

WOODSIDE ENERGY'S DERIVED PROPOSAL REQUEST
SECTION 39B DECLARATION BY DELEGATES OF THE EPA

STATEMENT OF REASONS

Proposal: Browse Downstream Development

Proponent: Woodside Energy Ltd

Strategic Proposal: Browse LNG Precinct Strategic Proposal

Background

On 27 November 2012 Woodside Energy Ltd referred a proposal to the Environmental Protection Authority (EPA) for the Browse Liquefied Natural Gas (LNG) Downstream Development (the Downstream Development) and requested that it be declared a derived proposal on the basis that it was identified in the Browse LNG Precinct Strategic Proposal, which is the strategic proposal referred to in Ministerial Statement 917 of 19 November 2012. Woodside's referral included a written request that the proposal be declared a derived proposal. By instrument of delegation number 29 dated 6 December 2012, the EPA delegated its powers to deal with this referral and request to the office of the Chairman and the Deputy Chairman of the EPA.

The background to the publication of Ministerial Statement 917 is set out briefly below.

Strategic Assessment Report process

The Department of State Development co-ordinated the production of a Strategic Assessment Report (SAR) for a proposed Browse LNG Precinct which was assessed as a Strategic Proposal at James Price Point, 60 km north of Broome in Western Australia (DSD, 2010; 2011). The proponent was the Minister for State Development. At the proponent's request, the potential environmental impact of the Browse LNG Precinct was assessed as a strategic proposal. In response to the SAR, the EPA published its report number 1444 in July 2012 (EPA, 2012).

That assessment followed an earlier process where a list of over 40 sites in the Kimberley was evaluated and reduced to a short list of 4 sites. The EPA provided advice under section 16 of the *Environmental Protection Act 1986* (EP Act) on the four short listed sites, finding that a site at James Price Point was the least environmentally constrained of the two shortlisted sites on the Dampier Peninsula (EPA, 2008).

EPA report number 1444

In its report on the Browse LNG Precinct Strategic Proposal, the EPA recommended that the future proposals identified in the Browse LNG Precinct Strategic Proposal may be implemented such that the EPA's objectives for environmental protection could be met, provided that strict management conditions and appropriate offsets were applied (EPA, 2012). The EPA set out the conditions that it recommended be applied to the future proposals identified in the strategic proposal in the event those future proposals were referred to the EPA and a request made to declare those proposals to be derived proposals. The EPA provided other advice on a range of matters, including offsets to deal with significant residual impacts likely to remain once avoidance, mitigation and management measures had been put in place.

Appeals

Some 244 appeals were lodged with the Minister for Environment against the content of, and recommendations in the EPA's report. The Minister for Environment established an Appeals Committee to provide advice on those appeals. The Appeals Committee recommended that a number of appeal grounds should be upheld, and consequently that a number of conditions should be strengthened or added (Appeals Committee, 2012). The Committee did not, however, find that the proposals identified in the Browse LNG Precinct Strategic Proposal should not proceed. On 30 October 2012 the Minister for Environment decided that a number of appeal points should be upheld to the extent that conditions should be strengthened or added, but otherwise dismissed the appeals (Minister for Environment, 2012a).

Minister's statement and conditions

On 19 November 2012 the Minister for Environment published Ministerial Statement number 917; (Minister for Environment, 2012b) setting out the agreement in relation to the Browse LNG Precinct Strategic Proposal. The Statement contained 30 conditions.

The implementation conditions provided for in Ministerial Statement 917 cover a range of matters including protection of marine fauna, fossilised dinosaur footprints, monsoon vine thickets, ground and surface waters, management of dredging and provisions for consultation with Traditional Owners and other key stakeholders. The conditions also specify that a number of management programs and plans must be prepared, in consultation with relevant stakeholders, and implemented. The conditions, and the extent of the future proposals identified, place strict limits on the amount of land that may be disturbed and the need to provide offsets for significant residual environmental impacts that cannot otherwise be avoided, mitigated or managed.

The EPA notes that the issue of consultation about environmental management plans (EMPs) with stakeholders, including Traditional Owners, was raised in a

number of appeals against the EPA's report. Those appeals raised similar issues to recommendations in the EPA's report about the importance of consultation over management plans. The EPA recommended in its report number 1444 that EMPs should be provided in a form that is close to final and that consultation with key stakeholders should be completed prior to submission of those EMPs with a future referred proposal. The EPA notes that, following its advice to the Minister on this matter, these issues were dealt with in the appeals process and the Minister, in response to those appeal grounds, mandated consultation on management plans and programs through condition 26 of Ministerial Statement 917.

Request and Submissions

Section 39B(1) of the EP Act provides that a proponent may request the EPA to declare a referred proposal to be a derived proposal.

Request for declaration as a derived proposal

On 27 November 2012 Woodside Energy Ltd. referred the Browse LNG Downstream Development proposal to the EPA. The referral included a written request that the proposal be declared a derived proposal.

Woodside proposal

The Woodside Downstream Development involves the construction and operation of a 25 million tonne per annum (Mtpa) liquefied natural gas processing facility and associated infrastructure, located within the area identified in the Browse LNG Precinct Strategic Proposal (Woodside, 2012). A description of the elements of the proposal referred is set out in column 4 of Table 1 and illustrated in Figures 1 and 2.

Table 1. Comparison of the Permitted Developments/Activities/Change in Land Use and their Maximum Limits/Extents for the Browse LNG Precinct with the proposed Browse LNG Downstream Development.

