



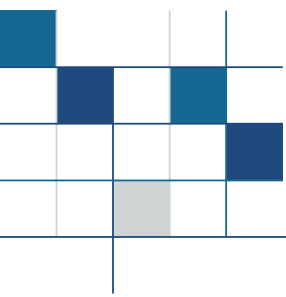
# Guideline

## Environmental siting

Part V, Division 3, *Environmental Protection Act 1986*

November 2016

(Plain English version, December 2020)



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# 1. Objective

This guideline describes how the Department of Water and Environmental Regulation applies regulatory controls for works approvals and licences granted under Part V, Division 3 of the *Environmental Protection Act 1986* (EP Act).

We will apply a risk-based approach to our regulatory functions to prevent an unacceptable risk of harm to public health or the environment. We will make licensing and approval decisions, including any conditions we attach to a works approval or licence, in proportion to the level of risk (likelihood and consequence) that the activity poses to public health and the environment. We will consider environmental siting when we assess the risk of activities at prescribed premises.

# 2. Background

The department regulates prescribed premises under Part V of the EP Act. Schedule 1 to the Environmental Protection Regulations 1987 sets out categories of prescribed premises.

When we consider the surrounding environment of a premises, this is called **environmental siting**. Sometimes the surrounding environment may include areas of high conservation value and special significance (**specified ecosystems**). These ecosystems may be affected by activities within, or emissions and discharges from, prescribed premises. We have provided a list of these ecosystems, and their biological and physical components in Appendix 1 of this guideline. The locations of the specified ecosystems listed are mostly available through publicly available geographic information systems (GIS).

The list of specified ecosystems is not exhaustive and will be updated from time-to-time.

# 3. Legislation and other guidelines

This guideline principally relates to the department's responsibilities under Part V, Division 3 of the EP Act. We will use our *Guideline: Regulatory principles* to ensure our regulatory controls to protect sensitive and high-value ecosystems and public health and amenity are in proportion to the risk of the activity.

We will use environmental siting to identify environmental receptors to help us assess the risk of emissions and discharges from prescribed premises (see our *Guideline: Risk assessments* and *Guideline: Decision making* for more information about our processes).

We will also use environmental siting to assess risk when applicants apply to renew their licences and for inspection and compliance activities for existing prescribed premises.

# 4. Guideline role

1. The specified ecosystems in Appendix 1 are indicative environmental receptors the department will consider when assessing risks for prescribed premises.
2. When prescribed premises may impact on a specified ecosystem, we may ask the applicant to provide more evidence and information, including but not limited to:
  - (a) baseline surveys
  - (b) modelling and predictions of potential impacts





- (c) monitoring and details on management of impact or risk.
3. When a prescribed premises may discharge waste within a designated area defined in section 57 of the EP Act, and set out in the map of designated areas in Appendix 2, we will assess potential risks to water resources.
  4. When a prescribed premises may impact on a specified ecosystem, we may seek comment or advice from the relevant department specified in Appendix 1.

## 5. Implementation

The department will use a risk-based approach to assessments, and consider this environmental siting guideline, for all new applications and transfers and closure notice matters we receive after its start date.

## 6. Start date

This guideline takes effect from 16 November 2016.

## 7. Review

We will review this guidance statement as soon as practicable after the fifth year from the start date.



## Appendix 1: Specified ecosystems

See Table 1 for the specified ecosystems and their GIS datasets.

