



Proposed Iconic Natural Heritage Places

Public Consultation Paper

10 December 2019

**Implementation of the Government's
response to the Independent
Scientific Panel Inquiry into Hydraulic
Fracture Stimulation in Western Australia**

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PURPOSE

The purpose of this paper is to seek public comment and feedback about proposed iconic natural heritage places, within which the petroleum industry would not be permitted to set up well pads or undertake drilling for oil and gas exploration or production, involving hydraulic fracture stimulation, also referred to as hydraulic fracturing.

The aim of identifying iconic natural heritage places is to prevent potential impacts arising from direct development or proximity to increased traffic, noise or light associated with hydraulic fracturing.

BACKGROUND

The State Government announced the establishment of the Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western Australia (the Inquiry) in September 2017, and enacted the Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Regulations 2017 on 9 December 2017 to prohibit hydraulic fracturing in the South West, Peel and Perth Metropolitan regions; and impose a moratorium on hydraulic fracturing for the rest of the State, pending the outcome of the Inquiry.

In September 2018, the Inquiry handed its Report to the Minister for Environment. The Report, containing 91 findings and 44 recommendations, was released publicly in November 2018 via the Inquiry's [website](#).

On 12 July 2019, the Western Australian Government released its [Implementation Plan](#), the Government's response to the Inquiry. Implementation Plan Action 2 responds to the Inquiry's Recommendation 2 and the Government's Policy Decisions 2 and 6, to ban hydraulic fracturing in and within 2,000 metres of gazetted public drinking water source areas, in national parks, the Dampier Peninsula, and other places of iconic natural heritage which were to be defined and delineated on maps.

Amendments to [Petroleum and Geothermal Energy Resources \(Hydraulic Fracturing\) Regulations 2017](#) commenced on 7 September 2019. The amendments:

- lifted the hydraulic fracturing moratorium on the areas of the State covered by existing *Petroleum and Geothermal Energy Resources Act 1967* exploration permits, retention leases and production licences in force on 26 November 2018;
- maintained the ban over the South-West, Peel and Perth Metropolitan regions and extended the moratorium indefinitely across the rest of the State; and
- banned hydraulic fracturing in the Dampier Peninsula, national parks, gazetted public drinking water source areas and areas within 2,000 metres of gazetted public drinking water source areas.

These regulations ensure hydraulic fracturing is not permitted over 98 per cent of Western Australia.

Potential Impacts to Flora and Fauna from Hydraulic Fracturing

During the Inquiry, the Panel considered the risks to meeting the stated objectives of the Environmental Protection Authority (EPA) guidelines:

- Flora and fauna are protected so that regional biological and ecological integrity are maintained; and
- The integrity of places of distinctive ecological and conservation value is preserved.

With respect to potential impacts to flora and fauna, and the maintenance of ecological integrity, the Inquiry concluded that the overall risk from hydraulic fracturing is low if the current State and Federal regulatory and environmental approval processes are applied, including the consideration of cumulative impacts.

The Inquiry also noted that under the current legislation, petroleum companies granted an exploration permit have the right to potentially gain access to conservation reserves as well as other places of aesthetic or conservation significance within the permit area. To date, in areas where hydraulic fracturing has taken place, the industry has located its projects well away from such places, as shown by the relinquishment of leases covering some iconic natural features such as Roebuck Bay and the Pinnacles. Nonetheless, the Inquiry was of the view that such avoidance should be formally regularised.

The Inquiry envisaged that the process to identify places of iconic natural heritage, in consultation with the community, would be a formal part of the process by which the Western Australian Government releases acreage for potential development. However, as a result of the Government's Policy to maintain the moratorium across the State except for petroleum titles that were in force on 26 November 2018, hydraulic fracturing will not be permitted over land released for oil and gas exploration as part of future acreage releases.

SCOPE

Due to the State Government's decision to lift the hydraulic fracturing moratorium on existing petroleum titles (being exploration permits, retention leases and production licences) in force on 26 November 2018 and maintain the moratorium across the rest of the State, the scope of identifying iconic natural heritage places is limited to those located within existing petroleum titles.