Item	Developments/ Activities/ Change in Land Use	Browse LNG Precinct as per Ministerial Statement 917 (References to Figure 1 in this column relate to Ministerial Statement No. 917)	Browse LNG Downstream Development of 25 Mtpa as proposed in this referral (References to Figures in this column relate to this document)
1	Hydrocarbon processing area	Maximum of two heavy industrial areas of up to approximately 500 ha each (in total up to 1,000 ha) to be located within Area B identified in Figure 1 – Precinct Layout. Permitted Use and Development: <input type="checkbox"/> Facilities for the conversion of natural gas to produce up to 50 Mtpa of LNG (plus associated LPG, condensate, other hydrocarbon	One heavy industrial area up to 500 ha located in Area B (as identified in Figure 1 of this document). Proposed Use and Development: <input type="checkbox"/> Facilities for the conversion of natural gas to produce up to 25 Mtpa of LNG (plus associated LPG, condensate, other hydrocarbon

		<p>products (excluding petrochemicals)), storage and export at variable rates, flare structures, other ancillary facilities and facilities for carbon dioxide export offsite.</p> <p><input type="checkbox"/> Any relevant supporting infrastructure – including wastewater treatment facilities, water supplies, desalination water production facility (if required), electricity generation plants, concrete batching plants, rock screening and crushing facilities, relevant administration buildings and offices, internal access and haul roads.</p> <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.</p>	<p>products (excluding petrochemicals)) storage and export at variable rates, flare structures, other ancillary facilities and facilities for carbon dioxide export offsite.</p> <p><input type="checkbox"/> Any relevant supporting infrastructure – including wastewater treatment facilities, water supplies, desalination water production facility (if required), electricity generation plants, concrete batching plants, rock screening and crushing facilities, relevant administration buildings and offices, internal access and haul roads.</p> <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11 of this table.</p>
2	Common user area	<p>Up to approximately 980 ha for the common user area within Area B as identified in Figure 1 – Precinct Layout.</p> <p>Permitted Use and Development:</p> <p><input type="checkbox"/> Lay down areas and internal buffer areas between the industrial facilities. <input type="checkbox"/> Administration and plant buildings. <input type="checkbox"/> Internal access roads. <input type="checkbox"/> Wastewater pipes. <input type="checkbox"/> Temporary stockpiles. <input type="checkbox"/> Contractor offices. <input type="checkbox"/> Concrete batch plant. <input type="checkbox"/> Trucking, parking and assembly areas. <input type="checkbox"/> Flood management works. <input type="checkbox"/> Clearing for bush fire management. <input type="checkbox"/> Service utilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.</p>	<p>Up to 587 ha for the common user area within Area B (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <p><input type="checkbox"/> Lay down areas and internal buffer areas between the industrial facilities. <input type="checkbox"/> Administration and plant buildings. <input type="checkbox"/> Internal access roads. <input type="checkbox"/> Wastewater pipes. <input type="checkbox"/> Temporary stockpiles. <input type="checkbox"/> Contractor offices. <input type="checkbox"/> Concrete batch plant. <input type="checkbox"/> Trucking, parking and assembly areas. <input type="checkbox"/> Flood management works. <input type="checkbox"/> Clearing for bush fire management. <input type="checkbox"/> Service utilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11 of this table.</p>
3	Light industrial area (LIA)	<p>Up to approximately 200 ha within area C as identified in Figure 1– Precinct Layout.</p> <p>Permitted Use and Development:</p> <p><input type="checkbox"/> Developments and uses permitted in light industrial area include all those developments and uses permissible in the Industrial Zone referred to in the Shire of Broome Town Planning Scheme No. 4 (for example fuel and transport depot and warehouses), subject to any buffer zone restrictions, as identified in Figure 1- Precinct Layout.</p>	<p>Whilst use of the LIA is likely to be required for industrial uses to support the Browse LNG Precinct, it is not part of Woodside’s foundation proposal.</p>

		<input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.	
4	Port Area	<p>Up to approximately 1,100 ha within Area A identified in Figure 1 – Precinct Layout.</p> <p>Permitted Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Loading berths and load out infrastructure. <input type="checkbox"/> Multi-user shipping channel. <input type="checkbox"/> Desalination seawater intake and brine outlet. <input type="checkbox"/> Flood management works. <input type="checkbox"/> Tug pens. <input type="checkbox"/> Support vessel area. <input type="checkbox"/> Storage tanks (diesel, LNG, LPG, condensate). <input type="checkbox"/> Marine flares. <input type="checkbox"/> Pipelines. <input type="checkbox"/> Roads. <input type="checkbox"/> Lay down areas. <input type="checkbox"/> Piled jetties. <input type="checkbox"/> Turning basin(s). <input type="checkbox"/> Breakwater(s) (as required in final design). <input type="checkbox"/> Wastewater disposal pipelines and diffusers. <input type="checkbox"/> Capital and maintenance dredging. <input type="checkbox"/> Integrated Marine Facilities (IMF), including connecting causeway(s), support vessel harbours, marine support facilities, marine offloading facilities (MOF) and roll-on, roll-off facilities (RORO). <input type="checkbox"/> Breakwater(s)/seawall(s) (as required). <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.</p> <p><input type="checkbox"/> Total permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to permitted uses and developments, but not exceeding the area of loss listed in item 12.</p>	<p>Up to approximately 930 ha within Area A (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Loading berths and load out infrastructure. <input type="checkbox"/> Multi-user shipping channel. <input type="checkbox"/> Desalination seawater intake and brine outlet. <input type="checkbox"/> Flood management works. <input type="checkbox"/> Tug pens. <input type="checkbox"/> Support vessel area. <input type="checkbox"/> Storage tanks (diesel, LNG, LPG, condensate). <input type="checkbox"/> Marine flares. <input type="checkbox"/> Pipelines. <input type="checkbox"/> Roads. <input type="checkbox"/> Lay down areas. <input type="checkbox"/> One piled multi-spur jetty. <input type="checkbox"/> Turning basins. <input type="checkbox"/> One breakwater (as required in final design). <input type="checkbox"/> Wastewater disposal pipelines and diffusers. <input type="checkbox"/> Capital and maintenance dredging. <input type="checkbox"/> Integrated Marine Facilities (IMF), including connecting causeway(s), support vessel harbours, marine support facilities, marine offloading facilities (MOF) and roll-on, roll-off facilities (RORO). <input type="checkbox"/> Two breakwaters/seawalls associated with IMF. <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments listed in item 11 of this table.</p> <p><input type="checkbox"/> Total permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to proposed uses and developments will not exceed the areas listed in item 12 of this table.</p>
5	Shipping Channel Area	<p>Shipping channel within Area G (identified in Figure 1– Precinct Layout) up to 550m wide and extending from the limit of Port Area A to the limit of State Waters.</p> <p>Permitted Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Multi-user shipping channel. 	<p>Shipping channel within Area G (as identified in Figure 1 of this document) up to 550 m wide and extending from the limit of Port Area A to the limit of State Waters.</p> <p>Proposed Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Multi-user shipping channel.

6	Pipeline Corridor Areas	<p>Areas E and F identified in Figure 1– Precinct Layout. Up to 250 ha in aggregate may be utilised for pipelines and their operating/ service corridors.</p> <p>Permitted Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Construction of up to a maximum of 16 pipelines in total in Areas E and F for natural gas, mono-ethylene glycol, liquids, services and potentially carbon dioxide export. <input type="checkbox"/> Support facilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11. <input type="checkbox"/> Total permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to permitted uses and developments, but not exceeding the area of loss listed in item 12. 	<p>Up to 132 ha within Area E for the use of pipelines and operating/service corridors (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Construction of up to 8 pipelines in Area E for natural gas, mono-ethylene glycol, liquids, services (e.g. fibre optic cable) and potentially carbon dioxide export. <input type="checkbox"/> Support facilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11. <input type="checkbox"/> Total permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to proposed uses and developments will not exceed the areas listed in item 12.
7	Accommodation Area	<p>Up to approximately 200 ha within Area D identified in Figure 1 – Precinct Layout.</p> <p>Permitted Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Accommodation and associated support facilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11. 	<p>Up to 150 ha within Area D (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Accommodation and associated support facilities. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11 of this table.
8	Infrastructure and services corridors	<p>Up to a total of 297 ha located within 13 km from the boundary of Area B identified in Figure 1- Precinct Layout.</p> <p>Permitted Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Borefield. <input type="checkbox"/> Electricity transmission services corridors. <input type="checkbox"/> Pipelines from borefield to Precinct. <input type="checkbox"/> Borefield access and service roads. <input type="checkbox"/> Manari Road diversion. 	<p>Up to 80 ha located within 13 km from boundary of Area B (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Borefield (including groundwater, surface water and vegetation monitoring locations). <input type="checkbox"/> Electricity transmission services corridors. <input type="checkbox"/> Pipelines from borefield to Precinct. <input type="checkbox"/> Borefield access and service roads. <input type="checkbox"/> The Manari Road diversion is not part of this referral.

		<input type="checkbox"/> Service facilities. <input type="checkbox"/> Firebreaks. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.	<input type="checkbox"/> Service facilities (including utilities, fencing, minor access roads and drainage). <input type="checkbox"/> Firebreaks. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11 of this table.
9	Industrial land use buffer zone	<p>Area extending 2000 m from the boundary of Area B identified in Figure 1- Precinct Layout. The outer boundary of the industrial land use buffer zone is indicated by broken yellow line in Figure 1- Precinct Layout.</p> <p>Permitted Use and Development:</p> <input type="checkbox"/> No permanent land uses or activities are permitted save for the infrastructure and service corridor developments	<p>Area extending 2,000 m from the boundary of Area B (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <input type="checkbox"/> As per item 8 above.
10	Sensitive land use buffer zone	<p>Area between 2,000 m and 3,000 m from the boundary of Area B identified in Figure 1- Precinct Layout. The outer boundary of the sensitive land use buffer zone is indicated by broken green line on Figure 1- Precinct Layout.</p> <p>Permitted Use and Development:</p> <input type="checkbox"/> No sensitive land uses are permitted (for example accommodation). <input type="checkbox"/> Compatible light industry uses and development permissible.	<p>Area between 2,000 m and 3,000 m from the boundary of Area B (as identified in Figure 1 of this document).</p> <p>Proposed Use and Development:</p> <input type="checkbox"/> As per item 8 above.
11	Clearing of terrestrial native vegetation across all areas shown in Figure 1- Precinct Layout	<p>Total clearing of terrestrial native vegetation permissible for all future development, activities and changes of land uses is up to a maximum of 3,037 ha in the Areas and amounts as specified below:</p> <input type="checkbox"/> Area A up to 110 ha, <input type="checkbox"/> Area B up to 1,980 ha, <input type="checkbox"/> Area C up to 200 ha, <input type="checkbox"/> Area D up to 200 ha, <input type="checkbox"/> Areas E and F up to 250 ha in aggregate. <input type="checkbox"/> Within 13 km of the boundary of Area B an area of up to 297 ha in addition to the limits to clearing provided for in Areas A, B, C, D, E and F identified by coordinates in Schedule 1.	<p>Clearing of terrestrial native vegetation up to a maximum of 1,528 ha, excluding clearing for fuel reduction activities and clearing for fire access. Areas and corresponding clearing amounts are as follows:</p> <input type="checkbox"/> Area A up to 81 ha, <input type="checkbox"/> Area B up to 1,085 ha, <input type="checkbox"/> Area C up to 0 ha, <input type="checkbox"/> Area D up to 150 ha, <input type="checkbox"/> Area E up to 132 ha. <input type="checkbox"/> Within 13 km of the boundary of Area B up to 80 ha (excluding provision of fire breaks).

		<p>Within the total area of permissible clearing no more than a maximum of 83 ha in the implementation foundation proposal or 110 ha in the implementation of any combination of derived proposals of Monsoon Vine Thicket Threatened Ecological Community to be cleared either directly or indirectly (e.g. as a consequence of groundwater drawdown).</p>	<p>Within the total area of permissible clearing 83 ha of Monsoon Vine Thicket Threatened Ecological Community to be cleared either directly or indirectly.</p>
12	<p>Permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat</p>	<p>Permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to permitted uses and developments in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Port Area A. <input type="checkbox"/> Marine portions of the Pipeline Corridor Areas E and F. <input type="checkbox"/> Shipping Channel Area G. <p>to be confined to the Zone of High Impact.</p>	<p>Permanent loss of Benthic Primary Producers and Benthic Primary Producer Habitat directly related to proposed uses and developments in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Port Area A. <input type="checkbox"/> Marine portions of the Pipeline Corridor Area E. <input type="checkbox"/> Shipping Channel Area G. <p>to be confined to the Zone of High Impact (as shown as area of permanent loss of BPPH on Figure 2).</p>
13	<p>Construction and operation of hydrocarbon processing facilities for converting natural gas to LNG (plus associated LPG, condensate, other hydrocarbon products).</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Located within Port Area A and/or heavy industrial areas located in Area B. <input type="checkbox"/> Up to a maximum combined operating capacity of 50 Mtpa. <input type="checkbox"/> LNG, condensate and LPG storage tanks commensurate with a 50 Mtpa LNG development. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11. 	<ul style="list-style-type: none"> <input type="checkbox"/> Located within Port Area A and/or heavy industrial areas located in Area B. <input type="checkbox"/> Up to 25 Mtpa operating capacity. <input type="checkbox"/> LNG, condensate and LPG storage tanks commensurate with a 25 Mtpa LNG development. <input type="checkbox"/> Clearing of terrestrial native vegetation directly related to proposed uses and developments will not exceed the areas listed in item 11 of this table.
14	<p>Construction and operation of supporting developments and activities.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Located within Port Area A and/or heavy industrial area in Area B <input type="checkbox"/> Discharge from wastewater treatment facilities and wastewater outfalls of up to a total of 30 GL per annum of produced water, condensed water, desalination brine, sewage and greywater. <input type="checkbox"/> First flush stormwater to be captured and treated and all captured water to be used on site or discharged via marine outfall. 	<ul style="list-style-type: none"> <input type="checkbox"/> Located within Port Area A and heavy industrial areas in Area B. <input type="checkbox"/> Discharge from wastewater treatment facilities and wastewater outfalls of up to a total of 15 GL per annum of produced water, condensed water, desalination brine, sewage and greywater. <input type="checkbox"/> First flush stormwater to be captured and treated and all captured water to be used on site or discharged via marine outfall.

		<ul style="list-style-type: none"> <input type="checkbox"/> Water supply by groundwater abstraction and/or desalination of up to a combined total of 8 GL per annum. <input type="checkbox"/> All supporting infrastructure necessary for LNG production developments/activities contained within Precinct boundaries A to F and the borefield within 13 km of the boundary of Area B, identified in Figure 1- Precinct Layout. 	<ul style="list-style-type: none"> <input type="checkbox"/> Water supply for construction by groundwater abstraction and/or desalination of up to a combined total of 3 GL per annum. Water supply to supply operational requirements by desalination of up to a total of 3 GL per annum. <input type="checkbox"/> All supporting infrastructure necessary for LNG production developments/activities contained within Precinct boundaries A to E and the borefield within 13 km of the boundary of Area B (as identified in Figure 1 of this document).
15	Construction and operation of a marine and terrestrial port and port infrastructure.	<p>Up to 1,100 ha within Port Area A (identified in Figure 1- Precinct Layout) comprising:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Up to 6 loading berths. <input type="checkbox"/> Up to 3 piled jetties extending up to 3 km west from the current location of the Lowest Astronomical Tide. <input type="checkbox"/> One multi-user shipping channel to limit of Area A as identified in Figure 1- Precinct Layout. <input type="checkbox"/> Turning basins. <input type="checkbox"/> Breakwaters extending up to 3 km west from the current location of the Lowest Astronomical Tide. <input type="checkbox"/> Wastewater pipelines and diffusers with up to 30GL per annum capacity. <input type="checkbox"/> Up to 34 million m³ of capital dredging – (more details see item 19 below). 	<p>Up to 930 ha within Port Area A (as identified in Figure 1 of this document), comprising:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 3 loading berths. <input type="checkbox"/> One piled multi-spur jetty extending up to 2 km west from the current location of the Lowest Astronomical Tide <input type="checkbox"/> One multi-user shipping channel to limit of Area A (as identified in Figure 1 of this document). <input type="checkbox"/> Turning basins. <input type="checkbox"/> One breakwater and smaller breakwaters / seawalls extending up to 2 km west from the current location of the Lowest Astronomical Tide. <input type="checkbox"/> Wastewater pipelines and diffusers with up to 15 GL per annum capacity. <input type="checkbox"/> Up to 21 million m³ of capital dredging.
16	Construction and operation of the Multi-user Shipping Channel.	<p>Multi-user shipping channel in Area G identified in Figure 1 - Precinct Layout.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Up to 550 m wide and extending from the western limit of Port Area A to the limit of State Waters. 	<p>Multi-user shipping channel in Area G, (as identified in Figure 1 of this document).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Up to 550 m wide and extending from the western limit of Port Area A to the limit of State Waters.
17	Construction and operation of the Integrated Marine Facilities (IMF).	<p>Contained within Area A identified in Figure 1 - Precinct Layout.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Onshore excavation (if required) shall not extend more than 330 m east from current location of Highest 	<p>Contained within Area A (as identified in Figure 1 of this document).</p> <ul style="list-style-type: none"> <input type="checkbox"/> Onshore excavation extending up to 330 m east from current location of Highest Astronomical Tide.

		<p>Astronomical Tide.</p> <p><input type="checkbox"/> Clearing of terrestrial native vegetation related to IMF is included in the 110 ha of permissible clearing in Area A at item 11 above.</p>	<p><input type="checkbox"/> Clearing of terrestrial native vegetation related to IMF is included in the 81 ha of permitted clearing in Area A at item 11 of this table.</p>
18	Construction and use of accommodation village.	<p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments but not exceeding the areas listed in item 11.</p> <p><input type="checkbox"/> All access to and from accommodation village to be via Browse LNG Precinct Road (not part of this proposal).</p>	<p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted land uses and developments will not exceed the areas listed in item 11 of this table.</p> <p><input type="checkbox"/> All access to and from accommodation village to be via Browse LNG Precinct Road (not part of this referred proposal).</p>
19	Dredging and spoil disposal activities.	<p><input type="checkbox"/> Up to 34 million m³ of capital dredge material plus periodic maintenance dredging as required.</p> <p><input type="checkbox"/> No dredge spoil disposal in State Waters.</p>	<p><input type="checkbox"/> Up to 21 million m³ of capital dredging plus periodic maintenance dredging as required (includes capital dredging required for IMF).</p> <p><input type="checkbox"/> No dredge spoil disposal in State Waters.</p>
20	Infrastructure and Services Corridor development activities.	<p><input type="checkbox"/> Groundwater production limited to up to 8 GL per annum.</p> <p><input type="checkbox"/> Clearing up to 297 ha directly related to activities in this item within 13 km of the boundary of Area B indicated in Figure 1– Precinct Layout.</p>	<p><input type="checkbox"/> Groundwater production limited to up to 3 GL per annum.</p> <p><input type="checkbox"/> Clearing up to 80 ha directly related to activities in this item within 13 km of the boundary of Area B (as identified in Figure 1 of this document).</p>
21	Pipeline corridors for gas, mono-ethylene glycol, liquids, and potentially carbon dioxide export and communications.	<p><input type="checkbox"/> Within Areas E and F identified in Figure 1– Precinct Layout.</p> <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments, but not exceeding the areas listed in item 11.</p>	<p><input type="checkbox"/> Pipeline corridors contained within Area E (as identified in Figure 1 of this document).</p> <p><input type="checkbox"/> Clearing of terrestrial native vegetation directly related to permitted uses and developments will not exceed areas listed in item 11 of this table.</p>

The area within which the referred proposal would be located (the proposal footprint) is illustrated in Figure 1. Figure 1 shows the proposal footprint located within the boundaries of the area identified in the Browse LNG Precinct Strategic Proposal and authorised by Ministerial Statement 917, and in particular, within the boundaries circumscribed by the co-ordinates set out in schedule 2 of Statement 917.

Public submissions on Woodside's proposal and request

When the EPA receives a referral, it publishes the referral information on the EPA website and provides a 7-day public comment period before making a decision on assessment, as set out in the Environmental Impact Assessment Administrative Procedures, 2010 (Western Australian Government, 2010).

The referral for the Browse Downstream Development was advertised on the EPA website from 28 November to 4 December/ 2012. The delegates of the EPA considered 1813 comments that were submitted by members of the public on the referral. These comments were evaluated to ascertain the key issues raised against the five aspects set out below. The delegates of the EPA had regard to these comments in considering the five aspects set out below.

Process for Decision on Derived Proposal

On receipt of a request that a referred proposal be declared a derived proposal, the EPA's consideration of the request is subject to the provisions of section 39B of the EP Act.

Provisions of the EP Act

The EPA is required by the provisions of the EP Act to declare the referred proposal to be a derived proposal if it considers that the proposal satisfies the provisions of section 39B(3). Despite section 39B(3), the EPA may refuse to declare the referred proposal to be a derived proposal if it considers that the provisions of section 39B(4) apply. If the EPA declares the referred proposal to be a derived proposal, it is not to assess the proposal except that the EPA may determine to conduct an inquiry into whether the conditions in Ministerial Statement 917 should be changed under the provisions of section 46(4).

Section 39B, subsections (3) and (4) can be considered as providing for five aspects to the EPA's consideration of a request for the declaration of a derived proposal.

The five aspects are:

1. Was the referred proposal identified in a strategic proposal that was assessed by the EPA? (s39B(3)(a))
2. Was an agreement reached or a decision made that the referred proposal could be implemented or could be implemented subject to conditions and procedures? (s39B(3)(b))
3. Does the referred proposal raise environmental issues that were not adequately assessed when the strategic proposal was assessed? (s39B(4)(a))
4. Is there significant new or additional information that justifies reassessment of issues raised by the referred proposal? (s39B(4)(b))

5. Has there been a significant change in the relevant environmental factors since the strategic proposal was assessed? (s39B(4)(c))

In addition, the EPA may also consider whether or not any implementation conditions, relating to the referred proposal, or any of them, should be changed and if so, inquire into that matter under section 46(4) of the EP Act.

In this case the Chairman and Deputy Chairman of the EPA acted as delegates of the EPA under instrument of delegation number 29 dated 6 December 2012.

Consideration of the five aspects

1. Was the referred proposal identified in a strategic proposal that was assessed?

The delegates of the EPA note that the Browse LNG Precinct Strategic Proposal identified future proposals which would accommodate the production of up to 50 mtpa of liquefied natural gas. The delegates of the EPA further note that the current proposal is for the production of up to 25 mtpa of liquefied natural gas, within the limits of the future proposals identified and agreed to in Statement 917.

The delegates of the EPA have examined the particulars of the development, activities, operations and changes in land use proposed in the referral and their limits or extents and compared them to the development, activities, operations and changes in land use identified in the Browse LNG Precinct Strategic Proposal assessed by the EPA and provided for by Ministerial Statement 917, as listed in Schedule 1 therein. Table 1 displays the outcome of this comparison. Figures 1 and 2 show that the referred proposal is within the limits and extent set out in Figure 1 of Statement 917.

