

Environmental Protection Act 1986

Section 41A(3)

NOTICE OF DECISION TO CONSENT TO MINOR OR PRELIMINARY WORKS

PERSON TO WHOM THIS NOTICE IS GIVEN:

- (a) Proponent: Harvey Water
1 Turnbull Street, HARVEY 6220
- (b) Relevant Decision-Making Authorities, see Attachment 1

PROPOSAL TO WHICH THIS NOTICE RELATES:

Brine Pipeline and Outfall
Assessment No. 2289

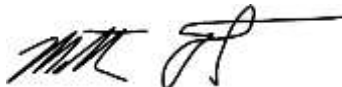
Pursuant to section 41A(3) of the *Environmental Protection Act 1986* (EP Act), the Environmental Protection Authority consents to the proponent undertaking the minor or preliminary works detailed in Schedule 1.

EFFECT OF THIS NOTICE:

1. The prohibition provided by sections 41(2), 41(3) and 41A(1) of the EP Act do not apply to implementing the minor or preliminary works consented to in this Notice.
2. It is an offence under s41A(1) of the EP Act, with a maximum penalty of \$125,000 for a body corporate and \$62,500 for an individual, to do anything to implement the proposal other than the minor or preliminary works consented to in this Notice.
3. Relevant decision-making authorities may make decisions that would cause or allow the doing of the minor or preliminary works listed in Schedule 1 of this Notice.

RIGHTS OF APPEAL:

There are no rights of appeal under the EP Act in respect of this consent.



Professor Matthew Tonts
Delegate of the Environmental Protection Authority
CHAIR

23 December 2021

Schedule 1

Authorised Minor or Preliminary Implementation Work(s)

Authorised Work(s)	Location	Authorised extent
<p>The following works are authorised in their entirety:</p> <p>1. Construction of up to four kilometres of pipeline between Forrest Highway to Parkview Drain (Lots 50, 51 and 301 Buffalo Road),</p> <p>up until such time as the later of one of the following occurs:</p> <p style="margin-left: 40px;">a. notice issued under s45(13) of the EP Act; or</p> <p style="margin-left: 40px;">b. statement issued under s45(8) of the EP Act is final (that is, after period in which to lodge an appeal under s100(3a) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s100(3a), is published).</p>	<p>Figure 1</p>	<p>No clearing or disturbance of native vegetation.</p> <p>Coordinates for Figure 1 are held by the Department of Water and Environmental Regulation.</p>

Figure 1 Harvey Water Brine Pipeline section for minor and preliminary work



Coordinate System: GDA 1994 MGA Zone 50
Projection: Transverse Mercator
Datum: GDA 1994
False Easting: 500,000.0000
False Northing: 10,000,000.0000
Central Meridian: 117.0000
Scale Factor: 0.9996
Latitude Of Origin: 0.0000
Units: Meter



0 0.2 0.4 0.8 1.2
Kilometers

Prime House, 8 Davidson Terrace Joondalup, Western Australia 6027.
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Attachment 1

Relevant Decision Making Authorities

Minister for Aboriginal Affairs

Minister for Environment

Minister for Lands

Minister for Planning

Minister for Water

Director General, Department of Water and Environmental Regulation

Chief Executive Officer, Shire of Harvey

Commissioner for Main Roads

Chairperson, Western Australian Planning Commission

Environmental Protection Act 1986

Section 41A(3)

STATEMENT OF REASONS

CONSENT TO UNDERTAKE MINOR or PRELIMINARY WORKS

Proposal: Brine Pipeline and Outfall

Proponent: Harvey Water

Decision

For the reasons outlined below, I, as a delegate of the Environmental Protection Authority (EPA), have determined to consent to the minor or preliminary works outlined in Schedule 1 attached to this Statement of Reasons.

Background

On 3 February 2021, Harvey Water referred the Brine Pipeline and Outfall (the proposal) to the EPA under section 38 of the *Environmental Protection Act 1986* (EP Act). The proposal proposes to construct and operate a pipeline and ocean outfall to dispose of brine wastewater. The proposal is located between the Kemerton Strategic Industrial Area and the Indian Ocean south of Binningup in the Shire of Harvey.

The EPA determined to assess the proposal at the level of Assess on Referral Information with additional information required (2 week public review) on 23 April 2021 and is yet to publish its assessment report.

In advance of a decision or agreement in relation to whether or not the proposal may be implemented under section 45 of the EP Act, the proponent has sought the EPA's consent to undertake minor or preliminary works related to the proposal.

Relevant Statutory and Administrative Provisions

After the EPA decides to assess a proposal, and before a decision or agreement is made under section 45 of the EP Act, all persons are prohibited from implementing a proposal. Relevant decision making authorities are prohibited from making a decision which would allow the proposal to be implemented, except in relation to minor or preliminary works which the EPA has consented may be implemented – see sections 41(4) and 41A(3) of the EP Act.

If the EPA consent to the minor or preliminary works being done, the person proposing to undertake those works may still need to obtain other authorisations from other decision-making authorities.

Section 3.6 of the *Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual* guides what information the EPA requires from a person wanting to undertake minor or preliminary works.

In considering the request for consent, I considered whether the:

- work is associated with the implementation of the proposal
- potential environmental impacts of the work are significant
- work would constitute the irreversible and substantial implementation of the proposal, and
- work is justified.

