



NEW SOUTH WALES

PRINCIPLES
AND PROCEDURES
FOR
**ENVIRONMENTAL
IMPACT ASSESSMENT**
IN NEW SOUTH WALES

STATE POLLUTION CONTROL COMMISSION
ENVIRONMENTAL STANDARD EI - 4

ISSUED UNDER THE AUTHORITY OF
HON. SIR JOHN FULLER, M.L.C., MINISTER FOR PLANNING AND ENVIRONMENT

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Principles and Procedures

for

ENVIRONMENTAL IMPACT ASSESSMENT

in

New South Wales

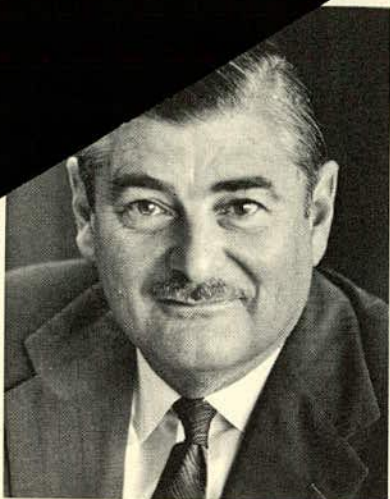
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State Pollution Control Commission

Environmental Standard EI-4

THE BIG SCRUB
ENVIRONMENT CENTRE

Issued under the authority of
the Hon. Sir John Fuller, MLC,
Minister for Planning and Environment.



FOREWORD

The New South Wales Government has been progressively formulating principles and procedures for assessing and controlling the impact on the environment of proposed developments.

As part of this evolutionary process, in September, 1973, the then Minister for Environment Control issued a booklet of "Guidelines for Application of Environmental Impact Policy in New South Wales", and indicated that a reappraisal of these guidelines would be made in about one year's time.

Sufficient experience has now been gained from the application of the guidelines to satisfy the Government on the principles and procedures that are necessary to ensure that a properly balanced and effective approach is made to the vital task of protecting the environment. These principles and procedures are presented in the following pages, and are binding on every public authority in New South Wales.

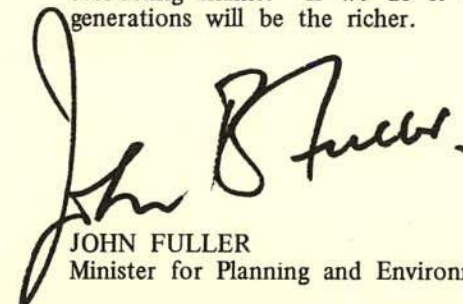
The overall responsibility for ensuring that the principles and procedures are applied rests with the State Pollution Control Commission, in conformance with the responsibilities imposed on that body by the State Pollution Control Commission Act. The specific responsibility for implementing the principles and procedures in any particular instance is that of the "determining authority" — the public authority that has the primary responsibility for rejecting or approving the action that is proposed to be taken.

This is the essence of the Government's Environmental Impact Policy — the encouragement of environmental awareness by every element of the community, the proper assessment of the environmental consequences of actions before these actions are taken, and the placing of responsibility squarely on the shoulders of every public authority that in the exercise of its statutory responsibilities it must ensure that the environment is protected to the extent that it is appropriate to do so.

The State Pollution Control Commission will provide specialist guidance and technical advisory services to assist both developers and determining authorities in applying the principles and procedures. This, though, does not provide a mechanism for buck-passing by determining authorities in respect of the making of decisions for which they are responsible. The intervention of the State Pollution Control Commission in decision-making processes is possible and may be sought, but the decision to intervene is made by the Commission or the Minister in accordance with the provisions of the State Pollution Control Commission Act. The Commission normally will intervene only when the environmental issues are of special significance or highly controversial.

The approach to environmental decision-making inherent in the principles and procedures is essentially a practical one for the developer and the determining authority. Environmental impact studies need not be complex and highly academic. If they are, they are more likely to "fog" practical decision-making rather than assist it. Where complex biological or other considerations are present, and they sometimes will be, the need is to reduce these to meaningful expressions that may be comprehended and given balanced consideration in the deliberations of management.