Because the term 'iconic natural heritage' is subjective, the Government has developed a set of principles to guide the process of selecting places considered to be of iconic natural heritage. The intent is to reduce overlap with existing mechanisms, which already consider potential impacts associated with hydraulic fracturing, such as:

- the Government's existing bans in South West, Peel and Perth Metropolitan regions, the Dampier Peninsula, national parks, in and within 2,000m of public drinking water source areas;
- the Government's State-wide moratorium, whereby hydraulic fracturing is prohibited outside of petroleum titles in force on 26 November 2018;
- existing State and Federal regulatory processes, including the requirement for all applications for onshore hydraulic fracturing exploration and production proposals to be referred to the EPA for assessment under Part IV of the *Environmental Protection Act 1986*.

Guiding Principles

The Government has developed the following guiding principles for identifying places of iconic natural heritage where hydraulic fracturing will be prohibited:

1. The list of places of iconic natural heritage does not include all places in the State that could be considered to be iconic. Rather, the list is limited to places that could be impacted by hydraulic fracturing activities (i.e. within existing petroleum titles in force on 26 November 2018).
2. The term 'place' is more appropriate than 'area' as it defines a specific location with surface boundaries where hydraulic fracturing will not be permitted.
3. Places of iconic natural heritage are considered to be recognised naturally significant places which could include national parks and sites registered on the National Heritage List.
4. Proposed national parks within areas identified in the State Government's Plan for Our Parks (February 2019) are included in the list of places of iconic natural heritage (where they intersect with existing petroleum titles in force on 26 November 2018).
5. While some places of iconic natural heritage also include Aboriginal cultural values, these values will be considered by the relevant Traditional Owners as part of any consent or access requirements.
6. Environmental values of sites that are important, but not identified as having iconic status, will be considered by the Government through environmental assessment processes and referrals of all applications for onshore hydraulic fracture stimulation exploration and production to the EPA.

PROPOSED ICONIC NATURAL HERITAGE PLACES

The Government has identified, in line with the guiding principles, two proposed iconic natural heritage places for consultation with the Western Australian community, including:

Fitzroy River and Camballin Floodplain Iconic Natural Heritage Place (Map 1)

The Fitzroy River is one of the Kimberley region's most important and iconic waterways, flowing through rugged hills and plains for 750 kilometres. In flood, it is one of the world's largest rivers. During the dry season, much of the river stops flowing, leaving permanent waterholes along the river and surrounding floodplains that are critical to the survival of waterbirds, fish and other wildlife. In 2011, the entire Fitzroy River was added to the National Heritage List because of its exceptional natural and cultural value. It is also listed as an Aboriginal Heritage Site under the *Aboriginal Heritage Act 1972*. Camballin Floodplain is a nationally significant wetland associated with the Fitzroy River and is part of the National Heritage site. The floodplain also supports threatened and priority ecological communities.

The boundary of this proposed iconic natural heritage place, within existing petroleum titles, follows the boundary along the Fitzroy River and Camballin Floodplain as defined by the National Heritage Listing as at 26 November 2018. The total area covers approximately 110,360 hectares.

