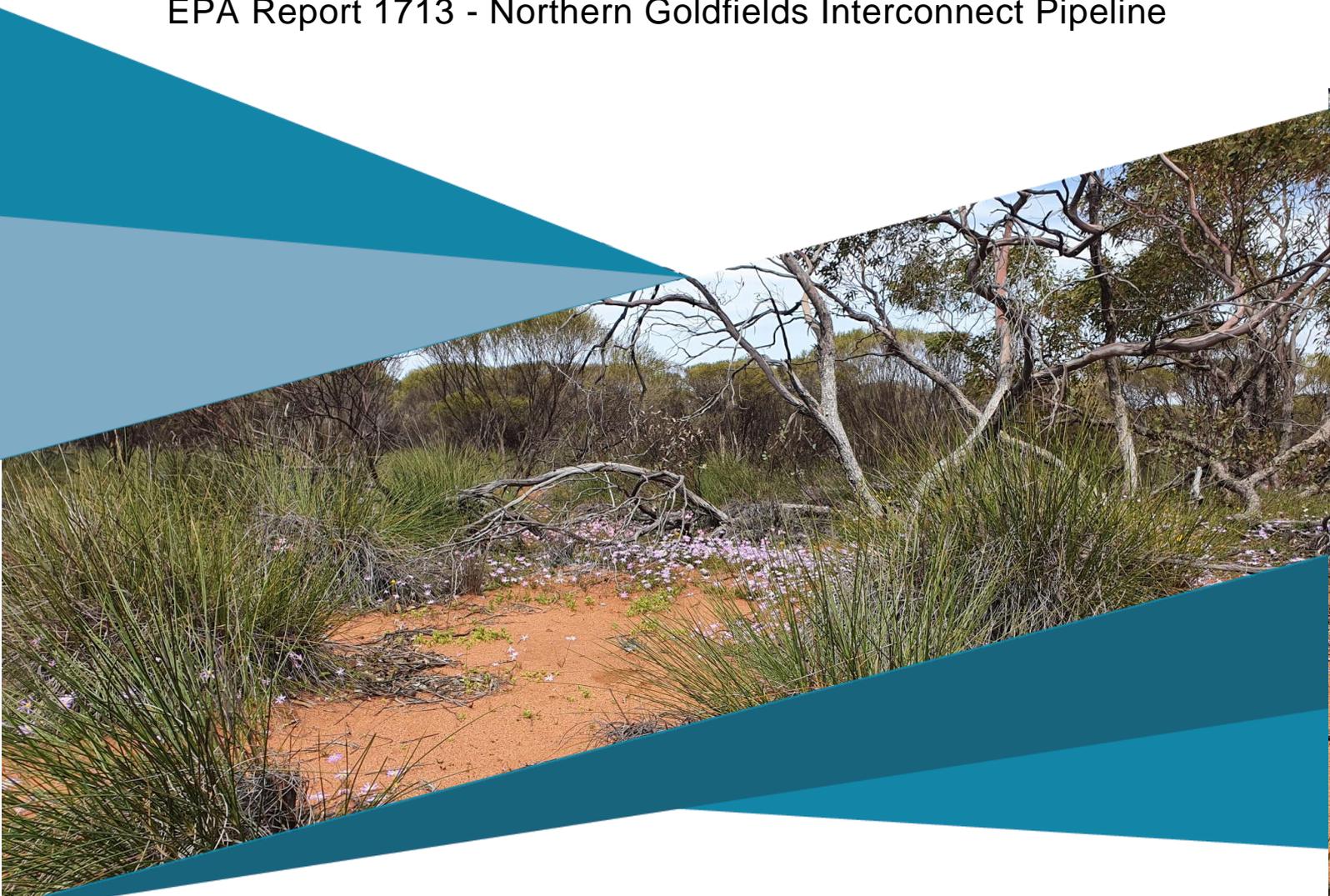




Government of Western Australia
Office of the **Appeals Convenor**
Environmental Protection Act 1986

Appeals Convenor's Report to the Minister for Environment

Appeal objecting to Report and Recommendations:
EPA Report 1713 - Northern Goldfields Interconnect Pipeline



Appellant	Ms Mary Gray
Proponent	APA Northern Goldfields Interconnect Pty Ltd
Authority	Environmental Protection Authority (EPA)
Appeal number	042 of 2021
Report date	December 2021

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Acknowledgement of Country

The Office of the Appeals Convenor acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community.

We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders past, present and emerging.

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1 Executive summary

1.1 Decision under appeal

The Northern Goldfields Interconnect Pipeline is a proposal for the construction and operation of a 300 millimetre (mm) diameter buried gas pipeline (NGI pipeline). The pipeline will commence at Ambania, 50 kilometres (km) east of Geraldton (Mid-West Region) and continue for 580 km, terminating 40 km south of Leinster (Northern Goldfields).

The proposal is an expansion of the existing pipeline network to facilitate gas use in the Mid-West and Goldfields region from existing and new gas fields¹. The project will connect existing gas assets and will transfer gas from the Carnarvon and Perth Basins (Figure 1).

The proposal is linear in nature and has an indicative development envelope of 12,404 hectares (ha). Construction of the pipeline will include direct disturbance of up to 1,930 ha of native vegetation².

