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Department of Biodiversity,
Conservation and Attractions

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New strategies to ensure the protection of our State's unique conservation reserve system, while also providing for essential ecologically sustainable development.



DRAFT
17 January 2002

The southwest of Western Australia is recognised as one of the world's 25 'biological hotspots'. The whole State is renowned for its incredibly diverse native flora and an amazing array of native animals. We have the responsibility to conserve:

- 26 of Australia's 85 bioregions;
- more than 12,000 species of flowering plants;
- 140 mammal species, 520 reptile species and 510 bird species.

In addition we have an unknown number of invertebrate animals and non vascular plants, which are likely to number in the tens of thousands of species.

Western Australia also has some of the oldest landscapes on Earth, with some rocks dated at more than 3500 million years old.

The State Government is conserving this wonderful diversity through a range of measures, including the creation of a comprehensive network of reserves. A key strategy of the reserve system is to protect all of our significant natural features and comprehensive, representative and adequate samples of our biodiversity for future generations. Over the next few years the reserved area will increase dramatically, as new forest national parks are created in the south-west and the reserve network grows in arid areas such as the Goldfields and Gascoyne.

The Government recognises that mining tenements and leases exist over some areas identified as being worthy of inclusion in our conservation reserve system. At the same time, the Government recognises that the mining and petroleum industries play an important role in the State's development - both economically and socially.

The mining and petroleum sectors directly provide jobs for 40,000 Western Australians and contribute more than \$25 billion a year to the State's economy. Royalties account for more than \$1 billion, money that is used to fund a variety of Government initiatives that benefit all Western Australians.

The State Government is committed to working in partnership with the mining and petroleum sectors and the wider community to achieve a balance ensuring our natural environment is conserved for present and future generations, while also ensuring that the State continues to benefit from our resources sector.

Protecting Our Parks outlines the State Government's strategy to achieve that balance.

Dr Geoff Gallop

PREMIER

Dr Judy Edwards

MINISTER FOR THE
ENVIRONMENT AND
HERITAGE

Clive Brown

MINISTER FOR STATE
DEVELOPMENT

Front Cover:
Proposed Mt Frankland National
Park
Photo: Cliff Winfield

Left: Elephant Rock,
William Bay, National Park
Photo: courtesy Western
Australian Tourism Commission
(WATC)

Western Australia is an international 'hotspot' when it comes to the diversity of its native plants and animals. The State has more than 12,000 species of flowering plants - many of which occur nowhere else. Some of our national parks contain more native species than entire countries. For example, Stirling Range National Park north-east of Albany contains more than 1500 species of flowering plants while the whole of Great Britain has just 1400 native species.

Eighty per cent of the known plants in the south-west are found nowhere else in the world and about 2000 species are listed as either threatened with extinction, rare or geographically restricted.

The forests of the south-west contain the world's third tallest flowering plants. These are the karri trees, the canopies of which can tower 90 metres above the forest floor. The woodlands of the Goldfields are the only arid zone in the world in which tall trees grow.

Western Australia also is home for many native animal species, some of which date back to when the continent was part of Gondwana. The State has about 150 species of mammals. Some of them, such as the honey possum, the Kimberley rock-rat and western brush wallaby are found only in Western Australia. Wild populations of several native species that once occurred across southern Australia are now confined to parts of the south-west forests and other areas where feral predators such as the European fox and feral cat have been controlled.

There are 510 bird species of which 380 are known to breed here. Western Australia also provides habitat for 520 species of reptiles and the inland deserts such as the Great Sandy and Great Victoria are renowned for having the richest reptile faunas in the world.

The State's landscapes include some of the oldest landforms on Earth. Parts of the Kimberley in the State's far north are more than 3500 million years old. On North West Cape, extensive karst systems provide habitat for ancient cave-dwelling creatures, while several areas of the State contain wetlands that are recognised internationally as being of particular significance for migratory birds.