Materials considered in making this decision

In determining whether to consent to the minor or preliminary works I have considered the following:

1. Harvey Water application to undertake minor and preliminary works within the proposal area for Brine Pipeline and Outfall (Assessment No: 2289) dated 13 December 2021 under section 41A(3) of the EP Act.
2. Construction Environmental Management Plan – Work Method Statement – Installation of pipeline for brine waste early works (Harvey Water Rev 1.0/003 December 2021).
3. Spatial data provided by the proponent (DWERDT538975).
4. Brine Pipeline and Outfall Environmental Referral Supporting Document and Additional Information (Harvey Water November 2021).

Consideration

1. Proposed work associated with proposal

The proposed minor or preliminary work involves the construction of up to a four kilometre (km) section of pipeline between Forrest Highway to Parkview Drain (Lots 50, 51 and 301 Buffalo Road) (Figure 1). The proposed works will construct part of the total 9.5 km pipeline.

2. Details of the proposed work

The proposed work is to construct a section of the pipeline using two different construction methods, with the majority of the pipeline being constructed using the horizontal directional drilling method. A small section of the pipeline will be constructed using the excavation method. The preliminary works are likely to be completed in six weeks.

No works are proposed on the ocean outfall or the pipeline west of Parkview Drain and east of Forrest Highway.

Justification

The proposed works are requested due to the area where this section of pipeline is located is low lying with a high-water table, with the area becoming waterlogged

during the wetter months. As a result, works in this location are proposed to be undertaken in January/February when the water table is relatively low.

An environmental benefit from the preliminary works being undertaken during the dry months is that dewatering is not required.

The extent and timing of the proposed works are considered justified.

3. Potential Environmental Impacts

The EPA set the level of assessment for the proposal as Referral Information with additional information required (2 week public review of additional information) on the 23 April 2021. The preliminary key environmental factors requiring evaluation during the assessment process are Marine Environmental Quality, Benthic Communities and Habitats, Inland Waters, Flora and Vegetation and Terrestrial Fauna.

As the preliminary works are not associated with the ocean outfall there are no impacts to the preliminary key environmental factors Marine Environmental Quality, Benthic Communities and Habitats. There are also no Aboriginal Heritage sites located with the preliminary works development envelope.

The preliminary works are located along the edge of an Environmentally Sensitive Area which is associated with a Conservation Category Wetland (CCW). The CCW is highly degraded in the preliminary works development envelope with a large portion of native vegetation being replaced with pasture. The clearing of native vegetation (fauna habitat) is not required for the preliminary works as the pipeline is located in cleared agricultural paddocks and firebreaks.

The use of directional drilling along the boundary of the CCW means the surface will not be disturbed, resulting in minimal disturbance to the soil profile. This also negates the need for post construction rehabilitation for the majority of the preliminary works.

The southern section of the pipeline proposed to be constructed as part of the preliminary works on Lot 301 will involve the excavation of a trench. The trench will be between 3-5 metres in width and to a depth of up to 1200 millimetres. Trenches are expected to be constructed in lengths that are able to be backfilled within eight hours.

The preliminary works are located in an area mapped as High to Moderate risk of Acid Sulfate Soils (ASS) being present. The proponent has committed to managing any ASS present in accordance with the Department of Water and Environmental Regulation guidance.

The pipeline has a diameter of 315 millimetres and is not expected to obstruct groundwater flow. The pipeline will also be constructed below the base of the Parkfield Drain so as not to interfere with the flow of water in the drain.

The proposed minor or preliminary works would not have any significant or permanent detrimental impact on environment values.

4. Proposed rectification actions

The proponent has advised that the preliminary works could be reversed, if required. The preliminary section of pipeline could be removed, and the land rehabilitated with either limestone or sand as agreed with the landowner to return it to its original function (cleared agriculture land). If decommissioning works are required (i.e. removal of buried pipeline), then these would need to occur during the dry months to manage access, safety and environmental impact.

The EPA considers the rectification actions are appropriate to return the land to the previous state and the proposed works are not considered to constitute irreversible substantial implementation of the proposal.

5. Summary

The proposed minor or preliminary works are considered to be associated with the Brine Pipeline and Outfall proposal as the works are to construct part of the pipeline within the proposal footprint. The works have been adequately justified and will not result in environmental impacts, provided the proponent constructs the pipeline as described and implements management measures should ASS be present. The works are also reversible.

Schedule 1

Minor or Preliminary Works

Authorised Work(s)	Location	Authorised extent
<p>The following work is authorised in its entirety:</p> <p>1. Construction of up to four kilometres of pipeline between Forrest Highway to Parkview Drain (Lots 50, 51 and 301 Buffalo Road),</p> <p>up until such time as the later of one of the following occurs:</p> <p>a. notice issued under s45(13) of the EP Act; or</p> <p>b. statement issued under s45(8) of the EP Act is final (that is, after period in which to lodge an appeal under s100(3a) has expired, or appeal decision under s109(3), in respect of an appeal lodged under s100(3a), is published).</p>	Figure 1	<p>No clearing or disturbance of native vegetation.</p> <p>Coordinates for Figure 1 are held by the Department of Water and Environmental Regulation.</p>

Figure 1 – Harvey Water Brine Pipeline section for minor and preliminary work



Coordinate System: GDA 1994 MGA Zone 50
Projection: Transverse Mercator
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