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Statement No. 865

**STATEMENT TO AMEND CONDITIONS APPLYING TO A PROPOSAL
(PURSUANT TO THE PROVISIONS OF SECTION 46 OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

**GORGON GAS DEVELOPMENT REVISED AND EXPANDED PROPOSAL
BARROW ISLAND NATURE RESERVE**

Proposal: Refer to Ministerial Statement 800

Proponent: Chevron Australia Pty Ltd (ACN 086 197 757)

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6000

Previous Statement Number: Statement Nos. 748 and 800

Report of the Environmental Protection Authority: Report 1394

The implementation of the proposal to which the above report of the Environmental Protection Authority relates is subject to the conditions and procedures contained in Ministerial Statement No. 800, as amended by the following:

1. Amendments to Condition 18

18.1 The implementation of the works associated with construction, dredging and dredge spoil disposal activities for the marine facilities listed in Condition 17.2, shall not result in an exceedance of the following Impact Limits:

- i. Average Net Detectable Mortality of *Porites* coral in excess of 30% within the Zones of Moderate Impact;
- ii. The Permanent Loss of Coral assemblages within the Zones of High Impact and Zones of Moderate Impact in excess of:
 - a. 22 hectares; or
 - b. The Area of Loss of Coral Assemblages calculated under Condition 14.6.ii, whichever is less; or
- iii. Any Detectable Net Mortality of any coral outside the Zones of High Impact and Zones of Moderate Impact,

unless and until, at a specified site(s) outside the Zones of Moderate Impact or specified zone(s) in the Zones of Moderate Impact, a Revised Impact Limit has been approved to have effect for that specified site(s) or zone(s) by the Minister in accordance with Condition 21.12, in which case the approved Revised Impact Limit for the specified site(s) or zone(s) shall not be exceeded in the implementation of the works associated with construction, dredging and dredge spoil disposal activities for the marine facilities listed in Condition 17.2.

18.2 If there is an exceedance of the Impact Limits established by Condition 18.1 i or 18.1 iii and or approved Revised Impact Limits, or the Permanent Loss of Coral Assemblages exceeds the Area under Condition 18.1.ii b, at the time of the third Post-Dredging Marine Habitat Survey the Proponent shall, in consultation with CDEEP and DEC, prepare and submit a report to the Minister that:

- i. Predicts the rate of natural recovery; and
- ii. Assesses whether the rate of recovery is sufficient to ensure the Permanent Loss of Coral Assemblages will be reduced to less than 22 ha or the Area under Condition 18.1.ii b, whichever is less.

If the predicted rate of natural recovery is not sufficient to ensure the Permanent Loss of Coral Assemblages will be reduced to less than 22 ha or the Area under Condition 18.1 ii b, whichever is less, the Proponent shall include in that Report an Action Plan with the aim of addressing compliance with Condition 18.1.ii, as determined by the Minister.

18.3 The Proponent shall implement any Action Plan included in the Report required by Condition 18.2.

2. Amendments to Condition 20

20.6 The proponent shall implement the Plan. If under condition 21.12 any Revised Impact Limit(s) and or Revised Management Trigger(s) for conditions 18 and/or 21 are approved, and/or additional management measures are required to be implemented, those Revised Impact Limit(s) or Revised Management Trigger(s) and additional management measures shall have effect as if they were part of the Plan.

3. Amendments to Condition 21

21.4 The Management Triggers in Table 1 below are to apply to the management of construction, dredging and dredge spoil disposal activities associated with works for the marine facilities listed in Condition 17.2, which will require the Proponent to adopt the actions specified in Conditions 21.5, 21.6, 21.7, 21.8, 21.9 and 21.10 unless and until Revised Management Triggers have been approved by the Minister in accordance with Condition 21.12 to have effect at a specified site(s) outside the Zones of Moderate Impact or specified zone(s) in the Zones of Moderate Impact, in which case the approved Revised Management Triggers for the specified site(s) and specified zone(s) shall not be exceeded in the implementation of the works associated with construction, dredging and dredge spoil disposal activities for the marine facilities listed in Condition 17.2.