Stirling Range National Park
Photo: Conservation and Land
Management

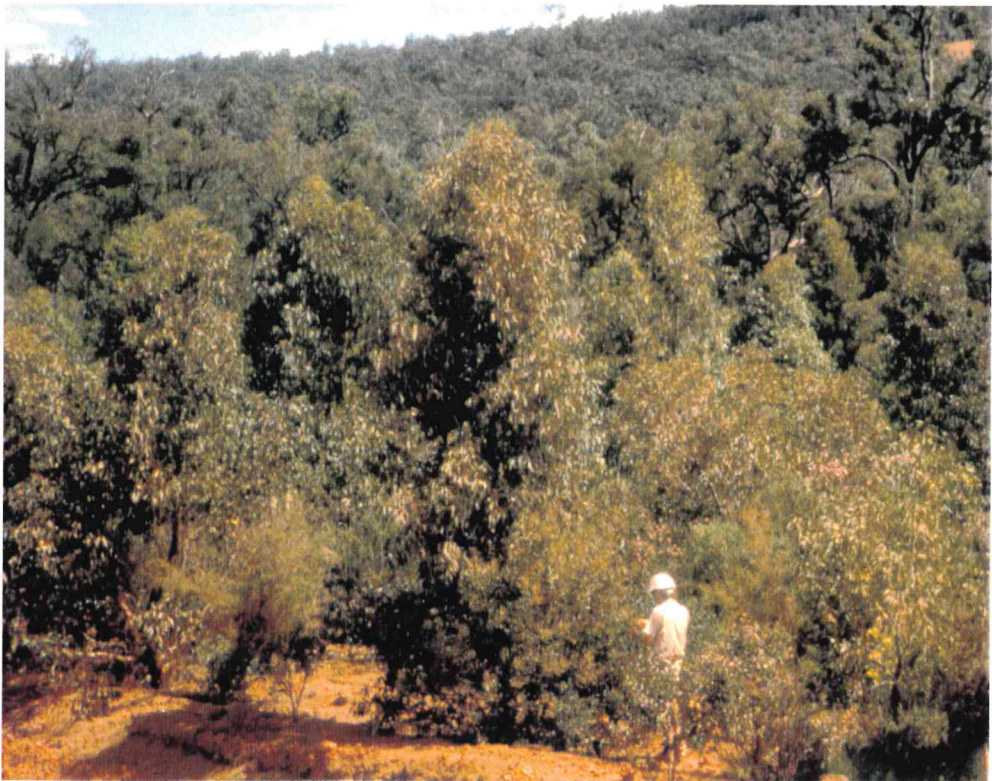
The landforms that provide Western Australia with a rich diversity of native plants and animals and landscapes, also provide another bounty - minerals and petroleum resources. There are about 50 different minerals in commercial production in Western Australia - a far greater number than in other parts of the nation.

Western Australia is among the major producers of iron ore, gold and alumina which, together with petroleum, provide 80 per cent of the total value of resources production in the State.

There are more than 270 mine sites and petroleum fields which each year contribute more than \$25 billion to the State's economy, \$1 billion of which is in royalties paid to the State Government for spending on programs that benefit all Western Australians. Mining and petroleum accounts for 30 per cent of Gross State Product and 70 per cent of the State's export income.

The minerals and petroleum sectors directly employ approximately 40,000 people. Indirect employment created by these sectors is estimated at around 141,000. The vast majority of this employment is in regional Western Australia and studies estimate that growth in the minerals sector accounts for one in every two jobs created in the State.

Annual value of Western Australia's production of the major minerals and petroleum (2000)	
Bauxite	\$3.2 billion
Iron Ore	\$4.4 billion
Gold	\$3 billion
Nickel	\$2.3 billion
Petroleum products	\$9.7 billion



5 year old mine site
rehabilitation at the Boddington
Bauxite Mining Site
Photo: P. Johnston

Western Australia has a conservation reserves network covering more than 22 million hectares or around 9 per cent of the State's land area. This network comprises:

Nature Reserves

These are areas set aside for flora, fauna and landscape conservation, scientific study and preservation of features of archaeological, historic or scientific interest. Wildlife values may not be commercially exploited in nature reserves and recreation activities generally are limited.

Mining and exploration is permitted in Class A nature reserves with the concurrence of the Minister for the Environment and Heritage and approval by both Houses of State Parliament. Mining in other than Class A nature reserves requires the approval of the Minister for the Environment and Heritage.

National Parks

National parks are of national or international significance for scenic, cultural or biological values. Their main purpose is for wildlife and landscape conservation, scientific study, preservation of features of archaeological, historic or scientific interest, and for appropriate public recreation.

Mining and exploration is permitted in national parks with the concurrence of the Minister for the Environment and Heritage and approval by both Houses of State Parliament.

Conservation Parks

Conservation parks differ from national parks only in their significance, size or condition. They are managed as if they were national parks. The difference is that these areas do not have major national or international significance, are relatively small in size or the landscape or flora and fauna has been affected by past land use.

Mining is permitted in conservation parks with the concurrence or recommendation of the Minister for the Environment and Heritage, depending on reserve class.

Regional Parks

Regional parks may include various areas of land that are vested in the Conservation Commission and local government authorities. They are managed for a variety of values including nature conservation and public recreation and enjoyment.

Mining is permitted in regional parks with the concurrence or recommendation of the Minister for the Environment and Heritage, depending on reserve purpose or class.

