

# DEVELOPMENTS IN WESTERN AUSTRALIA

## **Environmental Protection Policies established**

Environmental protection agencies have traditionally found difficult the management and control of cumulative environmental impacts. The statutory environmental impact assessment process do not adequately address this issue, hence the ongoing need to establish and implement environmental protection policies.

Part III of the *Environmental Protection Act 1986* provides for the preparation of statutory environmental protection policies (EPPs). Since July 1992 five EPPs have been approved by the Minister for the Environment, giving them the force of law as though part of the Act itself.

### **Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992**

In early 1989 the Minister for the Environment required the preparation of an EPP to protect the Peel Inlet and Harvey Estuary, near Mandurah, from noxious algal blooms.

On 11 December 1992 the policy was approved, establishing the beneficial uses of the estuarine system, the cause of environmental degradation, water quality objectives and actions to achieve those objectives. Significantly, the "Approved" Policy applies to the Swan Coastal Plain catchment of the estuarine system and requires that the policy's environmental objectives are achieved or maintained through:

implementation of a State Planning Commission "Statement of Planning Policy (SPP), prepared under s.5AA of the *Town Planning and Development Act 1928* and gazetted on 21 February 1992;

government extension services and advice;

appropriate land management; and

local authority and State agency decisions and actions.

The final point, and probably the most important, requires that resource management agencies and decision-making bodies need not refer certain development applications to the EPA for assessment, but rather directly account for the policy's environmental quality objectives when determining permits, licenses or approvals.

### **Environmental Protection (Swan Coastal Plain Lakes) Policy 1992**

In March 1991 the EPA published a draft EPP for Wetlands of the Swan Coastal Plain. As an interim measure sympathetic regulations were established.

On 18 December 1992 the now Swan Coastal Plain Lakes Policy was approved. As a result of public comment the policy name was changed to more clearly indicate the type of wetland protected under the policy, being wetlands with "standing water of 1,000 square metres or more" in early December 1991.

The approved policy protects approximately 1100 natural waterbodies, covering almost 19,000 hectares. The policy area includes most of the Perth Metropolitan Region and extends from the Moore River in the north, south to Dunsborough, and between the Indian Ocean and the Darling Scarp.

The approved policy establishes the beneficial uses of lakes, identifies certain activities as leading to degradation of lakes, and prohibits unauthorised filling, mining, changes to drainage and discharge of effluent into "lakes". The Policy lakes are identified on a 1:50,000 cadastre - Land Administration Miscellaneous Plan 1815. Since approval of this policy the associated regulations have been repealed.

### **Environmental Protection (Gnangara Mound Crown Land) Policy 1992**

In March 1988 the Minister for the Environment called for the preparation of environmental policies to protect public water supply groundwater of a groundwater mound located in the northern half of the Perth Metropolitan Region. The Gnangara Mound Crown Land Policy was approved on 24 December 1992.

The policy applies to the Crown Land portion of the Gnangara Mound, which consists of conservation reserves, a national park and pine plantations. Though the primary focus of the policy has been groundwater protection, the policy also protects wetlands and native vegetation in the policy area.

The Crown Land Policy establishes environmental objectives for water quality and groundwater levels, with the protection of groundwater, wetlands and vegetation to be effected by:

the State Planning Commission's SPP for the policy area (gazetted 20 March 1992);

appropriate management of parks within the policy area;

controls on the use of groundwater for pine production; and

prohibiting unauthorised discharge of contaminants, excavation and mining, abstraction of groundwater, filling of wetlands and clearing of native vegetation within the policy area.

### **Environmental Protection (Kwinana) (Atmospheric Wastes) Policy and Regulations 1992**

After more than two years in development the above policy and regulations were approved on 17 July 1992.

The regulations prescribe -

licence conditions for industrial premises within the policy area; and

air quality standards and limits for concentrations of sulphur dioxide and suspended particulates within affected local authorities. Different standards and limits apply across different land uses within those municipalities.

The policy establishes -

the policy area and subareas;

beneficial uses protected under the Policy;

powers of the Chief Executive Officer to specify maximum permissible quantities of waste to be discharged;

self-monitoring by industry; and

mechanisms for redetermining maximum permissible quantities and review of standards and limits.

The Policy does not incorporate penalty provisions, as the policy will be reflected in relevant licence conditions.

### **Environmental Protection (Goldfields Residential Areas (Sulphur Dioxide) Policy and Regulations 1992**

In July 1988 the Minister for the Environment approved an EPP to protect air quality over the Kalgoorlie-Boulder townsite. Review of this policy was commenced in April 1992, with the new policy approved on 29 January 1993. The new "Goldfields Residential Areas - Sulphur Dioxide" policy replaces the previous "Kalgoorlie-Boulder Control of Sulphur Dioxide in the Air" Policy.

The Goldfields Policy establishes -

the policy area, including Coolgardie, Kalgoorlie-Boulder, Kambalda and Kurrawang Aboriginal Reserve;

beneficial uses protected by the policy;

a mechanism for Policy review;

air quality standards; and

industry monitoring.

The Policy is supported by Regulations which prescribe -

licence conditions for any "significant industrial source";

to 1 January 1998 increasingly stringent air quality limited for sulphur dioxide, to achieve air quality standards established under the Policy; and

minimum levels of compliance with Policy standards which may precipitate review of the Policy.

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