	<b>GIS dataset title</b>	<b>Relevant department</b>	<b>Description</b>
1.	Ramsar sites in Western Australia	Department of Biodiversity, Conservation and Attractions (DBCA)	Wetlands recognised through the Ramsar Convention as internationally important.
2.	Important wetlands – Western Australia	Department of Agriculture, Water and the Environment (DAWE) (Cth)	Nationally significant wetlands identified in <i>A directory of important wetlands in Australia</i> .
3.	South Coast Significant Wetlands	DBCA	Regionally and internationally significant wetlands in the south-coast region.
4.	Geomorphic Wetlands Swan Coastal Plain (management)	DBCA	This dataset has the location, boundary, geomorphic classification (wetland type) and management category (Conservation, Resource Enhancement or Multiple Use) of wetlands on the Swan coastal plain.
5.	Geomorphic Wetlands Augusta to Walpole	DBCA	This dataset has the location, boundary and geomorphic classification (wetland type) of wetlands from Augusta to Walpole.
6.	Geomorphic Wetlands Cervantes Eneabba	DBCA	This dataset has the location, boundary and geomorphic classification (wetland type) of wetlands.
7.	Geomorphic Wetlands Cervantes South	DBCA	This dataset has the location, boundary and geomorphic classification (wetland type) of wetlands.
8.	Geomorphic Wetlands Cervantes (Coastal)	DBCA	This dataset has the location, boundary and geomorphic classification (wetland type) of wetlands.
9.	Parks and Wildlife Managed Lands and Waters	DBCA	Parks and Wildlife (DBCA) managed lands and waters in Western Australia including national parks, nature reserves, conservation parks, expastoral leases, freehold land the department manages or has an interest in, miscellaneous reserves, marine parks, marine nature reserves, marine management areas, section 5(1)(g) reserves, state forest and timber reserves.
10.	Bush Forever: Regional open space or proposed regional open space	Department of Planning, Lands and Heritage	Bush Forever provides a policy framework to ensure bushland protection and management in the Perth metropolitan area is addressed and



	GIS dataset title	Relevant department	Description
			integrated with broader land use planning and decision-making.
11.	Western Swamp Tortoise Habitat	Environmental Protection Authority	The western swamp tortoise is the most endangered tortoise or turtle species on earth. It is listed as a critically endangered species under the <i>Western Australian Wildlife Conservation Act 1950</i> , the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) and the United Nations Convention on International Trade of Endangered Species (CITES). The habitat of the tortoise is protected under the <i>Environmental, Protection (Western Swamp Tortoise Habitat) Policy 2011</i> .
12.	Rottneest Island Reserves Nature Reserve	Rottneest Island Authority	'A' Class Nature Reserve as described in <i>Rottneest Island Authority Act 1987</i> .
13.	Regional Parks	DBCA	This refers to eight regional parks that make up most of the land reserved for parks and recreation in the metropolitan area. The current land tenure arrangements within the regional parks are complex, with a number of different landholders of both crown and private land.
14.	Fish Habitat Protection Zones	Department of Primary Industries and Regional Development	Polygon coverage of the Fish Habitat Protection Areas in Western Australia declared under section 115 of the <i>Fish Resource Management Act 1994</i> .
15.	Waterways Conservation Areas	Department of Water and Environmental Regulation (DWER)	Management areas as declared under the <i>Waterways Conservation Act 1976</i> .
16.	Peel Harvey Environmental Protection Policy (EPP)	Environmental Protection Authority	The Peel Harvey EPP: <ul style="list-style-type: none"> <li>– sets out the estuary's environmental quality objectives, which (if achieved) will rehabilitate the estuary and protect it from further degradation</li> <li>– outlines the means to achieve and maintain the environmental quality objectives for the estuary.</li> </ul>
17.	Green Growth	Department of Premier and Cabinet	Mapping of the spatially related conservation commitments from Action Plans F and G and of the proposed new conservation reserves (phase 1 and 2) referred to in Action Plan H.
18.	State Environment Policy (SEP)	Environmental Protection Authority	This dataset shows the spatial boundaries of the SEP Cockburn Policy Boundary 2005. It was updated in 2010 to accurately represent