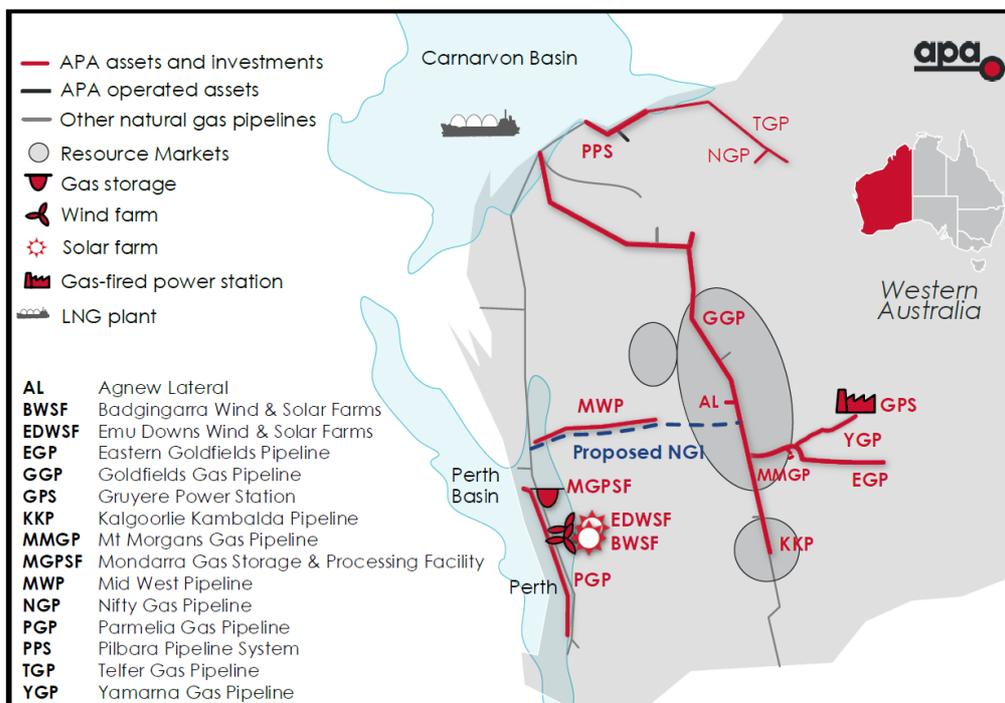


Figure 1 Location of the proposed pipeline³

The proponent for the proposal is APA Northern Goldfields Interconnect Pty Ltd. Under the *Environmental Protection Act 1986* (EP Act), the EPA set the assessment level at s.39A - Assess Referral Information with Additional Information⁴.

The EPA's assessment⁵ identified 3 key environmental factors, including:

- Flora and Vegetation
- Terrestrial Fauna
- Social Surroundings

¹ APA (2021) [Northern Goldfields interconnect pipeline – EPA Environmental referral support document](#)

² [EPA \(2021\) Report 1713 - Northern Goldfields Interconnect Pipeline - Assessment number 2284.](#)

³ APA (2020) [Northern goldfields interconnect pipeline ASX announcement](#), accessed 17/12/21

⁴ [EPA \(2021\) Extract of determination - Northern Goldfields Interconnect Pipeline](#)

⁵ [EPA \(2021\) Report 1713 - Northern Goldfields Interconnect Pipeline - Assessment number 2284.](#)

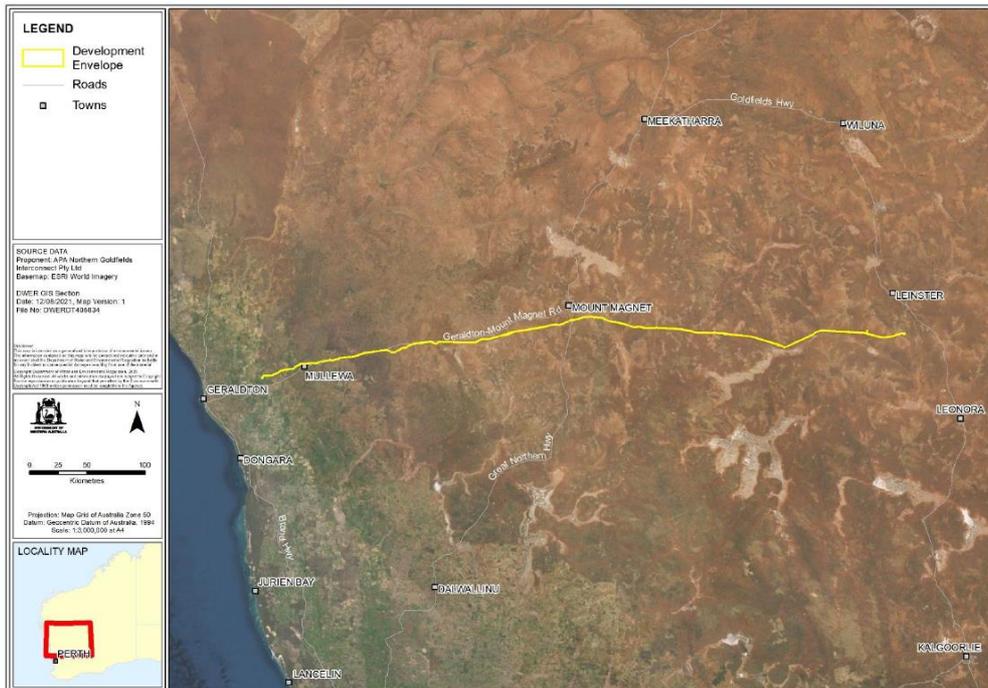


Figure 2 Location of the development envelope⁶

Having formed the view that the impacts of the proposal could be managed consistent with the EPA’s objectives for the above environmental factors, the EPA recommended that the proposal may be implemented subject to conditions. The findings of the assessment were released in [EPA Report 1713](#) on 14 October 2021.

