

18<sup>th</sup> July 2011

## Summary of Key Issues Relating to the EES Process

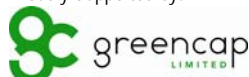
- EES Guidelines:** The current guidelines need to be expanded to include more specific details relating to EES triggers, general process, and timeframes for ministerial consideration and review. The current guidelines are particularly vague in relation to what type or size of project triggers an EES, which creates uncertainty for developers and a sometimes skeptical public. This is particularly relevant for Government Projects which are sometimes seen by the public to be unfairly fast-tracked. The current guidelines also allow for excessive Ministerial discretion on what projects trigger an EES. This uncertainty can negatively impact on the business case for a development, if the developer assumes they need to include costs associated with completion of an EES (particularly in terms of timeframes to obtain final approval), even if this is proven later to be unnecessary. **Suggested Solution:** provide detailed guidelines which define the kind of projects that trigger an EES, similar to the UK guidelines for EIA<sup>1</sup>
- EES Scoping:** A key challenge for EES process is to achieve the right balance between rigor and efficiency. EES documentation contains an unnecessary level of detail relating to low risk issues, in response to by broadly worded scoping requirements. Proponents generally adopt a conservative approach, choosing to close out issues comprehensively rather than dealing with them briefly. **Suggested Solution:** Scoping requirements should be developed using a risk based approach, so that most of the effort goes into concentrating on significant environmental risks. Use of risk assessment early in the EES process would provide greatest benefit and guidance on application of risk assessment would be helpful.
- Strategic Environmental Assessment (SEA):** The Environment Effects Act provides a process for project-specific impact assessment and approval. The EES path is better supported where the strategic plans and policy settings are clear and understood. This is especially true with respect to the transport, energy and water sectors. Where overarching plans and policies are not apparent, the project specific assessment becomes a vehicle for the broader policy debate. **Suggested Solution:** The introduction of SEA should be considered in order to encourage development that is consistent with strategic responses in relation to regions/industry sectors/broad issues. This does not necessarily need to be introduced as a formal requirement. The SEA process provides a sound basis for policy development, particularly for master planning processes and State government policies e.g. Transport Plan. Now that the carbon price has been set, wind farm developments could become more attractive options for developers if the SEA process allowed local authorities to develop "wind farm development" zones in appropriate areas.
- Effectiveness of the EES Process:** It is unclear if the EES process is meeting the needs of stakeholders and public. A key challenge is that EES documentation has a number of audiences. They include DPCD, other government agencies, independent panel and the general public. Is it delivering? Is more information better than less? Can the public find what they are looking for? Is the environment protected and managed according to the requirements of the EES? **Suggested Solution:** It would be beneficial to seek feedback from stakeholders including the general public to evaluate effectiveness.



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<sup>1</sup> UK EIA Legislation: <http://www.legislation.gov.uk/ukxi/1999/293/schedule/1/made>

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