



Environmental  
Protection  
Authority

Tubridgi Gas Field Development, near Onslow – inquiry under  
section 46 of the *Environmental Protection Act 1986*  
to amend Ministerial Statement 112

AGI Development Group Nominees Pty Ltd

Report 1743

June 2023

## **Inquiry under section 46 of the *Environmental Protection Act 1986***

The Minister for Environment has requested that the Environmental Protection Authority (EPA) inquire into and report on the matter of changing commitment 1 of condition 1 in Ministerial Statement 112 relating to the Tubridgi Gas Field Development, near Onslow.

Section 46(6) of the *Environmental Protection Act 1986* requires the EPA to prepare a report that includes:

- (a) a recommendation on whether or not the implementation conditions to which the inquiry relates, or any of them, should be changed.
- (b) any other recommendations that it thinks appropriate.

The following is the EPA's report to the Minister pursuant to s. 46(6) of the *Environmental Protection Act 1986*.



**Prof. Matthew Tonts**  
Chair

22 June 2023

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# 1 Proposal

The Tubridgi Gas Field Development, near Onslow (the proposal) is to develop the Tubridgi Gas Field to supply natural gas to the existing Dampier to Perth pipeline. The proposal includes the establishment of processing facilities near Onslow and an 85-kilometre connecting pipeline to join the main pipeline. The gas field (approximately 6 wells) is about 36 square kilometres in area and lies under Urala Station pastoral lease, about 25 km south-west of the town of Onslow. The area approved to be cleared was about 0.5 ha for the processing facilities and 170 ha for the 85 km pipeline. The proponent for the proposal is the Australian Gas Infrastructure Group (AGIG). AGI Tubridgi Pty Limited (AGIT) is the owner and operator of the Tubridgi Gas Storage Facility (TGS).

The Environmental Protection Authority (EPA) assessed the proposal at the level of Consultative Environmental Review (CER), publishing its report in September 1990 (Bulletin 446). In this report, the main environmental impacts relevant to the proposal considered by the EPA were:

- potential for erosion where the pipeline crosses sand dunes, and mud flats and Ashburton River
- need for rehabilitation of the disturbed areas
- noise mitigation for the Urala Station homestead
- noxious emissions from the processing facility
- erosion and dust (along tracks)
- clearing of vegetation and the spread of weeds
- removal of fauna habitat
- archaeological and other environmentally sensitive sites.

In applying the *Statement of environmental principles, factors, objectives and aims of EIA* (EPA 2023) these factors are now represented by:

- landforms
- inland waters
- air quality
- flora and vegetation
- terrestrial environmental quality
- terrestrial fauna
- social surroundings.

The EPA concluded in Bulletin 446, that the proposal was environmentally acceptable, and that the proposal may be implemented subject to the recommended conditions and commitments.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial Statement (MS) 112 on 8 October 1990.

### Previously approved changes to the proposal or conditions

There have been no changes to the proposal or to the implementation conditions since MS 112 was issued.

## 2 Requested amendments to the conditions

As a result of improved understanding of the reservoir, AGIG has identified capability to further support WA's gas assets and power supply through improved storage capacity and daily use.

AGIT is seeking to increase the withdrawal capacity of stored gas to 70 TJ/day which includes native gas from the Tubridgi gas reservoir. To facilitate this increase, the following scope of works is proposed:

1. upgrading of existing gas processing facilities
2. construction of four new wells and installation of new flowlines.

Consistent with the mitigation hierarchy, to avoid and minimise additional disturbance, the EPA notes that AGIT is planning to utilise existing infrastructure. However, this work will still require additional disturbance of 16.4 ha of native vegetation in a Pastoral Station. Over 9 ha of this additional clearing is planned for progressive rehabilitation.

In addition to the use of existing infrastructure, this work may also require additional disturbance in a Pastoral Station which will be considered by the EPA separately under the *Environmental Protection Act 1986* should it be required and has not been considered further in this report.

