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Published on: 15 July 2021

Statement No. 1171

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

CBH KWINANA FERTILISER PROJECT

Proposal: Kwinana Fertiliser Project is an import and storage facility for dry (granular) and liquid urea ammonium nitrate (UAN) fertiliser products, located within Lot 108 on Deposited Plan 400167, whole of Title Volume 2953 Folio 177, Kwinana Industrial Area. The proposal includes an onshore facility which involves the construction and operation of UAN storage tanks and a dry fertiliser storage shed. The offshore component (import facility) involves the construction and operation of a dedicated liquid UAN pipeline on the existing Kwinana Grain Terminal (KGT) jetty to the onshore facility. Supporting Infrastructure includes, but not limited to, water management infrastructure, weighbridges, and hardstand areas.

Proponent: Co-operative Bulk Handling Limited (CBH Ltd)
Australian Business Number 74 068 223 147

Proponent Address: Level 6, 240 St Georges Terrace
Perth WA 6000

Assessment Number: 2277

Report of the Environmental Protection Authority: 1701

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Part A of the proponent's referral document dated 23 September 2020 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Limitations and Extent of Proposal

When implementing the proposal, the proponent shall ensure the proposal does not exceed the following extents:

Proposal element	Location	Limitation or maximum extent
Physical elements		
UAN storage tanks	Figure 1	Operational capacity 48,000 tonnes.
Dry Fertiliser Storage Shed		Operational capacity 80,000 tonnes.
Supporting Infrastructure		Clearing of no more than 5.2 ha native vegetation within a 10.2 ha development envelope
Import Pipeline (UAN)	Figure 1	Total capacity 170 tonnes
Operational elements		
Import shipments	Offshore – via pipeline on the Kwinana Grain Terminal jetty	Up to 6 per annum
Timing elements		
Project life		30 years

2 Cockburn Sound – Marine Environmental Quality

2-1 The proponent shall ensure there are no project attributable impacts on the following environmental outcome:

- (1) ecosystem integrity and the levels of ecological protection are no lower than the **moderate** and **high ecological protection levels** for the **‘Moderate Ecological Protection Area’** and the **‘High Ecological Protection Area’** respectively, as defined in the *State Environmental (Cockburn Sound) Policy 2015* and delineated and shown in Figure 1.

2-2 In order to demonstrate that the outcome of condition 2-1(1) is met, prior to the commencement of unloading of liquid UAN fertiliser from vessels for the operation phase of the proposal, the proponent shall prepare, submit and have approved by the CEO an Environmental Quality Management and Monitoring Plan which details:

Marine (spill response) monitoring

- (1) the methodology, timing and location of marine water quality monitoring to be implemented in the event of a spill and/or pipeline leak to Cockburn Sound being detected, to substantiate and ensure that the outcome of condition 2-1(1) is being met. The methodology shall be consistent with the *Manual of Standard Operating Procedures for the Environmental Monitoring against the Cockburn Sound Environmental Quality Criteria 2017* and include the monitoring and assessment methodology for determining project attributability;

- (2) the following environmental quality indicators:
 - (a) ammonia and nitrate-nitrite (as measures of eutrophication and toxicity), Chlorophyll a (as a measure of phytoplankton biomass), and light attenuation;
 - (b) associated **environmental quality guidelines** and **environmental quality standards** based on the guidelines and recommended approaches in the *Environmental Quality Criteria Reference Document for Cockburn Sound (2017)*, as amended or replaced from time to time;
- (3) the reporting procedures, including the format, timing, and frequency for the reporting of monitoring data against the relevant **environmental quality guidelines** and **environmental quality standards** and the outcome of condition 2-1(1);
- (4) in the event the outcome of condition 2-1(1) is not being met as a result of an accidental spill or leak, include details of additional monitoring to be implemented to determine the extent and scale of any impacts;
- (5) the additional monitoring shall include surveys of the extent of any impacts to marine benthic biota and the use and interpretation of Landsat imagery to map the extent of any algal blooms;
- (6) the *UAN Spill Response Procedure*, updated to be consistent with conditions 2-1 and 2-2, and implemented in the first instance during a spill;

Groundwater monitoring (ongoing)