	GIS dataset title	Relevant department	Description
	Cockburn Sound Policy Boundary 2005		the coastline and the recent approval of James Point Stage 1. When this dataset was created, schedules 1–3 of the policy were updated. There are three levels of ecological protection (high, moderate and low). The policy states that the percentage of moderate protection (MEPA) which is low ecological protection (LEPA) should not exceed 5%. This spatial data represents the EPA's most recent recalculations of this statistic. Currently the percentage of MEPA which is LEPA is 4.39%.
19.	Ecological Communities (Threatened Ecological Communities and Priority Ecological Communities)	DBCA	Ecological communities throughout Western Australia that are 'presumed totally destroyed', 'critically endangered', 'endangered', 'vulnerable', 'priority 1–5', 'lower risk' and 'not evaluated'. Communities are based on various life-forms including plants, invertebrates and microorganisms.
<b>Biological component</b>			
20.	Threatened / Priority Flora	DBCA	This database describes threatened (declared rare) and priority flora populations for all land tenures within Western Australia.
21.	Threatened / Priority Fauna	DBCA	The database has records of observations of any fauna listed as threatened or priority.
<b>Physical component</b>			
22.	Drinking Water Source Areas	DWER	Public water source areas proclaimed under the <i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i> and the <i>Country Areas Water Supply Act 1947</i> .
23.	Hydrography WA 250K – Surface Water Polygons (GA 2015)	DWER	Western Australia's major streamlines, coded with a hierarchy and named. The dataset includes many streams in addition to the detailed hydrography in areas where its data is limited (e.g. Eastern Wheatbelt and Western Plateau). Dataset is designed to evolve as more information becomes available.
24.	Groundwater Contours	DWER	Groundwater Contours – May 2003 (mAHD)
25.	GEODATA Waterbodies	Geoscience Australia	Watercourses identified within Western Australia
26.	Acid Sulfate Soils Risk Map, Swan Coastal Plain	DWER	Map of the risk of land development activities disturbing acid sulfate soil (ASS) materials, based on the likelihood of ASS materials occurring within soil profiles.