If AGIT utilise the existing infrastructure as part of the proposed expansion of the Tubridgi Gas Field Development project, they will not comply with commitment 1 of condition 1 in MS 112, which states:

*The pipeline flowlines and processing plant site will not be constructed through significant archaeological and environmentally sensitive sites. A minimum buffer of 200 m will be provided at these sites.*

In February 2021, AGIT requested amendment of commitment 1 under section 46 of the *Environmental Protection Act 1986*. In response to the proponent's request, on 7 May 2021, the Minister for Environment requested that the EPA inquire into and report on the matter of changing commitment 1 of condition 1 in MS 112 for the Tubridgi Gas Field Development, near Onslow. This report satisfies the requirements of the EPA's inquiry.

### 3 Inquiry into amending the conditions

The EPA has discretion as to how it conducts this inquiry. In determining the extent and nature of this inquiry, the EPA had regard to information such as:

- the currency of its original assessment (Bulletin 446)
- Ministerial Statement 112
- information provided by the proponent (Australian Gas Infrastructure Group 2022)
- advice and information from the Buurabalayji Thalanyji Aboriginal Corporation (BTAC).

In conducting this inquiry, the EPA reviewed the information provided by the proponent and considered the original assessment of the proposal detailed in Bulletin 446. In undertaking this assessment, the EPA considered whether there has been any change to, or new information relating to, the key environmental factors relevant to the proposal. The EPA also considered whether any new key environmental factors had arisen since its original assessment of the proposal.

#### EPA procedures

In conducting this inquiry, the EPA has considered and given due regard to relevant current and former policy documents. The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2021* (State of Western Australia 2021) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2021).

## 4 Inquiry findings

The EPA considered that the following are the key environmental factors relevant to the change to the conditions:

- flora and vegetation
- social surroundings.

Since the 1990 report, greenhouse gas emissions has become an environmental factor and the EPA has considered greenhouse gas emissions as part of this inquiry.

### 4.1 Flora and vegetation

The EPA's environmental objective for flora and vegetation is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained.*

#### Conclusions from Bulletin 446

The proposal consists of areas of vegetated sand dunes and, along the Ashburton River, tall and dense stands of Coolibah, Cadjebut and River Red Gum trees. Elsewhere, vegetation is sparse, reflecting the arid environment, and consists of mainly Spinifex and introduced Buffel grass on raised areas and salt -tolerant Samphire species in the depressions. No flora species were known to be rare or endangered within the proposal area (EPA 1990).

Potential impacts to vegetation were identified to be associated with the proposed Ashburton River crossing. While Bulletin 446 indicates that approximately 0.5 ha of vegetation was to be cleared for the processing facilities and 170 ha for the pipeline installation, MS 112 does not include any information about the authorised extent of vegetation clearing.

The EPA concluded that the implementation of the proposal in accordance with the CER was environmentally acceptable as the proponent had a comprehensive management plan which addressed environmental requirements (including rehabilitation works).

To manage these impacts, the EPA recommended the proposal proceed subject to proponent commitments, including a commitment that the pipeline, flowlines and processing plant site will not be constructed through significant archaeological and environmentally sensitive sites. A minimum buffer of 200 m will be provided at these sites.

In recommendation 4 of Bulletin 446, the EPA noted that the objectives for rehabilitation of disturbed areas were to prevent erosion, avoid invasion of weed species and to leave the area in an environmentally stable condition with revegetation of indigenous species. Site rehabilitation is addressed in conditions 3 and 6 of MS 112.



## Assessment of the requested amendment to conditions

The EPA considers that the following current environmental policy and guidance is relevant to its assessment of the proposal for this factor:

- *Environmental factor guideline – Flora and vegetation* (EPA 2016a)
- *Technical guidance – Flora and vegetation surveys for environmental impact assessment* (EPA 2016c)
- *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*

### *Recent flora and vegetation surveys and monitoring assessments*

Based on the surveys completed in recent years (Mattiske 2019a, 2019b; AGIG, 2018), there are four broad vegetation communities within the Tubridgi Gas Field; Claypans and Clayey Plains (C2)<sup>1</sup>, Inland Sand Dunes (ID1)<sup>2</sup>, Inland Sand and Clayey Plains (IP8)<sup>3</sup> and Inland Floodplains and depressions (IF4)<sup>4</sup>. No threatened or priority ecological communities (TEC/PEC) were recorded in the surveys (Mattiske 2019a and 2019b).