- (7) the methodology, timing and location of groundwater quality monitoring to substantiate and ensure that the outcome of condition 2-1(1) is likely to be met; and
 - (8) specify trigger levels (for ammonia, nitrate-nitrite and total nitrogen in groundwater) derived from at least twelve (12) months of groundwater baseline information, that will trigger the implementation of management and/or contingency actions to prevent impacts to groundwater quality and the risk of not meeting the outcome of condition 2-1(1), and also a monitoring and assessment program to determine whether the **environmental quality guidelines** and **environmental quality standards** required by condition 2-2(2) are being or likely to be met as a result of groundwater inputs.
- 2-3 Prior to and during the unloading of liquid **UAN** fertiliser from vessels for the operation phase of the proposal, the proponent shall implement the approved plan required by condition 2-2.

- 2-4 The Environmental Quality Management and Monitoring Plan required by condition 2-2 shall be made publicly available once approved by the CEO.
- 2-5 In the event that there is a spill or leak of liquid **UAN** fertiliser to the marine environment or groundwater, or monitoring required by condition 2-3 indicates that the outcome of condition 2-1(1) is not being met, or unlikely to be met at any time, the proponent shall:
- (1) report the:
 - (a) spill or leak in writing to the CEO within forty-eight (48) hours of the spill being identified; and
 - (b) monitoring results and findings in relation to condition 2-1(1) in writing to the CEO within seven (7) days of the non-compliance being identified.
 - (2) investigate to determine the source and cause of the spill or leak and/or the outcome of condition 2-1(1) not being met;
 - (3) undertake the additional monitoring in conditions 2-2(4) and 2-2(5) and investigate to provide information for the CEO to determine potential environmental harm or alteration of the environment that occurred due to spill or leak and/or the outcome of condition 2-1(1) not being met;
 - (4) provide a report to the CEO within twenty-one (21) days of the report being provided in condition 2-5(1)(a). The report shall include:
 - (a) details of contingency actions implemented;
 - (b) the effectiveness of the contingency actions implemented against the outcome of condition 2-1(1);
 - (c) the findings of the investigations required by conditions 2-5(2) and 2-5(3);
 - (d) measures to prevent the outcome of condition 2-1(1) not being met in the future; and
 - (e) measures to prevent, control or rehabilitate the environmental harm which may have occurred.
- 2-6 The proponent shall implement the contingency measures identified in the report required by condition 2-5(4) until the CEO has provided advice by notice in writing that the outcome of condition 2-1(1) is being met.

3 Contact Details

- 3-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation

or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

4 Time Limit for Proposal Implementation

- 4-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 4-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

5 Compliance and Exceedance Reporting

- 5-1 The proponent shall prepare and maintain 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 5-6, or prior to implementation of the proposal, whichever is sooner.
- 5-2 The Compliance Assessment Plan shall indicate:
 - (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 5-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 5-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 5-1.
- 5-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 5-1 and shall make those reports available when requested by the CEO.
- 5-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 5-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then

annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 5-1.

6 Public Availability of Data

6-1 Subject to condition 6-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

6-2 If any data referred to in condition 6-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information,