State forests

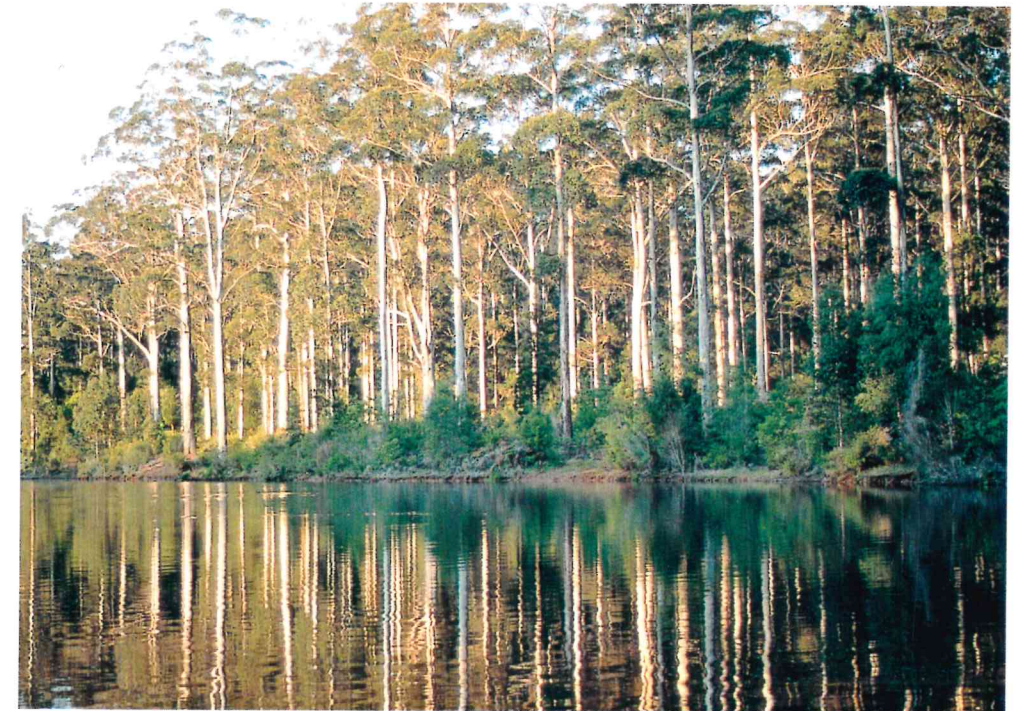
State forests are managed for multiple purposes including water catchment protection, recreation, nature conservation, education and scientific research and sustainable timber production along with the production of other forest products such as wildflowers and honey.

Mining exploration and production is permitted in State forests with the agreement of the Minister for the Environment and Heritage.

Timber Reserves

These are managed similarly to State forests. Generally they are areas that are yet to be surveyed for their various values. After an evaluation, timber reserves may become a national park, nature reserve or State forest.

Mining is permitted in these areas with the concurrence of the Minister for the Environment and Heritage within the south West Mineral Field, or after considering the Minister's recommendations for areas outside the South West Mineral Field.



Above: Big Brook Dam in the proposed Margaret River National Park
Photo: courtesy (WATC)

Left: Lennard Gorge, King Leopold Ranges Conservation Park
Photo: courtesy (WATC)

The State Government is committed to ensuring Western Australia's natural advantages - its enormous biodiversity and range of landforms - are conserved for present and future generations.

As part of this commitment, the Government has ended logging in nearly 99 per cent of Western Australia's old-growth forests and will create conservation reserves over the 346,000 hectares of remaining old-growth forests.

Other parts of the Government's environment conservation strategy include:

- Creating 30 new national parks, including the 12 new national parks promised under the Regional Forest Agreement (RFA) and two new conservation parks in the southwest forested regions. This will encompass approximately 200,000 hectares of new reserves.
- Reinstating the 17 proposed reserves (54,000 hectares) revoked by the previous Government during the Regional Forest Agreement (RFA) process, where these do not conflict with State Agreement Acts.
- Creating a 335,000 hectare Walpole Wilderness Area comprising four new national parks, three existing national parks and several thousand hectares of neighbouring forest in Wattle, Mataband and Burnside blocks.
- Completing the program of comprehensive bioregional surveys designed to establish an inventory of the State's terrestrial and aquatic biodiversity and to identify areas of significance for nature conservation. A bioregional survey of the Pilbara will commence in 2002.
- Incorporating a comprehensive, adequate and representative reserve system in the forested and high priority bioregions with the aim that all bioregions of the State be included.
- Managing Crown lands outside conservation reserves using agreed Ecologically Sustainable Development principles.