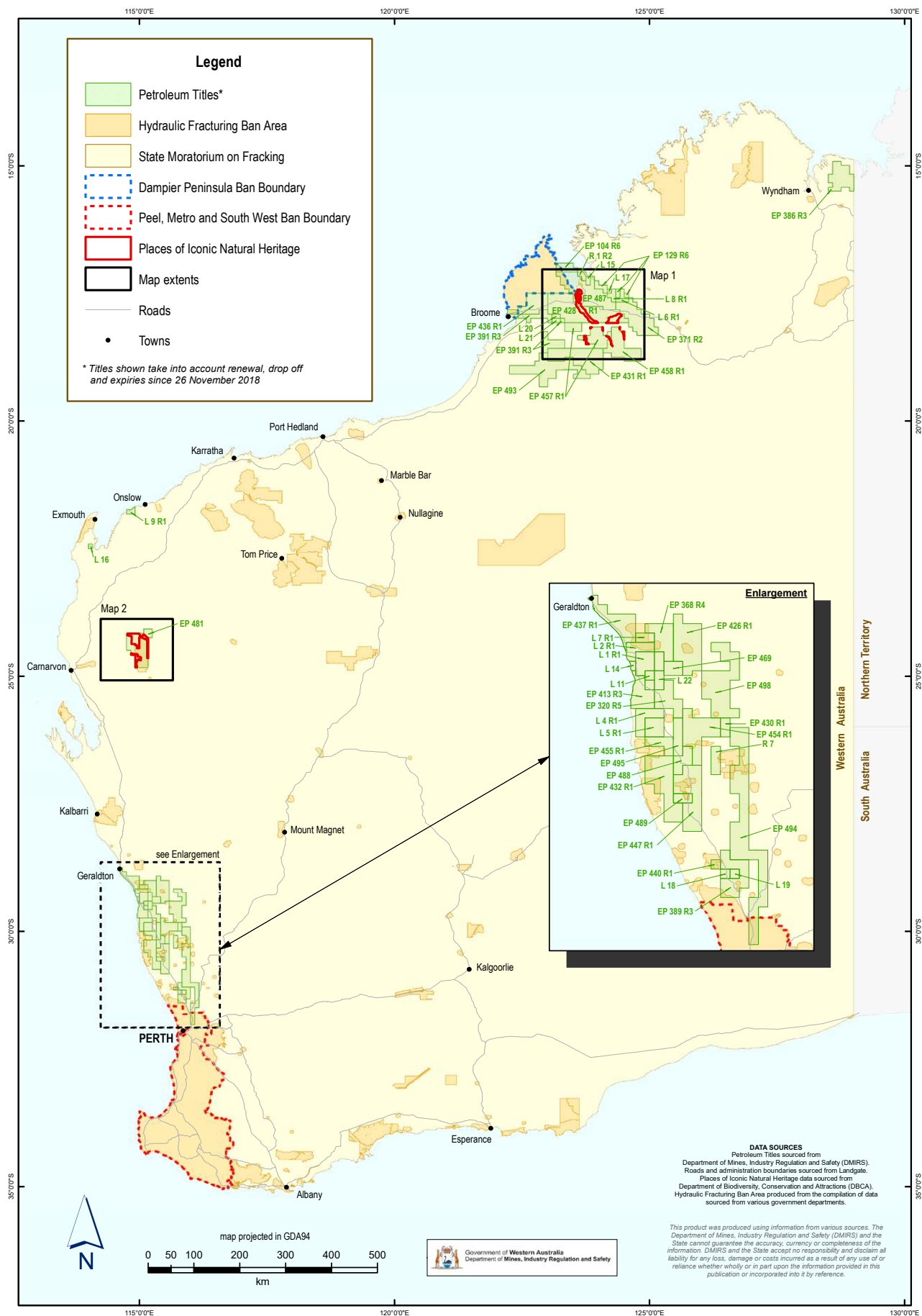
Kennedy Range Iconic Natural Heritage Place (Map 2)

Extensions to the Kennedy Range National Park have been identified through the State Government's Plan for Our Parks initiative, announced in February 2019. The Kennedy Range contains diverse landscapes and geological features, including springs. Proposed additions to the national park will cover the remaining part of the range itself and include an extensive area of sandplains which support species not represented in the conservation reserve system. There are also records of priority flora and fauna species, and priority ecological communities. Culturally significant sites and artefacts provide evidence of a long Aboriginal history in the area.

The boundary of this proposed iconic natural heritage place, within existing petroleum titles, follows the area being considered for reservation as national park under the State Government's Plan for Our Parks (February 2019) and covers approximately 77,000 hectares. The Government is currently undertaking separate stakeholder consultation relating to Plan for Our Parks which may impact the final boundaries to the extension of Kennedy Range National Park.