No threatened flora species pursuant to *the Environment Protection and Biodiversity Conservation Act 1999* and *Biodiversity Conservation Act 2016* were recorded. One priority 3 species *Abutilon sp. pritzelianum* (S. van Leeuwen 5095) has been recorded within the proposal area (rehabilitation plot, TGS2).

Consistent with the Petroleum Geothermal and Energy Resources (Environment) Regulations 2012, a monitoring program which includes flora and vegetation rehabilitation completion criteria (native species density, native species richness, native species foliage cover and weed foliage cover) is outlined in the proponent's Tubridgi Gas Storage Project – Operations Environment Plan. Separate Environment Plans will be prepared for the wells and flowlines under the Regulations above which is administered by Department of Mines, Industry Regulation and Safety (DMIRS) (a decision-making authority).

### *Environmentally sensitive sites*

It is noted that the 'environmentally sensitive sites' mentioned in commitment 1 of condition 1 is not defined within the proponent's CER (Doral Resources 1990) or Bulletin 446 (EPA 1990). However, the CER states that in selecting a route for the pipeline and possible routes for the flowlines, a number of engineering and environmental factors were considered, which included:

<sup>1</sup> *Tecticornia* spp. low sparse chenopod shrubland with *Sporobolus mitchellii*, *Eriachne helmsii* low isolated tussock grasses

<sup>2</sup> *Grevillea stenobotrya* low sparse shrubland over *Acacia stellaticeps* mid open shrubland over *Triodia epactia* hummock grassland

<sup>3</sup> *Eucalyptus victrix* low isolated trees over *Acacia tetragonophylla*, *Acacia synchronicia* tall, isolated shrubs with *Acacia stellaticeps*, *Acacia coriacea* subsp. *coriacea*, *Senna artemisioides* subsp. *oligophylla* low sparse shrubland over *Triodia epactia* mid hummock grassland with *Eulalia aurea*, *Eragrostis eriopoda*, *\*Cenchrus ciliaris* low sparse tussock grassland

<sup>4</sup> *Eucalyptus victrix* low open woodland over *Acacia synchronicia*, *Acacia tetragonophylla*, *Scaevola spinescens* tall sparse shrubland over *Sporobolus mitchellii*, *Eriachne helmsii*, *Eulalia aurea* low open tussock grassland

- the presence of existing or proposed conservation reserves
- the presence of ecologically sensitive or biologically valuable areas such as heathlands, wetlands and sand dunes.

The Department of Biodiversity, Conservation and Attractions (DBCA) advised there are no existing or proposed *Conservation and Land Management Act 1984* reserves intersecting the project area. The DBCA also advised that there are only biologically valuable areas such as a heathland, wetlands, and sand dunes in the project area which could be subject to avoidance or minimisation of impacts.

Bulletin No. 446 further notes that river and creek crossings are potentially sensitive areas. *In lieu* of deleting commitment 1 of condition 1 which references 'environmentally sensitive sites', the EPA recommends condition 10 (Environmentally Sensitive Sites Outcome) to ensure the EPA objective for flora and vegetation is met. The EPA recommends this condition to ensure disturbance to all biologically valuable areas including the Ashburton River is avoided or appropriately minimised.

### *Summary*

In considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA considers that there are no changes in the status of known and (no) recorded Threatened and Priority flora species or TEC/PECs within the proposal area. Further, the CER and Bulletin 446 do not provide explanation or justification for the application of a 200 m buffer to environmentally sensitive sites and it is considered more likely this buffer was applied based on the proponent's commitment made in their CER.

Further, at the time of the original assessment, understanding about the definition and status of 'environmentally sensitive sites' intersecting the project area was limited. Based on this inquiry, the EPA notes that there are no existing or proposed conservation reserves, and/or ecologically sensitive areas within the project area which would require a buffer, and any potential impact can be avoided or minimised through reasonable conditions.

