policy 2.9 – Water Resources (2006) aims to protect, manage, conserve and enhance the environmental attributes, functions and values of significant wetlands, such as Ramsar wetlands, conservation category wetland.

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Supplementary Information Number C7: Hon Adele Farina asked -

I would like to know how much money in the last financial year the Office of the Environmental Protection Authority or the Environmental Protection Authority actually spend on seeking expert consultant advice in relation to assessment of proposals.

Mr Taylor: Is that seeking external advice from other agencies or from outside government?

Hon ADELE FARINA: No, from the private sector.

Answer: \$9,545.

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Office of the Environmental Protection Authority

Supplementary Information Number C8: Hon Ken Travers asked -

My last questions are: Do you have any idea of what the cost for the EPA is going to be to assess the Ocean Reef marina proposals? Have you got an indicative case, or based on other projects of a similar nature – I am happy for you to take it on notice – are you able to provide us with advice about what your estimated cost will be to assess the Ocean Reef marina proposal, both the marine and the terrestrial or land-based components of that proposal?

Answer: Approximately \$70,000.

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