The appeal is against the content of and recommendations in the EPA Report.

1.2 Grounds of appeal and appellant concerns

In October 2021, an appeal was lodged by Ms Mary Gray objecting to the Report and Recommendations for the proposed Northern Goldfields Interconnect Pipeline (EPA Report 1713).

The appellant’s key concerns relate to greenhouse gas emissions, land clearing and its contribution to climate change; flora and vegetation loss and impacts to the threatened species *Calyptorhynchus latirostris* (Carnaby’s cockatoo). The appeal grounds are summarised below.

Table 1 Grounds of appeal

Ground	Main concerns of appellant
1. Greenhouse gas emissions and climate change	The scope 3 emissions are substantial but were not assessed by the EPA. Over the 40 year life of the pipeline, the proponent estimates emissions to be 7.79 megatonnes ⁷ (Mt) of carbon dioxide equivalent (CO ₂ -e). The EPA considered that greenhouse gas emissions were not a significant factor in its assessment, yet the pipeline will deliver a very significant new volume of gas to industries in the Goldfields.

⁶ [EPA \(2021\) Report 1713 - Northern Goldfields Interconnect Pipeline - Assessment number 2284.](#)

⁷ 1 megatonne (Mt) = 1 million tonnes

Ground	Main concerns of appellant
	<p>The EPA has ignored the recent Intergovernmental Panel on Climate Change (IPCC) report which notes that global emissions must be reduced by 50% by 2030 and there must be no new fossil fuel developments globally or in Australia. Australia is far behind in reducing emissions and needs to reduce emissions by 75% by 2030 and have net zero by 2035.</p> <p>Decarbonisation will be delayed as the new pipeline (fossil fuel infrastructure) will displace the transition to renewables. Site-based renewables should be used instead of a gas pipeline.</p>
<p>2. Land clearing and climate change</p>	<p>In a 2016 report by the WA EPA, land clearing was found to be ‘one of the biggest threats to WA’s biodiversity’, with concerns about the ‘cumulative impact of clearing in the Perth, Peel, Wheatbelt and Pilbara regions.’</p> <p>This proposal includes ‘clearing or disturbance’ of 1,930 ha in a ‘development envelope’ of 12,404 ha. This will remove much carbon sequestration which is contrary to positive action on climate change.</p>
<p>3. Flora and vegetation loss</p>	<p>This proposal includes clearing or disturbance in an already seriously over-cleared region – the Avon Wheatbelt.</p> <p>The restoration recommended condition is inadequate and weed and disease introduction are likely.</p> <p>It is likely there are many more endangered flora species in the disturbance areas, but these are unknown due to lack of survey.</p>
<p>4. Carnaby’s cockatoo habitat loss</p>	<p>The impact on Carnaby’s cockatoo is unacceptable due to the Wheatbelt region already seriously over-cleared. The offset for acquisition of <u>existing</u> habitat results in a net habitat loss which is unacceptable.</p>

1.3 Conclusions

The appeal relates to the EPA’s report and recommendations for the Northern Goldfields Interconnect Pipeline proposal. The appellant’s concerns are primarily related to increased greenhouse gas emissions and climate change, widespread land clearing and impacts to flora and fauna. The key question for the appeal investigation is to determine if the EPA’s assessment of the proposed pipeline was adequate and consistent with current guidance. And if so, given the EPA’s recommendation that implementation be allowed, are the recommended conditions adequate? Below summarises our conclusions regarding each appeal ground and section 2 provides further details and reasoning.

Should greenhouse gas emissions have been assessed?

Our conclusion is that the EPA’s consideration of greenhouse gas (GHG) emissions was consistent with its current guidance and assessment framework. Currently, the EPA assesses scope 1 GHG emissions where they exceed 100,000 CO₂-e for a proposal. In this case, scope 1 emissions are 58,748 tonnes of CO₂-e from construction and operation of the pipeline.

While the cumulative scope 3 emissions are estimated to be 7.79 Mt of CO₂-e over the life of the pipeline, the EPA advised that the assessment of scope 3 emissions is currently beyond the scope of an assessment and would need to be considered as part of broader structural and policy changes by government.

Notwithstanding, the EPA noted that some scope 3 emission sources may be regulated through a diversity of legislative and policy mechanisms, not just Part IV of the EP Act.

Given the above, we consider the EPA's consideration of GHG emissions consistent with current guidance.

Did the EPA's assessment consider carbon sequestration losses from the clearing?

Although the proposed clearing is substantial at 1,930 ha, and in an extensive cleared landscape, we consider that carbon sequestration will largely be restored as the proponent is required to revegetate 89 per cent of the area to be cleared.

We consider that the recommended conditions in relation to revegetation address the appellant's concern about impacts to locally and regionally significant vegetation. Condition 5 requires the proponent to undertake progressive revegetation after clearing and ensure that the vegetation is self-sustaining. As a contingency, the EPA requires that if disturbed vegetation is not self-sustaining six years' post construction, then in-fill planting is required.

The EPA considered that the revegetation is likely to be successful based on the revegetation undertaken for the proponent's past pipeline projects, such as the Yamarna Gas Pipeline.

Given the above, we consider the loss of vegetation is acceptable and capacity for carbon sequestration to be a temporary loss due to the requirement for revegetation.

Was the EPA's assessment of flora and vegetation impacts appropriate?

