



Environmental Siting

Part V, Division 3, Environmental Protection Act 1986

Version: Final

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Document Version History

Date	Author	Version	Approved by
November 2016	Strategy and Reform	Final	Jason Banks, Director General
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Objective

To provide guidance on the Department of Environment Regulation's (DER) regulatory functions in relation to works approvals and licences and under Part V, Division 3 of the *Environmental Protection Act 1986* (EP Act).

DER will apply a risk-based approach to its regulatory functions to ensure that there is not an unacceptable risk of harm to public health or the environment. Licensing and approval decisions, including conditions imposed on works approvals or licences, will be proportionate to the level of risk (consequence and likelihood) that the activity poses to public health and the environment. DER will give consideration to environmental siting to inform the risk assessment of activities carried out on prescribed premises.

Background

DER regulates prescribed premises categories under Part V of the EP Act. Categories of prescribed premises are set out in Schedule 1 to the *Environmental Protection Regulations 1987*.

Environmental siting is the consideration of the surrounding environment, including areas of high conservation value and special significance (**Specified Ecosystems**), that may be impacted as a result of activities upon or emissions and discharges from prescribed premises. Ecosystems, and biological and physical components of ecosystems, are listed within this Guidance Statement. 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.

Legislation and other Guidance Statements

This Guidance Statement is principally related to DER's regulatory functions relating to works approvals and licences under Part V, Division 3 of the EP Act. In accordance with its *Guidance Statement: Regulatory Principles*, DER will ensure that regulatory controls to protect sensitive and high value ecosystems and public health and amenity are proportionate to the level of risk of that activity.

Environmental siting will be used by DER to identify environmental receptors which will inform DER's risk assessment of, and decision making for, prescribed premises (further information on these processes can be found in *Guidance Statement: Risk Assessments* and *Guidance Statement: Decision Making*).

Environmental siting will also be used by DER to inform risk assessments for the renewal of licences and for inspection and compliance activities in relation to existing prescribed premises.



Guidance Statement

1. **The Specified Ecosystems which are identified in Appendix 1 are indicative environmental receptors which will be considered in risk assessments undertaken by DER.**
2. **Where prescribed premises may impact a Specified Ecosystem, DER may require additional evidence and information including but not limited to:**
 - (a) **baseline surveys;**
 - (b) **modelling and predictions of potential impacts; and**
 - (c) **monitoring and details on management of impact or risk.**
3. **Prescribed premises which may result in a discharge of waste within designated areas as defined by section 57 of the EP Act, and set out in the map of designated areas in Appendix 2, will be referred to the Department of Water (DOW) for advice. DER will have regard to DOW's advice in undertaking its risk assessment.**
4. **In undertaking its risk assessment, where a prescribed premises may result in an impact on a Specified Ecosystem, DER may seek comment or advice from the relevant department specified in Appendix 1.**

Implementation

DER's risk-based approach to assessments, including the application of environmental siting, will be implemented in accordance with this Guidance Statement for all:

- new applications received; and
 - new transfers and Closure Notice matters,
- from the date of commencement.

The CEO may also apply this Guidance Statement to existing matters as the CEO considers appropriate, having regard to ensuring an orderly transition.

Commencement

This Guidance Statement is to take effect from 16 November 2016.

Review

This Guidance Statement is to be reviewed no later than as soon as practicable following the fifth year of its commencement.

Appendix 1: Specified Ecosystems

Specified Ecosystems and their GIS Datasets are set out in Table 1.

Table 1: Specified Ecosystems

Specified Ecosystem			
	GIS Dataset Title	Relevant Department	Description
1.	Ramsar Sites in Western Australia	Department of Parks and Wildlife	Wetlands recognised through the Ramsar Convention as internationally important
2.	Important wetlands – Western Australia	Department of the Environment	Nationally significant wetlands identified in <i>A Directory of Important Wetlands in Australia</i> .
3.	South Coast Significant Wetlands	Department of Parks and Wildlife	Regionally and internationally significant wetlands located within the south coast region
4.	Geomorphic Wetlands Swan Coastal Plain (management)	Department of Parks and Wildlife	This dataset displays the location, boundary, geomorphic classification (wetland type) and management category (Conservation, Resource Enhancement or Multiple Use) on the Swan Coastal Plain.
5.	Geomorphic Wetlands Augusta to Walpole	Department of Parks and Wildlife	This dataset displays the location, boundary and geomorphic classification (wetland type) of wetlands from Augusta to Walpole.
6.	Geomorphic Wetlands Cervantes Eneabba	Department of Parks and Wildlife	This dataset displays the location, boundary and geomorphic classification (wetland type) of wetlands.
7.	Geomorphic Wetlands Cervantes South	Department of Parks and Wildlife	This dataset displays the location, boundary and geomorphic classification (wetland type) of wetlands.
8.	Geomorphic Wetlands - Cervantes (Coastal)	Department of Parks and Wildlife	This dataset displays the location, boundary and geomorphic classification (wetland type) of wetlands.