The task of protecting the environment is a collective one for which we all share responsibility. If we do not do it well, it will be to our everlasting shame. If we do it well, both present and future generations will be the richer.



JOHN FULLER
Minister for Planning and Environment.

1st October, 1974.

In these Principles and Procedures, the terms used have the following meanings:

The **"DETERMINING AUTHORITY"** in respect of a proposed development is the public authority that has primary responsibility for determining whether that development should proceed.

When the development is one which a public authority may carry out on its own approval, that public authority is the determining authority as well as the developer. In these circumstances it must apply the principles and procedures that are applicable to both developer and determining authority.

The **"DEVELOPER"** is the person, body or public authority proposing the development under consideration.

"DEVELOPMENT" includes the carrying out of any work on land, the erection of any building, the subdivision of land and any use of land or any building or work thereon.

The **"ENVIRONMENT"** is that which "surrounds" and is therefore the conditions or influences under which any person or thing exists or is developed. In relation to a development it is important to recognise that the environmental boundaries extend beyond the physical boundaries of the development and encompass its entire sphere of influence.

The **"ENVIRONMENTAL FACTORS"** in relation to a development are the environmental consequences likely to arise from implementing the development.

A **"REVIEW OF ENVIRONMENTAL FACTORS"** is a document which presents the considerations pertinent to a proposed development for which the environmental impact may be shown to be minor.

An **"ENVIRONMENTAL IMPACT STATEMENT"** is a document which presents the considerations pertinent to a proposed development which may cause significant environmental impact or which has generated or is likely to generate significant public controversy.

"POLLUTION" means the contamination or making of any feature of the environment harmful or offensive to human, animal or plant life, and includes the intrusion of actions which cause defacement, defilement or deterioration of the environment.

"PUBLIC AUTHORITY" means a public authority constituted by or under any Act and includes a government department and an officer or employee of a government department or of a statutory body representing the Crown on whom any powers, authorities, duties or functions are conferred or imposed by or under any Act.

PRINCIPLES AND PROCEDURES FOR ENVIRONMENTAL

IMPACT ASSESSMENT

Table of Contents

1.0	THE POLICY AND ITS APPLICATION.....	7
2.0	THE PURPOSE OF THE POLICY.....	7
3.0	THE ENVIRONMENTAL FACTORS.....	8
4.0	THE PRINCIPLES.....	9
4.1	Responsibilities.....	9
4.2	Powers of Approval.....	10
4.3	Appeals Against Decisions.....	10
5.0	THE PROCEDURES.....	11
5.1	Procedures for Presentation of Reviews of Environmental Factors and Environmental Impact Statements.....	11
5.1.1	Proposals that have Minor Environmental Impact.....	11
5.1.2	Proposals that may have Significant Environmental Impact or that may Generate Significant Public Controversy.....	12
5.2	Procedure for Public Participation in the Review of Environmental Impact Statements Placed on Public Display.....	13
5.3	Procedures for Preparing Environmental Impact Statements.....	13
5.3.1	Proposals for which there is only One Practical Plan of Action.....	14
5.3.2	Proposals for which there is more than One Practical Plan of Action.....	15
5.3.3	Environmental Impact Summaries.....	15
5.4	Procedures for Reviewing Environmental Impact Statements.....	15
6.0	SPECIALIST GUIDANCE AND TECHNICAL ADVISORY SERVICES.....	16
7.0	GLOSSARY OF TERMS.....	17

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6.0 SPECIALIST GUIDANCE AND TECHNICAL ADVISORY SERVICES

In keeping with its responsibility to provide specialist guidance and technical advisory services in relation to the pollution of the environment, the disposal of waste and the protection of the environment generally, the State Pollution Control Commission can offer advice to developers and determining authorities in the application of the foregoing principles and procedures and related matters.

The Commission welcomes the invitation to assist in this way, and enquiries should be addressed to:

The Secretary,
State Pollution Control Commission,
Box 4036, G.P.O.,
Sydney. 2001.

