

## **Environmental Protection Authority (EPA) recommends conditional approval of marina on fringe of Ningaloo Reef**

Ningaloo Reef (situated approximately 1200km north of Perth) is the largest fringing coral reef in Australia and is one of the longest barrier reefs in the world. This area provides habitat for a wide diversity of marine species including Humpback Whales, Whale Sharks, Manta Rays and Dugongs. To date, the area surrounding Ningaloo Reef has resisted large scale development.

Coral Coast Marina Development Pty Ltd (CCMD) proposes to obtain a 50 year lease from the State Government and develop a "Coral Coast Resort" (CCR) at Maud's Landing, adjacent to Ningaloo Reef and approximately 3 km north of Coral Bay. The CCR proposal is a large-scale marina development, which includes a resort complex, private housing, a variety of short stay accommodation, commercial buildings, shops and basic infrastructure (including wastewater facilities). The CCR proposal involves accommodation for 2000 - 2500 people per night and includes an intention to expand this number by 50%. According to the EPA, this is likely to encourage development of Coral Bay and Maud's Landing leading to a jointly-centered tourist node with a combined capacity of 5000 - 6000 people and the need for further infrastructure development. The CCR proposal was assessed by the EPA under s 44 of the *Environmental Protection Act 1984 (WA)* and the EPA released its advice and recommendations to the Minister on 28 October 2002.

In its report and recommendations, the EPA noted that the Government is currently seeking World Heritage listing of the area and the EPA recognised the uniqueness, fragility and importance of the surrounding marine and terrestrial areas which would be impacted by the CCR proposal. The EPA also expressed concerns regarding the impact of current small-scale human activities in and around Coral Bay, the only town-site currently in the area. These concerns stem from the risk to corals in near-shore areas fringing Coral Bay caused by a lack of adequate waste water treatment facilities and inadequate arrangements for boating in Coral Bay. The EPA explained that the Government has committed to addressing these concerns by developing a wastewater system and establishing public boating facilities for Coral Bay. However, the EPA recognised that the establishment of these facilities could also trigger uncontrolled expansion in and around Coral Bay. The EPA recognised that the CCR proposal provides an opportunity to address some of its concerns with the area, as Coral Bay could be connected to the infrastructure established by the CCR proposal and boat access to the area would be improved. The EPA has left the Government with the decision regarding whether the CCR proposal is the best way to address its concerns.

The EPA considered the direct biophysical and pollution impacts directly associated with the CCR proposal, as well as the impacts on surrounding marine and terrestrial areas and issues relating to long-term management. It concluded that, the direct impacts caused by the CCR proposal could be appropriately managed, subject to conditions. However, it expressed concern that the "off-site" impacts to the surrounding terrestrial and marine areas would create long-term management concerns that CCMD did not have the authority to address. As such, the EPA stated that it would not recommend the CCR proposal unless (amongst other things) the Government was committed to establishing an authority to manage the area (similar to that which manages the Great Barrier Reef) based on a clearly defined regional management framework, and was prepared to commit additional resources in the order of \$1.1M per year, in perpetuity, to ensure the appropriate monitoring and management of the area.

Therefore, despite its substantial concerns with the CCR proposal, in substance, the EPA has left the door open for the CCR proposal to go ahead, subject to substantial conditions. A number of appeals have been lodged against the EPA's decision. The EPA's report and recommendations can be found at [www.epa.wa.gov.au](http://www.epa.wa.gov.au). Information on the campaign to protect Ningaloo Reef can be found at [www.save-ningaloo.org](http://www.save-ningaloo.org).

## **Hismelt project receives approval**

The \$400m Hismelt project, which will convert iron ore to liquid pig iron, recently received approval by the Minister for the Environment.

## **State Government Response to Bellevue Inquiry Report**

The government has released its response to the Economics and Industry Standing Committee inquiry into the hazardous waste fire at Bellevue. Initiatives include a commitment to spend \$8m to clean up the site (including identification of soil and groundwater contamination), a project to develop special risk plans for industrial waste treatment and major hazard facilities, an independent audit of the DEP's post emergency response protocols and creation of the Waste Management Board. The Western Australian Planning Commission will consider planning policies for the location and sizing of hazardous industry as well as the use of Special Control Areas to provide statutory buffers.

## **Draft Packaging Waste Regulations**

*Draft National Environmental Protection (Used Packaging Materials) Measure Regulations* have been released for public comment. The regulations will assign a range of responsibilities to brand owners to ensure that steps are taken to reduce and recover their packaging waste. They will not affect industries that have signed and comply with the National Packaging Covenant. The draft regulation is available by contacting a project officer on (08) 9278 0565 or ray.stone@environ.wa.gov.au

## **Contaminated Sites Guideline**

The draft Contaminated Sites Management Series Guideline: "Use of Monitored Natural Attenuation for Groundwater Remediation" was released by the Department of Environment, Water and Catchment Protection (DEWCP) in October. The guideline outlines the requirements for developing a monitored natural attenuation groundwater remediation strategy for sites contaminated with hydrocarbons and is available on the DEWCP website: [www.environ.wa.gov.au](http://www.environ.wa.gov.au).

## **Draft Sustainability Strategy**

A consultation draft of the Western Australian State Sustainability Strategy was released in September and is open for comment until 10 January 2003. The strategy broadly presents potential methods for incorporating sustainability into government processes over the next 5 to 10 years. It defines sustainability as "meeting the needs of current and future generations through simultaneous environmental social and economic improvement". The strategy identifies 6 proposed sustainability goals and proposes broad actions for achieving them.

The sustainability goals are to:

- ensure the way we govern is driving the transition to a sustainable future;
- play our part in solving the global challenges of sustainability;
- value and protect our environment and ensure the sustainable management of natural resources;
- plan and provide settlements that reduce the ecological footprint and enhance quality of life;
- support communities to fully participate in achieving a sustainable future; and
- assist business to benefit from and contribute to sustainability.

A copy of the draft Sustainability Strategy can be found at [www.sustainability.dpc.wa.gov.au/docs/Draft\\_Strategy.htm](http://www.sustainability.dpc.wa.gov.au/docs/Draft_Strategy.htm) or at DEWCP.

### **Three New Position Statements Released by the EPA**

The EPA has released three new position statements which are available at [www.epa.wa.gov.au](http://www.epa.wa.gov.au):

- Environmental Protection and Sustainability in the Rangelands of Western Australia;
- Towards Sustainability; and
- Principles of Environmental Protection – summarises the key environmental protection principles considered by the EPA when making decisions and giving advice to government.

### **Greenhouse Guidance Statement**

The EPA has released its final Guidance Statement for Minimising Greenhouse Gases. It states that the EPA's objective is to reduce emissions to a level which is as low as practicable by requiring greenhouse gas issues to be addressed in the planning, design and operation of projects. In particular, the EPA will require that best practice is applied to maximise energy efficiency and minimise emissions, analysis is undertaken to identify and implement appropriate offsets and proponents undertake ongoing monitoring programs and report their greenhouse gas emissions. EPA recommendations on various proposals are now incorporating conditions along these lines and proponents should be conscious of the need to address these issues and the implications of the ministerial conditions. The guidance statement will be reviewed once the State Greenhouse Strategy is released and can be found at [www.epa.wa.gov.au](http://www.epa.wa.gov.au).

### **NELA (WA) 2002 conference a huge success**

On 26 September 2002, the WA Branch of NELA held its annual State Conference, which was attended by approximately 70 delegates. The theme of the conference was "the biodiversity challenge" and it was (appropriately) held at the Perth Zoo. The conference featured talks on the EPA's policies on biodiversity, protection of terrestrial and marine biodiversity, a proposed State Biodiversity Conservation Act, practical and legal issues associated with bioprospecting, liability for loss of biodiversity as a result of GMOs (see Lee McIntosh's article in this review), a practitioner's experience with the EPBC Act and an overview of the Perth Zoo's captive breeding plan from the director of the Perth Zoo. The presentations delivered a consistent message regarding the need for greater legislative protection of biodiversity in Western Australia. The conference delegates drank with the lions and baboons before attending dinner and witnessing a highly entertaining (and provocative) after-dinner speech from former nature-show host, Harry Butler. This featured Harry providing live commentary to footage of a documentary of wildlife on Barrow Island because the audio had failed (brilliant!!).