The EPA's assessment of the impacts to flora and vegetation was appropriate and consistent with current guidance. Several flora surveys were undertaken and were consistent with *Technical Guidance – Flora and vegetation surveys for environmental impact assessment* (EPA 2016).

We agree with the EPA that the residual impacts to locally and regionally significant vegetation are not significant due to the requirement for revegetation with infill contingencies for failure. We also agree that the loss of 0.28 ha of the *Eucalypt Woodlands of the Western Australian Wheatbelt* priority ecological community (PEC) (Priority 3) is not significant as the proponent has confirmed that only two trees will be cleared in an area adjacent to intact vegetation. The impacts to priority flora have been avoided and minimised where possible.

Furthermore, the proponent will be using horizontal directional drilling to avoid direct clearing of the threatened species *Eucalyptus beardiana* (Beard's mallee).

Given the above, we consider the EPA's assessment appropriate and the residual impacts to flora and vegetation to be acceptable. However for clarity, we agree with the EPA that an additional condition should be included requiring the proponent to avoid direct and indirect impacts to *Eucalyptus beardiana*.

Was the EPA's assessment of Carnaby's cockatoo impacts appropriate?

We agree with the approach taken by the EPA in its assessment of impacts to Carnaby's cockatoo. The proposal will result in a significant residual impact to 0.25 ha of Carnaby's cockatoo foraging habitat. To counterbalance this, the proponents offset is required to be consistent with the WA Environmental Offsets Policy and Guidelines.

However, we note that the EPA has given the proponent the choice of either land acquisition or revegetation to offset the loss of 0.25 ha of foraging habitat. In this case we consider it appropriate due to the relatively small size of the impact, the expected outcome will improve the health and condition of similar habitats on other lands to a level that is better than the impacted area and the proponent is developing the offset project in partnership with Traditional Owner groups.

We consider that the environmental outcome is consistent with the EPA's objective for fauna.

1.4 Recommendation to the Minister

Overall, we consider that the EPA's assessment was adequate, and the recommended conditions are appropriate. However, we recommend that, for clarity the appeal be allowed in part requiring a condition be included for the proponent to avoid direct and indirect impacts to the threatened species *Eucalyptus beardiana*.

It is recommended that all other grounds of appeal be dismissed.

The final decision on whether or not the proposal may be implemented, and the conditions which apply to any such implementation, is a matter for the Minister for Environment and key decision-making authorities to consider under section 45(3) of the EP Act.

2 Reasons for recommendations

2.1 The EPA's assessment of GHG emissions was consistent with current guidance

Our conclusion is that the EPA's consideration of GHG emissions was consistent with its current guidance and assessment framework. The assessment of scope 3 emissions is required to be part of broader structural and policy changes across government which is currently beyond the capacity of an EPA assessment. We explain our reasoning below.

Appellant's concerns

The appellant considers that the GHG emissions (including scope 3 emissions) should be a significant factor for the EPA's assessment. The appellant considers that the proposed pipeline will enable and provide the delivery of a significant new volume of gas to industries in the Goldfields, therefore increasing fossil fuel use and associated emissions. The appellant believes that the increased new production and fossil fuel use from the proposal is environmentally unacceptable, and that the proposal should be rejected.

The appellant further submitted that the proposed extension of the fossil fuel infrastructure (pipeline) will further delay decarbonisation in Western Australia, particularly as the impacts from the scope 3 emissions have not been accounted for.

The appellant summarised its concerns with:

The fact that the proposed pipeline will result in greatly increased gas use and increased greenhouse gas emissions is a very significant factor for EPA assessment and advice. That the EPA has not rigorously assessed this over-riding, significant factor and has dismissed it, is totally unacceptable.

The increased new production and use of a fossil fuel resulting from this pipeline project is reason alone this proposal should not be approved as it is environmentally unacceptable. This is essential action on climate change to prevent new emissions.

Scope 1 GHG emissions

In the assessment⁸, the EPA did not consider GHG emissions as a key environmental factor, consistent with the guideline for greenhouse gas emissions. The EPA's guideline for greenhouse gas emissions⁹ notes that:

Generally, GHG emissions from a proposal will be assessed where they exceed 100,000 tonnes of scope 1 emissions each year measured in CO₂-e. This is currently the same as the threshold criteria for designation of a large facility under the Australian Government's Safeguard Mechanism.

Scope 1 GHG emissions are the emissions released to the atmosphere as a direct result of an activity, or a series of activities at a facility level. We note from the EPA's assessment, that while the pipeline proposal (construction and operation) does involve the consumption of gas, these emissions are already included in the scope 1 estimates. The predicted scope 1 emissions associated with the proposal is 58,748 tonnes (t) CO₂-e (Table 2). Given this, the EPA¹⁰ advised that as the scope 1 emissions are less than 100,000 t CO₂-e, it did not

⁸ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713](#).

⁹ [EPA \(2019\) Environmental Factor Guideline - Greenhouse Gas Emissions](#).

¹⁰ EPA response to appeal, 14 December 2021.

consider GHG emissions as a key environmental factor for assessment. We consider the EPA's consideration of scope 1 emissions to be appropriate and consistent with its guidance.