The meaning of a comprehensive, adequate and representative reserve system

Conservation reserve systems are assessed in terms of meeting the attributes of comprehensiveness, adequacy and representativeness. These terms are defined in the Australian and New Zealand Environment and Conservation Council (ANZECC) 1999 Guidelines for Establishing the National Reserve System as:

- Comprehensiveness—inclusion of the full range of ecosystems recognised at an appropriate scale within and across each bioregion;
- Adequacy—the maintenance of the ecological viability and integrity of populations, species and communities; and
- Representativeness—the principle that those areas that are selected for inclusion in reserves reasonably reflect the biotic diversity of the ecosystems from which they derive.

The terms comprehensive, adequate and representative together capture the desired concept of the ideal conservation reserve system.

The Government recognises that mining tenements exist over many areas that may be added to conservation reserve network. The following section outlines the processes to achieve a balance between conservation and acceptable mining exploration and production.

In Western Australia, minerals and petroleum exploration and production are subject to the Mining Act and Petroleum Act administered by the Department of Mineral and Petroleum Resources under the jurisdiction of the Minister for State Development.

Under the Mining Act, there are two key mineral titles - these are the exploration licence and the mining lease.

Exploration licence: this authorises the holder - subject to certain conditions of the Mining Act and conditions imposed by the Minister - to explore for and remove up to 1000 tonnes of ore. (In some circumstances the Minister can approve the removal of a larger amount). An exploration licence lasts for five years and can be extended for two further two-year periods, or longer in exceptional circumstances.

Mining lease: holders of exploration licences can apply for a mining lease which provides exclusive rights to mine on the land to which the lease applies. Mining leases last for 21 years and can be renewed for a further 21 year period.

If the land is reserved - as a national park, nature reserve or other conservation area - the licence or leaseholder must obtain the specific consent of the Minister for State Development before exploration or mining can be undertaken. In such cases, the Minister also must gain the agreement of the Minister for the Environment and Heritage. If the reserve is a National Park or Class A Nature Reserve, mining can only occur with the consent of both Houses of Parliament.

Holders of exploration licences and mining leases - whether or not the land is in a reserve - also have to lodge a work program with the Department of Minerals and Petroleum Resources which has to be approved by the Department of Conservation and Land Management. In some cases, the application will be referred to the Environmental Protection Authority for approval.

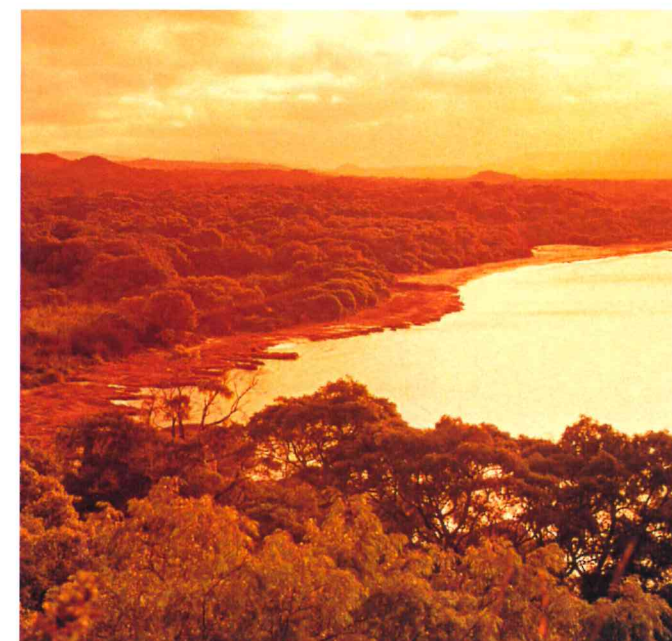
There are two key titles under the Petroleum Act.

Exploration permit: this is issued under the Petroleum Act and enables the holder to explore for petroleum resources. A permit generally is issued over very extensive areas of a wide range of land tenures.

Production licence: this also is issued under the Petroleum Act and enable the holder to extract petroleum products. Production areas generally are much smaller than the area under an exploration permit.

If production is to take place on the conservation estate, the proponent has to undertake and lodge an environmental impact assessment for consideration and recommendation by the Environmental Protection Authority and obtain the consent of the Minister for State Development. The Minister also has to consult with the Minister for the Environment and Heritage who can make specific recommendations in regard to the proposed activities.

Note: Mineral and petroleum exploration and production activities within marine parks, marine nature reserves and marine management areas are subject to the Acts Amendment (Marine Reserves) Act 1997 which specifically outlines areas in which these activities cannot take place. Mineral and petroleum exploration and production activities within Fish Habitat Protect Areas are subject to the Fish Resources Management Act.



Two Peoples Bay Nature Reserve Photo: courtesy (WATC)

The State Government is working to implement the conservation initiatives outlined in its Protecting our old-growth forests and Environment policies. The Government recognises that in implementing these commitments, there will be a potential impact on the minerals and petroleum sectors and the people in the towns and communities that depend on these industries for their livelihoods.

The Government is strongly committed to ensuring the protection of our unique conservation reserve system and in particular our National Parks and Nature Reserves. To this end a new process of assessment of potential impacts of resource access to conservation reserves and for protection of the natural assets of our reserves will be established. This will focus on the two key obligatory criteria of **"Net Benefits to Conservation"** and **"Maintenance of Conservation Values"**. Application of these criteria will ensure that resource access will only be considered where it is clear that the conservation values of our conservation reserves can be protected, and wherever possible enhanced, through negotiated outcomes.

A major new initiative of the Government will extend the Minister for the Environment and Heritage's powers over mining access to conservation reserves to also cover petroleum exploration and production access. The Minister for the Environment and Heritage will therefore be given a power of concurrence over any proposed petroleum extraction access to National Parks and Class A Nature Reserves. This will be achieved by amendments to petroleum related legislation. In the past petroleum legislation has not adequately recognized the role of the Minister for the Environment in ensuring the protection of our irreplaceable conservation reserve system.

The new criterion of **Net Benefit to Conservation** will apply to any proposed exploration, petroleum production or mining access to National Parks and Class A Nature Reserves. The new criterion of **Maintenance of Conservation Values** will apply to any proposed exploration, petroleum production or mining access to other Nature Reserves and Conservation Parks.

Tenements under the Mining Act and Petroleum Act exist over much of the areas the Government has identified to be declared as new national parks or conservation parks. There also are tenements over existing national parks and nature reserves that were in place before the 10 February 2001 election. Some of these tenements are on land subject to State Agreement Acts with mineral producing companies.

The priority of the Government's policy is on gaining the best possible outcome in terms of conservation of natural biodiversity. At the same time, the Government recognises the mineral and petroleum sectors must have confidence in the processes for them to continue to invest in Western Australia.

The State Government's policy in relation to exploration and production from National Parks and Class A Nature Reserves is:

There is a general presumption against mining, petroleum exploration and production. Access will not be approved to these categories of conservation lands unless-

- there are exceptional circumstances; and,
- there are clear Net Benefits to Conservation ; or,
- the exploration licence, mining lease, or production tenement was granted before 10 February 2001, in which case proposals will be evaluated under the previous system.

In all cases, for access to any reserves, requirements under this policy are in addition to the statutory environmental impact assessment requirements of the Environmental Protection Act 1986, and where appropriate the Commonwealth's Environment Protection and Biodiversity

Conservation Act 1999. Also, in all cases there will be standard requirements for rehabilitation of environmental damage, and bonds to ensure an ability to meet these requirements, where appropriate.

Approval to extract minerals or petroleum from National Parks and Class A nature reserves will continue to require the approval of both Houses of State Parliament.

Exceptional circumstances include factors such as the rarity and distribution of a particular mineral and its economic significance and benefit to Western Australia. If the target mineral is common on lands other than in national parks or Class A nature reserves, then approval to explore or mine in the conservation estate is unlikely to be approved unless there are clear net conservation benefits. Industry will need to identify the exceptional benefits to accrue to the State from allowing exploration and development to proceed.

Net Benefits to Conservation will be considered on a case-by-case basis. They may include land acquisitions or land swaps for the conservation reserve system within the biogeographic region (bioregion), funding of conservation research programs or actions that lead to clear benefits to conservation values.

In determining whether or not there are Net Benefits to Conservation, the Minister for the Environment and Heritage will seek the advice of the Department of Conservation and Land Management and the Conservation Commission of Western Australia. Applications for exploration and extraction will also be referred to the Environment Protection Authority for assessment.

Research and rehabilitation activities carried out as a part of exploration or extraction will not be included in the criteria used to assess net conservation benefits. Land proposed to be added to the conservation reserve system as an offset for land to be mined, will have to have conservation values at least equal to, or greater than the land to be mined.

The State Government's policy in relation to exploration and production from "other" Nature Reserves and Conservation Parks is that access for exploration and/or production will only be considered where proponents demonstrate a "Maintenance of Conservation Values" outcome. This will be implemented through conditions to ensure appropriate environmental management, developed by the Minister for the Environment and Heritage and Minister for State Development.

Access will be denied for low value bulk commodities unless of strategic importance and where alternative sources have been considered and assessed on sustainability principles.

In cases where the exploration licence, mining lease, or production tenement was granted or applications lodged before 10 February 2001, such proposals will be evaluated under the previous system.

