



Environmental  
Protection  
Authority

Dampier to Bunbury Natural Gas Pipeline Southern Looping  
Project, Loop 10, South of Kwinana Proposal – inquiry under  
section 46 of the *Environmental Protection Act 1986* to amend  
Ministerial statement 708

DBNGP(WA) Nominees Pty Ltd

Report 1787  
July 2025

## **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 question of whether the implementation conditions relating to condition 9, or any of the conditions relating to rehabilitation of the Dampier to Bunbury Natural Gas Pipeline Southern Looping Project, Loop 10, south of Kwinana proposal should be changed.

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 amended
- (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*.



**Darren Walsh**

Chair

4 July 2025



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# 1 Proposal

The Dampier to Bunbury Natural Gas Pipeline Southern Looping Project, Loop 10, South of Kwinana (the proposal) is to construct and operate a 23-kilometre (km) pipeline from Kwinana Junction in Kwinana to Hopelands (between Punrak Road and Henderson Road) adjacent and connected to the existing underground gas transmission pipeline within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor. The proponent for the proposal is DBNGP (WA) Nominees Pty Ltd.

The Environmental Protection Authority (EPA) assessed the proposal at the level of Assessment on Referral Information (ARI) and published its report in November 2005 (Report 1206). In this report, the EPA considered that the following environmental factors were relevant to the proposal:

- flora and vegetation
- fauna
- wetlands
- rehabilitation, weeds and hygiene.

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

- flora and vegetation
- terrestrial fauna
- inland waters.

The EPA concluded in Report 1206, that, based on the information provided in the referral document, the proposal was capable of being managed in an environmentally acceptable manner such that it is unlikely that the EPA's objectives would be compromised, provided there was satisfactory implementation of the recommended conditions.

The then Minister for Environment approved the proposal for implementation, subject to the implementation conditions of Ministerial statement (MS) 708 on 28 December 2005.

Construction of the proposal was completed in 2006.

## Previously approved amendments to the proposal or conditions

There have been no amendments to the proposal or to the implementation conditions since MS 708 was issued.

## 2 Requested amendments to the conditions

In May 2018, the proponent requested changes to condition 9 (conditions 9-1 to 9-7) of MS 708 to:

- remove prescriptive rehabilitation criteria and replace with a condition that requires rehabilitation to achieve a stable landform.

In May 2024, the Minister for Environment requested that the EPA inquire into and report on the matter of amending the implementation conditions of MS 708 for the Dampier to Bunbury Natural Gas Pipeline Southern Looping Project, Loop 10, south of Kwinana.

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 (Report 1206)
- MS 708
- information provided by the proponent (Ecological, 2018; Mattiske, 2019)
- advice from relevant decision-making authorities
- any new information regarding the potential impacts of the proposal on the environment.

#### EPA procedures

The EPA followed the procedures in the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2024* (State of Western Australia 2024) and the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* (EPA 2024).

## 4 Inquiry findings

The EPA considered that flora and vegetation is the key environmental factor relevant to the amendments to the conditions.

The EPA considers that there are no new environmental considerations that may have arisen since the original EPA assessment (Report 1206) relevant to the current inquiry.

### 4.1 Flora and Vegetation

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

#### Conclusions from EPA Report 1206

In assessing the proposal, the EPA had particular regard for the:

- significance of the vegetation and flora along the pipeline route
- proposed area of disturbance and previous level of disturbance
- proposed rehabilitation of wetland areas
- vegetation clearing being restricted to the existing corridor, except for the turnaround areas
- comprehensive rehabilitation management plan (RMP) with completion criteria
- proponent's management measures.

The EPA considered that the impacts to flora and vegetation as a result of the proposal were able to be managed through restricting clearing and undertaking rehabilitation. To manage the impacts the EPA recommended that the proponent:

- avoid vegetation disturbance outside of the existing easement, except for turnaround areas, and limit construction in environmentally sensitive areas (condition 6)
- be required to appropriately rehabilitate all disturbed bushland and wetlands to meet the completion criteria through implementation of the proposed RMP (condition 9)
- be required to manage and monitor weeds along the pipeline route and manage dieback in accordance with the hygiene protocol in the RMP (condition 9).

The EPA concluded that the proposal could be managed to meet the EPA's environmental objectives for this factor.



## Assessment of the requested amendment to conditions

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

The proposal traverses two Bush Forever (BF) sites, Leda and adjacent bushland, Leda (BF 349) and Lowlands bushland western block (Hymus Swamp) (BF 372), and the Class A Leda Nature Reserve as well as several small areas of remnant native vegetation on private property. The proposal has been operational since June 2006, with rehabilitation activities occurring in accordance with condition 9 of MS 708.

In considering the information provided by the proponent and relevant EPA policies and guidelines, the EPA considers that there is no new significant or additional information that justifies the reassessment of flora and vegetation for this proposal.

Condition 9 of MS 708 requires the proponent to implement and comply with the RMP until specified completion criteria have been achieved. Several of these criteria are specific to the commencement of rehabilitation works:

- compliance with weed and dieback hygiene protocols
- clearance and storage of vegetation and topsoil
- protection of significant plant species
- removal of equipment
- reinstatement of natural contours to pre-disturbance conditions.

These criteria were considered to have been completed once initial rehabilitation works had been undertaken following construction.

Other criteria relate to ensuring that native vegetation is re-established within cleared areas not required to maintain vehicle access along the pipeline:

- no active erosion rills of surrounding land
- individual bare patches not to exceed 10 m in length within the easement
- the cumulative sum of bare patches not to exceed 10% of the total area within each consecutive 100 m length within the easement in the Leda Nature Reserve, BF 372 and BF 349
- achieving specified percentage foliage cover of native species and declared and environmental weeds within specified timeframes
- minimum species density targets within specified timeframes in the Leda Nature Reserve, BF 372 and BF 349
- minimum species richness targets compared to undisturbed areas within specified timeframes.

A desktop compliance audit of MS 708 in December 2015 found that the RMP had been implemented in accordance with condition 9-1 but that some completion criteria specified in condition 9-2 were yet to be achieved. The EPA notes that the 2015 audit found that conditions 3, 5, 6, 7, 8, 9-1, 9-3, 10-1, 10-2, and 11 were considered complete.

In May 2019, the proponent submitted a rehabilitation monitoring report that indicated that the criteria specified in condition 9-2(8) and 9-2(13) of MS 708 were the only criteria yet to be achieved (Mattiske Consulting Pty Ltd 2019). A Department of Water and Environmental Regulation (DWER) audit dated December 2019 agreed with the findings in the monitoring report that only two of the completion criteria in condition 9-2 were yet to be met.

The rehabilitation monitoring report identified that a likely contributing cause of failure to meet the completion targets was the frequent unrestricted vehicle access, dumping of refuse and incidents of fire within Leda Nature Reserve, BF 372 and BF 349 (Mattiske Consulting Pty Ltd 2019). The report noted that the unrestricted access had led to the physical destruction of rehabilitation along both the easement corridors and the adjacent bushland areas.

The proponent has advised that controls implemented to minimise impacts associated with third party access include:

- locked gates across existing perimeter access tracks
- use of vegetation to block bare access areas
- signage.

The EPA notes that the proponent has been implementing rehabilitation activities within the Leda and Lowlands areas for over 10 years. Based on reported rehabilitation success along the rest of the DBNGP alignment, the EPA is of the view that it is likely that completion criteria would have been met in the Leda and Lowlands areas if not for factors beyond the control of the proponent.

In considering the proponent's request to remove prescriptive rehabilitation completion criteria, the EPA agrees that in this specific circumstance, it is not reasonable to expect the proponent to continue to implement rehabilitation works in perpetuity. It has also had regard for advice from the Department of Biodiversity, Conservation and Attractions that without a high level of expenditure to address access control across all external boundaries and key areas within the reserves, the condition may be considered unachievable in its current form. The EPA therefore considers it is appropriate to amend condition 9 as set out in Appendix A.

The EPA has recommended an amended condition 9 requiring that the proponent ensure that areas cleared for construction within the Leda Nature Reserve, BF 372 and BF 349 are rehabilitated to achieve stable landforms that are not prone to erosion and will not result in altered drainage pathways or pollution or environmental harm (Appendix B). The rehabilitation must be undertaken in a manner capable of

preventing the spread of weeds and dieback and must continue to be managed until the outcome has been achieved.

The EPA notes that environmental management of the DBNGP is regulated under the *Petroleum Pipelines Act 1969* which requires that an environment plan is in place which sets out proposed activities, potential environmental risks and necessary control measures. The environment plan is also required to describe the environmental management system that supports compliance and ongoing improvement.

## 5 Conclusions and recommendations

### *Changes to condition 9*

The proponent has requested the revision of condition 9 of MS 708 to remove the prescriptive rehabilitation completion criteria. The EPA considers it is appropriate to amend the condition.

### 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 Report 1206 (November 2005)
- no new significant environmental factors have arisen since the EPA's original assessment of the proposal
- impacts to the key environmental factors are considered manageable, based on the requirements of the original conditions retained in Ministerial Statement 708, 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 708, it is appropriate to amend implementation condition 9 and replace with new implementation conditions.
2. After complying with s. 46(8) of the EP Act, the Minister may issue a statement of decision to amend conditions 9 of statement 708 in the manner provided for in the attached recommended statement (Appendix B).

## Appendix A: Assessment of proposed amendments to implementation condition 9 of Ministerial statement 708

Ministerial condition	Proposed amendment	Assessment and evaluation of proposed amendment
9-1 The proponent shall implement and comply with the Rehabilitation Management Plan provided in Appendix 3 of the proponent's <i>Assessment on Referral Information</i> document dated November 2005.	Delete	DWER audit dated December 2015 considered condition 9-1 was completed. The condition is no longer required.
9-2 The proponent shall carry out rehabilitation to achieve the following completion criteria:	Replace	New condition 9-1 requiring the proponent to undertake rehabilitation to achieve an environmental outcome.
(1) 100% compliance with the weed hygiene protocol;	Replace	The protocol in the RMP covered the hygiene activities to be undertaken prior to and during construction and for the initial rehabilitation works. New condition 9-2 requires the proponent to undertake rehabilitation in a manner capable of preventing the spread of weeds and disease.
(2) 100% compliance with the dieback hygiene protocol;	Replace	
(3) vegetation and topsoil to be cleared and stored in accordance with the Environmental Management Plan;	Delete	Clearing for construction is complete and topsoil reused in accordance with the environmental management plan.
(4) significant plant species to be protected in accordance with the rehabilitation plan;	Delete	Significant plant species were protected during construction and initial rehabilitation works.
(5) all equipment, materials and litter to be removed from the area of disturbance;	Delete	Construction is completed and all equipment, materials and litter were removed as part of initial rehabilitation works.

Ministerial condition	Proposed amendment	Assessment and evaluation of proposed amendment
(6) natural contours to be re-instated to pre-disturbance conditions;	Delete	Natural contours were re-instated following completion of construction.
(7) no active erosion rills in excess of the surrounding land;	Replace	New condition 9-1 requires the proponent to ensure that areas cleared for construction within the Leda and Lowlands areas are rehabilitated to achieve stable landforms that are not prone to erosion and will not result in altered drainage pathways or pollution or environmental harm.
(8) within the 30m wide easement, individual bare patches must not exceed 10 metres in length, and the cumulative sum of bare patches must not exceed 10% of the total area of each consecutive 100 metre length of easement after 12 and 24 months, in the Leda Nature Reserve and Lowlands Bushland Western Block (Hymus Swamp);	Delete	Criteria unlikely to be achieved due to circumstances beyond proponent's control.
(9) the foliage cover of declared and environmental weeds on the area of disturbance to be similar to surrounding undisturbed areas at 12 and 24 months;	Delete	Criteria met in 2016.
(10)a minimum of one native plant per square metre when averaged over the entire area rehabilitated at 12 months and two native plants per square metre when averaged over the entire area rehabilitated at 24 months in the Leda Nature Reserve and Lowlands Bushland Western Block (Hymus Swamp);	Delete	Criteria met in 2019.

Ministerial condition	Proposed amendment	Assessment and evaluation of proposed amendment
(11)percentage foliage cover of native species indigenous to each plant community to be greater than or equal to 40% of foliage cover in undisturbed areas of similar vegetation types outside of the easement at 24 months in the Leda Nature Reserve and Lowlands Bushland Western Block (Hymus Swamp);	Delete	Criteria met in 2019.
(12)a species richness to be greater or equal to 50% of richness in undisturbed areas of similar vegetation types outside of the easement at 24 months;	Delete	Criteria met in 2019.
(13)within the 30m wide easement, individual bare patches must not exceed 10 metres in length, and the cumulative sum of bare patches must not exceed 10% of the total area of each consecutive 100 metre length of easement after 12 and 24 months in the Leda Bushland and surrounding remnant vegetation;	Delete	Criteria unlikely to be achieved due to circumstances beyond proponent's control.
(14)a minimum of one native plant per square metre when averaged over the entire area rehabilitated at months in the Leda Bushland and surrounding remnant vegetation; and	Delete	Criteria met in 2016.
(15)percentage foliage cover of native species indigenous to each plant community to be greater than or equal to 30% of cover in undisturbed areas of similar vegetation types outside the easement at months in the Leda Bushland and surrounding remnant vegetation.	Delete	Criteria met in 2016.

