

**Senate Standing Committee on Environment and Communications**  
**Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 44  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 1  
**Programme:** Environment Standards Division (ESD)  
**Topic:** Badgery Creek and Western Sydney Airport EIS  
**Hansard Page:** 130  
**Question Date:** 08 February 2016  
**Question Type:** Spoken

**Senator Cameron asked:**

**Senator CAMERON:** I want to ask about the EIS process. The EPBC Act provides that there should be options available for people to consider in terms of major projects. Is that correct?

**Mr Tregurtha:** That is correct. At a referral stage and during an assessment stage there are two opportunities for public comment on proposals.

**Senator CAMERON:** Are you aware that the EIS that has gone out does not meet that requirement under the act?

**Mr Tregurtha:** Sorry. Could you provide me with more information?

**Senator CAMERON:** The only option that is available in that EIS is what is described as the 05/23 runway option.

**Mr Tregurtha:** This is in the EIS issued by the department of infrastructure for comment?

**Senator CAMERON:** Yes. So that does not meet the EPBC Act requirement to provide an option of no action; comparative description of impacts of each alternative on matters of national environmental significance and other matters subject to the EPBC Act; and sufficient detail to make clear why one alternative is preferred to another. There is no alternative. There is only one runway configuration.

**Mr Tregurtha:** When draft EISs are provided to the department for consideration, the department reviews each of those EISs—in this case the EIS for the proposed Western Sydney airport. In this instance, the department and minister formed a view that the EIS was compliant with the guidelines that were issued for the development of that EIS and, on that basis, approved the draft EIS for the public consultation period.

**Senator CAMERON:** So you just accepted, even though it is the act that you administer, the decision of the minister for infrastructure and his department in determining that it complied?

**Mr Tregurtha:** No. The environment department, our portfolio and the minister formed a view that the EIS was sufficiently compliant with the guidelines—the terms of reference, if you like—for that to be issued as a draft EIS for public comment.

**Senator CAMERON:** Okay. Can you provide details of all the correspondence between the minister and the department that allowed the minister to come to that conclusion?

**Mr Tregurtha:** We would have to take that on notice.

**Answer:**

On 9 October 2015, the Department provided a written briefing to Minister Hunt on the Western Sydney Airport draft Environmental Impact Statement (EIS) and its adequacy against the EIS tailored guidelines (issued January 2015).

On 12 October 2015, Environment Department officials briefed the Minister in person on the brief mentioned above.

Minister Hunt considered the Department's advice and agreed the draft EIS was in accordance with the EIS guidelines and in accordance with section 103(2) approved the publication of the draft EIS for public comment.