The delegates of the EPA conclude that the referred proposal was identified in Browse LNG Precinct Strategic Proposal that has been assessed under Part IV of the EP Act, namely EPA assessment number 1730 of the Browse Liquefied Natural Gas Precinct, as set out in EPA report 1444 (EPA, 2012).

2. Was an agreement reached or a decision made that the referred proposal could be implemented or could be implemented subject to conditions and procedures?

The delegates of the EPA note Ministerial Statement 917, issued on 19 November 2012, authorising the implementation of a proposal to do one or more of the Developments, Activities, Operations or Changes in Land Use listed in column 2 of Table 1 in Schedule 1 of that Statement and which was identified in the Strategic Proposal to which EPA Report 1444 relates in the event of a declaration by the delegates of the EPA that it is a derived proposal.

Noting that EPA report number 1444 on the strategic proposal was published under section 44(3), the delegates of the EPA further note that Ministerial Statement 917 reflects the agreement reached under section 45 of the EP Act that the referred proposal, if declared derived, could be implemented subject to the conditions and procedures in that Ministerial Statement.

3. Does the referred proposal raise environmental issues that were not adequately assessed when the strategic proposal was assessed?

The delegates of the EPA have considered the environmental issues raised by the referred proposal by examining the key factors evaluated during the assessment of the strategic proposal, as set out in Table 2 below.

Table 2. Consideration of key factors in assessment of the strategic proposal and their relevance to the referred proposal.

Key factor listed in EPA's assessment of the strategic proposal	Is this an environmental issue in the referred proposal?	Has this issue been adequately assessed?	Any significant change in this factor?
Marine fauna	Yes	Yes	No
Benthic habitats	Yes	Yes	No
Marine environmental quality	Yes	Yes	No
Terrestrial biota	Yes	Yes	No
Landscape processes	Yes	Yes	No
Surface and groundwater	Yes	Yes	No
Heritage	Yes	Yes	No
Air emissions	Yes	Yes	No
Greenhouse gases	Yes	Yes	No
Any additional environmental issue?	No	n/a	n/a

The delegates of the EPA have determined that no new environmental issues have arisen that were not adequately assessed when the strategic proposal was assessed.

In considering these environmental issues, the delegates of the EPA have been mindful of its conclusions in the following section of this Statement of Reasons.

4. Is there significant new or additional information that justifies reassessment of the issues raised by the referred proposal?

The delegates of the EPA have sought advice on the content of various reports and information produced since the publication of EPA report 1444, as included in Appendix 1.

With respect to the reports included in Appendix 1 of this Statement of Reasons, the delegates of the EPA have sought advice on reports listed in Appendix 2 of the Appeals Committee report on the Browse LNG Precinct (Appeals Committee, 2012), reports listed under section 7 of the referral documentation from Woodside (Woodside, 2012), and reports flagged by public comments received on the referred proposal. A search of Google Scholar, EBSCO Academic Complete and other relevant publication databases was also undertaken to reasonably determine whether there were any additional, relevant, scholarly reports referencing the Dampier Peninsula area that had been published since the EPA assessed the Browse LNG Precinct as a strategic proposal.

The delegates of the EPA are aware of a number of reports referenced by members of the public in comments on the referred proposal. Many of these reports were available (some in preprint form) to the EPA when it prepared its report number 1444 (EPA, 2012). Those reports do not therefore contain new information that was not available at the time of the EPA's previous assessment and report.

Reports that have been released or published since EPA report 1444 was published and have been brought to the attention of the delegates of the EPA via public comments on the referral have been reviewed. The delegates of the EPA consider that no significant new or additional environmental information has come to light via this process that justifies the reassessment of the issues raised in the proposal.

The delegates of the EPA have concluded that the reports of which it is aware and included in Appendix 1 have not raised any significant new or additional environmental information that would justify a reassessment of the referred proposal.

In coming to this conclusion, the delegates of the EPA considered information in specific reports listed in Appendix 2 about the Dampierland Burrowing Snake (DEC Priority 2) and Hawksbill turtle (Schedule 1, *Wildlife Conservation Act, 1950*). The delegates of the EPA concluded that condition 6 of Ministerial Statement 917 provides for pre-development surveys of priority fauna on land and that the condition is appropriate with regard to the Dampierland Burrowing Snake. Condition 8A requires that a Marine Survey and Management Program is prepared for listed priority marine vertebrate fauna and that this condition can adequately deal with Hawksbill turtles, which will need to be included in that management plan.

The delegates of the EPA also note that while there are now new data about stygofauna species beneath the proposal area and its surroundings (Rockwater, 2012b), these data are not so significant as to justify re-assessment under section 39B(4)(b). Rockwater (2012b) found that four stygal species are at present only known from the precinct but that this is likely to be a consequence of sampling rather than restricted distribution. Rockwater (2012b) found that three of these species were collected from multiple sites and the other was represented by a fragment of an individual only. Rockwater (2012b) also found that suitable habitat is widespread in

the Broome aquifer and there are no geological barriers that would restrict stygofaunal dispersal. The delegates of the EPA would expect additional surveys for stygofauna to be undertaken as part of the requirements to satisfy condition 6 of Ministerial Statement 917.

5. Has there been a significant change in relevant environmental factors since the strategic proposal was assessed?

The delegates of the EPA have considered the referral documentation, its analysis of the relevant environmental factors, the previous assessment of the Browse LNG Precinct as a strategic proposal, the reports listed in Appendix 1 and the content of public comments received on the referral to determine whether there has been a significant change in the environmental factors that are relevant to the referred proposal.

In particular, the delegates of the EPA have considered the key factors listed in its assessment of the strategic proposal and reproduced in Table 2 above and formed a view as to whether the list of key factors relevant to the referred proposal has changed significantly.

The delegates of the EPA consider that there has not been a significant change in relevant environmental factors.