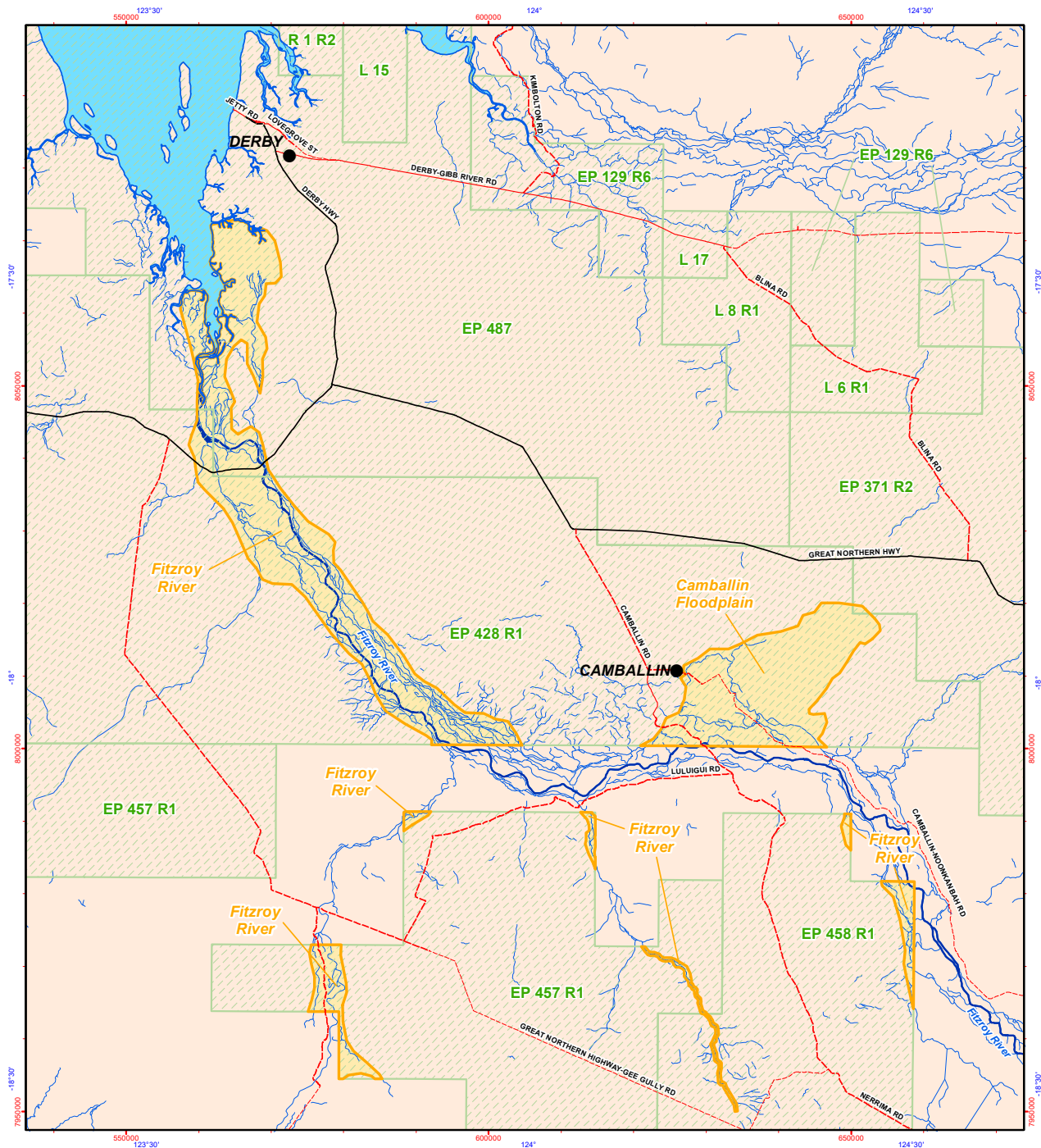
The location of the proposed iconic natural heritage places is shown on the following State map and individual boundary maps.

Map of Western Australia showing location of proposed iconic natural heritage places



Map 1 – Fitzroy River Iconic Natural Heritage Place and Camballin Floodplain Iconic Natural Heritage Place

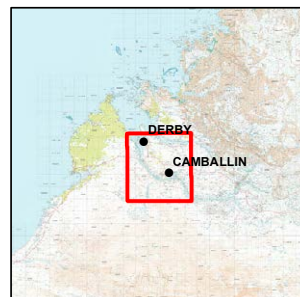
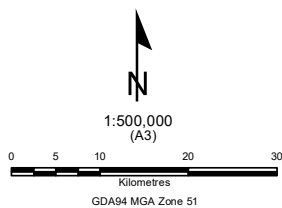
Fitzroy River Iconic Natural Heritage Place and Camballin Floodplain Iconic Natural Heritage Place (MAP 1)



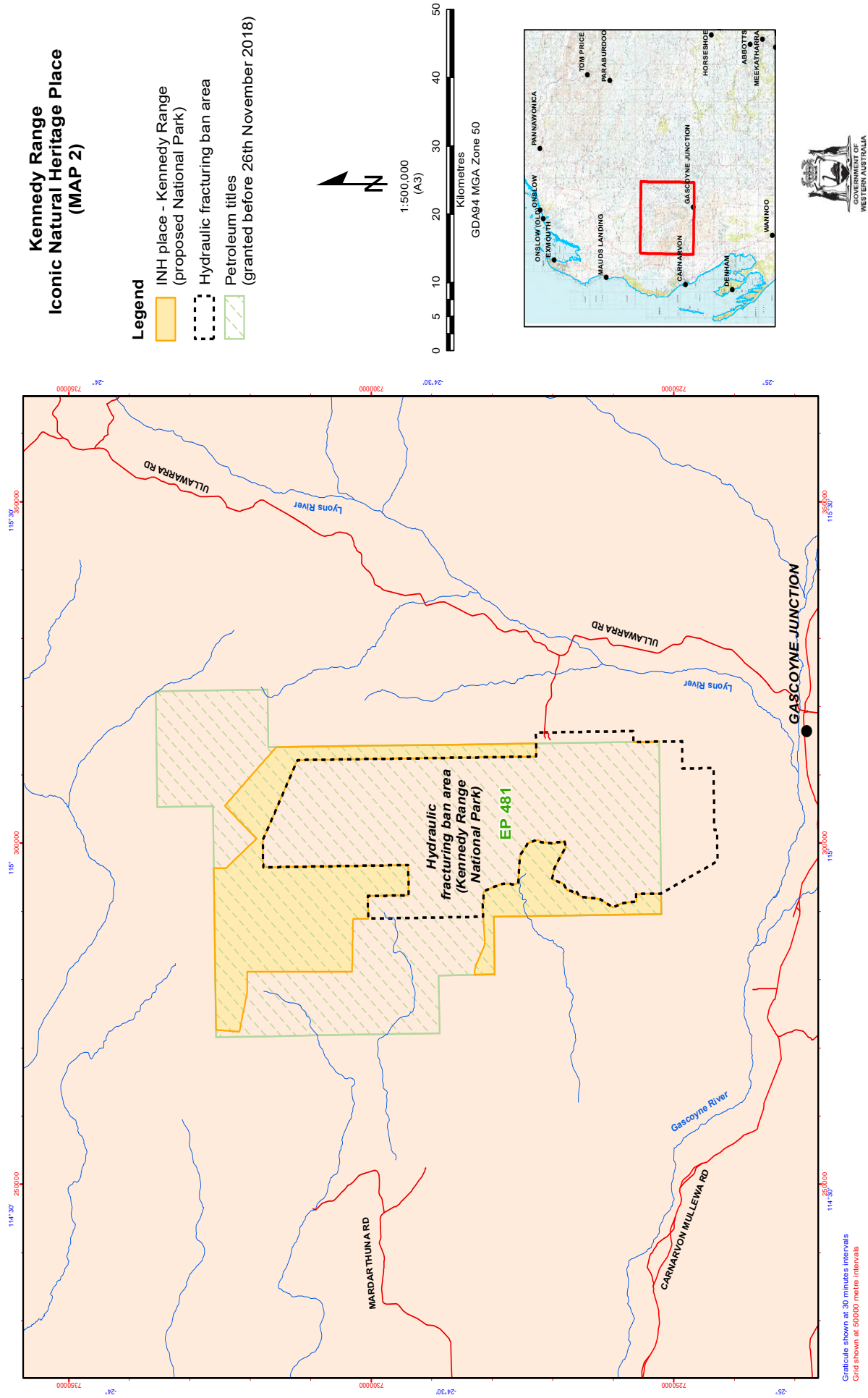
Graticule shown at 30 minutes intervals
Grid shown at 50000 metre intervals

Legend

- INH place - Fitzroy River and Camballin Floodplain
- Petroleum Titles (granted before 26th November 2018)
- Townsites



Map 2 – Kennedy Range Iconic Natural Heritage Place



FREQUENTLY ASKED QUESTIONS

Why did the Government identify iconic natural heritage places?