The Commission publishes literature on environmental topics, including a publication entitled "The State Pollution Control Commission and Environmental Control Legislation of New South Wales", which is a useful accompaniment to this booklet on the Principles and Procedures for Environmental Impact Assessment. Copies will be provided free on application to the Secretary.

5.3.2 Proposals for which there is more than One Practical Plan of Action

The objectives of proposals often can be accomplished in different ways by changing location, by modifying layout or processes, and so on.

Each alternative plan of action which offers a practical and potentially acceptable way of achieving the principal objectives should be described and analysed in the fashion of paragraph 5.3.1, followed by a comparative assessment of the environmental impact of these alternatives.

If the above assessment shows that the best environmental alternative is not the one offered by the developer as his preferred plan, it will be necessary for the developer to justify his choice by providing comparative estimates of income and capital and operating costs for consideration by the determining authority.

5.3.3 Environmental Impact Summaries

It will be appreciated that good Environmental Impact Statements need not necessarily be bulky documents containing masses of "academic" data. They are practical documents, the necessary complexity of which will vary with circumstances.

When the circumstances necessitate the Environmental Impact Statement being bulky and complex, it is desirable for it to be accompanied by an "Environmental Impact Summary" capable of being detached from the detailed Environmental Impact Statement as a separate document. This will facilitate review of the proposal by those whose functions do not necessitate detailed analysis of the complete document.

The Environmental Impact Summary should be a succinct document and ideally would be a recapitulation of the more important parts of each section of the Environmental Impact Statement.

5.4 Procedures for Reviewing Environmental Impact Statements

If the Environmental Impact Statement demonstrates that adequate environmental safeguards have been incorporated in the proposal to justify its approval, the Environmental Impact Statement is a sufficiently complete document in itself.

If, however, the Environmental Impact Statement suggests that the proposal should be rejected or curtailed on environmental grounds, there are other factors which must then be considered. Such a decision should only be taken after it has been determined that the unavoidable detrimental considerations outweigh the beneficial considerations after taking into account the pertinent social and economic factors as well as the environmental factors.

Making decisions on controversial issues therefore frequently will require preparation and assessment of appropriate social and economic studies in conjunction with the Environmental Impact Statement. Complex decisions of this kind call for judgments by determining authorities which best reflect the general goals and interests of the community affected by them.

5.3.1 Proposals for which there is only One Practical Plan of Action

The following are the basic components of an Environmental Impact Statement for a proposal for which there is only one practical plan of action. In most instances it would be appropriate to provide a separate section of the Environmental Impact Statement for each one of them:

(a) Statement of Objectives

This should state the principal objectives of the proposal in sufficient detail to enable the determining authority to assess its significance in terms of whatever local, regional or national considerations are relevant in respect of its social and economic significance.

(b) Physical Description of the Proposal

This description should be adequate to permit the determining authority to understand the full physical implications of the proposal, both short term and long term.

(c) Description of the Environment

This should encompass the total environment affected by the proposal, drawing attention to any unique or rare features and to those features which are important to the ecology and amenity of the area affected by the proposal.

(d) Environmental Safeguards

The environmental safeguards designed into the proposal should be described, such as equipment to reduce the level of emission of atmospheric pollutants, liquid effluent treatment plants, arrangements for the suppression of noise, erosion control measures, preservation of important natural features, landscape and general aesthetic treatment, protection of wildlife, etc.

(e) Interactions with the Environment

This should provide clear objective statements of all the interactions which will occur with the environment, both short term and long term, if the proposal is proceeded with.

(f) Assessment of Environmental Impact

This should provide an analysis of all the important interactions, both detrimental and beneficial, sufficient to enable the determining authority to fully recognise the environmental implications of the decision which it is being asked to make.

A number of systems have been proposed for quantifying environmental impact, usually associated with a "matrix" or interaction table on which "values" are recorded of the magnitude and/or importance of the various interactions which the actions proposed will have with the environment. Experience has shown little merit in these systems compared with the kind of qualitative analysis inherent in the above procedure.