The EPA considers that reference to the 200 m buffer can be removed from commitment 1 of condition 1 in MS 112 because the EPA has recommended a new condition 9 (Aboriginal Cultural Heritage) and condition 10 (Environmentally Sensitive Sites Outcome) as part of this inquiry.

## 4.2 Social surroundings (Aboriginal heritage and culture)

The EPA's environmental objective for social surroundings is *to protect social surroundings from significant harm*.

### Conclusions from Bulletin 446

In Bulletin 446, the EPA noted that the proposed route of the proposal was chosen to avoid archaeological sites. Bulletin 446 identified that during the public consultation period of the CER, submissions were received regarding the disturbance to Aboriginal sites. Appendix C of the CER, Archaeology and Ethnography of the CER (1990) noted that the processing plant, pipeline, and flowlines will be located at a minimum distance of 200 m from any significant sites. The proponent committed that the proposed pipeline and flowline routes will avoid all archaeological and ethnographic sites with an indirect impact buffer zone of no less than 200 m.

In Bulletin 446, the EPA considered the distance of the pipeline, flowline and processing plant situated 200 m from any significant archaeological and environmentally sensitive sites. At this distance, the EPA considered that the potential impact on these sites caused by the clearing of vegetation from construction activities to be environmentally acceptable.

To manage these impacts, the EPA recommended the implementation of the following proponent commitments:

- *The pipeline, flowlines and processing plant site will not be constructed through significant archaeological and environmentally sensitive sites. A minimum buffer of 200 m will be provided at these sites.*
- *Any Aboriginal relics discovered during the work will be treated in accordance with the Aboriginal Heritage Act 1972.*

### Assessment of the requested change to conditions

The EPA considers that *Environmental factor guideline – Social surroundings* (EPA 2016b) is the current environmental policy and guidance relevant to its assessment of the proposal for this factor.

#### *Aboriginal heritage agreement*

Since publication of the EPA assessment report (Bulletin 446) and MS 112 in 1990, the proponent entered a Heritage Agreement with the Buurabalayji Thalanyji Aboriginal Corporation (BTAC). The Agreement (via a Deed of Amendment and Restatement) covers all Australian Gas Infrastructure Group (AGIG) and its associated entities within the Thalanyji determined area [2008] FCA 1487 (WAD6113/98). This includes areas under MS 112 and other Ministerial Statements such as, MS 308 and MS 309 (AGIG 2022).

The proponent has advised that there is ongoing consultation with the Thalanyji people through BTAC. In accordance with the Agreement, a liaison committee has formed which meets periodically to discuss proposals associated with MS 112 and others.

### *Aboriginal heritage surveys and site management*

Since the Aboriginal heritage survey completed as part of the CER and EPA assessment (Bulletin 446, 1990), in 2020, the BTAC conducted an Aboriginal archaeological Site Avoidance survey in conjunction with an ethnographic survey as part of Australian Gas Infrastructure Group's Gas Storage Project at Tubridgi, Urala Station (Archae-aus Pty Ltd 2020; Ethnoscience, 2021).

The following is a summary of recommendations made by the Heritage Surveys report that *prior to any ground disturbance activities*:

- the significant sites and their locations that may constitute an Aboriginal Site under the *Aboriginal Heritage Act 1972* are identified and avoided
- owing to the potential for sub-surface cultural deposits, prior to any ground disturbance, further archaeological recording and sub-surface investigation for a significant site may be undertaken to enable a significant assessment for the site
- in consultation with BTAC, the proponent should mark-out the boundary of the site using agreed delineators
- consultation with BTAC is required before applying for consent to disturb any site under section 18 of the *Aboriginal Heritage Act 1972*<sup>5</sup>
- Thalanyji (BTAC) Heritage Corporation monitors be present during all ground disturbing works.

In October 2022, as part of Australian Gas Infrastructure Group's (AGIG) Gas Expansion Project at Tubridgi, an Aboriginal archaeological and ethnographic Site Avoidance survey was undertaken on behalf of BTAC at Urala Station.

The objectives of the archaeological survey were to:

- visually inspect eight separate polygons for surface archaeological material
- record any identified Aboriginal archaeological site to Site Avoidance Level
- where necessary, attempt to assist AGIG to redesign their program to avoid any Aboriginal cultural material.