Specified Ecosystem			
	GIS Dataset Title	Relevant Department	Description
9.	Parks and Wildlife Managed Lands and Waters	Department of Parks and Wildlife	Parks and Wildlife managed lands and waters within Western Australia including national parks, nature reserves, conservation parks, ex pastoral lease, freehold land managed by Parks and Wildlife, freehold land with departmental interest, 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	The Bush Forever Policy which provides a policy and implementation framework that will ensure bushland protection and management issues in the Perth Metropolitan Region are appropriately addressed and integrated with broader land use planning and decision-making
11.	Western Swamp Tortoise Habitat	Office of the Environmental Protection Authority	The Western Swamp Tortoise is the most endangered tortoise or turtle species on Earth. It is listed under the <i>Western Australian Wildlife Conservation Act 1950</i> , the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> and the United Nations Convention on International Trade of Endangered Species (CITES) as a critically endangered species
12.	Rottnest Island Reserves Nature Reserve	Rottnest Island Authority	"A" Class Nature Reserve as described in <i>Rottnest Island Authority Act 1987</i>
13.	Regional Parks	Department of Parks and Wildlife	The Regional Parks Unit was set up in 1997 to coordinate the management of 8 regional parks. This suite of Regional Parks represents the majority of 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 land and private land.

Specified Ecosystem			
	GIS Dataset Title	Relevant Department	Description
14.	Fish Habitat Protection Zones	Fisheries Department	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	Management areas as declared under the <i>Waterways Conservation Act 1976</i> .
16.	Peel Harvey Environmental Protection Policy (EPP)	Office of the Environmental Protection Authority	<p>The purpose of the Peel Harvey EPP:</p> <ul style="list-style-type: none"> to set out environmental quality objectives for the Estuary which if achieved will rehabilitate the Estuary and protect the Estuary from further degradation; and to outline the means by which the environmental quality objectives for the Estuary are to be achieved and maintained. <p>The area is set out the Peel Harvey EPP.</p>
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) Cockburn Sound Policy Boundary 2005	Office of the Environmental Protection Authority	This dataset represents the spatial boundaries of the SEP Cockburn Policy Boundary 2005. The dataset was updated in 2010 to accurately represent the coastline and the recent approval of James Point Stage1. When this dataset was created schedules 1-3 of the policy were updated. There are three levels of ecological protection high, moderate and low and the policy states that the percentage of Moderate protection which is Low ecological protection should not exceed 5%. This spatial data is representative of the Office of the EPA's most recent recalculations of this statistic. Currently the percentage of MEPA which is LEPA is 4.39%.



Specified Ecosystem

	GIS Dataset Title	Relevant Department	Description
19.	Ecological Communities (Threatened Ecological Communities and Priority Ecological Communities)	Department of Parks and Wildlife	Ecological communities throughout WA 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 micro-organisms

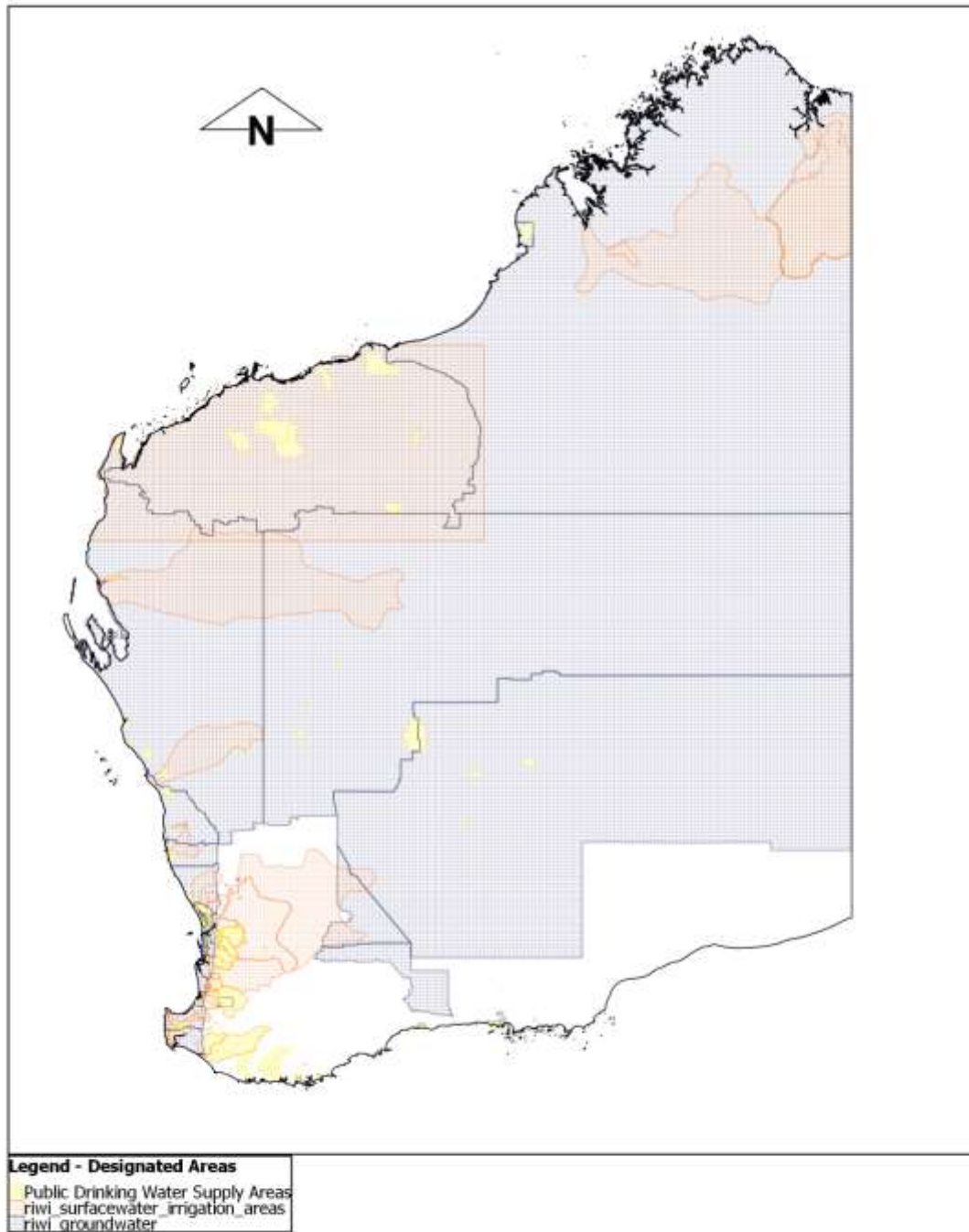
Biological Component			
	GIS Dataset Title	Relevant Department	Description
20.	Threatened / Priority Flora	Department of Parks and Wildlife	This database describes threatened (declared rare) and priority flora populations for all land tenures, within the State of Western Australia.
21.	Threatened / Priority Fauna	Department of Parks and Wildlife	The WA Threatened and Priority Fauna Database which contains records of observations of any fauna listed as threatened under the Wildlife Conservation Act 1950 or listed on the DEC Priority Fauna List.

Physical Component			
	GIS Dataset Title	Relevant Department	Description
22.	Drinking Water Source Areas	Department of Water	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)	Department of Water	Major streamlines of WA, coded with a hierarchy and are named. The dataset includes many streams in addition to the detailed Hydrography in areas where its data is limited (eg Eastern Wheatbelt and Western Plateau). Dataset is designed to be evolving as more information becomes available
24.	Groundwater Contours	Department of Water	Groundwater Contours – May 2003 (mAHD)
25.	GEODATA Waterbodies	Geoscience Australia	Watercourses identified within Western Australia
26.	Acid Sulfate Soils Risk map, Swan Coastal Plain	Department of Environment Regulation	Map of the risk of Acid Sulfate Soil (ASS) materials being disturbed by land development activities based on the likelihood of ASS materials occurring within soil profiles
27.	Acid Sulfate Soils Risk map, Albany - Torbay	Department of Environment Regulation	Map of the risk of Acid Sulfate Soil (ASS) materials being disturbed by land development activities based on the likelihood of ASS materials occurring within soil profiles.

Physical Component

	GIS Dataset Title	Relevant Department	Description
28.	Acid Sulfate Soils Risk map, Estuaries	Department of Environment Regulation	Predicted risk of Acid Sulfate Soil (ASS) materials occurring within shallow soil layers in WA Estuaries (not covered by other Department of Environment ASS risk datasets) that could be disturbed by normal land development activities (drainage, excavations, dewatering).
29.	Acid Sulfate Soils Risk map, Geraldton	Department of Environment Regulation	Data of the risk of Potential Acid Sulfate Soil (PASS) materials being disturbed by land development activities based on the likelihood of PASS materials occurring within 3m of the ground surface for Geraldton.
30.	Acid Sulfate Soils Risk map, Lower Southwest	Department of Environment Regulation	Data of the risk of Potential Acid Sulfate Soil (PASS) materials being disturbed by land development activities based on the likelihood of PASS materials occurring within 3m of the ground surface for the Lower South West Region.
31.	Acid Sulfate Soils Risk map, Pilbara Coastline	Department of Environment Regulation	Data of the risk of Potential Acid Sulfate Soil (PASS) materials being disturbed by land development activities based on the likelihood of PASS materials occurring within 3m of the ground surface for the Pilbara Coastline.
32.	Contaminated Sites – Reported Sites	Department of Environment Regulation	The Contaminated Sites Database holds information on confirmed contaminated sites (those classified 'contaminated-remediation required', 'contaminated - restricted use' and 'remediated for restricted use'). Information on all other reported sites is recorded on the Reported Sites Register.

Appendix 2: Designated Areas Map



Designated Areas: comprising water source areas proclaimed under the *Rights in Water and Irrigation Act 1914*, 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	Department of Water	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	Department of Water	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	Department of Water	Groundwater areas proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>	HATCHED ORANGE