Table 2 Predicted greenhouse gas emissions¹¹

Emissions type	CO ₂ equivalents	Duration
Scope 1	58,748 t of CO ₂ -e from construction and operation of the pipeline.	Proposal
Scope 2	No scope 2 emissions associated with the construction and operations of the pipeline.	Proposal
Scope 3 (construction)	0.432 Mtpa CO ₂ -e	Per year
Scope 3 (operation pa)	0.195 Mtpa CO ₂ -e	Per year
Scope 3 (life of pipeline)	7.79 Mt of CO ₂ -e	40 years

Scope 3 GHG emissions

In the assessment, the EPA acknowledges that the proposal will increase the supply of gas to existing and future industries within the Mid-West region and the Goldfields and scope 3 emissions will result. Given this, the EPA requested that the proponent supply credible estimates of scope 3 emissions over the life of the proposal and required this be published in the proponent's updated referral information¹².

As set out in the EPA's GHG guideline, scope 3 emissions occur from the activities of a facility (in this case the proposal), and from sources not owned or controlled by the proponent of the proposal. The proposed pipeline will be used to transport natural gas obtained from independent third-party production facilities to independent third-party user facilities.

Based on estimates provided by the proponent, the EPA advised that the estimated scope 3 emissions when the pipeline is operational is 0.195 Mt CO₂-e per year and 7.79 Mt CO₂-e of the life of the pipeline which was estimated to be 40 years (Table 2).

The EPA advised that as the scope 3 emissions were from consumption by third parties, they were outside the scope of its assessment as consistent with the EPA's GHG guideline.

While the EPA did not consider the impacts of scope 3 emissions in its assessment, they noted that:

... proposed future industries utilising gas from the proposal may refer amended/additional activities and new developments to the EPA, in the event it is likely to have a significant impact on the environment, if implemented. Should downstream proposals be referred to the EPA, then it would require information on scope 1 and 2 emissions for consideration and potential assessment by the EPA.

The EPA advised that there is potential for a significant proportion of the scope 3 emissions to be regulated and reported on as scope 1 emissions from these third-party facilities. For example, if gas transported by the NGI Pipeline proposal is used to produce electricity or for

¹¹ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713](#).

¹² APA (2021) [Northern Goldfields Interconnect Pipeline – additional referral information](#)

industrial processing, then the emissions would be evaluated during the assessment of these other projects in the region, as scope 1 emissions.

However, we note that while the above may occur, it only applies to scope 1 emissions greater than 100,000 t CO₂-e as consistent with the EPA's GHG guideline.

Regarding recommending conditions for scope 3 emissions, the EPA did not consider it appropriate in this case as this would require the proponent to make commercial arrangements with independent third parties about how those third parties manage their own emissions. The EPA also considered that conditions should fairly and reasonably relate to a proposal itself.

For the Minister for Environment's consideration the EPA provided advice in section 6 of its report (Other Advice). This is consistent with the Minister being able to consider the broader social and economic consequences of proposals and their alternatives, such as considering whether alternate renewable energy sources should be used to supply existing and future industries within the Mid-West region.

In contrast, the EPA is somewhat constrained to only consider the proposal that is referred for assessment. The EPA was not able to consider alternative renewable energy proposals which have not been referred.

To conclude the EPA advised that:

... the severity of environmental impacts resulting from emissions from this proposal, including from scope 3 emissions, will vary over time and depend on the volume of cumulative emissions within the State (noting that emission sources are regulated through a diversity of legislative and policy mechanisms, not just Part IV of the EP Act). This is a matter for consideration during the section 45 process of consultation with decision making authorities.

Conclusion

The EPA's consideration of GHG emissions from the proposal was consistent with its guidance. Currently, the EPA only assesses scope 1 GHG emissions where they exceed 100,000 CO₂-e per annum. In this case, scope 1 emissions for the proposal are estimated to be 58,748 tonnes of CO₂-e from construction and operation of the pipeline.

The EPA noted in its report that the proposal will increase the supply of gas to existing and future industries within the Mid-West region and Goldfields and required credible estimates of scope 3 emissions over the life of the proposal. The EPA noted that there is potential for a significant proportion of these scope 3 emissions to be reported on, assessed and regulated as scope 1 emissions through a diversity of legislative and policy mechanisms, not just Part IV of the *Environmental Protection Act 1986* (the Act).

We agree that it is not appropriate to recommend conditions for scope 3 emissions for this proposal as they are beyond the reasonable control of the proponent.

On the broader question about the EPA's assessment, we agree with the EPA that broader social and economic consequences of proposals and their alternatives are a matter for consideration under section 45 of the Act. Through that process, decision-makers may consider the availability of alternate renewable energy sources to supply existing and future industries within the Mid-West and Goldfields regions.

Recommendation

We recommend that this ground of appeal be dismissed.

2.2 The EPA's assessment of the cumulative impacts from land clearing was adequate

The EPA's consideration of the cumulative impacts of land clearing and implications for GHG emissions was consistent with current guidance. We explain our reasoning below.

Appellant's concerns

The appellant considers that the clearing of 1,930 ha of native vegetation in a development envelope of 12,404 ha will substantially reduce the capacity for carbon sequestration which is contrary to positive action on climate change.

Revegetation is required

The proponents estimated scope 1 emissions from the construction phase to be 25,639 t CO₂-e, from diesel consumption for vegetation clearing, transport, construction camps and supporting facilities¹⁴.

The vegetation condition of the development envelope ranged from 'Completely Degraded' to 'Excellent', with most areas found to be in 'Very Good' condition (37.8 per cent of the development envelope).

The EPA assessed the residual impact to the vegetation units within the area to be cleared and did not consider the impact significant due to the proponent's minimisation measures and that the vegetation units extend outside of the linear development envelope.

