

THIS DOCUMENT

This document has been produced by the Office of the Appeals Convenor as an electronic version of the original Statement for the proposal listed below as signed by the Minister and held by this Office. Whilst every effort is made to ensure its accuracy, no warranty is given as to the accuracy or completeness of this document.

The State of Western Australia and its agents and employees disclaim liability, whether in negligence or otherwise, for any loss or damage resulting from reliance on the accuracy or completeness of this document.

Copyright in this document is reserved to the Crown in right of the State of Western Australia.

Reproduction except in accordance with copyright law is prohibited.

Published on: 15 August 2023

Statement No. 1209

**STATEMENT TO CHANGE THE IMPLEMENTATION CONDITIONS
APPLYING TO A PROPOSAL**

(Section 46 of the *Environmental Protection Act 1986*)

TUBRIDGI GAS FIELD DEVELOPMENT, NEAR ONSLOW

Proposal: Development and operation of the Tubridgi Gas Field

Proponent: AGI Development Group Nominees Pty Limited (AGID)

Australian Company Number 153 397 632

Proponent Address: Level 22, 140 St Georges Terrace, Perth, WA 6000

Report of the Environmental Protection Authority: 1743

Preceding Statement Relating to this Proposal: 112

Introduction: Pursuant to section 45(8) as applied by the *Environmental Protection Act 1986*, as applied by section 46(8), amendments to the implementation conditions have been agreed, and the proposal must now be implemented in accordance with the following implementation conditions and procedures.

Commitment 1 of conditions 1 is deleted and replaced with:

9 Aboriginal Cultural Heritage

9-1 The proponent must implement the proposal to meet the following environmental outcomes:

- (1) no direct **disturbance** of the **Aboriginal cultural heritage** exclusion zones; and
- (2) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by the Thalanyji People.

- 9-2 The proponent must implement the proposal to meet the following environmental objectives:
- (1) avoid, where practicable, and otherwise minimise direct **disturbance** to **Aboriginal cultural heritage** sites;
 - (2) avoid, where possible, and otherwise minimise indirect impacts to **Aboriginal cultural heritage** within and surrounding the development envelope; and
 - (3) ongoing consultation and engagement with Traditional Owners about achievement of the outcomes and objectives in conditions 9-1 and 9-2 for the life of the proposal.
- 9-3 Prior to constructing or re-aligning the pipelines and flowlines, the proponent must, in consultation with the Thalanyji People prepare a Cultural Heritage Management Plan that demonstrates how the environmental outcomes for **Aboriginal cultural heritage** will be substantiated, how **Aboriginal cultural heritage** objectives will be achieved and satisfies the requirements of conditions 9-1 and 9-2 and submit to the **CEO**.
- 9-4 The Cultural Heritage Management Plan required by condition 9-3 must include:
- (1) a framework for consultation with the Thalanyji People during the life of the proposal;
 - (2) a procedure that staff and contracting personnel are made aware of their obligations under the *Aboriginal Heritage Act 1972* or subsequent *Aboriginal Cultural Heritage Act 2021*;
 - (3) risk-based management actions that will be implemented to demonstrate compliance with the outcomes and objectives specified in conditions 9-1 and 9-2;
 - (4) measurable **management target(s)** to determine the effectiveness of the risk-based **management actions**;
 - (5) monitoring to measure the effectiveness of management actions against management targets;
 - (6) mitigation actions to be implemented in the event that monitoring demonstrates that management targets will not be met;
 - (7) involvement of Thalanyji People in heritage monitoring;
 - (8) a process for review and revision of the Cultural Heritage Management Plan in consultation with the Thalanyji People; and

- (9) reporting on compliance with the objectives in condition 9-1 to the Thalanyji People and the **CEO** including timing and format of report(s).

9-5 The proponent:

- (1) must implement the most recent version of the Cultural Heritage Management Plan until the **CEO** has **confirmed** by notice in writing that the proponent has demonstrated the outcomes and objectives in conditions 9-1 and 9-2 have been met or are able to be met under **another statutory decision-making process**; and
- (2) shall review and revise the Cultural Heritage Management Plan in consultation with the Thalanyji People and submit it to the **CEO** as and when directed by the **CEO**.

Commitment 1 of conditions 1 is deleted and replaced with:

10 Environmentally Sensitive Sites Outcome

10-1 The proponent shall ensure the following outcomes are achieved when constructing or re-aligning, and or undertaking operations, decommissioning and closure of pipelines, and flowlines:

- (1) avoid or minimise **disturbance** to threatened and priority ecological communities, and threatened and priority species; and
- (2) avoid or minimise impact on biologically valuable areas such as heathlands, wetlands, creek crossing and sand dunes.

10-2 The pipeline will only have a single crossing of the Ashburton River at its south-eastern end. The river crossing will be open excavated only during April to October.

11 Compliance Reporting

11-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

11-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent plans must be submitted annually from that date.

11-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

11-4 Each annual Compliance Assessment Report must:

- (1) state whether each condition of this Statement has been complied with, including:
 - (a) exceedance of any proposal limits and extents;
 - (b) achievement of environmental outcomes;
 - (c) achievement of environmental objectives;
 - (d) requirements to implement the content of environmental management plans;
 - (e) monitoring requirements;
 - (f) implement contingency measures;
 - (g) requirements to implement adaptive management; and
 - (h) reporting requirements.
- (2) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;
- (3) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;
- (4) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation; and
- (5) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition 11-5 which the **CEO** has confirmed by notice in writing satisfies the relevant requirements of Management Plans and Compliance Reporting.

11-5 The proponent must prepare a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 11-2, or prior to implementation of the proposal, whichever is sooner.

11-6 The Compliance Assessment Plan must include:

- (1) what, when and how information will be collected and recorded to assess compliance;
- (2) the methods which will be used to assess compliance;

- (3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;
- (4) the retention of compliance assessments;
- (5) the table of contents of Compliance Assessment Reports, including audit tables; and
- (6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the CEO.

[signed on 15 August 2023]

Hon Reece Whitby MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Affected decision-making authorities consulted under section 46(8A):

Minister for Lands Minister for Aboriginal Affairs Minister for Mines and Petroleum

Table 1: Abbreviations and definitions to be added to Ministerial Statement 112

Acronym or Abbreviation	Definition or Term
Aboriginal cultural heritage	Means the tangible and intangible elements that are important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific, or aesthetic values, as part of Aboriginal tradition to the extent they directly affect or are affected by physical or biological surroundings.
Another statutory decision-making process	Under the <i>Aboriginal Heritage Act 1972</i> or subsequent <i>Aboriginal Cultural Heritage Act 2021</i> .
CEO	The Chief Executive Officer of the Department of the Public Service which is responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or the CEO's delegate.
Confirmed	In relation to a plan required to be made and submitted to the CEO, means, by notice in writing, meets the requirements of the relevant condition. In relation to a plan required to be implemented without the need to be first submitted to the CEO, means that plan until it is revised, and then means, at the relevant time, the plan that the CEO confirmed, by notice in writing, meets the requirements of the relevant condition.
Disturbance	<p>Flora – result in death, destruction, removal, severing or doing substantial damage to</p> <p>Fauna – has the effect of altering the natural behaviour of fauna to its detriment</p> <p>Direct – causes or immediately has the disturbance effect</p> <p>Indirect – materially contributes to the disturbance effect</p>
Management action(s)	The identified actions implemented with the intent of achieving the environmental objective
Management target(s)	A type of indicator to evaluate whether an environmental objective is being achieved.