

WESTERN AUSTRALIA

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Super Pit expansion approved

Acting Minister for the Environment, Hon John Day MLA, has approved the expansion of Kalgoorlie's Super Pit gold mine. The approval authorises:

- deepening of the mine to 600 metres;
- establishing additional waste dumps; and
- expanding the tailings storages facilities.

However, approval is still required under regulation 17 of the *Environmental Protection (Noise Regulations) 1997 (WA) (Noise Regs)* before the proposed mining operations can commence.

The approval is subject to a number of stringent environmental conditions to address noise, air quality, waste disposal, vibration issues and protect heritage and cultural values in the area. Furthermore, the projects proponents, Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), is required to submit a rehabilitation and closure management plan to the Department of Environment and Conservation (DEC) before April 2010.

The conditions on the approval revise those imposed by the former Minister for the Environment, Hon David Templeman, who was unable to finalise the approval process due to the state election in September 2008.

Preferred applicants for geothermal exploration announced

Hon Norman Moore, the Minister for Mines and Petroleum, has announced the preferred applicants for geothermal exploration, all of which will be offered permits when a Native Title agreement is reached.

The Minister has confirmed releases of geothermal acreage for the Perth and Carnarvon Basins, including releases south of Kwinana, north of Bunbury, west and southwest of Collie, south of Geraldton and in the Pilbara and Gascoyne regions. Acreage releases for the Carnarvon Basin close in February 2009. The acreage release process for geothermal activities is similar to the petroleum acreage release process.

Geothermal energy is expected to provide a low-emissions energy alternative for WA, and it is expected that geothermal sources will be utilised by companies to meet their individual power needs, including to power mining, petroleum and other operations, as well as servicing regional centres, ports and infrastructure.

One example of potential uses for geothermal energy has been provided by the University of Western Australia (UWA), which plans to harness the energy beneath its Crawley campus. UWA will collect data from this project to assess the viability of its proposal for using geothermal energy to power a desalination plant. It is estimated that UWA's proposed desalination plant, for which UWA is the holder of a provisional patent, would increase the yield of a typical multi-effect desalination plant by 30 to 40 per cent.

Esperance lead removal commences and public forum convened

The removal of 9,000 tonnes of lead carbonate from the Esperance Port commenced in January, with the arrival of specialised bagging equipment. DEC will have officers on site to ensure that the process is undertaken in compliance with the strict conditions imposed on the Port. All DEC monitoring results will be made available to the public.

In February, the State Government convened a public forum at the Esperance Civic Centre to enable the community to provide feedback regarding the lead contamination as well as giving individuals an opportunity to have their questions or continuing concerns addressed by the panel of experts and public authorities.

The forum is the latest action taken by the State Government to manage the Esperance lead contamination's aftermath. The State Government has also:

- committed more than \$100 million to upgrading bulk export facilities;
- negotiated a \$10 million compensation package from Magellan Metals (Magellan), including \$1 million for local community projects;

NELR recent developments

- committed to cleaning-up the Esperance town site and homes, including testing to ensure the clean-up is done properly;
- fitted reverse osmosis filters to the homes of families with young children who have shown elevated blood lead levels; and
- appointed an independent environmental auditor to audit all stages of the lead-removal process.

Meanwhile, the Magellan proposal to export lead through Fremantle is being considered by the new WA Government. On 20 November 2008, the Environment Minister, Hon Donna Faragher, announced that she was required to complete the approval process started under the previous government which was not completed prior to the State Election on 6 September 2008. Minister Faragher is consulting with other decision-making Ministers as part of the process. A final decision has not yet been made.

Investigations continue into Varanus incident

The WA Government and the Commonwealth Government are undertaking a joint inquiry into the Varanus Island gas pipeline explosion. The inquiry will be conducted by a panel, appointed jointly by the WA Minister for Mines and Petroleum Hon Norman Moore and the Federal Resources and Energy Minister Hon Martin Ferguson.

The terms of reference for the inquiry were also announced in January, having been finalised by the relevant departments. The terms of reference for the inquiry include:

- a review of the safety management documentation that existed in the lead-up to the incident;
- an examination of the effectiveness and operating regimes of the Department of Industry and Resources (DOIR) and the National Offshore Petroleum Safety Authority;
- an assessment of the adequacy of the responses from the owners/operators of the operations and facilities; and
- a consideration of options and making recommendations, as required, to improve the regulatory regime and the safety and integrity of petroleum operations and facilities,

particularly integrated onshore/offshore operations in Commonwealth and Western Australian jurisdictions.

The final report will be presented to the Ministerial Council on Mineral and Petroleum Resources for implementation of relevant recommendations.

Notably, the function of the DOIR has now been included in the responsibilities of the Department of Mines and Petroleum (DMP). DMP is continuing investigations into whether there have been any offences committed under WA legislation or the relevant pipeline licenses.

Uranium ban lifted by Liberal-National Government

On 17 November 2008, the WA government ended the ban on uranium mining in the state. The DMP will be responsible for developing a regulatory framework to accommodate WA's new uranium industry.

Utah Point Berth Project recommendations released

The Environmental Protection Authority of Western Australia (EPA) released two reports in January 2009 relating to the Port Hedland Port Authority's proposal to construct and operate a new shipping berth and iron ore stockpile facility at Utah Point on Finucane Island, Port Hedland.

The report and EPA bulletin arising from the EPA's assessment of the project incorporate advice provided by the Minister for the Environment in response to the proposal, with the EPA recommending that local dust and noise impacts would be decreased if iron ore stockpiles were removed from the west end of Port Hedland.

EPA Chairman, Dr Paul Vogel, concluded, however, that "despite some local improvement in air quality and reduction in noise levels, the proposal would not result in improvements in the overall area of Port Hedland where dust and noise impacts are already of concern". Dr Paul Vogel continued, "[t]he health effects of iron ore dust at the levels expected in Port Hedland may be greater than previously

thought and all residential areas may be affected". The EPA's concerns about dust and noise in Port Hedland were further addressed in the 'Other Advice' sections of both the report and bulletin, with the EPA calling for a coordinated industry-government approach to developing and executing a strategy to address these concerns. The EPA specifically recommended the incorporation of explicit emission and exposure reduction guides to address the local dust and noise concerns.

Nomination of Ningaloo Reef and Cape Range Peninsula for heritage listings

The WA Government has supported the nomination of the Ningaloo Reef and the Cape Range peninsula for inclusion on the World Heritage and National Heritage listings. WA's Environment Minister announced the Government's support in early January 2009, confirming that the listing of the area would not change existing land uses, activities or management of the area.

Gas transportation subject to new regulation

The *Energy Coordination (Higher Heating Value) Regulations 2008* (WA) (EC Regs) commenced on 28 January 2009 and were created under the authority of the *Energy Coordination Act 1994* (WA).

The EC Regs require companies that transport gas through a distribution system, in which gas of different qualities is comingled, to use the

"determined heating value" when formulating the charges associated with gas transportation. The "determined heating value" is defined in regulation 17A of the *Gas Standards (Gas Supply and System Safety) Regulations 2000* (WA).

The EC Regs impose a fine of \$1,000 for individuals for non-compliance.

Southern Metropolitan Regional Council required to amend its Odour Abatement Plan

The Southern Metropolitan Regional Council (SMRC) is required to make significant amendments to the Odour Abatement Plan (OPA) it submitted to the DEC in November 2008. The OPA deals with SMRC's recycling and composting facility in Canning Vale. SMRC was required to prepare the plan after DEC investigations revealed that the odours were having an unreasonable impact on the community.

An Environmental Protection Notice will be issued to SMRC, under the *Environment Protection Act 1986* (WA), detailing the amendments required to the plan as well as the time frame that these must be submitted in. The DEC has indicated that among the improvements to be made to the OPA, SMRC must include an independent engineering review, a process and systems audit and an independent management review of areas that may impact on odour emissions and controls.