

# Western Australia

## by Anthony Graham

### Australia's largest solar farm commences operations

The Western Australian Minister for Energy has opened Australia's largest, and first utility-scale, solar farm on 50 hectares south-east of Geraldton. The 10-megawatt capacity Greenough River Solar Farm was completed within 12 months, on time and on budget. It is part owned by Verve Energy and GE Energy Financial Services, and was built with significant contributions from the Western Australian Government. Energy produced from the solar farm will be purchased by the Water Corporation to offset the energy requirements of its Southern Seawater Desalination Plant.

### Browse liquefied natural gas precinct abandoned

On 12 April Woodside Petroleum advised the Australian Stock Exchange that it had

completed its technical and commercial evaluation of the proposed Browse LNG Development near James Price Point and determined that the development concept does not meet the company's commercial requirements for a positive final investment decision.

Other development concepts would be considered

to commercialise the Browse resources, which could include floating technologies, a pipeline to existing LNG facilities in the Pilbara or a smaller onshore option at the proposed Browse LNG Precinct near James Price Point.<sup>60</sup>

On 19 November 2012, the Western Australian Minister for Environment granted state level environmental approvals for the proposed precinct. The Minister's approval was made subject to conditions that have strengthened those recommended by the Western Australian Environmental Protection Authority ('EPA') in July 2012. The Minister's approval follows the lodging of 244 appeals against the recommendations made by the EPA. These appeals were in part allowed by the Minister, which led to revised and strengthened conditions being recommended.

The proposal when abandoned had not been approved under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

### Mining rehabilitation fund legislation

The Western Australian Parliament has passed the *Mining Rehabilitation Fund Act 2012* (WA), which establishes the State's new Mining Rehabilitation Fund ('MRF'). The MRF will be used to overhaul the State's mining securities system. Although expected to be 1 July 2013, the date the MRF will commence has not yet been announced. An exposure draft of the *Mining Rehabilitation Fund Regulations 2013*, which provide for the calculation of the mining rehabilitation levy as well as other administrative matters, was available for public consultation until 5 April 2013.

### Wiluna uranium mine approved

Toro Energy's proposed Wiluna uranium project has received environmental approval from the Western Australian Minister for Environment. The project now requires federal environmental approval. If opened, the mine would be Western Australia's only uranium mine in operation, and the first opened since a State-wide ban on uranium mining was lifted in 2008.

### New marine and national parks in the Kimberley

The Western Australian Government has announced that it will establish new national and marine parks, extending through 3,000km<sup>2</sup>, around Talbot Bay in the Kimberley. The parks, which will be jointly managed with the traditional owners, Dambimangari, will encompass the internationally recognised Horizontal Falls. The parks will be established as Class A conservation areas, affording them the highest possible protection available under the *Land Administration Act 1997* (WA). The Environment Minister has stated that the intention for Horizontal Falls Marine Park is to be a multiple use marine park incorporating ongoing recreational and tourism opportunities, with existing pearling leases remaining on foot.

60 Woodside Petroleum Ltd, 'ASX Announcement: Woodside to review alternative Browse development concepts' (2013) <[www.woodside.com.au/Investors-Media/Announcements/Documents/12.04.2013%20Woodside%20to%20Review%20Alternative%20Browse%20Development%20Concepts.pdf](http://www.woodside.com.au/Investors-Media/Announcements/Documents/12.04.2013%20Woodside%20to%20Review%20Alternative%20Browse%20Development%20Concepts.pdf)>.

The announcement of the new national and marine parks follows the establishment by the state government, in December 2012, of a 72km<sup>2</sup> mining exemption area around Horizontal Falls.

The WA Government has also established a new marine park, covering 2,100 km<sup>2</sup> around Eighty Mile Beach and encompassing part of the Eighty Mile Beach Ramsar Site. The park will have three sanctuary zones, one recreation zone, seven special purpose (cultural heritage) zones and one general use zone. Commercial and recreational activities will continue to occur in about 71 per cent of the marine park, and areas will also remain open to the South Sea Pearl industry. Management of the park will be the responsibility of the traditional owners; including the Karajarri, Nyangumarta and Ngarla people, and the Department of Environment and Conservation.

### Seismic surveys prevented under national environmental laws

The Federal Environment Minister has exercised his powers under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) to prevent US company Apache Energy from carrying out proposed seismic surveys near the Ningaloo Marine Park off the coast of Western Australia. The surveys would have covered 227 km<sup>2</sup>, encompassing parts of the Ningaloo Coast World Heritage Property. It is reported that the reason given for the decision was the danger to the loggerhead turtle habitat from the resulting noise of the surveys.

### State carbon pollution controls removed from Wheatstone development

The WA Minister for Environment has waived controls on Chevron in relation to carbon pollution from its Wheatstone gas development. The reason given for the decision is unnecessary duplication of controls already in place under the *Clean Energy Act 2011* (Cth).

### NELA 2013 national conference highly commended

The attendee evaluations for the National Environmental Law Association 2013 National Conference 'Delivering a Low Carbon Future' held on 7–8 March 2013 in Melbourne are overwhelmingly positive.

The quality and range of speakers was highly commended in particular. One respondent said 'I enjoyed the conference and considered the range and quality of speakers to be of a very high standard.' Another said '[a] great mix of leading international scholars and local practitioners'. Others said: '[w]ell-organised this time and a lot of time put into selecting appropriate speakers'; '[t]he website and general pre-conference information was useful; and '[t]he conference was well organised'.

Some attendees said a longer debate with more cut and thrust would have been better. About three quarters felt that the number of concurrent sessions and the opportunities for audience discussion were 'just right'.

Most felt the length of the conference was 'just right'. About half said the conference venue was 'very good' but many said a CBD location is preferred.

The suggested topics for future events were broad ranging and much of it was day to day business for environmental law practitioners such as environmental impact assessment and contaminated sites, as well as NELA priority policy issues – marine environment and regulating carbon emissions. The feedback requested a mix of formats, with most preferring 1.5 hour evening seminars two or three times a year and quarterly webinars.

The Queensland 2014 NELA national conference organising committee will consider all of the feedback. They will shortly announce dates and are already considering options for venues. Danyelle Kelson, NELA vice president is chairing the committee. Other members include Meredith Gibbs from Melbourne who was on the 2013 conference committee.

If you'd like to join the 2014 NELA national conference committee please contact NELA at <nelauast@ozemail.com.au>.