The proponent's avoidance and minimisation measures included:

- revegetation of cleared areas (approximately 1,727 ha);
- co-locating pipeline laydown areas and construction facilities preferentially in areas with limited vegetation or previously disturbed areas to minimise clearing of native vegetation; and
- constructing access points to the construction of right of way (CROW) along existing tracks to the maximum extent practicable.

While the extent of the proposed clearing is substantial, the proponent¹⁵ has proposed to revegetate approximately 1,727 ha (89 per cent) of the area to be cleared. They propose to revegetate with scarification (where required) and replacement of stockpiled vegetative matter and soil¹⁶. In-fill planting is not proposed in the first instance.

The EPA recommended that the impacts to locally and regionally significant vegetation be subject to condition 5, which requires the proponent to undertake progressive revegetation after clearing and ensure that the revegetation is self-sustaining. As a contingency, the EPA required that if the revegetation is not self-sustaining six years' post construction, then in-fill planting is required¹⁷. The EPA defined self-sustaining as:

... vegetation that can survive (continue indefinitely) without on-going management actions such as watering, weed control or in-fill planting. If the proponent cannot demonstrate that the vegetation is self-sustaining, on-going management actions should be implemented to ensure its ongoing survival.

The EPA advised that the revegetation is likely to be successful based on the revegetation undertaken for the proponent's past pipeline projects, such as the Yamarna Gas Pipeline.

¹⁴ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713](#).

¹⁵ APA (2021) [Northern Goldfields Interconnect Pipeline. EPA Referral, Additional Information. Report 20199-RP-HSE-0004](#).

¹⁶ APA (2021) [Northern Goldfields interconnect pipeline – EPA Environmental referral support document, p. 59](#).

¹⁷ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713](#).

Conclusion

We agree with the EPA's conclusion and consider that the revegetation condition is appropriate to ensure an acceptable environmental outcome. We consider that locally and regionally significant vegetation will largely be restored where revegetation is successful.

We consider that the loss of carbon sequestration due to the clearing of 1,930 ha of vegetation is not significant due to the EPA's requirement that the proponent revegetate the disturbed areas post construction until the vegetation is self-sustaining.

Recommendations

We recommend that this ground of appeal be dismissed.

2.3 The assessment of impacts to flora and vegetation was adequate

The EPA's assessment of the impacts to flora and vegetation was appropriate. We explain our reasoning below.

Appellant's concerns

The appellant submitted that the loss of 1,930 ha of native vegetation in an already over-cleared region is unacceptable. The impact is significant, cannot be offset and will result in weed and disease invasion. The appellant considers that the recommended condition for some restoration is inadequate. Given the poor survey effort in the region, unrecorded conservation significant flora is likely to be impacted.

In summary, the appellant¹⁸ submitted that:

The significant impacts on flora and vegetation and its cumulative loss is another reason alone the proposal is environmentally unacceptable and should not be permitted. Furthermore, the alternative as suggested in 1 [ground] above would employ the avoid principle which is the first step in the mitigation hierarchy and would avoid the need for all the clearing and disturbance.

Flora surveys were consistent with technical guidance

Regarding survey effort, the EPA considers that sufficient information was provided by the proponent to enable them to assess the impacts of the proposal on Flora and Vegetation. The EPA's environmental objective for Flora and Vegetation is to '*protect flora and vegetation so that biological diversity and ecological integrity are maintained*'¹⁹.

The proponent provided the following flora and vegetation surveys for assessment:

- a detailed flora and vegetation assessment²⁰ that included a desktop assessment and field surveys incorporating identification of flora and vegetation values. This also included targeted surveys based on habitat preference for conservation significant flora species and ecological communities;
- an infill flora and vegetation assessment²¹ to address areas that could not be accessed during the first phase of field surveys; and

¹⁸ Appeal submission, 22 October 2021.

¹⁹ EPA (2016) Environmental Factor Guideline – Flora and Vegetation, Environmental Protection Authority, Perth, WA.

²⁰ Focused Vision Consulting (2020), [Northern Goldfields Interconnect Pipeline Project detailed flora and vegetation assessment](#). Report to APA Northern Goldfields Connection Pty Ltd. December 2020.

²¹ Focused Vision Consulting (2021) [Infill flora and vegetation assessment – Northern Goldfields Interconnect pipeline project memorandum](#)

- supplementary targeted flora survey²² for construction avoidance. Targeted surveys for priority flora species were undertaken, based on the locations of previously recorded populations, within the construction right of way (CROW) and encompassing suitable habitats.

The EPA advised that the surveys were consistent with *Technical Guidance – Flora and vegetation surveys for environmental impact assessment* (EPA 2016).

EPA’s assessment was appropriate

The proposal is to clear or disturb a linear corridor of 1,930 ha of native vegetation within a development envelope of 12,404 ha. The vegetation condition of the development envelope ranges from ‘Completely Degraded’ to ‘Excellent’, with most areas found to be in ‘Very Good’ condition (37.8 per cent of the development envelope).

The proponent has included the following measures to minimise impacts to flora and vegetation:

- reduced area to be cleared by 4 ha (from 1,934 ha to 1,930 ha);
- minimised the clearing required of the *Eucalypt Woodlands of Western Australian Wheatbelt* PEC from 0.74 ha to 0.28 ha;
- mapping and demarcating areas of conservation significant flora to minimise clearing impacts;
- narrowing the CROW where Priority 4 flora species *Goodenia neogoodenia* have been recorded by a minimum of 10 m, to minimise clearing impacts to this species;
- co-locating pipeline laydown areas and construction facilities preferentially in areas with limited vegetation or previously disturbed areas to minimise clearing of native vegetation;
- constructing access points to the CROW along existing tracks to the maximum extent practicable; and
- revegetation of the majority (89 per cent) of cleared areas.