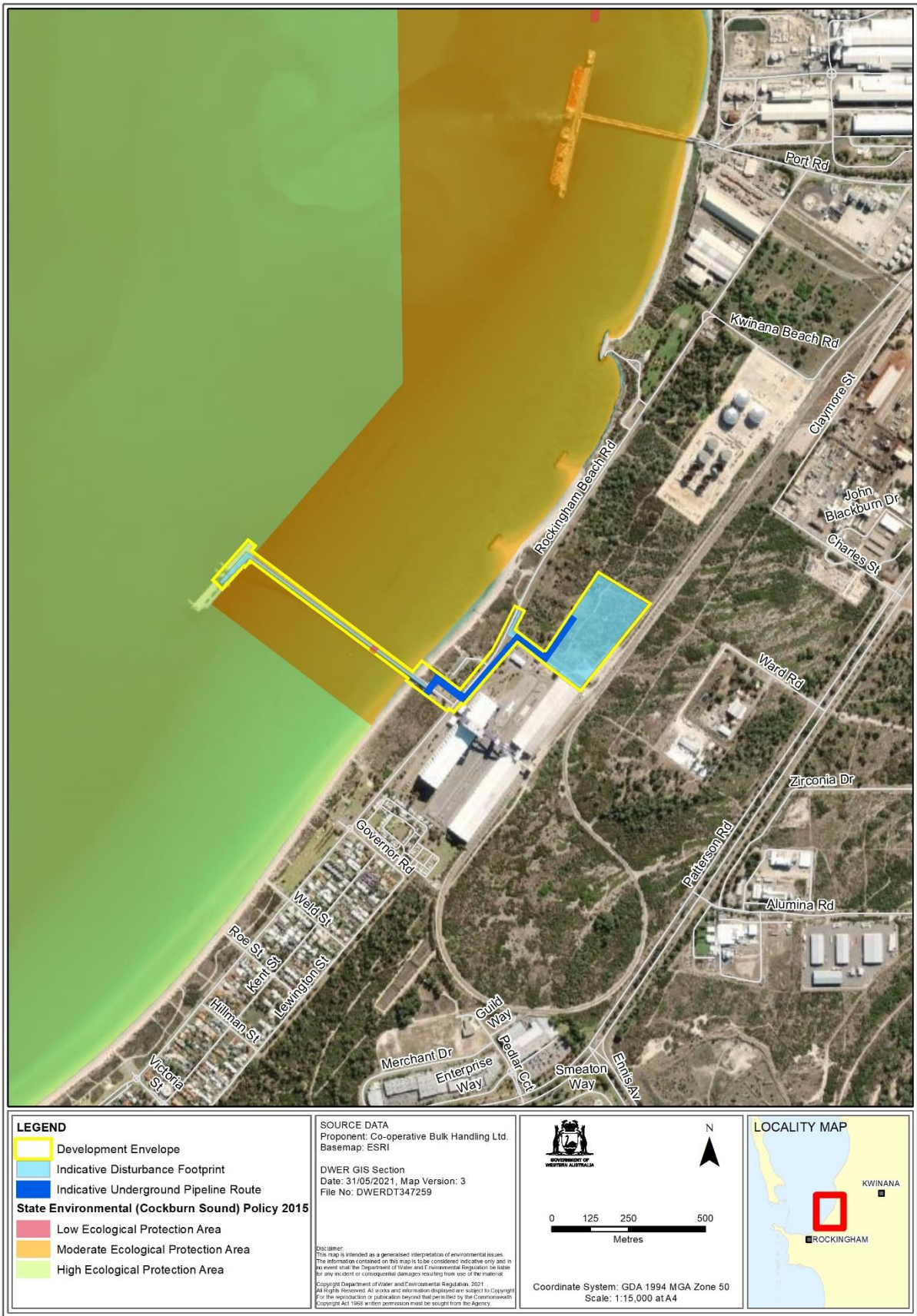
the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

[signed on 15 July 2021]

HON AMBER-JADE SANDERSON MLA
MINISTER FOR ENVIRONMENT; CLIMATE ACTION

Table 1: Abbreviations and definitions

Acronym or abbreviation	Definition or term
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or his delegate.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare
UAN	Urea ammonium nitrate
High Ecological Protection Area	High Ecological Protection Area, as shown in Figure 1.
Moderate Ecological Protection Area	Moderate Ecological Protection Area, as shown in Figure 1.
Environmental quality guidelines	As defined in section 10 of the <i>State Environmental (Cockburn Sound) Policy 2015</i> .
Environmental quality standards	As defined in section 10 of the <i>State Environmental (Cockburn Sound) Policy 2015</i> .
High level of ecological protection	As defined in section 10 of the <i>State Environmental (Cockburn Sound) Policy 2015</i> .
Moderate level of ecological protection	As defined in section 10 of the <i>State Environmental (Cockburn Sound) Policy 2015</i> .



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Figure 1: Development envelope, ecological protection areas and indicative underground pipeline route and disturbance footprint

Schedule 1

All coordinates are in metres, listed in Map Grid of Australia Zone 51 (MGA Zone 51), datum of Geocentric Datum of Australia 1994 (GDA94).

Coordinates defining the:

- development envelope
- indicative underground pipeline route
- indicative disturbance footprint

are held by the Department of Water and Environmental Regulation, Document Reference Number DWERDT369973.