

Sustainability Assessment Symposium 2010 Towards Strategic Assessment for Sustainability

Integrating Environmental Assessment
as part of Regional Strategic Land Use
Planning: A step towards integrated
sustainability assessment.

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History SEA in WA

- First SEA carried out by the EPA was of the (then) SPC's draft Shark Bay Region Plan (1987);
- Since then it has done SEAs on several programs and plans
 - Peel-Harvey management strategy (1987);
 - Water Authority Gnamangara groundwater abstraction program (1987);
 - CALM's forest management plans (1987);
 - Various proposed heavy industrial estates (Oakajee 1997);
 - Perth's Water Future Strategy (1998)
- Most active in SEAs of land use plans of WAPC

Process

- SEAs initially done as 'proposals' under S38;
- Problem of proposal definition emerged
 - 1994, the "Burrup Peninsula Draft Land Use and Management Plan" Supreme Court case
 - A plan does not commit to a zoning – not assessable (all judges)
- Kennedy
 - 'the implementation of a proposal simply to zone land cannot be said to be likely to have a significant effect on the environment. To zone land is merely to classify it for future use. Zoning in itself will not confer any rights of development.'
- EPA used S16 (mostly (e))
 - Informal SEA with advice only

Changes to EP Act

- 1996 - Divisions 3 and 4 of Part IV (Section 48A) of EP Act provides for assessment of statutory schemes
 - Not really SEA
- 2003 – Strategic proposal
 - Optional referral by proponent only
 - Notion of derived proposals
- S16 still preferred SEA tool

Use of S16

- Flags fatal flaw issues
- Sets broad environmental objectives for key issues
- Key outcome – follow advice to avoid formal assessments later in planning process

Advantages of S16

- EPA initiated
- Flexibility
 - Values, priorities, standards change – avoids complicated changes to conditions
- Doesn't lead to conditions and Ministerial process
 - EPA can be braver?
- I'm a big fan of S16.

Case study of SEA - South east corridor

- 1993 MRS Amendment
- EPA S16 informal SEA



Figure 3: Location of land subject of the Amendment.

EPA response – S 16(e) advice

- Priority of issues
 - Old land fill and large contaminated groundwater plume;
 - EPP lakes and other CCWs – Lake Balannup, conservation category wetlands;
 - Nutrients and export to Swan-Canning rivers, although urban seen as better than many rural activities;
 - System Six areas (later Bush Forever);
 - Conflicting land uses – poultry farms, dog kennels
 - Avoiding further EPA assessment?

1999 WAPC proposed draft structure plan for Southern River Wungong - preferred option

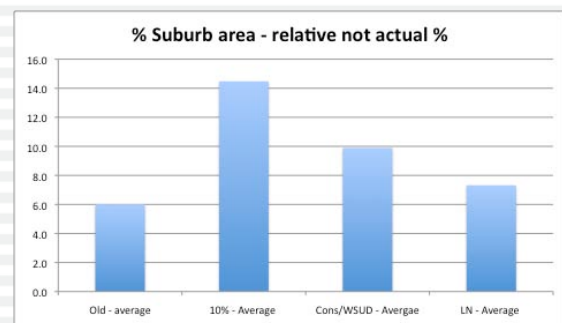


EPA assessment

- Section 16(j) advice green bulletin August 2000
- Priority of issues
 - Drainage and nutrient management – emerging view that urban is worse than rural
 - No net increase of nutrient export
 - CCWs and further assessment
 - Bush forever;
 - Alignment of Ranford Road – lake Balannup;
 - Incompatible land uses;
 - Liquid waste disposal site.

Problem of not integrating the assessment – unintended consequences

- A study of active POS provision in Perth
- 4 categories of suburbs studied
 - Pre S-H (10% POS)
 - 10% POS (post S-H)
 - WSUD and Bush Forever constrained
 - Liveable Neighbourhoods



SEA and WAPC's regional planning

- WAPC has initiated regional planning of the Mid-West, Pilbara, Kimberley Gascoyne regions
- Separate regional planning committees
 - Separate Technical Advisory group providing advice
- Outcomes
 - Strategic plan
 - Limited state level statutory planning
- EPA and DEWHA assessments likely
- How to manage assessments?
 - Timely
 - Provide some level of certainty

Key SEA constraints

- Lack of data on key issues
- EPA and DEWHA resourcing early input ahead of referral
 - Counting 'project' as a KPI?

Ideal EPA SEA process

- Integrated SEA morphing into discrete SEA
- OEPA and DEWHA on TAG not regional planning committee
 - Table initial cut at fatal flaws and issues requiring management
- TAG to coordinate data collection
- OPTION - EPA could issue "early advice" on what are the environmental 'rules' for the regional planning – Report or S16 (e) advice

Ideal EPA SEA process

- The WAPC prepares a draft plan and formally refers it to the EPA;
- **OPTIONS FOR EPA**
 - Draft plan addressed environmental 'rules' - no need for further EPA advice/assessment integrated SEA worked!
 - EPA provides advice under Section 16(e) – preferred if assessment required;
 - Strategic assessment by EPA
- The final plan is released and statutory plan/ scheme prepared and referred to EPA

Ideal EPA SEA process

- The limited statutory plan/scheme
 - S16(e) assessment done
 - statutory plan/scheme adequately addresses the EPA issues - the statutory plan/scheme is not formally assessed by the EPA;
 - statutory plan/scheme does not adequately address the EPA issues - the statutory plan/ scheme is formally assessed by the EPA
 - Formal SEA
 - Only significant derived proposals

Preferred EPA approach

- Integrative and S16(e)
 - Builds trust
 - Avoids ministerial involvement unless a contested issue
 - Targeted assessment of statutory plan/scheme
 - Timely

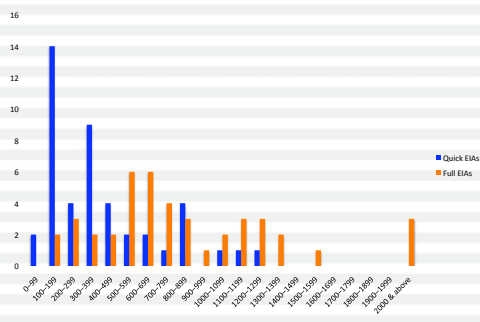
Commonwealth SEA – a thought

- Possible to do joint and parallel Commonwealth SEA on agreement
- EPBC Act needs a S16
- Suggest using Section 3 - Objects of Act
 - (a) to provide for the protection of ... matters of national environmental significance;
 - (b) to promote ecologically sustainable development ...;
 - (c) to promote the conservation of biodiversity;
 - (ca) to provide for the protection and conservation of heritage;
 - (e) to assist in the co-operative implementation of Australia's international environmental responsibilities

Commonwealth SEA – a thought

- The Minister could, consistent with Objects (a), (b), (c), (ca) and (e) of the EPBC Act and “to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples” (Object (d))
 - Require officers of DEWHA to work with WAPC in these regional planning exercises; and/or
 - Prepare an interim policy position on the matters of National Significance associated with each Region

Final word on timelines



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- The average time for each project EIA type are as follows:
 - Quick EIAs – 410 days; and
 - Full EIAs – 890 days.
- Looks bad?

Final word on timelines