1.0 THE POLICY AND ITS APPLICATION

In January, 1972, the Premier of New South Wales made the following declaration of the Government's Environmental Impact Policy:

"The Government recognises that an increasingly urgent responsibility rests upon the whole community to preserve the quality of our environment and maintain conditions under which man and nature can exist in productive harmony. From industrial and commercial organisations, public departments and educational institutions on the one hand down to people on the job in the course of their day-to-day activities, there is a need for greater awareness of the impact of our actions upon the environment.

It is Government policy to promote and maintain this awareness. It is also Government policy that before any action which could significantly affect the quality of the environment is undertaken its implications shall be expressly identified and evaluated."

Guidelines formulated to give effect to the Government's policy have been under test in New South Wales for over two years, and experience in their application has led to the adoption by the Government of the Principles and Procedures now presented in this booklet.

These Principles and Procedures bind the Crown, and are henceforth to be applied and followed by all public authorities in New South Wales when determining the acceptability or otherwise of their own proposals and those submitted to them by others for consideration of approval.

2.0 THE PURPOSE OF THE POLICY

The Policy seeks to bring about:

- (a) better planning and design of proposals from the environmental point of view; and
- (b) proper consideration of environmental factors by public authorities when determining the acceptability or otherwise of proposals.

It needs to be emphasised, however, that environmental acceptability is not the only criterion by which the merits of a proposal are to be judged. A proposal may be environmentally acceptable yet be unacceptable on other grounds. Conversely, the existence of unavoidable factors which may be judged to be undesirable from the environmental point of view does not necessarily justify rejection of the proposal if:

- (a) there are sufficiently weighty compensating factors of a social or economic nature, and
- (b) all practical measures are taken to minimise the extent of the unavoidable environmental impact.

The Policy does not demand that environmental criteria shall transcend all other criteria, it does demand that these criteria shall receive adequate and balanced consideration and that unnecessary harm to the environment shall be avoided.

3.0 THE ENVIRONMENTAL FACTORS

In considering the significance of the impact of an activity on the environment, there are many important factors to be considered, such as:

- (a) The potential for polluting the atmosphere by releasing particulate matter, gases, vapours, fumes, mists, smoke or odorous substances which disturb natural processes, are aesthetically displeasing, create discomfort or may affect health;
- (b) The potential for polluting surface or sub-surface waters by fallout or by effluents containing pathogenic organisms or substances which disturb the aquatic environment, are aesthetically displeasing or are harmful to aquatic life or humans;
- (c) The potential for pollution or misapplication of land by its use in ways which are inconsistent with or incompatible with the needs or uses of the environment, by its use in ways which inhibit or pre-empt more desirable use, or by its use in ways which unnecessarily deplete or pre-empt alternative uses of natural resources;
- (d) The potential for pollution by noises which impair the enjoyment of life or may have physiological or mental implications for humans or animals;
- (e) The potential for pollution by visually offensive activities, structures or wastes;
- (f) The potential for impairing the quality of life by damaging or destroying historical, cultural or other desirable features or property, by concentrating traffic, by creating nuisance or offence of any kind, or by any other potentially detrimental action or consequence of an action; and
- (g) The potential for destroying or adversely affecting the natural beauty of the environment, its natural systems, or its flora or fauna.

The impacts of many of these factors are aggravated by the high concentrations of people in our urban communities and by the interactions which arise from the utilities and communications systems which serve these communities.

Experience has shown that there is frequently a close inter-relationship of a number or all of the factors in practical environmental problems.

5.2 Procedures for Public Participation in the Review of Environmental Impact Statements Placed on Public Display

When a comprehensive Environmental Impact Statement is deemed necessary by the determining authority, it is the responsibility of that authority to seek and take into account public comment on the statement after it is submitted by the developer. For this purpose, provided it is satisfied that the Environmental Impact Statement is an adequate, responsibly prepared document suitable for public review, the determining authority is to insert a notice in the local and/or Sydney press, as appropriate, and to place the Environmental Impact Statement on display for at least twenty-one days from the date of advertisement.

It is the responsibility of the determining authority to ensure that the Environmental Impact Statement provides a suitably complete and responsible basis for informing the public before it is accepted from the developer and placed on public display. If it is not considered acceptable by these criteria, consideration of the proposal is to be suspended until an acceptable statement is lodged.