The objectives of the ethnographic survey were to:

- ensure that the Traditional Owners had all the information they required to make an informed set of decisions and recommendations about the proposed works under the principle of free prior and informed consent as defined in the United Nations Declaration on the Rights of Indigenous People – Article 32 (United Nations 2008)
- identify cultural values within the project area as part of a Site Avoidance survey model

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<sup>5</sup> the *Aboriginal Cultural Heritage Act 2021* received Royal Assent on 22 December 2021. This Act will replace the *Aboriginal Heritage Act 1972* after a transitional period during which regulations and statutory guidelines and operational policies will be developed.

- assess whether sections 5 or 6 of the *Aboriginal Heritage Act 1972* apply to any places within the project area
- identify potential impacts to cultural values
- identify solutions to mitigate potential impacts.

No new Aboriginal archaeological sites and isolated artefacts were located within the survey areas (see Figure 1).

As a result of the ethnographic assessment, no new sites were recorded. The AGIG proposal and the results of the archaeological survey were considered in detail, and on ground assessments at selected locations were conducted. Based on the on-ground inspection and discussions with the AGIG representative, it is considered that the proposal is well away from the areas within the coastal sand dunes which had significant cultural values. These significant heritage places are fenced off to demarcate them as 'no go' areas and protect them from livestock (see Figure 1).

### *Summary*

The proponent is seeking to amend commitment 1, to remove the minimum buffer of 200 m to archaeological sites. In removing the 200 m buffer and amending the implementation condition to align with current heritage processes, the EPA has considered the recommendations of the surveys undertaken in 2020, 2021 and 2022. The EPA supports the recommendations to consult with BTAC prior to site works and considers that this management approach would determine whether site specific buffers are required.

In consideration of the information provided by the proponent, Archae-aus surveys (2020 and 2021), Ethnoscience survey (2021), and relevant EPA policies and guidelines, the EPA considers that commitment 1 of condition 1 in MS 112 can be deleted and replaced with new proposed condition 9 (Aboriginal Cultural Heritage) .

The new recommended condition 9 requires the preparation of a Cultural Heritage Management Plan (CHMP), in consultation with Thalanyji People prior to the commencement of ground-disturbing activities for the proposal to be consistent with the EPA's objective for the environmental factor, social surroundings.

The EPA advises that the passing of the *Aboriginal Cultural Heritage Act 2021* means that it may be possible, once the guidelines and regulations under that Act are in place, for the EPA's recommended outcomes and objectives of the Tubridgi Cultural Heritage Management Plan to be managed under that Act to meet the EPA's factor objective. The EPA has therefore recommended a condition to enable consideration of this as appropriate in the future.

### 4.3 Other advice

Since the commencement of this inquiry, the EPA has released *Environmental factor guideline – Greenhouse gas emissions* (EPA 2023). Greenhouse gas emissions were not included in the original assessment of the proposal (Bulleting 446, EPA 1990). However, as per the *Environmental factor guideline – Greenhouse gas emissions* (EPA 2023), the EPA will have regard to this guideline when assessing new proposals, changes to existing proposals (including expansions) and changes to existing implementation conditions.

The AGIG submits a National Greenhouse and Energy Report (NGER) to the Clean Energy Regulator each year and have indicated that their total scope 1 emission in 2021–2022 was 11,724 tonnes of CO<sub>2</sub>-e which is well below the threshold criteria of 100,000 tonnes of CO<sub>2</sub>-e considered in EPA assessments. AGIG has advised that they produce their own electricity by using gaseous and liquid fuels, included as part of the scope 1 emissions. Scope 2 emissions are therefore considered to be zero. As such, GHG emissions were not considered in this inquiry.

## 5 Conclusions and recommendations

### *Amendment to commitment 1 of condition 1*

Condition 1 of MS 112 requires the proposal to fulfil a number of commitments. The proponent has request to change commitment 1 *'The pipeline, flowlines and processing plant site will not be constructed through significant archaeological and environmentally sensitive sites. A minimum buffer of 200 m will be provided at these sites'*. The EPA considered it is appropriate to amend commitment 1.

