

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Perdaman Lateral Project

Proposal location: Burrup Peninsula, Pilbara Region

CMS number: APP-0025638

Date referral received: 30 August 2024 **Date more information received:** 30 September 2024

Referrer: DBNGP (WA) Nominees Pty Ltd **Proponent:** DBNGP (WA) Nominees Pty Ltd

Potential significant effects:

There are potential impacts on: flora and vegetation from the clearing of native vegetation, terrestrial fauna from the disturbance of fauna habitat, and social surroundings from construction related noise, and dust, and heritage values occurring in the local area.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	0
c) Public environmental review	3
<i>Total submissions:</i>	3

Decision: s. 38G(1) – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the *Environmental Protection Act 1986* (EP Act) – Advice Given.

Explanation of decision:

The EPA considers the likely environmental effects of the proposal are not so significant or unmitigated to warrant formal assessment under Part IV of the EP Act. The EPA also notes that the likely environmental effects of the proposal can be mitigated to achieve consistency with the EPA's environmental factor objectives by the clearing permit process under Part V Division 2 of the EP Act and implementation of an Environmental Plan required under the *Petroleum Pipelines (Environment) Regulations 2012* for construction and operation of pipeline.

The EPA considered the potential impacts associated with the clearing of 0.21 ha of low sparse chenopod shrubland in poor condition for the proposal and considers based on the type of vegetation present, its condition and rehabilitation and mitigation measures in place, there are no significant residual impacts predicted for flora and vegetation. The EPA notes that the types of impact associated with the clearing of native vegetation for the proposal can be regulated under Part V Division 2 of the EP Act (regulated via Department of Energy, Mines, Industry Regulation and Safety (DEMIRS)).

The EPA considered the proposal disturbance of 1.22 ha of unvegetated mudflats would not have a significant impact on the hydrology or ecological function of the mudflats system, including as fauna habitat, due to past disturbance and separation from key values such as King Bay mangrove habitat.

The EPA considered the potential contamination, noise, dust and vibration associated with construction of the proposal. The EPA considers that the statutory requirement to implement an Environmental Plan under the *Petroleum Pipelines (Environment) Regulations 2012*, is

likely to adequately address the impacts to the amenity of the local landscape during construction.

The EPA considered the ongoing operational impacts and risks (including spills) are able to be managed to meet the EPA's objectives by implementation of an Environmental Plan under the *Petroleum Pipelines (Environment) Regulations 2012*.

The EPA also considered the potential for both direct and indirect impacts to Aboriginal Cultural Heritage values. Whilst the proposal is located on the Burrup Peninsula, it is not in an area with rock formations and associated petroglyphs. It is located outside the Murujuga National Park and is not in the area proposed for national/world heritage listing.

The EPA notes that the proponent has, and continues to engage, with relevant stakeholders on the potential environmental impacts of the proposal. An archaeological and ethnographic heritage survey guided by the Murujuga Aboriginal Corporation did not identify any Aboriginal heritage sites or material; or significant Aboriginal heritage/ethnographic values within the proposal area. No significant residual impacts to Aboriginal heritage sites or values are expected as a result of the proposal.

The EPA considered cumulative impacts within Burrup Peninsula of the proposal with other significant proposals, and considers that subject to regulation set by decision-making authorities, the proposal will result in a relatively small and temporary loss of chenopod shrublands and mudflats, and therefore, the proposal's cumulative environmental outcome is likely to be consistent with the EPA objective for flora and vegetation.

The EPA requires proposals be referred as a whole to ensure that all proposal impacts can be considered and so that future decision-making is not undermined by past decisions. In this case the referral of the proposal separate to other proposals on the Burrup has not impeded the EPA's ability to consider all relevant impacts.

Public advice:

The EPA expects that the statutory decision-making processes under Part V Division 2 of the EP Act and *Petroleum Pipelines (Environment) Regulations 2012* will require the following requirements to ensure consistency of the proposal's environmental outcomes with the EPA's objectives for flora and vegetation, terrestrial fauna and social surroundings:

- restrict the extent of flora and vegetation and terrestrial fauna habitat impacted by the proposal and timing of construction activities outside the wet season, consistent with the proponent's Proposal content document
- ensure that measures are implemented during pipeline trenching to avoid mortality of terrestrial fauna
- require implementation of hygiene management measures to minimise the proposal's indirect impacts on adjacent native vegetation
- ensure rehabilitation of all non-operational areas to achieve a pre-construction state
- avoid disturbance of heritage values
- minimise impacts from construction emissions and maintain amenity of the local landscape

The DEMIRS will be notified of the EPA's decision for this proposal and the EPA's expectations of the outcome of their statutory decision-making process.

Appeals: This decision is appealable. Appeals close 4 November 2024. Appeals are administered by the Office of the Appeals Convenor.

A handwritten signature in black ink, appearing to read 'Lee McIntosh', with a stylized, cursive script.

Lee McIntosh

DEPUTY CHAIR

Delegate of the Environmental Protection Authority

Date: 10 October 2024