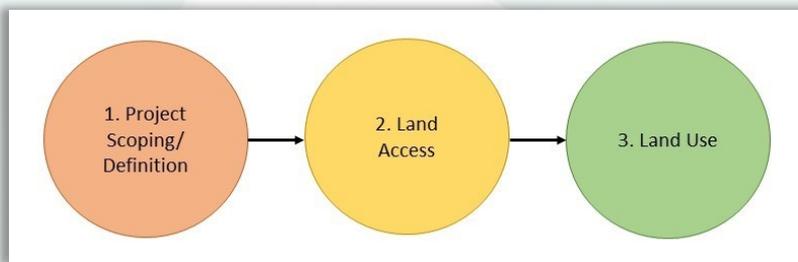


# NAVIGATING ENVIRONMENTAL APPROVALS IN WA

**Sarah Sharman – Senior Environmental Specialist**

The primary approvals process for development projects in Western Australia can be separated into three key stages as shown below, being:

1. Identify required tenure and approvals;
2. Obtain land/tenure for the project; and
3. Obtain approval to use the land/tenure for the Project.



New development projects (and expanding existing projects) within Western Australia are likely to require several State and/or Commonwealth environmental approvals to enable the construction and operations of the Project. It is not a one size fits all process; the level of environmental assessment is linked to the potential significance of impact predicted.

This Insight serves to identify the various types of approvals that may be required.

## ENVIRONMENTAL APPROVALS

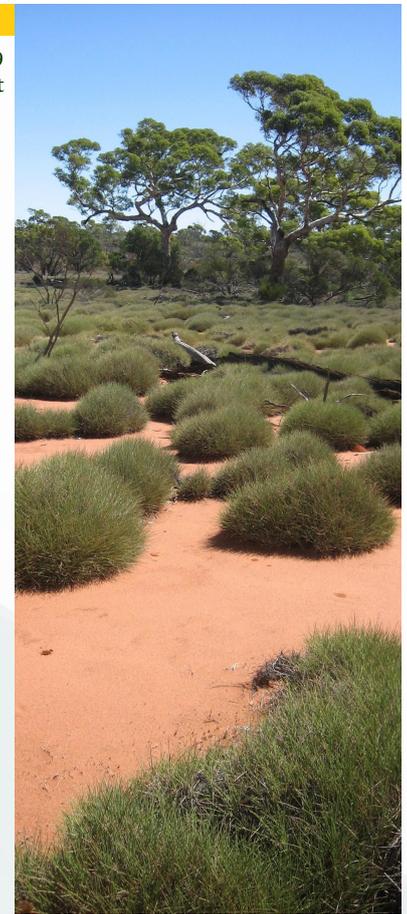
Commonwealth – *Environment Protection and Biodiversity Conservation Act 1999 Part 9*

Projects should be referred and are likely to be assessed under the EPBC Act when there is a potential to have a significant impact on any of the nine Matters of National Environmental Significance (MNES). MNES include

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Commonwealth Marine Areas
- Migratory Species
- Nationally Threatened Species and Ecological Communities
- Great Barrier Reef Marine Park
- Nuclear Actions
- Water Resource, in relation to coal seam gas and large coal mining development

Section 38 Ministerial Approval (*Environmental Protection Act 1986 Part IV*) - Environmental Impact Assessment

Projects that are likely to have a significant impact on the environment are subject to a Formal Environmental Impact Assessment (EIA) by the Environmental Protection Authority (EPA). The project can be referred to the EPA by either the proponent, other government agencies, non-government organisations or members of the public. The EPA will consider these referrals and determine whether or not a formal assessment is required.



## Approvals Submission



Submission of approvals documentation requires a thorough understanding of the local environment and heritage values of the proposed area, with this information obtained through baseline assessments undertaken by recognised technical specialists.

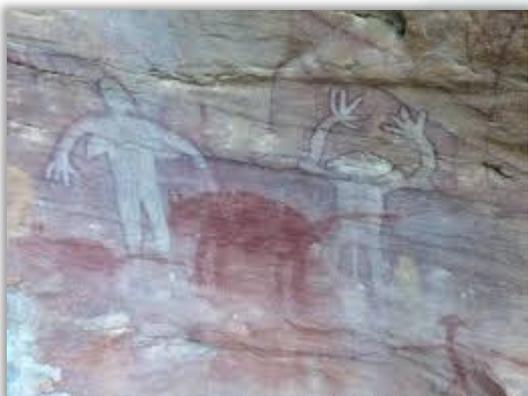




It should be noted that formal assessment of a project through EIA does not negate the need for other agency approvals (with the exception of Native Vegetation Clearing Permits), and while these can be lodged in parallel, the government agencies are constrained from approving any activities while the EPA is undertaking its assessment. It is important to remember that the EPA provides advice to the Environment Minister as a result of there assessment, in the end, it is the WA Government who will decide to approve or not approve a new project or a significant change to an existing project.