Ministerial condition	Proposed amendment	Assessment and evaluation of proposed amendment
9-3 The proponent shall implement the Rehabilitation Management Plan required by condition 9-1.	Delete	DWER audit dated December 2015 considered condition 9-3 was completed.
9-4 The proponent shall continue to manage rehabilitation of the pipeline route until the completion criteria, referred to in condition 9-2, have been achieved to the requirements of the Minister for the Environment on advice of the Environment Protection Authority and the Department of Conservation and Land Management. Note: The proponent has obligations under the Department of Industry and Resources legislation to maintain the vehicle access track. Certain completion criteria may not be achievable within the access track.	Replace	New condition 9-3 requires the proponent to continue to manage rehabilitation until the environmental outcome specified in new condition 9-1 is achieved to the requirements of the CEO. The proponent's obligations under the <i>Petroleum Pipelines Act 1969</i> remain unchanged and do not need to be referred to in the conditions.
9-5 The proponent shall, in consultation with the Department for Conservation and Land Management, review and revise, as required, the Rehabilitation Management Plan referred to in condition 9-1, to the requirements of the Department of Environment.	Delete	Removal of the requirement for the rehabilitation management plan makes the condition redundant.
9-6 The proponent shall implement subsequent revisions of the Rehabilitation Management Plan required by condition 9-5.	Delete	Removal of the requirement for the rehabilitation management plan makes the condition redundant.
9-7 The proponent shall make the Rehabilitation Management Plan required by condition 9-1 and subsequent revisions required by condition 9-5 publicly available.	Delete	Removal of the requirement for the rehabilitation management plan makes the condition redundant.



## Appendix B: Recommended condition

### STATEMENT TO AMEND THE IMPLEMENTATION CONDITIONS APPLYING TO A PROPOSAL

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

DAMPIER TO BUNBURY NATURAL GAS PIPELINE SOUTHERN LOOPING PROJECT, LOOP 10, SOUTH OF KWINANA

**Proposal:** To construct and operate a 23-kilometre pipeline from Kwinana Junction in Kwinana to Hopelands (between Punrak Road and Henderson Road) adjacent (and connected) to the existing underground gas transmission pipeline within the Dampier to Bunbury Natural Gas Pipeline corridor

**Proponent:** DBNGP (WA) Nominees Pty Limited  
Australian Company Number 78 081 609 289

**Proponent address:** Level 6, 12-14 The Esplanade, Perth WA 6000

**Report of the Environmental Protection Authority:** 1787

**Preceding Statement relating to this proposal:** 708

Pursuant to section 45 of the *Environmental Protection Act 1986*, as applied by section 46(8), it has been agreed that the implementation conditions set out in Ministerial Statement No. 708, be amended as specified in this Statement.

**Condition 9 of Ministerial Statement 708 is deleted and replaced with:**

#### **9 Rehabilitation**

- 9-1 The proponent must ensure areas cleared for construction of the proposal within the Leda Nature Reserve, Leda Bushland and Lowlands Bushland Western Block (Hymus Swamp) are rehabilitated to achieve the following environmental outcome:
- (1) stable landforms that are not prone to erosion and will not result in:
    - (a) altered drainage pathways; or
    - (b) pollution or environmental harm.
- 9-2 The proponent shall undertake the rehabilitation required by condition 9-1 in a manner capable of preventing the spread of weeds and dieback.
- 9-3 The proponent shall continue to manage the rehabilitation required by condition 9-1 until the environmental outcome specified in that condition has been achieved to the requirements of the **CEO** on advice of the Department of Biodiversity, Conservation and Attractions.

## Appendix C: 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 Energy and Decarbonisation	<i>Dampier to Bunbury Pipeline Act 1997</i> s. 34 right to construct/operate pipeline in DBNGP corridor
2. Minister for Mines and Petroleum	<i>Petroleum Pipelines Act 1969</i> - s. 16 pipeline lease, licence or easement to construct and <b>operate/inspect/maintain/repair</b> pipeline on Crown land
3. Chief Executive Officer, Department of Biodiversity, Conservation and Attractions	<i>Conservation and Land Management Act 1984</i> - permit/lease/licence in respect of State forests, timber reserves, national parks, conservation parks, nature reserves, marine nature reserves, marine parks, marine management areas and land vested in Conservation and Parks Commission

Note: In this instance, agreement is only required with DMAs 1 and 2 since these DMAs are Ministers.

## References

Ecological Australia, 2018, *S46 request in regard to Ministerial Statement No.708 – Dampier to Bunbury Natural Gas Pipeline, Southern Looping Project, Loop 10, South of Kwinana*, prepared for DBNGP (WA) Nominees Pty Limited.

EPA 2016, *Environmental factor guideline – Flora and vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2024, *Environmental impact assessment (Part IV Divisions 1 and 2) procedures manual*, Environmental Protection Authority, Perth, WA.

EPA 2023, *Statement of environmental principles, factors, objectives and aims of EIA*, Environmental Protection Authority, Perth, WA.

Mattiske 2019, *Rehabilitation Monitoring Report*, prepared for DBNGP (WA) Nominees, Mattiske Consulting Pty Ltd, 12 April 2019.

State of Western Australia 2024, *Western Australia Government Gazette, No. 153, Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2024*, 10 December 2024.