Taking the above into account, the EPA concluded that while there are residual impacts from the proposal, they are not considered to be significant. The EPA considers that the residual impacts and recommended conditions ensure the environmental outcome is consistent with the EPA objective for Flora and Vegetation. The residual impacts and the EPA’s rationale that they are not significant is summarised in table 3 below.

Table 3 Flora and vegetation residual impacts²³

Residual impacts	EPA finding
1,930 ha direct impacts to locally and regionally significant vegetation	<p>The proposed pipeline will be buried, and revegetation will be undertaken across approximately 89 per cent (1,727 ha) of the disturbed areas. The EPA has assessed the residual impact to these vegetation units to be not significant due to the proponent’s minimisation measures and that the vegetation units extend outside of the linear development envelope.</p> <p>The EPA advises that the residual impact to locally and regionally significant vegetation should be subject to a revegetation condition (condition 5).</p>

²² Focused Vision Consulting 2021b, Northern Goldfields Interconnect Pipeline Project, [Supplementary targeted flora surveys](#) (Eremaean regions).

²³ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713](#).

Residual impacts	EPA finding
0.28 ha of <i>Eucalypt Woodlands of the Western Australian Wheatbelt</i> PEC	The EPA has assessed the residual impact to this community to be not significant due to the proponent's minimisation measures and that only two trees within the community will be cleared. The EPA has recommended condition 3 to avoid direct and indirect impacts and to ensure the environmental outcome is consistent with the EPA objective for flora and vegetation.
Risk of spread of weeds and disease	The EPA advises that the potential residual impact is manageable and not likely to be a material impact. The potential impact can be managed to be consistent with the EPA objective for flora and vegetation. It is also noted that this aspect can be subject to other statutory decision-making processes.

Eighty-nine per cent of the clearing will be revegetated

Noting the appellant's concern that the clearing will occur in an already extensively cleared region, we agree that the clearing area is substantial. However, the proponent has proposed to revegetate approximately 1,727 ha (89 per cent) of the area to be cleared through scarification (where required) and replacement of stockpiled vegetative matter and soil²⁴.

The EPA assessed the residual impact to the vegetation units within the area to be cleared and did not consider the impact significant due to the proponent's minimisation measures and that the vegetation units extend outside of the linear development envelope. The EPA recommended that the impacts to locally and regionally significant vegetation should be subject to a revegetation condition with contingencies for revegetation failure (condition 5).

Condition 5 requires the proponent to undertake progressive revegetation after clearing and ensure that the vegetation is self-sustaining. As a contingency, the EPA requires that if disturbed vegetation is not self-sustaining six years post construction, then in-fill planting using local provenance material is required²⁵.

We consider that condition 5 will ensure the environmental outcome is consistent with the EPA objective for flora and vegetation.

The EPA's assessment noted that:

...the revegetation is likely to be successful based on the revegetation undertaken for the proponent's past pipeline projects, such as the Yamarna gas pipeline.

We agree with the EPA's conclusion and consider that condition 5 is appropriate to ensure an acceptable environmental outcome.

PEC impact isn't significant – 2 trees to be cleared

The proposal will impact of 0.28 ha of the *Eucalypt Woodlands of the Western Australian Wheatbelt* PEC. The EPA²⁶ has advised that the proponent will impact only two trees which is adjacent to larger intact areas of the PEC. Given this, the EPA concluded that the impact is not significant. The EPA has recommended condition 3 which authorises no more than 0.28 ha of direct impact to the PEC. Given the impact to the PEC is restricted to two trees we agree that the impact is not significant.

²⁴ APA (2021) [Northern Goldfields interconnect pipeline – EPA Environmental referral support document, p. 59.](#)

²⁵ EPA (2021) [Northern Goldfields Interconnect Pipeline – Report 1713.](#)

²⁶ EPA appeal response, 14 December 2021.

Impacts to conservation significant flora are avoided or minimised

The EPA's assessment found that the following environmental outcomes could be achieved from the implementation of the proposal, and that achievement of these would be consistent with the EPA's objective:

- Avoid clearing the threatened species *Eucalyptus beardiana* by using horizontal directional drilling²⁷;
- Avoid clearing Priority 3 species *Dicrastylis linearifolia*, *Gnephosis cassiniana* and *Ptilotus beardii* (low mulla mulla);
- One individual of Priority 3 species *Petrophile pauciflora* out of five recorded from the survey will be impacted. Due to the limited impact and known records across the Wheatbelt, Murchison and Yalgoo regions, this impact will not be inconsistent with the EPA's objective; and
- *Goodenia neogoodenia* will be impacted at two locations, the habitat supports this species is considered to be well-represented in the regions and the impact will not be inconsistent with the EPA's objective.

The EPA advised that the proponent intends to use horizontal directional drilling avoid impacts to threatened flora species *Eucalyptus beardiana*.

In response to the appeal and upon review of the recommended conditions, the EPA considers an additional recommended condition to clarify that the proponent must avoid direct and indirect impact to threatened flora species. We consider an additional condition appropriate.

Weed and disease spread can be managed

The EPA has concluded that the risk of spread of weeds and disease is unlikely to be a material impact and likely to be consistent with the EPA's objective for this factor. The EPA also notes that the Department of Mines, Industry Regulation and Safety (DMIRS) can regulate weed hygiene practices through the Environment Plan required under the *Petroleum Pipelines (Environment) Regulations 2012*.