### *Addition of conditions 9 and 10*

To support the amendment to commitment 1, the EPA considers it appropriate to recommend:

- a new condition 10 requiring an Aboriginal Cultural Heritage Management Plan
- a new condition 9 for Environmentally Sensitive Sites Outcome.

### *Addition of condition 11*

To ensure ongoing compliance with the requirements of Ministerial Statements related to implementation of this proposal, the EPA considers it appropriate to recommend a new condition 11 for Compliance Reporting.

## Conclusions

In relation to the environmental factors, and considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA concludes that:

- there are no amendments to the proposal associated with the request to amend the condition
- there is no significant new or additional information that changes the conclusions reached by the EPA under any of the relevant environmental factors since the proposal was assessed by the EPA in Bulletin 446 (September 1990)
- no new significant environmental factors have arisen since the EPA's original assessment of the proposal
- the impacts to the key environmental factors are considered consistent with the EPA factor objectives, based on the requirements of the original conditions retained in MS 112, and the imposition of the attached recommended conditions (Appendix B).

## Recommendations

Having inquired into this matter, the EPA submits the following recommendations to the Minister for Environment under s. 46 of the EP Act:

1. While retaining the environmental requirements of the original conditions of MS 112, it is appropriate to delete commitment 1 of implementation condition 1 and replace it with new implementation conditions 9 and 10

2. To ensure the requirements for compliance reporting are met, condition 11 should be added to the new Ministerial Statement
3. After complying with s. 46(8) of the *Environmental Protection Act 1986*, the Minister may issue a statement of decision to change commitment 1 of implementation condition 1 of MS 112 in the manner provided for in the attached recommended statement (Appendix B).



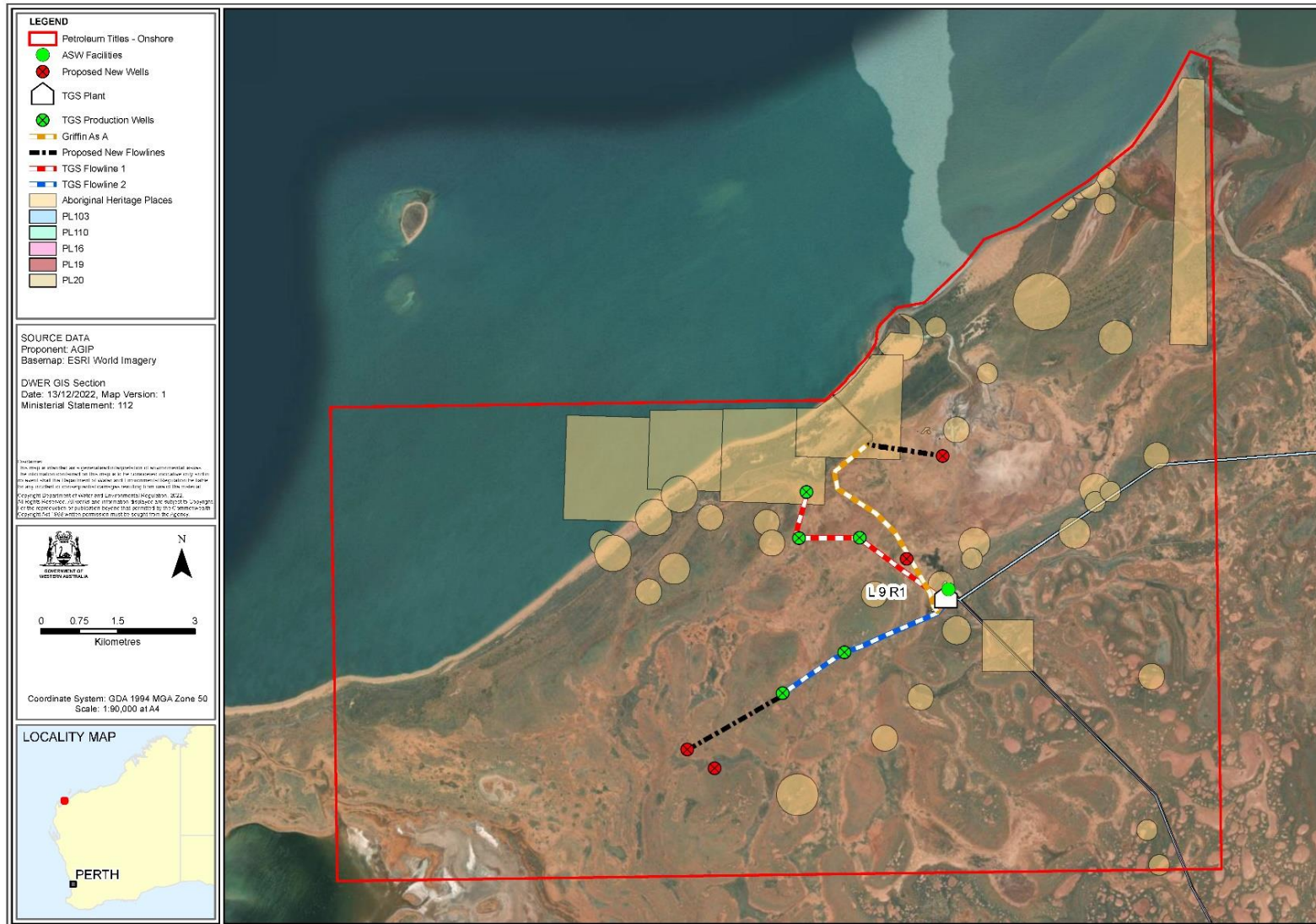


Figure 1: Overview of Tubridgi gas pipeline and heritage sites

# **Appendix A: Assessment of proposed amendments to implementation conditions of Ministerial Statement 112**

Ministerial condition	Environmental factor	Proposed amendment	Assessment and evaluation of proposed amendment
<b>Ministerial Statement 112</b>			
<p>Condition 1, commitment 1</p> <p>The pipeline, flowlines and processing plant site will not be constructed through significant archaeological and environmentally sensitive sites. A minimum buffer of 200 m will be provided at these sites.</p>	<p>Not identified in the original assessment.</p> <p>Social surroundings</p>	<p>Delete commitment 1 of condition 1.</p> <p>And replace with condition 9 (Aboriginal Cultural Heritage).</p>	<p>1-1 Since the EPA’s assessment report (Bulletin 446) and MS 112 in 1990, the proponent entered a Heritage Agreement with the Thalanyji people.</p> <p>1-2 There are specific requirements as part of the agreement.</p> <p>1-3 Further archaeological and ethnographic survey have been undertaken which has resulted in site avoidance, alternative alignment, and preferred alignment consultation.</p> <p>1-4 Due to items 1-7 to 1-9, a new condition for Aboriginal heritage, which reflects and supports the <i>Environmental factor guideline – Social surroundings</i> (EPA 2016b) instead of it being incorporated into condition 1, commitment 1.</p>
	<p>Not identified in original assessment.</p> <p>Relevant factors, Inland waters, Flora and Vegetation</p>	<p>Delete commitment 1 of condition 1.</p> <p>And replace with condition 10 (Environmentally Sensitive Sites Outcome).</p>	<p>1-5 The term ‘environmental sensitive site’ was not clearly defined within the CER (Doral Resources 1990) or Bulletin No. 446. However, the CER states that in selecting a route for the pipeline and possible routes for the flowlines, a number of engineering and environmental factors were considered, which included:</p> <ul style="list-style-type: none"> <li>- the presence of existing or proposed conservation reserves; and</li> <li>- the presence of ecologically sensitive or biologically valuable areas such as heathlands, wetlands and sand dunes.</li> </ul> <p>1-6 Bulletin 446 further notes that river and creek crossings are potentially sensitive areas.</p>

