



Environment Institute
of Australia and
New Zealand Inc.

31 October 2025

Department of Water and Environmental Regulation
Prime House
8 Davidson Terrace
Joondalup WA 6027

Via email: cockburnsoundsep@dwer.wa.gov.au

Dear Sir/Madam,

RE: State Environmental Policy for Cockburn Sound

The Environment Institute of Australia and New Zealand (EIANZ) (the Institute), Western Australia (WA) Division (the Division) is pleased to have this opportunity to provide comments on the review of the State Environmental Policy for Cockburn Sound.

The Institute is the leading professional body in Australia and New Zealand for environmental practitioners and promotes independent and interdisciplinary discourse on environmental issues. On all issues and all projects, the Institute advocates good practice environmental management delivered by competent and ethical environmental practitioners.

We forward this submission on behalf of the WA EIANZ members. The WA Division currently has approximately 295 members, while the Institute has more than 2653 members across Australia and New Zealand in a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates, and environmental impact specialists working in government, industry, consultancies and the community.

Again, we thank the Department of Water and Environmental Regulation for this opportunity to provide feedback.

Yours sincerely

Belinda Bastow
President
EIANZ – WA Division

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Review of the SEP: Key Issues and Recommendations

Introduction

The following outlines key observations and recommendations regarding the review of the State Environmental Policy (SEP) for Cockburn Sound, particularly in relation to the role of the Cockburn Sound Management Council (CSMC) and its integration with supporting documents such as the Standard Operating Procedures (2003) (SoP) and the Environmental Quality Criteria (2017) (EQC).

Powers of Implementation and Corrective Action

The SEP, as currently structured, delegates its implementation to the CSMC, which is endowed primarily with monitoring, reporting, and advisory (suggestive) powers concerning the rectification of environmental criteria exceedances. The effectiveness of these actions is directly tied to the quality and guidance provided by the EQC document. However, the policy review has not resulted in enhanced reporting powers that would render corrective actions by responsible parties mandatory. If it is considered politically challenging to enforce such mandatory measures, it is imperative that the results of the CSMC's monitoring—summarised in the triennial State of Environment Report, as specified in the SEP (2015)—together with any recommended corrective actions, are made publicly available and formally submitted to parliament. In the absence of regulatory enforcement, strong public disclosure should be pursued to draw attention to non-compliant parties.

Powers of Referral

The management boundary defined for the CSMC, and the application scope of the SEP, encompasses significant inland areas subject to both new and existing developments, including industrial and commercial premises, as well as drains and coastal reserves. Local Government Authorities (LGAs) operating within this boundary should be required to refer any developments that have the potential to impact the environmental values protected under the SEP. For example, development inputs to drains, sediment and nutrient loss including habitat loss for coastal birds and receiving reserves. This provision would ensure any accidental omissions from LGA representative at the CSMC.

Emphasis on Risk-Based Approaches

The SEP currently does not place sufficient emphasis on adopting a risk-based approach when determining the nature of monitoring and reporting obligations. Although the SEP references risk-based approaches, there is inadequate emphasis on their application across the full spectrum of potential pollutants identified in the EQC, which includes a large number of analytes and compounds. The SEP should more clearly articulate the necessity of risk-based strategies for effective environmental management.

Importance of Supporting Documents (EQC and SoP)

Given that the processes of monitoring, interpretation, analysis, and reporting are heavily influenced by the guidance within the EQC and SoP documents, it is crucial that these supporting materials undergo thorough and transparent review in parallel with the SEP review. This review should involve a broad spectrum of experts relevant to each field addressed by the documents. While the current review primarily focuses on the SEP, recognising the foundational role of these documents underscores the need for their imminent, open, and transparent review, with the final drafts subject to peer review. Such a process will strengthen the credibility and significance of the CSMC's reporting pertaining to the SEP.

General Areas of Protection

The SEP should explicitly identify general areas (i.e. percentage surface area) corresponding to the three tiers of environmental quality protection. It should also note that zones designated as High and Moderate protection may be subject to reduction as a result of future planned developments covered by the Policy.

Inclusion of Owen Anchorage into management boundary

Following the recommendations of the Owen Anchorage DPSIR 2007, it is strongly recommended that Owen Anchorage be included in the management boundary of the SEP and within the area of responsibility for the CSMC. Appropriate resources will need to be provided to the CSMC to adequately monitor and report on this proposed area for the SEP.

Provision of consistent adequate resources

The CSMC needs provision of consistent adequate resources to fund staff and projects implementing the SEP. For example, a minimum of 3-5 FTEs plus project funds including investigative projects would be required to undertake annual and triennial reporting and management of programs, meetings and activities to adequately and consistently implement the new SEP.