Whether or not implementation conditions relating to the proposal should be changed?

Having regard to the consideration of the five aspects referred to above, the limited time which has elapsed since the EPA's assessment of the Browse LNG Precinct Strategic Proposal, the Minister's determination of appeals, the implementation agreement set out in Ministerial Statement 917 and the public comments made in response to the referral, the delegates of the EPA do not consider it necessary to conduct an inquiry under section 46(4) into whether or not the implementation conditions should be changed.

Decision on Request for Derived Proposal

Having considered the information set out in the sections above, the delegates of the EPA have reached the following conclusions in regard to the request to declare the Browse Downstream Development to be a derived proposal.

Was the referred proposal identified in a strategic proposal that was assessed?

Yes. The delegates of the EPA note that the referred proposal for the Browse Downstream Development is identified in the Browse LNG Precinct proposal that has been assessed under Part IV of the EP Act. This is demonstrated by all elements in column 4 of Table 1 above falling within the approved limits and extents set out in

column 3 of that Table, which is consistent with Schedule 1 in Ministerial Statement 917. The referred proposal also fits within the footprint approved by Ministerial Statement 917, as shown in Figure 1 of this report.

Was a decision made that the referred proposal could be implemented?

Yes. The delegates of the EPA note that the authorisation in Ministerial Statement 917 allows the referred proposal to be implemented in the event that the delegates of the EPA declare that the referred proposal is a derived proposal (see **Notice of Declaration**).

Does the referred proposal raise environmental issues that were not adequately assessed when the strategic proposal was assessed?

No. The delegates of the EPA have considered the environmental issues raised by the referred proposal based on the proponent's referral, public comments on that referral and knowledge of the issues evaluated during the assessment of the strategic proposal. A comparative summary of the key environmental factors previously assessed for the strategic proposal and environmental issues raised by the referred proposal appears in Table 2 above. The delegates of the EPA consider that the referred proposal does not raise environmental issues that were not adequately assessed when the strategic proposal was assessed.

Is there significant new or additional information that justifies reassessment of the issues raised by the referred proposal?

No. The delegates of the EPA have considered all the information relevant to the area of the referred proposal that is available to it and considers that there is no significant new or additional information that justifies reassessment of the referred proposal.

Has there been a significant change in relevant environmental factors since the strategic proposal was assessed?

No. The delegates of the EPA have considered the environmental factors raised by the referred proposal and consider that there is no significant change in the relevant environmental factors assessed for the strategic proposal.

Should the implementation conditions be changed?

No. The delegates of the EPA have considered the referred proposal in the context of the conditions set by Ministerial Statement 917 and do not consider it necessary to conduct an inquiry under section 46(4) with a view to changing those conditions.

The delegates of the EPA consider that each of the implementation conditions in Ministerial Statement No 917 published on 19 November 2012 should be imposed on the implementation of Woodside's Browse LNG Downstream Development proposal as set out in their referral document of 27 November 2012.

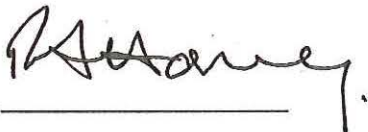
Declaration

Acting under delegated authority provided by Delegation No. 29 made pursuant to section 19 of the EP Act dated 6 December 2012, the delegates of the EPA have considered whether to declare Woodside's referred proposal a derived proposal previously identified in the Browse LNG Precinct Strategic Proposal. For the reasons expressed above, we have determined to declare Woodside's referred proposal a derived proposal and give written notice of the declaration to the Minister, along with these reasons for our decision.