Table 1: Management Triggers for construction, dredging and dredge spoil disposal activities associated with works for the facilities listed in Condition 17.2.

	Level 1	Level 2	Level 3
Zones of High Impact	n/a	n/a	n/a
Zones of Moderate Impact	15% Average Net Detectable Mortality <i>Porites</i> ; 50% Mortality <i>Porites</i> at any site	25% Average Net Detectable Mortality <i>Porites</i>	30% Average Net Detectable Mortality <i>Porites</i>
Zones of Influence	Detectable adverse change in the health of coral	10% coral bleaching at any site	Detectable Net Mortality of any coral
Regionally Significant Areas	Detectable adverse change in the health of coral	10% coral bleaching at any site	Detectable Net Mortality of any coral

21.6 If any Level 1 Management Trigger (or approved Revised Management Trigger) criterion in Condition 21.4 Table 1 is exceeded within 72 hours of detection of the exceedance, the Proponent shall notify the CDEEP of the exceedance; develop and implement an Impact Management Plan, describing what measures it is taking, or intends to take, to reduce the risk of a Level 2 Management Trigger (or approved Revised Management Trigger) being exceeded and to ensure the limits set in Condition 18.1i and 18.1 iii (or approved Revised Impact Limits) are not exceeded; and provide that Plan to the CDEEP and the Minister.

21.7 If any Level 2 Management Trigger (or approved Revised Management Trigger) criterion in Condition 21.4 Table 1 is exceeded, the Proponent shall:

- i. Immediately advise the CDEEP and report the exceedance to the Minister, and suspend dredging and spoil disposal activities within 48 hours unless otherwise authorised by the Minister;
- ii. Identify the dredging and spoil disposal activities and metocean conditions which caused the exceedance;
- iii. Identify locations of the dredging and spoil disposal activities where existing impacts are low and those activities could recommence;
- iv. Confirm coral health monitoring results with the CDEEP and report to the Minister the status of coral health parameters against the limits set in Condition 18.1i and 18.1 iii; and
- v. Prepare an Impact Management Plan, (the Plan) on the advice of CDEEP then submit to the Minister describing what measures the Proponent is taking, or intends to take, to keep impacts to below the limits set in Condition 18.1i and 18.1 iii, and the marine Water Quality Criteria that will be met to allow for the recommencement of dredging and spoil disposal activities and ensure the limits set in Condition 18.1i and 18.1 iii will not be exceeded.

21.9 If any Level 3 Management Trigger criterion provided for in Condition 21.4 Table 1 (or Revised Management Trigger approved under Condition 21.12) is exceeded the proponent shall:

- i. Immediately suspend all dredging and spoil disposal activities associated with works for the facilities listed in Condition 17.2; and
- ii. Within 24 hours of that suspension, report to the Minister and CDEEP, the exceedance and that it has suspended dredging and spoil disposal activities associated with works for the facilities listed in Condition 17.2, and the results of the coral health monitoring that led to that suspension.

21.10 If after suspending dredging and spoil disposal activities under Condition 21.9i the Proponent determines that there is no exceedance of any Level 3 Management Trigger (or approved Revised Management Trigger) criterion in Condition 21.4 Table 1, the Proponent shall, in consultation with CDEEP, provide a report to the CEO. The Proponent may then recommence dredging and spoil disposal activities.

21.11 If after suspending dredging and spoil disposal activities under Condition 21.9i and if condition 21.10 does not apply, and the Proponent wishes to recommence dredging and spoil disposal activities, the Proponent:

- i. Shall submit to the Minister:
 - a. The results of the most recent coral health monitoring for all monitoring and reference sites, including identifying where exceedance(s) have taken place, and those sites where there is strong evidence an exceedance is reasonably expected to be recorded as part of the same event;
 - b. The dredging and spoil activities which were being undertaken in the monitoring period prior to the exceedance and until the time of suspension;
 - c. The metocean conditions as monitored in the monitoring period prior to the exceedance and until the time of suspension;
 - d. The results of the most recent water quality and sediment deposition monitoring;
 - e. Proposed revised Impact Limit(s) and/or revised Management Trigger(s) for the site(s) outside the Zones of Moderate Impact where exceedance(s) have taken place, and those sites where there is strong evidence an exceedance is reasonably expected to be recorded as part of the same event, and/or for the zone(s) inside the Zones of Moderate Impact where exceedance(s) have taken place; and
 - f. Any other information considered relevant by the Proponent in support of its proposal to recommence dredging and spoil disposal activities.
- ii. If the exceedance occurred inside a Zone of Moderate Impact, shall set out what additional management measures the proponent proposes to implement so that the recommencement of dredging and spoil disposal

activities will not contribute to further net mortality of *Porites*, or cause net mortality of *Porites* to exceed a revised Impact Limit and or revised Management Trigger, proposed by the proponent in condition 21.11.i e, for that zone where an exceedance has been recorded having regard to the matters provided for in Condition 21. 11 i and will keep impacts outside the Zones of Moderate Impact below the Impact Limits set in Condition 18.1 iii (or approved Revised Impact Limits for a specified site(s) or zone(s));

- iii. If the exceedance occurred outside the Zones of Moderate Impact, shall set out what additional management measures the proponent proposes to implement so that the recommencement of dredging and spoil disposal activities will not contribute to further net mortality of any coral, or cause net mortality of any coral to exceed a revised Impact Limit and or revised Management Trigger, proposed by the proponent in Condition 21.11.i e, at those sites where an exceedance has been recorded or there is strong evidence an exceedance is reasonably expected to be recorded as part of the same event, having regard to the matters provided for in Condition 21.11 i and will keep impacts below the Impact Limits set in Condition 18.1 iii (or approved Revised Impact Limits for a specified site(s) or zone(s)) at other sites outside the Zones of Moderate Impact and will keep impacts inside the Zones of Moderate Impact below the Impact Limits set in Condition 18.1 I (or approved Revised Impact Limits for a specified zone(s));
- iv. May propose additional matters to be considered in the Report required by Condition 18.2 at the time of the third Post-Dredging Marine Habitat Survey; and
- v. Shall submit to the Minister advice from the CDEEP Independent Experts on the matters in i, ii and iii above.

21.12 The Minister may, having regard to the information submitted by the proponent under Condition 21.11 and on the advice of the Chairman of the EPA, approve Revised Impact Limit(s) and or Revised Management Trigger(s) to have effect for the purpose of Conditions 18 and 20, in which case the Proponent may then recommence dredging and spoil disposal activities subject to the Revised Impact Limit(s) and or Revised Management Trigger(s). The Minister may also, having regard to the information submitted by the proponent under Condition 21.11, require the Proponent to implement additional management measures in ii and iii above, or other additional practicable management measures, as part of the Dredge and Spoil Disposal Management Plan required under Condition 20.

21.13 The Proponent shall:

- i. within one (1) month from the date of the revised statement until completion of dredging and spoil disposal activities (being the date of issue of a certificate of acceptance as described in Condition 24.1) provide and maintain DEC and OEPA (for the purpose of scientific research) with reasonable access to Validated Coral Health and Water Quality Data,
- ii. within two (2) months of completion of the dredging and spoil disposal activities (being the date of issue of a certificate of acceptance as described in Condition 24.1) make available to the Western Australian Marine Science Institute Validated Coral Health and Water Quality Data for

the purpose of scientific research to improve the capacity within Government and the private sector to predict and manage dredging impacts in tropical Western Australian waters. This condition is to be discharged to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority.

Definitions to be added to Schedule 2 of Ministerial Statement 800:

- Validated data: Data that have undergone a process by the Proponent to confirm that they are accurate, complete, and meet quality assurance and quality control criteria.
- Coral Health and Water Quality Data: Marine environmental monitoring data collected by the Proponent in implementing the Dredging and Spoil Disposal Management and Monitoring Plan required under Condition 20 and includes light-turbidity-deposition logger and telemetered logger water quality data; water temperature data; sediment trap data; MODIS imagery); tagged coral health data (colour, bleaching and live tissue cover; coral gravity data.

**HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER**