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Published on: 25 May 2022

Statement No. 1190

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

**BRINE PIPELINE AND OUTFALL**

**Proposal:**

Harvey Water is proposing to construct a wastewater pipeline and ocean outfall to dispose brine wastewater from customers located within the Kemerton Strategic Industrial Area (KSIA), Western Australia. The proposal requires construction of approximately 9.5 kilometres of pipeline, connecting to an existing 1.5 kilometre section. The final pipeline is approximately 11 kilometres in length and extends from the KSIA to the Indian Ocean, within the Shire of Harvey.

The pipeline will convey no more than 500 megalitres per year of brine wastewater to a single outlet diffuser outfall in the Indian Ocean.

**Proponent:**

Harvey Water  
Australian Business Numbers 16 181 051 928; and  
54 498 176 490

**Proponent Address:**

1 Turnbull Street  
HARVEY WA 6220

**Assessment Number:** 2289

**Report of the Environmental Protection Authority:** 1721

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in the proponent's Proposal Content Document (December 2021) may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

## 1 Limitations and Extent of Proposal

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

Proposal element	Location	Maximum extent or range
Physical elements		
Brine wastewater pipeline	Figure 1	Up to 315 mm in diameter
Development envelope	Figure 1	17.16 ha
Clearing of native vegetation	Figure 1	Up to 0.27 ha
Clearing of Priority 3 ecological community Banksia Woodlands of the Swan Coastal Plain	Figure 1	No more than 0.14 ha
Clearing of foraging habitat for black cockatoos	Figure 1	No more than 0.17 ha
Clearing of western ringtail possum habitat	Figure 1	No more than 0.05 ha
Construction dewatering	Figure 1	Between 1 March to 30 June in any year
Operational elements		
Ocean outfall	Figure 2	No more than 500 ML/year, at ambient density less than seawater.

## 2 Marine Environmental Quality – Discharge Monitoring and Management Plan

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

- (1) The **environmental values** of Ecosystem Health, Fishing and Aquaculture, Recreation and Aesthetics and Cultural and Spiritual are protected and for Ecosystem Health the levels of ecological protection are no lower than the **low** and **high ecological protection levels** for the **‘Low Ecological Protection Area’** and the **‘High Ecological Protection Area’** respectively, as delineated and shown in Figure 2.

2-2 The proponent shall implement the Discharge Monitoring and Management Plan (March 2022) (the Plan) which specifies:

- (1) how the outcome of condition 2-1(1) will be met;

- (2) that within the **Low Ecological Protection Area**, the proponent shall achieve the 80% species protection guideline 'trigger' levels for bio-accumulating toxicants as defined in the **ANZG**;
- (3) that within the **High Ecological Protection Area**, the proponent shall protect all the **environmental values** and for ecosystem integrity achieve the 99% species protection guideline 'trigger' levels for toxicants as defined in the **ANZG**;
- (4) the **environmental quality guidelines** relevant to this discharge that will be achieved to protect all **environmental values**, including the levels of ecological protection;
- (5) the **environmental quality standards** relevant to this discharge that will be achieved to protect all **environmental values**;
- (6) the monitoring and evaluation, including remodelling, of the social and environmental effects of discharging wastewater into the marine environment off Binningup to assess performance against the environmental outcome;
- (7) the specific management and monitoring actions that will be implemented in the event the **environmental quality standards** are not met, including the option of modifying the diffuser to increase dilution;
- (8) a program to undertake whole-of-effluent toxicity testing of treated wastewater;
- (9) the reporting procedures, including the format, timing, and frequency for the reporting of monitoring data against the relevant **environmental quality guidelines** and **environmental quality standards** and the outcome of condition 2-1(1).

2-3 In the event that an **environmental quality standard** referred to in condition 2-2(5) is exceeded, the proponent shall:

- (1) report the matter to the **CEO** within two (2) working days and discuss the corrective actions that will be investigated;
- (2) within one month of the exceedance provide a report to the **CEO** describing the corrective actions being taken to meet the environmental quality standards and ensure the **environmental values** are protected;
- (3) continue implementing the corrective actions until the **CEO** has provided advice by notice in writing that the outcome of condition 2-1(1) is being met.

2-4 The exceedance of an **environmental quality standard** and/or failure to comply with the requirements of the Plan represents a non-compliance with these conditions.

2-5 The proponent:

- (1) may review and revise the Discharge Monitoring and Management Plan; or
- (2) must review and revise the Discharge Monitoring and Management Plan as and when directed by the CEO.

2-6 The proponent shall implement the Discharge Monitoring and Management Plan (March 2022) or the most recent version of the Plan, which the **CEO** has confirmed by notice in writing, satisfies the requirements of condition 2-2.

### **3 Construction Impacts – Inland Waters**

3-1 The proponent shall minimise project attributable impacts to **conservation category wetlands** during **construction activities** by managing soil and groundwater disturbing activities in accordance with the Acid Sulfate Soil Guideline Series *Identification and investigation of acid sulfate soils and acidic landscapes* (2015) and *Treatment and management of soil and water in acid sulfate soil landscapes* (2015), or any approved update of these guidelines.

### **4 Terrestrial Fauna**

4-1 The proponent shall undertake the following actions to minimise impacts to terrestrial fauna during pipeline excavation:

- (1) clear and record trapped fauna from within open trenches, using a suitably trained and licensed **fauna handler**, within one (1) hour prior to backfilling of trenches;
- (2) ensure open trench lengths shall not exceed a length capable of being inspected and cleared by a suitably trained and licensed **fauna handler** within the required times set out in condition 4-1(1);
- (3) in the event of rainfall, and following the clearing of fauna from the trench, pump out any pooled water in the open trench (with the exception of groundwater) and discharge it to adjacent vegetated areas in a manner that does not cause erosion;
- (4) produce and provide a report on fauna management within the pipeline corridor no later than twenty-one (21) days after the completion of **construction activities** to the **CEO**. The report shall include the following:
  - (a) details of fauna inspections;

- (b) the number and type of fauna cleared from trenches and actions taken; and
- (c) vertebrate fauna mortalities.

## **5 Contact Details**

5-1 The proponent shall notify the **CEO** of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

## **6 Time Limit for Proposal Implementation**

6-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.

6-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the **CEO** with written evidence, on or before the expiration of five (5) years from the date of this Statement.

## **7 Compliance Reporting**

7-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition 7-6, or prior to implementation of the proposal, whichever is sooner.

7-2 The Compliance Assessment Plan shall indicate:

- (1) the frequency of compliance reporting;
- (2) the approach and timing of compliance assessments;
- (3) the retention of compliance assessments;
- (4) the method of reporting of potential non-compliances and corrective actions taken;
- (5) the table of contents of Compliance Assessment Reports; and
- (6) public availability of Compliance Assessment Reports.

7-3 After receiving notice in writing from the **CEO** that the Compliance Assessment Plan satisfies the requirements of condition 7-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 7-1.

- 7-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 7-1 and shall make those reports available when requested by the **CEO**.
- 7-5 The proponent shall advise the **CEO** of any potential non-compliance within seven (7) days of that non-compliance being known.
- 7-6 The proponent shall submit to the **CEO** the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the **CEO**.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 7-1.

## **8 Public Availability of Data**

- 8-1 Subject to condition 8-2, within a reasonable time period approved by the **CEO** of the issue of this Statement and for the remainder of the life of the proposal, the proponent shall make publicly available, in a manner approved by the **CEO**, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)), management plans and reports relevant to the assessment of this proposal and implementation of this Statement.
- 8-2 If any data referred to in condition 8-1 contains particulars of:
- (1) a secret formula or process; or
  - (2) confidential commercially sensitive information,

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

[signed on 25 May 2022]

Hon Reece Whitby MLA  
**MINISTER FOR ENVIRONMENT; CLIMATE ACTION**

<b>Key decision-making authorities consulted under section 45(2):</b>
Minister for Aboriginal Affairs
Minister for Lands
Minister for Water

**Table 1: Abbreviations and definitions**

Acronym or abbreviation	Definition or term
ANZG	<i>Australian and New Zealand guidelines for fresh and marine water quality</i> (2018), or any approved and published update.
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or the CEO's delegate.
Conservation category wetlands	As identified in the Geomorphic Wetlands of the Swan Coastal Plain (DBCA-019) dataset.
Construction activities	Activities that are associated with the substantial implementation of a proposal including but not limited to, earthmoving, vegetation clearing, grading or construction of right of way. Construction activities do not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
Ecosystem integrity	Refers to the key elements of ecosystem integrity (ecosystem processes, biodiversity, abundance and biomass of marine life and the quality of water, biota and sediment) in EPA's <i>Technical Guidance Protecting the Quality of Western Australia's Marine Environment</i> (2016), or any approved and published update.
Environmental quality guidelines	Threshold numerical values or narrative statements which if met indicate there is a high degree of certainty that the associated environmental quality objective has been achieved. If the guideline is not met then there is uncertainty as to whether the associated environmental quality objective has been achieved and a more detailed assessment against an environmental quality standard is triggered. This assessment is risk-based and investigative in nature.
Environmental quality standards	Threshold numerical values or narrative statements that indicate a level which if not met indicates there is a significant risk that the associated environmental quality objective has not been achieved and a management response is required. The response would normally focus on identifying the cause (or source) of the exceedance and then reducing loads of the contaminant of concern (i.e. source control) and may also require in-situ remedial work to be undertaken
Environmental values	Are defined as particular values or uses of the environment that are important for a healthy ecosystem or for public benefit, welfare, safety or health and which require protection from the effects of pollution, waste discharges and deposits (EPA 2016 <i>Technical Guidance Protecting the Quality of Western Australia's Marine Environment</i> ).



Acronym or abbreviation	Definition or term
Fauna handler	A person who is qualified and licensed under section 40 of the <i>Biodiversity Conservation Act 2016</i> .
ha	Hectare
High ecological protection area	All of the proximal coastal waters outside of the LEPA in the vicinity of the outlet, as shown in Figure 2
Low ecological protection area (LEPA)	A 70 metre radius around the outlet, as shown in Figure 2
High level of ecological protection	As defined in section 4.2.2 of EPA's <i>Technical Guidance Protecting the Quality of Western Australia's Marine Environment (2016)</i>
Low level of ecological protection	As defined in section 4.2.2 of EPA's <i>Technical Guidance Protecting the Quality of Western Australia's Marine Environment (2016)</i>

### Figures (attached)

Figure 1 Brine Pipeline and Outfall development envelope (This figure is a representation of the co-ordinates held by DWER (Doc Ref DWERDT562038))

Figure 2 Ecological protection areas and ocean outfall footprint (This figure is a representation of the co-ordinates held by DWER (Doc Ref DWERDT562038))

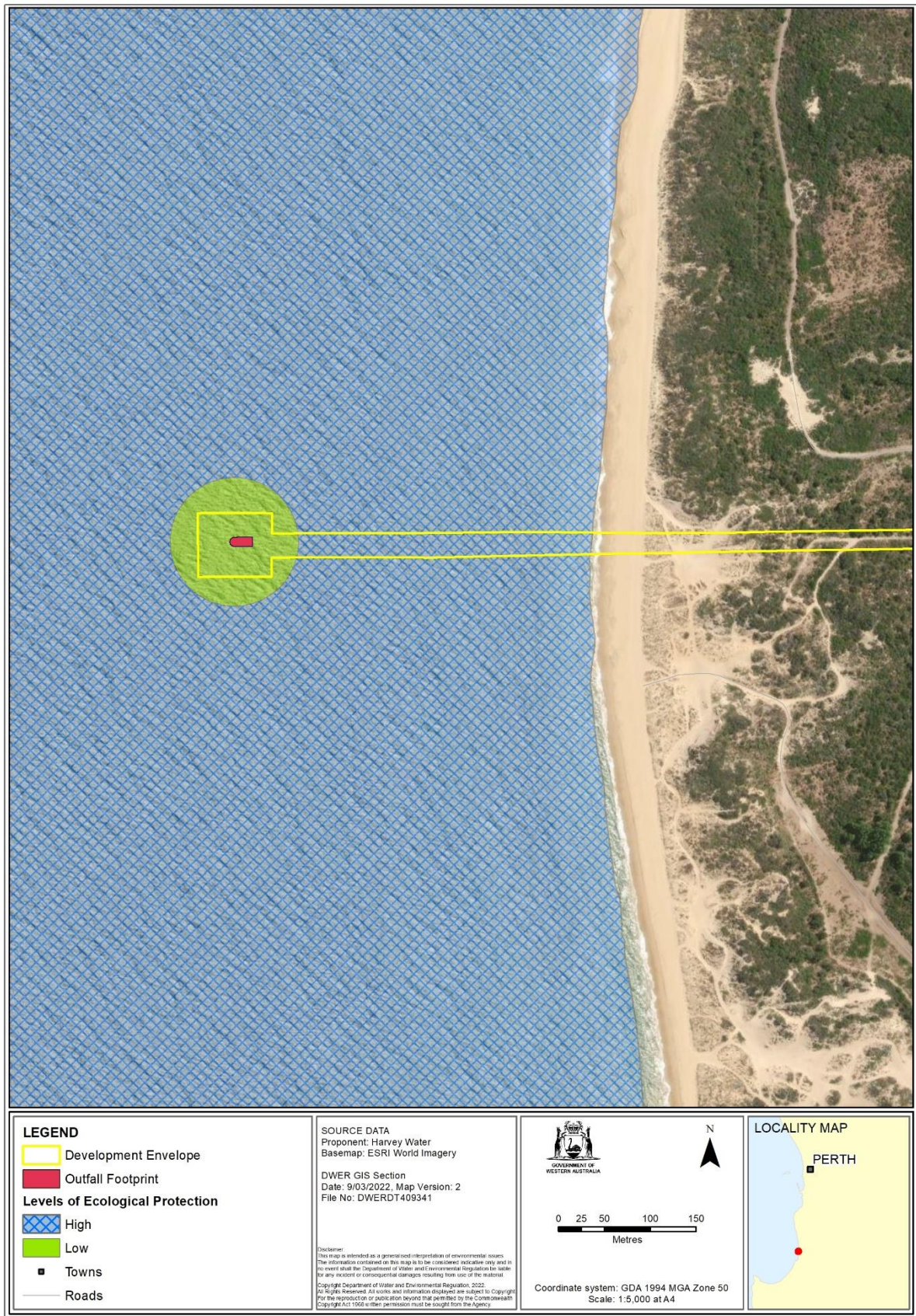


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**Figure 1: Brine Pipeline and Outfall development envelope**





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**Figure 2: Ecological protection areas and ocean outfall footprint**

## **Schedule 1**

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 1994 (GDA94).

Spatial data depicting the figures in this schedule are held by the Department of Water and Environmental Regulation as follows:

Figure 1: Brine Pipeline and Outfall development envelope (DWERDT562038)

Figure 2: Ecological protection areas and ocean outfall footprint (DWERDT562038)