Dr Paul Vogel
CHAIRMAN

Dated: 17.12.12



Prof Robert Harvey
DEPUTY CHAIRMAN

Dated: 17.12.12

Appendices

Appendix 1

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Figures

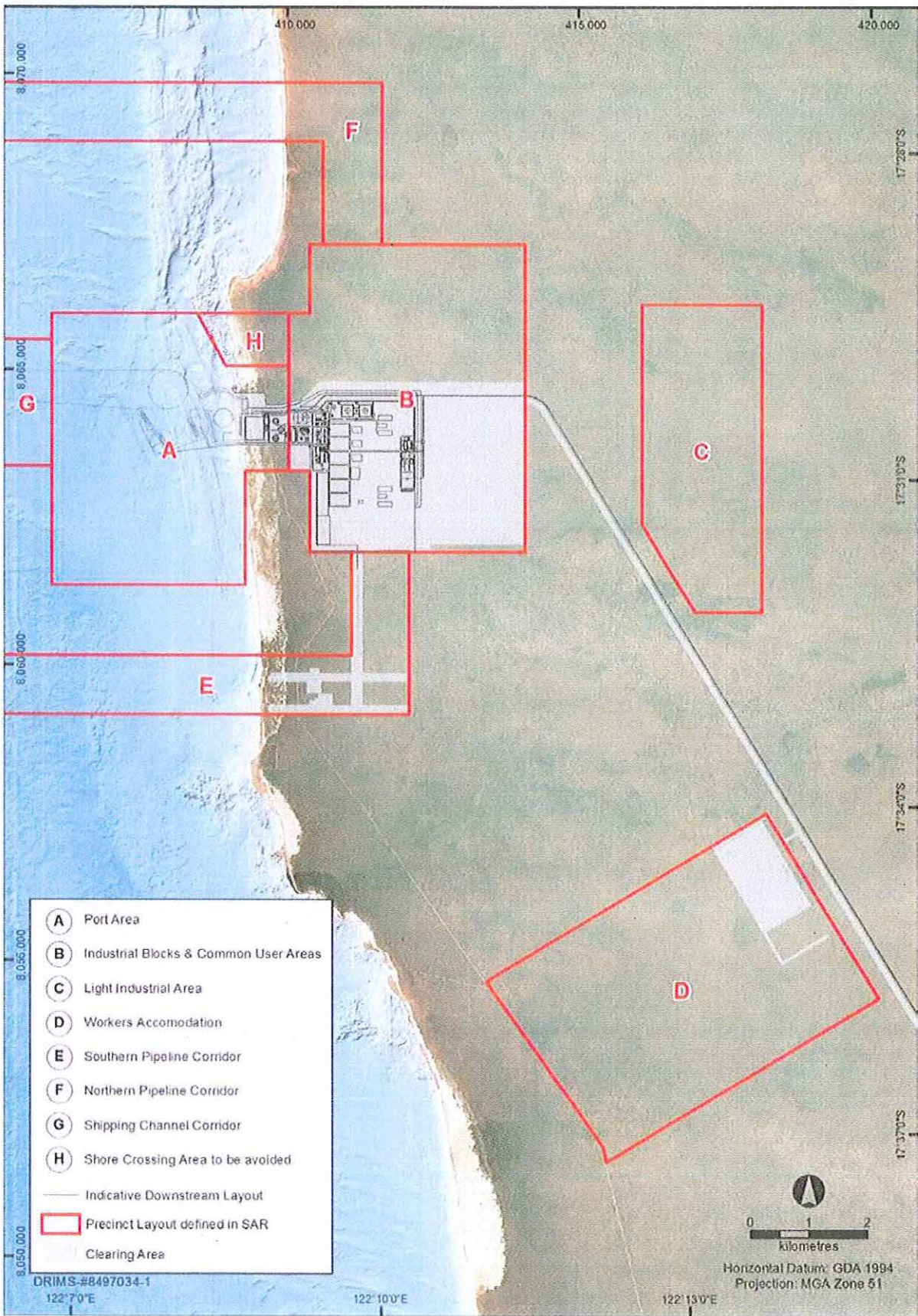


Figure 1. Proposed development overlain on Browse LNG Precinct boundary from Figure 1 of Ministerial Statement 917.

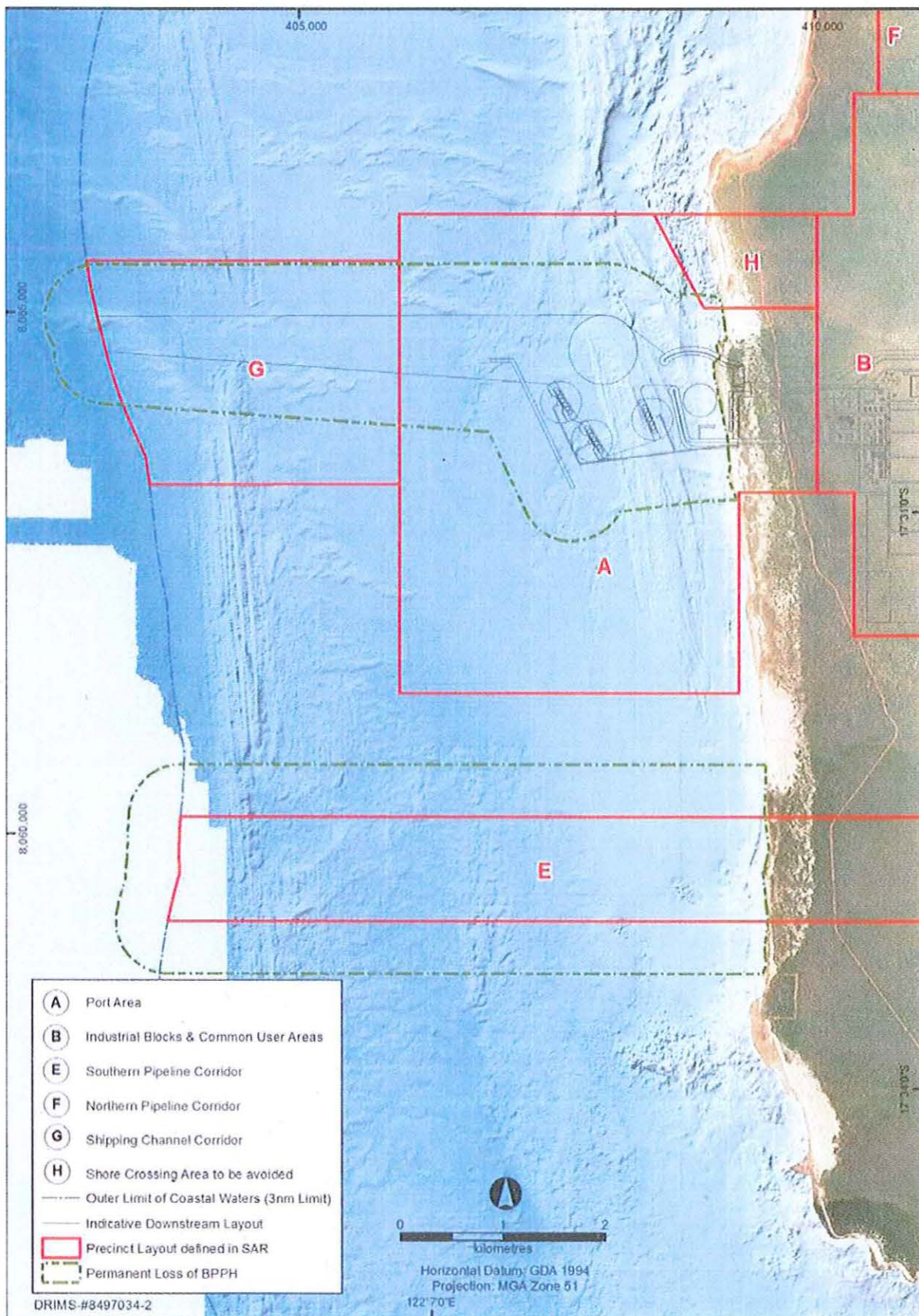


Figure 2. Indicative port layout and Zone of High Impact with permanent loss of benthic primary producer habitat (BPPH).