



Environmental Protection Act 1986

Hon Amber-Jade Sanderson MLA
Minister for Environment; Climate Action

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST REPORT AND RECOMMENDATIONS – EPA REPORT 1713 NORTHERN GOLDFIELDS INTERCONNECT PIPELINE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellant:	Ms Mary Gray
Proponent:	APA Northern Goldfields Interconnect Pty Ltd
Proposal description:	The proponent proposes to construct and operate the Northern Goldfields Interconnect Pipeline. The 300 mm diameter buried gas pipeline will extend for approximately 580 km, starting from Ambania (50 km east of Geraldton) to 40 km south of Leinster where it will connect into the existing Goldfields Gas Pipeline. The project will connect existing gas assets in the Mid-West region with existing gas assets in the Northern Goldfields region
Minister's Decision:	The Minister allowed the appeal in part
Date of Decision:	20 December 2021

REASONS FOR MINISTER'S DECISION

An appeal was received against the report and recommendations of the Environmental Protection Authority's (EPA) assessment of the Northern Goldfields Interconnect Pipeline proposal by APA Northern Goldfields Interconnect Pty Ltd (the proponent).

The proponent intends to clear up to 1,930 hectares (ha) of native vegetation within a development envelope of 12,404 ha, for the purpose of constructing and operating a 300 mm diameter buried gas pipeline.

The Minister noted the appellant's concerns related to delayed decarbonisation and greenhouse gas emissions from the extension of fossil fuel infrastructure; extensive land clearing and its contribution to climate change; flora and vegetation loss; and impacts to Carnaby's cockatoo.

Decision

Having regard to the concerns raised in the appeal, and after considering the information before her, including the EPA's response and the Appeals Convenor's report, the Minister was satisfied that the EPA's report and recommendations were generally appropriate.

However, the Minister considered that the appeal should be allowed in part, to the extent that an additional condition be included to require the proponent to avoid direct and indirect impacts to threatened species *Eucalyptus beardiana*.

The Minister otherwise dismissed the appeal, the full reasons for her decision are outlined as follows.

Assessment of greenhouse gas emissions

The Minister noted the appellant's concern that the EPA did not consider greenhouse gas (GHG) emissions to be a significant factor and that the new pipeline will increase fossil fuel use and delay decarbonisation. The appellant considered that the proposal should be rejected particularly as scope 3 emissions were not assessed.

The EPA's consideration of GHG emissions was consistent with its current guidance and assessment framework. Currently, the EPA only assesses scope 1 GHG emissions where they exceed 100,000 carbon dioxide equivalent (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. As part of the assessment, the EPA required the proponent to provide 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).

The EPA advised, and the Minister accepted, 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, the Minister agreed 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.

Impacts to flora and vegetation, survey effort

The Minister noted that 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).

The Minister noted that the loss of 0.28 ha of *Eucalypt Woodlands of the Western Australian Wheatbelt* (Priority 3) is limited to two trees and the Minister accepted the Appeals Convenor's advice that this is not a significant impact. The impacts to Priority flora have been avoided and minimised where possible.

Regarding threatened flora species *Eucalyptus beardiana*, the proponent has advised that underground horizontal directional drilling will be used to avoid direct impact. Noting the

proponent's commitments, the Minister considered it appropriate that an additional condition be included, requiring the proponent to avoid direct and indirect impacts to *Eucalyptus beardiana*.

While the Minister noted the appellant's concern that the clearing of 1,930 ha of native vegetation in an extensively cleared region will substantially reduce the capacity for carbon sequestration, the Minister noted that the EPA included a requirement that the proponent revegetate 89 per cent of the area to be cleared.

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 using local provenance material.

The Minister was 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.

Given the above, the Minister considered that the residual impacts to locally and regionally significant vegetation are not significant and likely to be temporary due to the requirement for revegetation with infill contingencies for failure.

Impacts to Carnaby's cockatoo habitat

The Minister noted the appellant submitted that the loss of Carnaby's cockatoo habitat is unacceptable. The Minister was advised that the proposal will result in a significant residual impact to 0.25 ha of Carnaby's cockatoo foraging habitat.

To counterbalance this impact the proponent is required to develop an offset proposal consistent with the WA Environmental Offsets Policy and Guidelines.

In this case, the Minister noted 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. The Minister considered this approach is 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 that the proponent is developing the offset project in partnership with traditional owner groups.

Next steps

The Minister will now commence consultation with relevant decision-making authorities as to whether or not the proposal may be implemented, and the conditions which apply to any such implementation, under section 45(3) of the Act.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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