Privilege of access

The Government recognises that any access to conservation reserves granted to the resources sector is a privilege and that the costs of administering that access should be borne by those granted access. While it is recognized that producers also pay State Royalties, conditions will be imposed on all such access requiring the operator to meet the Department of Conservation and Land Management's costs of administration and monitoring resulting from approved access to the conservation reserve system. This will be in addition to standard requirements for bonds and rehabilitation of environmental damage.

The State Government is committed to environmentally sustainable development, including use of resources such as minerals, oil and gas. A key component of this commitment is to maintain and build on the immense value of the nature conservation reserve system as a cornerstone of the Government's strategies to conserve the State's biodiversity.

This commitment further recognises:

- The need for the State to adequately provide for the ongoing exploration and use of its strategic mineral and petroleum resources in a way that is environmentally sustainable, while also providing key conservation, social and economic benefits for the State over the long term;
- The need to enlarge the conservation reserve system to ensure it is comprehensive, adequate and representative; and,
- The adoption of new principles of Net Benefit to Conservation and Maintenance of Conservation Values as essential targets to be met in considering access to conservation reserve lands for mineral and petroleum resources of key strategic value to the State economy.

Existing arrangements will continue for exploration and production within marine conservation reserves.

Implementation of these initiatives involves:

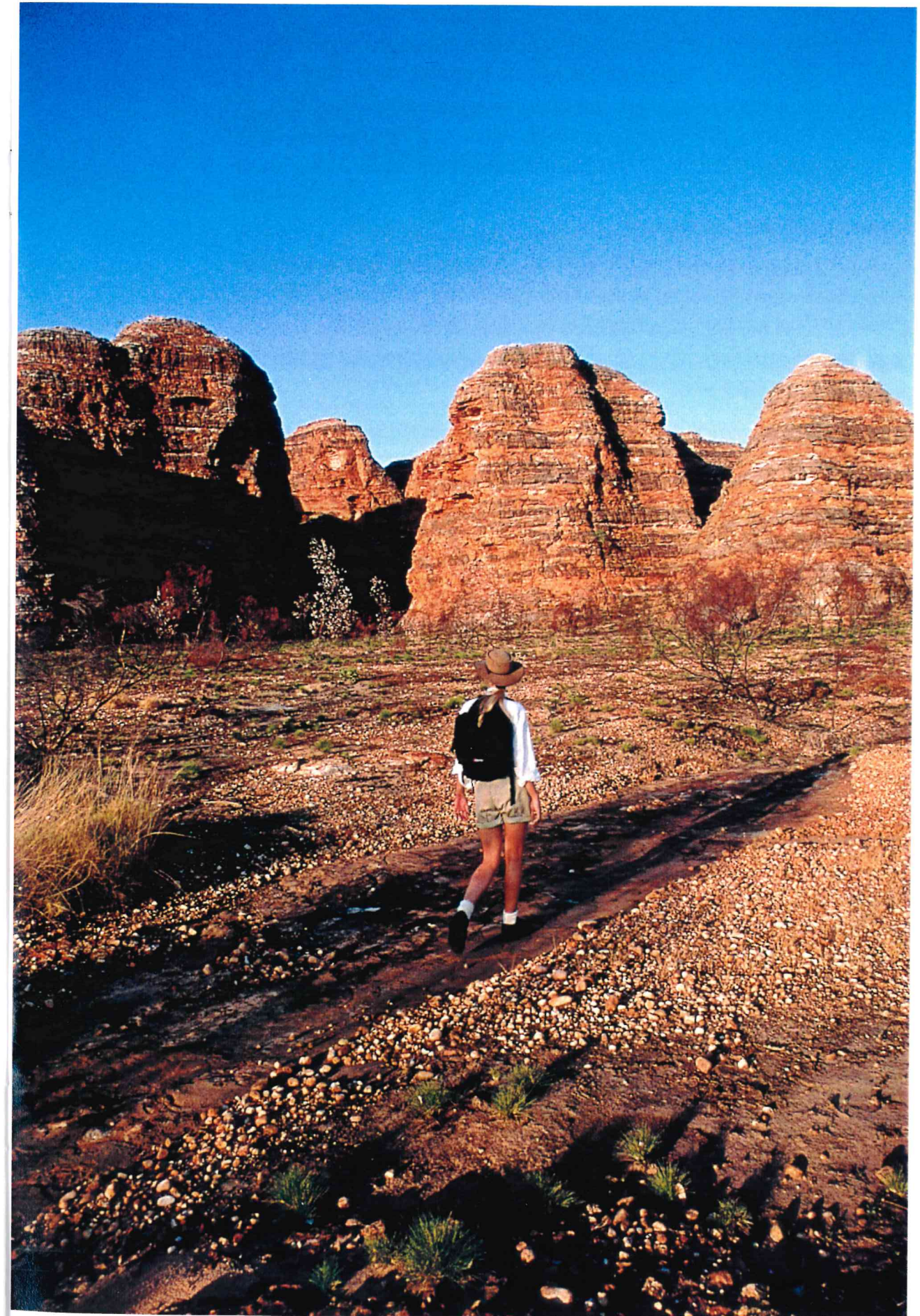
- The Mining Act will be unchanged, but there will be heightened restrictions on mining and exploration access to national parks and Class A nature reserves, achieved through the Minister for the Environment's existing powers of approval and concurrence.