We consider that the above is an appropriate mechanism to manage the risk of weed and disease spread.

Conclusion

We consider the EPA's assessment and recommendations to be appropriate and consider the environmental outcome consistent with the EPA's objective for Flora and Vegetation.

Given the impact to the PEC is restricted to two trees²⁸, we consider this loss to be acceptable.

We acknowledge the clearing envelope is a substantial area. However, the EPA requires the proponent to progressively revegetate 89 per cent of the cleared vegetation and there are contingencies included for failure. Given this, we consider the 'temporary' clearing impact to be acceptable. We agree with the EPA that weed and disease spread can be managed.

Recommendation

We recommend that this ground of appeal be dismissed.

²⁷ [Horizontal Directional Drilling \(HDD\)](#) is generally used for the crossing under landscape features (such as areas of sensitive environmental value) where standard open-cut methods are less desirable.

²⁸ EPA appeal response, 14 December 2021.

2.4 The assessment of impacts to Carnaby's cockatoo was appropriate

The EPA's assessment of the impacts to Carnaby's cockatoo was appropriate and the offset is required to be consistent with the WA Environmental Offsets Policy and Guideline. We explain our reasoning below.

Appellant's concerns

The appellant is of the view that the loss of Carnaby's cockatoo foraging habitat is unacceptable given the species is endangered and also as the Wheatbelt region is already seriously over-cleared. The appellant noted that the offset proposed (land acquisition) is unacceptable as it results in a net habitat loss.

EPA assessment

The EPA's environmental objective for Terrestrial Fauna is to protect terrestrial fauna so that biological diversity and ecological integrity are maintained²⁹. The EPA noted in its assessment that the 0.25 ha of Carnaby's cockatoo habitat proposed to be cleared is predominately in a 'Degraded' condition. However, we consider this irrelevant as vegetation condition isn't correlated with value as foraging habitat for Carnaby's cockatoo.

The impact is of a linear nature, in this case a 30 m wide corridor for construction. Therefore, the proposed clearing is unlikely to fragment Carnaby's cockatoo habitat at a landscape-level to an extent that creates a barrier to movement

However, due to the proposed clearing being located within the extensively cleared Wheatbelt region and recognition of cumulative impacts, the EPA assessed the residual impact to Carnaby's cockatoo foraging habitat from the proposal as representing a significant impact.

Offset required

The EPA requires the proponent's offset proposal to be consistent with the *WA Environmental Offsets Guidelines* (Government of Western Australia 2014). The proposal must counterbalance the significant residual impact to 0.25 ha of foraging habitat for Carnaby's cockatoo.

The EPA recommended condition 6-3 which provides the option for either land acquisition or revegetation/rehabilitation. These options were provided as:

- it provides flexibility to the proponent so it can also meet social surroundings objective, as the proponent is looking to develop offset projects in partnership with relevant traditional owner groups;
- the proponent is required, through recommended condition 6-3, to demonstrate how the proposed offset counterbalances the significant residual impact to the environmental value identified in condition 6-1 through application of the principles of the *WA Environmental Offsets Policy* (2011); and
- it is proportionate to the nature and extent of the significant residual impacts, which involves the clearing of 0.25 ha of Carnaby's cockatoo habitat in a degraded condition.

The EPA considers that the significant residual impact can be regulated through reasonable conditions and counter-balanced by offsets so that the environmental outcome is consistent with the EPA's objective for Terrestrial Fauna.

²⁹ EPA 2016, *Environmental Factor Guideline – Terrestrial Fauna*, Environmental Protection Authority, Perth, WA.

Conclusion

We agree with the approach taken by the EPA in its assessment of fauna impacts and that the required offset be consistent with the WA Environmental Offsets Policy and Guidelines.

In this case we consider it appropriate due to the size of the impact, the expected outcome will improve the health and condition of similar habitats on other lands to a level that is better than the impacted area and that the proponent is developing the offset project in partnership with traditional owner groups in conservation reserves.

We consider that the environmental outcome is consistent with the EPA's objective for fauna.

Recommendation

We recommend that this ground of appeal be dismissed.

Appendix 1 Appeal process

The Minister assesses the merits of a decision

Environmental appeals follow a merits-based process. This means the Minister can consider all the relevant facts, legislation and policy aspects of the decision and decide whether it was correct and preferable.

For appeals in relation to an EPA report and recommendations, the Appeals Convenor normally considers the environmental merits of the assessment by the EPA, based on objectives as set by the EPA as well as other environmental factors. The appeals process considers environmental significance, additional information not considered by the EPA, technical errors and attainment of policy objectives.

The Appeals Convenor reports to the Minister, as does the EPA

To decide an appeal's outcome, the Minister for Environment must have a report from both:

- the Appeals Convenor [see section 109(3) of the EP Act], and
- the authority that originally made the decision under appeal [see section 106(1)].

To properly advise the Minister in our report, the investigation included:

- reviewing the appeal submission
- reviewing documents from the EPA
- reviewing the proponent's response to the appeal
- meeting with the proponent on 15 November 2021
- meeting with the appellant on 25 November 2021 and 16 December 2021
- reviewing other information, policy and guidance as needed.

Table 4 lists documents considered in the appeals investigation.

Table 4 Documents reviewed in the appeals investigation

Document	Date
EPA Report and Recommendation 1713	14 October 2021
Appeal submission	22 October 2021
EPA appeal report to the Minister for Environment	14 December 2021