

NELR recent developments

Ranges, Bass Coast and the Great Ocean Road region

- locations identified for future urban growth including land in the Urban Growth Zone and designated regional population corridors specified in the Regional Victoria Settlement Framework Plan in the State Planning Policy Framework.

Statutory update

The Resources Legislation Amendment Bill 2011

was passed by the Legislative Assembly on 15 September 2011. The Bill contains a range of miscellaneous amendments to the following Acts: the *Mineral Resources (Sustainable Development) Act 1990*, the *Mineral Resources Amendment (Sustainable Development) Act 2010*, the *Geothermal Energy Resources Act 2005*, the *Greenhouse Gas Geological Sequestration Act 2008*, the *Pipelines Act 2005* and the *Offshore Petroleum and Greenhouse Gas Storage Act 2010*.

WESTERN AUSTRALIA

by Joe Freeman and Ainsley Reid

Environmental approvals processes streamlined

On 18 August 2011 the WA and federal governments announced a strategic assessment of proposed development across the Perth and Peel regions of Western Australia. Developments in the Perth and Peel regions will be assessed to protect matters of national environmental significance under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (EPBC Act).

The strategic assessment will assess a plan for the protection of matters of national environmental significance (MNES Plan) which will be implemented alongside *Directions 2031 Spatial Framework for Perth and Peel*, which was released by the Western Australian Planning Commission in 2010.

State Planning Minister John Day said the strategic assessment would streamline processes and cut red. It aims to reduce administrative burden for proponents whilst maximising environmental protection and allowing for sustainable development.

Barrow Group Nature Reserves Draft Management Plan released

On 12 August 2011 the WA Minister for Environment released the Barrow Group Nature Reserves Draft Management Plan for public comment. The Plan covers the existing Barrow Island Nature Reserve and the Boodie, Double and Middle Islands Nature Reserve.

The 10 year Plan aims to fulfil legislative responsibilities to protect key values of the planning area and to assist

with compliance in environmental approvals. The success of the plan will be measured by the Conservation Commission of Western Australia in accordance with guidelines developed under s 19 of the *Conservation and Land Management Act 1984 (WA)*.

Conditional environmental approval has previously been granted for petroleum and gas operations in the management plan area, and the Department of Environment and Conservation does not attempt to impose additional environmental requirements on industry operators which have been present in the area for several decades.

The public comment period for the Draft Management Plan closed on 12 October 2011. A summary of submissions on the Draft Management Plan will be released alongside the final management plan.

Final environmental approval for Wheatstone project

On 30 August 2011 the WA Minister for Environment announced final environmental approval for the Wheatstone LNG project proposed by Chevron Australia Pty Ltd. The project is a 25m tonne per annum liquefied natural gas (LNG) facility and associated domestic gas facility on the Pilbara coast near the town of Onslow.

Approval for the Wheatstone development was granted with 25 conditions. Some of the environmental conditions require \$13m in environmental offsets including \$3.5m for improved management of critical habitats for humpback whales, dugongs and snubfin dolphins, and \$3.85m for managing impacts and risks of increased visitations to island nature reserves within

the vicinity of the proposal.

The Environmental Protection Authority provided advice and recommendations on the Wheatstone proposal in EPA Report 1404 (released 15 June 2011). The EPA recommended conditional environmental approval of the project but noted the proposal involved significant greenhouse gas emissions.

Following state approval, Federal Environment Minister Tony Burke announced Commonwealth environmental approval for the Wheatstone development under the EPBC Act on 22 September 2011.

Conservation Legislation Amendment Act 2011

The *Conservation Legislation Amendment Act 2011* (WA) received assent on 13 September 2011. The Act introduces amendments to the *Conservation and Land Management Act 1984* (WA) (CALM Act) and the *Wildlife Conservation Act 1950* (WA) (Wildlife Conservation Act).

The purpose of the amendments is to provide increased opportunities for Aboriginal people to be actively involved in the management of land and to allow Aboriginal people to carry out traditional activities 'on country' (which may be conservation reserves). Amendments to the CALM Act enable joint management of land and waters between the Department of Environment and Conservation and other landowners, or those with a vested or other interest in the land, including Aboriginal people.

Additional amendments to the CALM Act provide for recognising the value of land and waters to the cultural and heritage of Aboriginal people.

Amendments have also been made to the Wildlife Conservation Act to allow Aboriginal people to take flora and fauna for Aboriginal customary purposes such as preparing and consuming food, preparing and using medicine and engaging in artistic, ceremonial and other cultural activities.