Access may be granted for strategic resources where the proponent demonstrates a Net Benefit to Conservation, through conservation land expansion or other means. Requirements for proponents to also meet costs of monitoring and administration of access, as well as rehabilitation and to redress impacts on conservation values will be continued.

- The Petroleum Act will be changed to give the Minister for the Environment concurrence powers for exploration and production in similar terms to the Mining Act, for national parks and Class A nature reserves.

Access will involve similar requirements for net benefit to conservation, rehabilitation, redress for impacts on conservation values and other conservation management costs, as for mining.

- There will be a general presumption against exploration, mining and petroleum production access to other classes of nature reserves and to conservation parks. Access will be considered where the proponent can demonstrate Maintenance of Conservation Value, or no net loss of conservation values at the regional level, in their proposal. Standard access conditions will cover rehabilitation, as well as redress for impacts on conservation values and other conservation management costs. This will be implemented by the Minister for State Development agreeing to accept the Minister for the Environment and Heritage's recommendations in such cases.



Purnululu National Park
Photo: courtesy (WATC)

The new policy in respect to mining and petroleum exploration and production will apply only to applications lodged after 10 February 2001. It will not apply to tenements and applications lodged before that date.

New production proposals resulting from exploration licences under application before 10 February 2001 will be considered under arrangements existing at that time and will be assessed by the Environmental Protection Authority and the Conservation Commission of WA.

Mineral Exploration and Mining

Generally, proposals for exploration and mining in national parks and 'A' class nature reserves will not be considered. The existing Mining Act provisions will apply and approval by the Minister for Mines will require the agreement of the Minister for the Environment.

There will be a general presumption against new exploration or mining in other class nature reserves and conservation parks.

Proposals will have to show that conservation values will be maintained through activities such as incorporating neighbouring areas of high conservation value into the reserve, restoring previously degraded areas within the reserve, or contributing to biodiversity research and conservation programs. Proponents will still have to meet requirements for rehabilitation, as well as negotiated redress for lost conservation values as a result of exploration or mining activity and the Department of Conservation and Land Management's administration and monitoring costs.

In addition, access will not be permitted for low value bulk commodities such as gravel or gypsum unless the deposits are of strategic importance.

Proposals to explore or mine in national parks and Class A nature reserves only will be considered by the Ministers **in exceptional circumstances** for strategic resources where there is a clear net benefit to conservation. The final decision in these circumstances will be subject to the agreement of the Minister for the Environment.

Net benefits to conservation will be considered along the same lines as the maintenance of conservation values. However, proposals must show that there will be a clear increase in nature conservation values to offset any approved activity in a reserve. Proponents will still have to meet requirements for rehabilitation, as well as negotiated redress for lost conservation values as a result of exploration or mining activity and the Department of Conservation and Land Management's costs for administration and monitoring.

All approvals to explore or mine in national parks and Class A nature reserves will continue to require the consent of both Houses of Parliament.

Petroleum Production and Exploration

The Government will bring arrangements for petroleum industry access to conservation lands more into line with those of the mining sector.

As with mineral exploration and mining, proposals for exploration and mining in national parks and Class A nature reserves generally will not be considered.

The Petroleum Act will be amended to include a new power of concurrence from the Minister for the Environment in relation to proposals for exploration and production in national parks and

Class A nature reserves. Requirements for net benefits to conservation, rehabilitation and recovery of conservation agency (Department of Conservation and Land Management) monitoring costs will be the same as those for the mining sector.

Legislation will be amended to provide for terrestrial conservation reserves to extend to 200 metres below the surface. This may be varied where required to conserve particular values such as cave systems, but generally this depth will enable directional access from outside reserve boundaries.

There will be a general presumption against new petroleum exploration or production in other class nature reserves and conservation parks. Access will be considered only where the proposal clearly shows that conservation values will be maintained.