The Government has identified the proposed iconic natural heritage places to prevent potential impacts arising from direct development or proximity to increased traffic, noise or light associated with hydraulic fracturing.

Why are only two places proposed as iconic natural heritage places?

Recent amendments to the [Petroleum and Geothermal Energy Resources \(Hydraulic Fracturing\) Regulations 2017](#), which commenced on 7 September 2019, implemented the Government's Policy Decisions to:

- lift the hydraulic fracturing moratorium on the areas of the State covered by existing *Petroleum and Geothermal Energy Resources Act 1967* exploration permits, retention leases and production licences in force on 26 November 2018;
- maintain the ban over the South-West, Peel and Perth Metropolitan regions and extend the moratorium indefinitely across the rest of the State; and
- ban hydraulic fracturing in the Dampier Peninsula, national parks, gazetted public drinking water source areas and an area within 2,000 metres of gazetted public drinking water source areas.

This means that hydraulic fracturing is already prohibited over vast areas of the State. Hydraulic fracturing will further be prohibited in iconic natural heritage places within existing petroleum titles in force on 26 November 2018.

How did the Government identify the proposed iconic natural heritage places?

The Government has developed the following guiding principles for identifying places of iconic natural heritage where hydraulic fracturing will be prohibited:

1. The list of places of iconic natural heritage does not include all places in the State that could be considered to be iconic. Rather, the list is limited to places that could be impacted by hydraulic fracturing activities (i.e. within existing petroleum titles in force on 26 November 2018).
2. The term 'place' is more appropriate than 'area' as it defines a specific location with surface boundaries where hydraulic fracturing will not be permitted.
3. Places of iconic natural heritage are considered to be recognised naturally significant places which could include national parks and sites registered on the National Heritage List.
4. Proposed national parks within areas identified in the State Government's Plan for Our Parks (February

2019) are included in the list of places of iconic natural heritage (where they intersect with existing petroleum titles in force on 26 November 2018).

5. While some places of iconic natural heritage also include Aboriginal cultural values, these values will be considered by the relevant Traditional Owners as part of any consent or access requirements.
6. Environmental values of sites that are important, but not identified as having iconic status, will be considered by the Government through environmental assessment processes and referrals of all applications for onshore hydraulic fracture stimulation exploration and production to the EPA.

Why were the guiding principles developed?

The guiding principles were developed to provide the rationale and transparency in relation to identifying iconic natural heritage places.

Why aren't all sites of environmental importance included as iconic natural heritage places?

While the proposed iconic natural heritage places include sites of environmental value or significance, sites not identified as having iconic status will continue to be considered by the Government through other mechanisms such as referrals of all applications for onshore hydraulic fracture stimulation exploration and production to the EPA for assessment under Part IV of the *Environmental Protection Act 1986* and the new Code of Practice.

Why aren't all Aboriginal heritage sites included as iconic natural heritage places?

While the proposed iconic natural heritage places include Aboriginal heritage sites or cultural values, sites not identified as having iconic status will continue to be considered by the Government through other mechanisms such as the *Aboriginal Heritage Act 1972*, and Government's Traditional Owner consent and access requirements relating to hydraulic fracturing.

How can stakeholders provide feedback?

During the consultation period, from 10 December 2019 to 31 January 2020, stakeholders can submit their feedback via email to info@hydraulicfracturing.wa.gov.au. Please note all submissions made will be treated as public submissions unless specifically requested to be kept confidential. It is important to note that a request for confidentiality does not make a submission automatically exempt from disclosure. While best endeavours will be made to comply with any request, a submission (or part thereof) may still be disclosed if required under the *Freedom of Information Act 1992*, for procedural fairness purposes or under any other applicable law.