If requested by the developer, sections of the Environmental Impact Statement containing technical, cost or pricing data which, if disclosed, could be prejudicial to the business interests of the developer may be edited from the copies placed on public display.

Determining authorities, at their discretion, may provide appropriate forms for use by the public in lodging submissions. They also should encourage contributors to indicate any special qualifications or experience relevant to the submissions that they may lodge.

5.3 Procedures for Preparing Environmental Impact Statements

It is not suggested that there should be a stereotyped form of presentation of Environmental Impact Statements. What is appropriate in any particular instance will depend on the nature of the proposal and the style of the authors. There are nevertheless certain basic requirements that must be met by any Environmental Impact Statement if it is to have value for the purposes for which these Statements are intended, which are:

- (a) to stimulate environmental awareness and the embodiment of sound environmental practices in the planning and design of proposals; and
- (b) to serve as a basic decision-making aid in assessing the acceptability or otherwise of proposals.

These requirements will vary depending on whether there is more than one practical plan of action by which the principal objectives of the proposal could be achieved.

The form in which the Review of Environmental Factors is presented with a proposal is relatively unimportant provided it satisfies the above needs. There may nevertheless be administrative advantages in requiring that the review be presented on or accompanied by a prescribed form.

If the determining authority prescribes such a form, it should be designed in a way which will permit the developer to present the required information in his own way, rather than by way of the pro-forma question and answer technique. This technique has been shown to be unsatisfactory because of the great diversity of factors which can arise in considering environmental impact.

5.1.2 **Proposals that may have Significant Environmental Impact or that may Generate Significant Public Controversy**

For proposals which may cause significant environmental impact or which have generated or may generate significant public controversy, the above procedure is inadequate, and the determining authority must require the developer to submit evidence of a comprehensive environmental investigation in the form of an Environmental Impact Statement, generally as described in 5.3 below.

Where possible, the need for a comprehensive Environmental Impact Statement in any instance should be established in consultation between the developer and the determining authority prior to lodgement of the proposal. However, the determining authority must reserve the right to subsequently require the developer to submit an original or supplementary Environmental Impact Statement at any time during the course of review of the application if it thinks fit.

The above relates to the part the Environmental Impact Statement plays in the final decision-making phase. It is important to recognise also the part the Environmental Impact Statement plays in the planning and design phases.

Preparation of the Environmental Impact Statement must commence with the planning of the proposal and progressively develop as the planning and design progresses. If this is done the environmental problems will become evident at the earliest possible time and costly revision of concepts at the final review and approval stages will be avoided.

In many instances it would be wise for the developer to complete a preliminary Environmental Impact Statement in the early stages of planning, and to discuss it with the determining authority. This can open the way to basic understandings which will facilitate the achievement of an acceptable final design and Environmental Impact Statement. It also may forestall wasted effort on the development of proposals which are pre-destined to be abortive in the long run.

4.0 **THE PRINCIPLES**

The following basic principles govern the public authorities of New South Wales in implementing the Government's Environmental Impact Policy.

4.1 **Responsibilities**

- 4.1.1 The State Pollution Control Commission has the responsibility of ensuring that all practical measures are taken in New South Wales to control pollution, to control the disposal of waste and to protect the environment from harm. In respect of these measures it also has the responsibility of co-ordinating the activities of all public authorities and of setting standards or ensuring that adequate standards are set and applied.
- 4.1.2 The New South Wales Planning and Environment Commission has the responsibility of ensuring that the future use and development of the land resources of the State are planned in harmony with the general environment and within constraints imposed by modern environmental planning and other relevant criteria.
- 4.1.3 Local government and other public authorities who are "determining authorities" responsible for rejecting or approving proposals for planning or development, including their own proposals, have the responsibilities of ensuring:
 - (a) that local planning controls take into account the need to protect the environment and are consistent with the regional plans and associated structure plans and guidelines that will be laid down in the future by the New South Wales Planning and Environment Commission; and
 - (b) that before approving any proposal for development they are satisfied that adequate safeguards to prevent pollution and to protect the environment are incorporated in the proposal, including any pertinent standards that are laid down in the future by the State Pollution Control Commission or by any other statutory body with responsibility for ensuring that the environment is protected, including the environmental provisions of planning controls issued by the New South Wales Planning and Environment Commission.
- 4.1.4 Developers, including public authorities, have the responsibility of providing the determining authority with details which will provide sufficient evidence to show that appropriate consideration has been given to the environmental factors and that the proposal incorporates the safeguards necessary to prevent pollution and protect the environment.