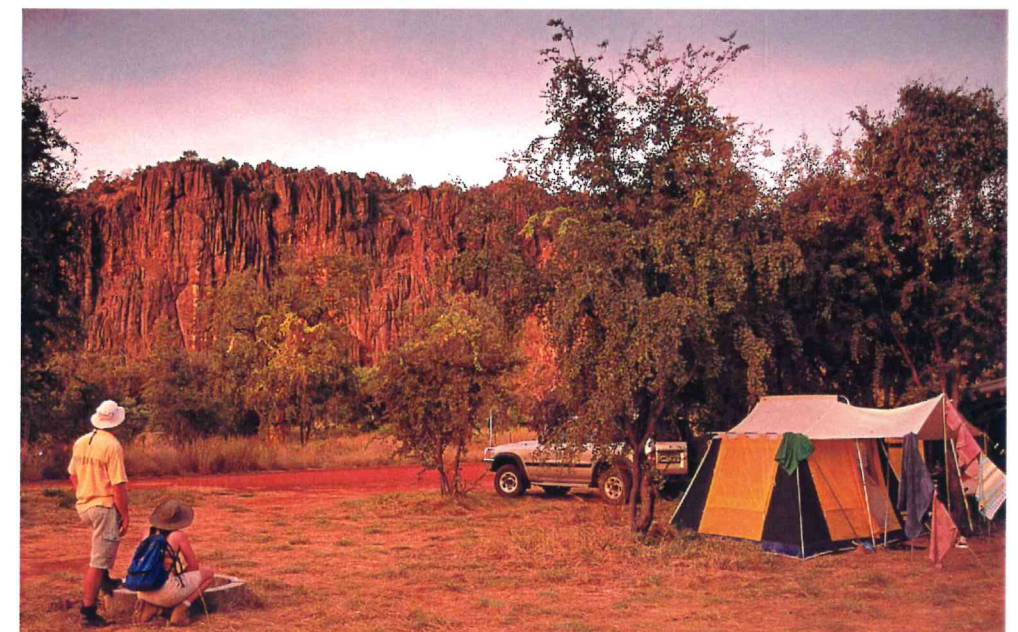
This will be achieved through the Minister for State Development accepting the Minister for the Environment's recommendations in relation to proposals for access to reserves for exploration and production. Requirements for maintaining conservation values, rehabilitating disturbed areas and meeting loss of conservation values and administration and monitoring costs will be in line with those applying to mining.

CONSULTATION

In implementing the conservation lands access policy, the Government remains committed to openness and accountability through clear processes of consultation, concurrence and communication of conservation reserve access considerations.

Specifically, the Government is committed to an independent assessment process by the Environmental Protection Authority and the Conservation Commission of WA.

State Agreement Act operations are subject to negotiations between parties and the State Government does not propose to change any current agreements. Future Agreement Acts will be drawn up taking into account the measures outlined in this document.



Windjana Gorge National Park
Photo: courtesy (WATC)

THE ROLE OF GOVERNMENT AGENCIES

Department of Mineral and Petroleum Resources

The Department of Mineral and Petroleum Resources is responsible for administering the Mining Act 1978, special State Agreements and legislation covering petroleum exploration and extraction. The Department also is responsible for land access and titles management and referral of mining and petroleum tenure applications and operational proposals to other Government agencies. It also oversees compliance and enforcement of health and safety issues and environmental management under mining and petroleum legislation.

The **Office of Major Projects** - part of the Department of Mineral and Petroleum Resources - manages State Agreement Acts and promotes development by helping companies investing in the State's resources sector.

Websites: www.dme.wa.gov.au
www.drd.wa.gov.au

Environmental Protection Authority

The EPA's objectives are to protect the environment and to prevent, control and lessen the impacts of pollution. The Authority advises the Minister for the Environment and Heritage on the environmental acceptability of new development proposals, formulates environmental protection policies to protect specific parts of the environment, and advises the Minister on environmental issues generally. All production mining and

petroleum proposals on the conservation estate are referred to the EPA.

Website: www.environ.wa.gov.au

Conservation Commission of Western Australia

The Conservation Commission of Western Australia is the main vesting body for national parks, nature reserves, conservation parks, State forests and timber reserves. The Commission advises the Minister for the Environment and Heritage on the management of the State's terrestrial conservation estate.

Website: www.conservation.wa.gov.au

Department of Conservation and Land Management

The Department of Conservation and Land Management manages conservation reserves vested in the Conservation Commission of Western Australia and the Marine Parks and Reserves Authority and is also responsible for conserving biodiversity throughout the State.

The Department's key responsibilities include nature conservation, parks and visitor services and sustainable forest management. It reviews and makes recommendation on mining and petroleum applications and proposals for consideration by the Conservation Commission, the EPA or the Minister for the Environment and Heritage.

Website: www.calm.wa.gov.au

DRAFT
17 January 2002