### *Aboriginal Heritage Act 1972 – Section 18*

Where heritage surveys have identified archaeological and ethnographical sites which cannot be avoided and must be disturbed, a Section 18 Permit is required under the *Aboriginal Heritage Act 1972*. The key to success in undertaking timely surveys and obtaining required section 18 approvals is to maintain open and respectful consultation with the relevant Traditional Owner.



### *Programme of Work (Mining Act 1978)*

Proponents are required to obtain approval before undertaking any ground disturbing activity on a tenement granted under the *Mining Act 1978* this includes Exploration activities. Exploration activities are authorised via the programme of work (PoW) process. A PoW outlines the proposed activities, area to be disturbed and the environmental controls that will be used to limit environmental harm. In some locations, it may also be necessary to obtain a Native Vegetation Clearing Permit.

### *Mining Proposal and Mine Closure Plan (Mining Act 1978)*

Proponents are required to obtain written approval before undertaking any activities on a lease granted under the *Mining Act 1978*. The Mining Act requires tenement holders to submit a mining proposal in the prescribed manner to enable assessment of the environmental impacts resulting from activities to be undertaken. Part of this submission is to also include a Mine Closure Plan, also to be prepared in the prescribed manner.

Assessment of a project through EIA does not negate the requirement for approval of a mining proposal.

### *Native Vegetation Clearing Permit (Environmental Protection Act 1986 Part V)*

The clearing of native vegetation is prohibited unless a clearing permit is granted, or the clearing is for an exempt purpose (e.g. a project being assessed through the EP Act Part IV EIA process, a POW or Mining Proposal has been approved).

There are two types of clearing permits:

1. Area Permit – to clear a defined area of land in a specific time frame; and
2. Purpose Permit – clear a number of different areas, for different purposes over an extended period.



## Works Approval and Licence (*Environmental Protection Act 1986 Part V*)

Certain facilities and activities with potential to cause emissions and discharges to air, land and water are classified under Part V of the *Environmental Protection Act* as “prescribed premises” and require an approval to construct the facility (Works Approval) and licensing (Prescribed Premises Licence – Licence to Operate) to then operate the facility. Schedule 1 of the *Environmental Protection Regulations 1987* list 89 categories of prescribed premise, each with a trigger threshold.



## Approval to Access and Use Water (*Rights to Water and Irrigation Act 1914*)

Access to natural waters, including surface and groundwater, is authorised by the *WA Rights in Water and Irrigation Act 1914*. Some regions of WA require that a license is obtained for the following activities prior to their commencement:

- Construct a bore to supply water (Section 26D);
- Take water from surface or groundwater sources within proclaimed or prescribed areas (Section 5C); and
- To disturb or interfere with a river bank or bed (Section 17).

## NON-ENVIRONMENTAL APPROVALS

In addition to environmental approvals, new developments may require other approvals prior to commencement, including:

- Safety Project Management Plan (Mines Safety Inspection Act 1994)
- Dangerous Goods Storage Licence (Dangerous Goods Safety Act 2004)
- Explosives Storage Licence (Dangerous Goods Safety Act 2004)
- Radiation Permit (Radiation Safety Act 1975)
- Approval to Construct and Operate a Sewage System (Health Act 1911)
- Planning Approval
- Building Permits

### Integrate Sustainability

Primary Business Address  
Lower Ground Floor  
3 Richardson St  
West Perth, 6005  
Western Australia

Phone: (+618) 9468 0338  
E-mail: [enquiries@integratesustainability.com.au](mailto:enquiries@integratesustainability.com.au)



■ environment ■ safety ■ community

The timing of the various approvals is varied and whilst some can run in parallel (e.g. approvals to use the land occurring while land access/tenure applications are being processed), it should, however, be noted that some approvals cannot be lodged or potentially approved until tenure is granted.

Submission of approvals documentation requires a thorough understanding of the local environment and heritage values of the proposed area, with this information obtained through baseline assessments undertaken by recognised technical specialists.

Poor management of approvals and baseline surveys can be costly and waste valuable time, adversely affecting development timelines. If you are in need of environmental advice or need help navigating the environmental approvals processes, please contact Integrate Sustainability on 08 9468 0338 or [enquiries@integratesustainability.com.au](mailto:enquiries@integratesustainability.com.au).