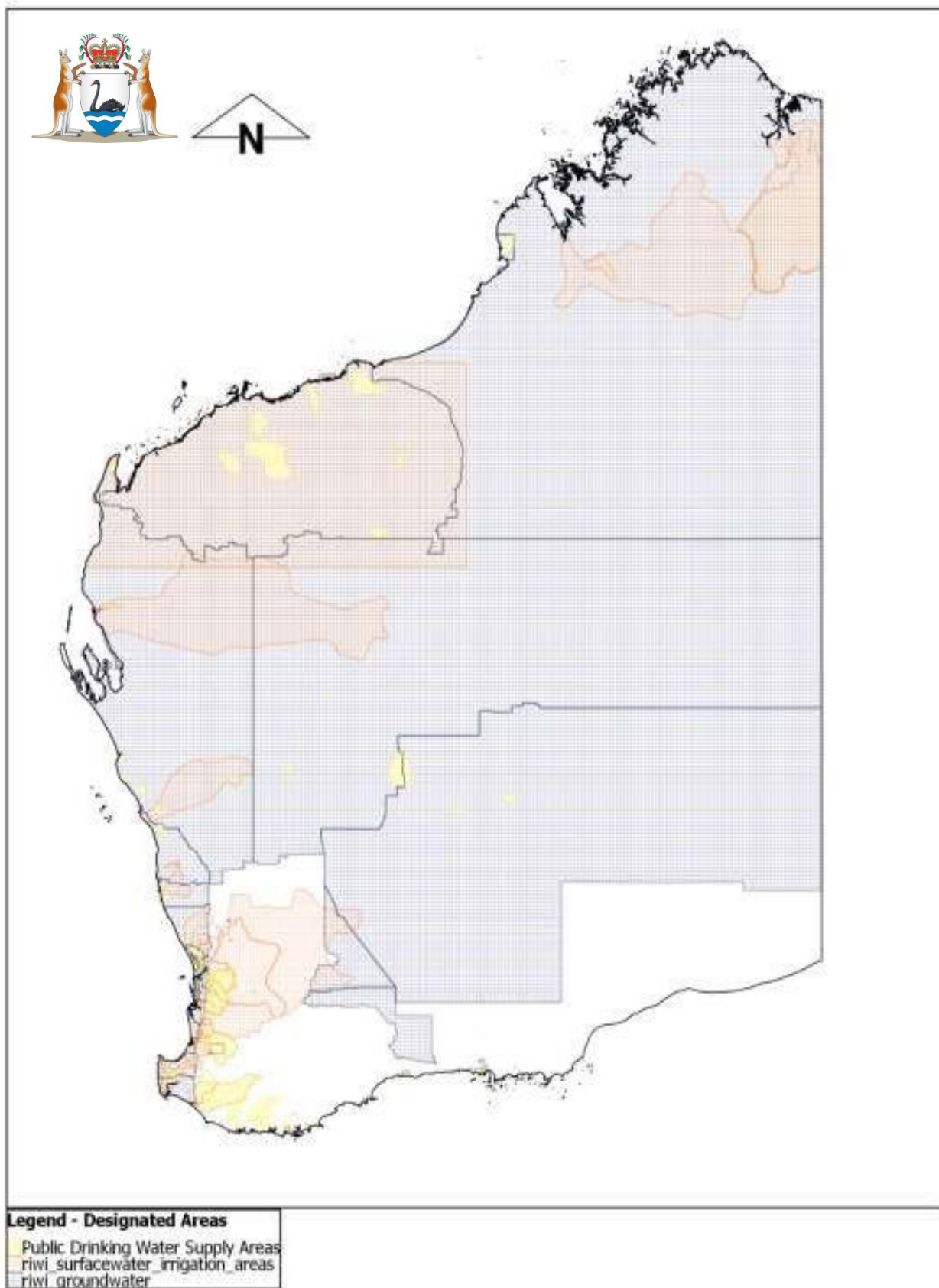




	<b>GIS dataset title</b>	<b>Relevant department</b>	<b>Description</b>
27.	Acid Sulfate Soils Risk Map, Albany–Torbay	DWER	Map of the risk of land development activities disturbing ASS materials, based on the likelihood of ASS materials occurring within soil profiles.
28.	Acid Sulfate Soils Risk Map, Estuaries	DWER	Predicted risk of ASS materials occurring within shallow soil layers in Western Australian estuaries (not covered by other DAWE ASS risk datasets) that could be disturbed by normal land development activities (e.g. drainage, excavations, dewatering).
29.	Acid Sulfate Soils Risk Map, Geraldton	DWER	Data of the risk of land development activities disturbing potential acid sulfate soil (PASS) materials, based on the likelihood of PASS materials occurring within 3 m of the ground surface for Geraldton.
30.	Acid Sulfate Soils Risk Map, Lower Southwest	DWER	Data of the risk of land development activities disturbing PASS materials, based on the likelihood of PASS materials occurring within 3 m of the ground surface for the Lower Southwest region.
31.	Acid Sulfate Soils Risk Map, Pilbara Coastline	DWER	Data of the risk of land development activities disturbing PASS materials, based on the likelihood of PASS materials occurring within 3 m of the ground surface for the Pilbara Coastline.
32.	Contaminated Sites – Reported Sites	DWER	This database holds information on confirmed contaminated sites (those classified 'contaminated – remediation required', 'contaminated – restricted use' and 'remediated for restricted use'). The Reported Sites Register has information on all other reported sites.



## Appendix 2: Designated areas map





**Designated areas:** these are water source areas proclaimed under the *Rights in Water and Irrigation Act 1914* and Public Drinking Water Source Areas proclaimed under *Country Areas Water Supply Act 1947* and *Metropolitan Water Supply, Sewerage, and Drainage Act 1909*.

Table 2: Designated areas datasets

GIS dataset title	Department custodian	Description	Map reference
Public Drinking Water Source Areas	DWER	Public water source areas proclaimed under the <i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i> and the <i>Country Areas Water Supply Act 1947</i>	YELLOW
<i>Rights in Water and Irrigation Act 1914</i> Surface Water Areas and Irrigation Districts	DWER	Surface water and irrigation districts proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>	HATCHED ORANGE
<i>Rights in Water and Irrigation Act 1914</i> Groundwater Areas	DWER	Groundwater areas proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>	HATCHED ORANGE