

Appeal Numbers:
016, 018, 020, 021, 025, 026, 028, 030, 033, 034, 035, 036, 038, 039, 041, 043, 047, 051,
053, 054, 055, 056, 057, 058, 060, 061, 062, 063, 065, 067, 069, 071, 075, 076, 078, 080,
081, 082, 083, 086, 087, 088, 090, 091, 092, 093, 094 and 096 of 2014



Environmental Protection Act 1986

**Hon Albert Jacob MLA
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST DECISION NOT TO ASSESS THE LAUREL FORMATION TIGHT GAS PILOT EXPLORATION PROGRAM, SHIRE OF BROOME AND SHIRE OF DERBY-WEST KIMBERLEY

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(a) of the *Environmental Protection Act 1986* in objection to the decision of the Environmental Protection Authority not to assess the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	In total, 48 appeals were received (see Attachment 1)
Proponent:	Buru Energy Ltd
Proposal description:	Undertake tests for tight gas flows using hydraulic fracture stimulation of four existing wells in the Canning Basin.
Minister's Decision:	The Minister dismissed the appeals
Date of Decision:	16 June 2014

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeals.

The Minister understood that a key issue raised in the appeals was the potential impact of the current proposal in the context of other similar scale proposals and future proposals to develop commercial gas production fields in the Kimberley. Specific environmental concerns about the effects of the proposal included the risk of contamination of groundwater and surface water; water consumption; and impacts on air quality, biodiversity and local amenity. The Minister also understood that general concerns were raised in respect to the level of public interest and consultation and the EPA's decision making process on the referral.

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The Minister was advised that the EPA considered the proposal in accordance with the requirements of the Act and the *Environmental Impact Assessment Administrative Procedures 2012* (Administrative Procedures), and that in making its decision on whether to assess the proposal the EPA considered the values of the environment; the extent of the likely impacts; policies, guidelines, procedures and standards against which a proposal can be assessed; the presence of other statutory decision making processes which regulate the mitigation of the potential effects on the environment; and the level of public concern. The EPA also advised that it concluded that this small scale, limited duration, 'proof of concept' exploration proposal is unlikely to have a significant effect on the environment. The Minister understood the EPA considers that the potential impacts associated with this proposal can be further evaluated, regulated and mitigated by the Department of Mines and Petroleum and the Department of Water to meet the EPA's objectives for the environmental factors identified for the proposal.

The Minister noted that the decision not to assess this proposal does not reflect the EPA's position on whether future proposals will be formally assessed under the Act. Any environmental assessment of a proposal would consider the environmental acceptability of the proposal, and, in accordance with the Administrative Procedures, the EPA will apply the significance test when determining whether a proposal is likely to have a significant effect on the environment.

The Minister was advised that results and information gathered from any small scale, 'proof of concept' proposal would be used to inform the environmental impact assessment of proposals progressing to commercial scale production, including the likely cumulative impacts from foreseeable future projects. The Minister understood that proponents are expected to use the information gathered on the risks and potential impacts associated with hydraulic fracturing to describe how a project will develop beyond the 'proof of concept' stage.

In relation to the other issues raised in appeals, the Minister considered the advice provided by the EPA and the Appeals Convenor, and agreed with the Appeals Convenor that the EPA has appropriately considered these issues.

Overall, having considered the matters raised in the appeals, the EPA's advice and the Appeals Convenor's report, the Minister formed the view that the decision of the EPA not to assess the proposal was justified. The Minister dismissed the appeals.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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LIST OF APPELLANTS

Appeal	Appellant
016/14	350 Perth, 350 Australia
018/14	Ms Elizabeth Antipas
020/14	Australian Conservation Foundation
021/14	Ms Lou Baxter
025/14	Ms Elizabeth Brooke
026/14	Ms Nicole Campbell-Watts
028/14	Hon Robin Chapple MLC
030/14	Ms Joanne Daniels
033/14	Doctors for the Environment Australia
034/14	Ms Christine Elsasser
035/14	Environs Kimberley Inc and Conservation Council of Western Australia
036/14	Ms Sandra Faber
038/14	Mr Paul Ford
039/14	Dr Sue Foster
041/14	Dr Greg Glazov
043/14	Ms Birgit Graefner
047/14	Mr Bryce Hobbs
051/14	Ms Christie Kingston
053/14	Ms Carmel Leahy
054/14	Ms Meredith Luke
055/14	Ms Kirsten Lunoe
056/14	Mr David Lunt
057/14	Mr Michael Mardel
058/14	Ms Clare Marquis

Appeal	Appellant
060/14	Ms Tanya Maxted
061/14	Ms Patricia McAuliffe
062/14	Ms Simone McInnes
063/14	Ms Louise Middleton
065/14	Ms Penny Newcombe
067/14	No Fracking WA
069/14	Ms Vivienne O'Shea
071/14	Ms Katherine Parolo
075/14	Ms Caitlin Pilkington
076/14	Dr Anne Poelina
078/14	Ms Arleen Schmertz
080/14	Dr Linda Selvey
081/14	Mr Daniel Smith
082/14	Ms Melanie Smith
083/14	Ms Alison Southern
086/14	Ms Helen Sturmeay
087/14	The Wilderness Society WA Inc
088/14	Ms Diana Tomkins
090/14	Ms Yeeda Topham
091/14	Dr Johannes Wajon
092/14	Ms Fiona West
093/14	Mr Kimberley West
094/14	Mr Clint Westwood
096/14	Yawuru Native Title Holders Aboriginal Corporation RNTBC