Ministerial condition	Environmental factor	Proposed amendment	Assessment and evaluation of proposed amendment
			<p>Therefore, the EPA considers that in lieu of deleting commitment 1 of condition 1 which references ‘environmentally sensitive sites’, to ensure the EPA objective for flora and vegetation is met, condition 10 (Environmentally Sensitive Sites Outcome) is recommended.</p> <p>1-7 the EPA considers that there are no changes in the status of known and (no) recorded Threatened and Priority flora species or TEC/PEC within the proposal area. The CER and EPA (1990) assessment report does not provide justification for the determination of the 200 m buffer to the environmentally sensitive sites. The proposals rehabilitation is addressed in condition 3 and 6.</p>
	N/A	<p>MS 112 does not have any requirements for compliance reporting. New condition 11 (Compliance Reporting) will be added.</p>	<p>The new condition 11 for Compliance Reporting is one of standard conditions that is applied to all Ministerial Statements.</p>
	N/A	<p>Abbreviations and Definitions Addition of:</p> <ul style="list-style-type: none"> <li>• Aboriginal cultural heritage</li> <li>• Another statutory decision making process</li> <li>• CEO</li> <li>• Confirmed</li> <li>• Disturbance</li> <li>• Management action(s)</li> <li>• Management target(s)</li> </ul>	<p>1-8 MS 112, does not have an abbreviation and definitions table. It is recommended this be added to provide clarification on key items that are referenced within the MS.</p>

## Appendix B: Recommended conditions

### 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.

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

Acronym or Abbreviation	Definition or Term
<b>Aboriginal cultural heritage</b>	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.
<b>Another statutory decision-making process</b>	Under the <i>Aboriginal Heritage Act 1972</i> or subsequent <i>Aboriginal Cultural Heritage Act 2021</i> .
<b>CEO</b>	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 <b>CEO's</b> delegate.
<b>Confirmed</b>	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.
<b>Disturbance</b>	Flora – result in death, destruction, removal, severing or doing substantial damage to Fauna – has the effect of altering the natural behaviour of fauna to its detriment Direct – causes or immediately has the disturbance effect Indirect – materially contributes to the disturbance effect
<b>Management action(s)</b>	The identified actions implemented with the intent of achieving the environmental objective
<b>Management target(s)</b>	A type of indicator to evaluate whether an environmental objective is being achieved.

## Appendix C: Identified decision-making authorities

The decision-making authorities in the table below have been identified for the purposes of s. 45 as applied by s. 46(8) of the *Environmental Protection Act 1986*.

Decision-Making Authority	Legislation (and Approval)
1. Minister for Environment	<i>Biodiversity Conservation Act 2016</i> (Section 40 authorisation to take and disturb threatened species)
2. Minister for Mines and Petroleum	<i>Mining Act 1978</i> (Granting of a mining lease/general purpose lease/retention licence) <i>Petroleum Pipelines Act 1969</i> (Section 10 licence for construction and operation of a pipeline)
3. Minister for Aboriginal Affairs	<i>Aboriginal Heritage Act 1972</i> (Section 18 consent to impact a registered Aboriginal heritage site) <i>Aboriginal Cultural Heritage Act 2021</i>
4. Minister for Lands	<i>Land Administration Act 1997</i> <i>Petroleum Pipelines Act 1969</i> (Section 16 pipeline lease, licence or easement to construct and operate/inspect/maintain/repair pipeline on Crown land)
5. Chief Dangerous Goods Officer, Department of Mines, Industry Regulation and Safety	<i>Dangerous Goods Safety Act 2004</i> (Storage and handling of dangerous goods)
6. Director General, Department of Water and Environmental Regulation	<i>Environmental Protection Act 1986</i> (Works Approval and Licence)
7. Executive Director, Resource and Environmental Compliance Division, Department of Mines, Industry Regulation and Safety	<i>Mining Act 1978</i> (Mining proposal) <i>Petroleum and Geothermal Energy Resources (Environment) Regulations 2012</i> (Environment Plan).
8. Director General, Department of Mines, Industry Regulations and Safety	<i>Petroleum and Geothermal Energy Resources Act 1967</i> <i>Petroleum Pipelines Act 1969</i>
9. Chief Executive Officer, Shire of Ashburton	<i>Planning and Development Act 2005</i> (Planning approvals)

Note: In this instance, agreement is only required with DMAs 1–4, since these DMAs are Ministers.

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