



Government of **Western Australia**
Department of **Environment Regulation**

**GUIDANCE
STATEMENT**

Environmental Standards

for Part V, Division 3 Environmental Protection Act 1986

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Accessibility

This document is available in alternative formats and languages on request.

Objective

To provide guidance on how the Department of Environment Regulation (DER) will apply Environmental Standards relating to applications for, and conditions on, works approvals and licences granted under Part V, Division 3 of the *Environmental Protection Act 1986* (EP Act).

Background

Environmental Standards set out the required levels of environmental performance for regulated activities based on the hierarchy of preventing, controlling, abating and mitigating pollution and environmental harm.

DER's *Guidance Statement: Regulatory Principles* provides high-level principles of good regulatory practice that guide the exercise of DER's environmental regulation functions.

This Guidance Statement builds on those regulatory principles by providing greater detail on how DER will apply Environmental Standards to applications for, and conditions on, works approvals and licences.

Environmental Standards are part of DER's hierarchy of instruments governing environmental regulation and apply to a range of DER's regulatory functions.

This Guidance Statement should be read together with DER's *Guidance Statement: Regulatory Principles* which contains information on the application of Environmental Standards.

Legislation

This Guidance Statement relates only to the application of Environmental Standards that expressly apply to DER's assessment of applications for, and conditions on, works approvals and licences granted under Part V, Division 3 of the EP Act.

Guidance Statement

In undertaking its environment regulation functions relating to works approvals and licences granted under Part V, Division 3 of the EP Act, DER will implement Environmental Standards in accordance with this Guidance Statement.

- **Environmental Standards will specify the activities, types of emissions or categories of prescribed activity to which they apply. A 'prescribed activity' means the activity which falls within the description of the category of prescribed premises listed in Schedule 1 to the Regulations. An 'emission' is defined under section 3(1) of the EP Act.**
- **Environmental Standards will be applied as follows:**
 - **New Applications: Environmental Standards will be used to assess new applications for works approvals and licences under Part V, Division 3 of the EP Act. Applicants must demonstrate that they meet the relevant Environmental Standards.**

- **Existing Licensed Premises: Existing licences will be reviewed against Environmental Standards. Environmental Standards will be used to inform decisions on changes to existing licences to achieve acceptable environmental outcomes.**
- **The CEO reserves the discretion to not apply Environmental Standards:**
 - **where standards that are more stringent than those under the Environmental Standard are required to protect public health or the environment because environmental circumstances have changed; or**
 - **due to the risk of impact of the emissions and discharges the environment requires a higher level of protection than would be provided by the Environmental Standard; or**
 - **where applicants or licensees wish to propose deviations from the Environmental Standard and the CEO is satisfied that such deviations achieve the same or better level of protection for public health and the environment.**

Implementation

An Environmental Standard will be implemented in accordance with this guidance statement from the commencement date for that Environmental Standard.

Commencement

This Guidance Statement is to take effect from 1 September 2016.

Review

This Guidance Statement is to be reviewed no later than as soon as practicable following the fifth year of its commencement.