In circumstances where a public authority is both the developer and the determining authority, that authority must exercise the responsibilities of both developer and determining authority before proceeding with the development, subject to the provisions of Section 4.2.3, where relevant.

4.2 Powers of Approval

- 4.2.1 The approval of the determining authority, if given, must be conditional upon approvals being given by all other public authorities with statutory responsibility for approving specific aspects of the proposal. It is the developer's responsibility to obtain such approvals.
- 4.2.2 Where a public authority other than the determining authority objects to a proposal or any aspect of a proposal on environmental grounds and the determining authority disagrees with the objection, the determining authority must refer the matter to the State Pollution Control Commission for arbitration on the disputed environmental considerations before determining the application.
- 4.2.3 Where the determining authority is also the developer and the proposal is one which has special significance or has generated significant public controversy, that authority must refer the matter to the State Pollution Control Commission for consideration before it proceeds.
- 4.2.4 The State Pollution Control Commission at its own discretion, or when directed by the Minister, may review environmental factors or intervene in the approval processes of proposals at any time, but will normally intervene only where the environmental issues are of special significance or highly controversial.
- 4.2.5 In making its decisions the State Pollution Control Commission will review proposals from the broad community viewpoint. Its decisions are binding on public authorities when given under the terms of Section 13 of the State Pollution Control Commission Act.

4.3 Appeals Against Decisions

The provisions of the Local Government (Appeals) Amendment Act, which provide for appeals to be made to the Local Government Appeals Tribunal, apply equally to the determination of appeals on environmental grounds as on any other grounds.

In respect of environmental decisions by public authorities the State Pollution Control Commission Act bestows over-riding powers on the Commission, but these authorities have the right of appeal to the Premier in the event of a dispute.

5.0 THE PROCEDURES

The procedure which will be appropriate for consideration of the environment in any particular instance will depend on circumstances. The investigating and reporting of environmental factors is neither an academic nor a pro-forma exercise, it is part of the real-life planning, design and decision-making processes. The developer must do the job properly and the determining authority must satisfy itself that the developer has done so and that he has demonstrated the environmental acceptability of his proposals.

5.1 Procedures for Presentation of Reviews of Environmental Factors and Environmental Impact Statements

The amount of detail and the way in which the environmental considerations should be presented will depend on the likely extent of both environmental impact and public controversy, and proposals will generally fall into one or other of two categories:

- (a) Those for which the environmental impact may readily be shown to be minor without preparing a comprehensive Environmental Impact Statement or inviting public comment.
- (b) Those which may cause significant environmental impact or which have generated or are likely to generate significant public controversy, and therefore which necessitate the preparation of a comprehensive Environmental Impact Statement and the inviting of public comment on it.

It is important to recognise that the classifying of a proposal as having either minor or significant environmental impact does not necessarily have anything to do with the size or cost of the project. A "minor" project in terms of size or cost may have significant environmental impact. A "major" project in terms of size or cost may have minor environmental impact.

5.1.1 Proposals that have Minor Environmental Impact

Many proposals are permissible with consent within existing planning controls, and their environmental impact may readily be shown to be minor. In such cases it is sufficient for the developer to submit as a supplement to his application a "Review of Environmental Factors", which will describe:

- (a) the nature of the proposal;
- (b) the zoning and general nature of the environment affected by the proposal;
- (c) the safeguards designed into the proposal for the control of pollution and the protection of the environment;
- (d) the aspects of the proposal which may enhance the environment; and
- (e) the aspects of the proposal which may have an adverse effect on the environment, with reasons why they cannot be avoided.