



**Minister for Environment; Disability Services; Electoral Affairs
Deputy Leader of the Legislative Council**

Statement No. 1164

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

WAITSIA GAS PROJECT STAGE 2

- Proposal:** The construction and operation of a 250 terajoules per day gas plant and related infrastructure approximately 16 kilometres east-south-east of the Dongara-Port Denison town sites.
- Proponent:** AWE Perth Pty Limited
Australian Company Number 009 204 031
- Proponent Address:** Level 11 Exchange Tower
2 The Esplanade, Perth WA 6000
- Assessment Number:** 2226

Report of the Environmental Protection Authority: 1687

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Tables 1 and 2 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

- 1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

2 Contact Details

- 2-1 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.

Published on:

3 Time Limit for Proposal Implementation

- 3-1 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.
- 3-2 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.

4 Compliance Reporting

- 4-1 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 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 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.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 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 4-1.

5 Public Availability of Data

5-1 Subject to condition 5-2, 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.

5-2 If any data referred to in condition 5-1 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.

6 Flora and Vegetation Management Plan

6-1 The proponent shall implement the proposal to meet the following environmental objective:

- (1) no direct or adverse indirect impacts to flora and vegetation within the Yardanogo Nature Reserve as a result of the implementation of the proposal.

6-2 In order to meet the objective of condition 6-1, prior to clearing activities within the development envelope delineated in Figure 2 of Schedule 1, unless otherwise agreed in writing by the CEO, the proponent shall implement the

Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan (P-WGP2-054 Rev 2, May 2020). This Plan shall:

- (1) when implemented, substantiate and ensure that condition 6-1 is being met;
 - (2) specify trigger criteria that will trigger the implementation of management and/or contingency actions to prevent direct or indirect impacts to Flora and Vegetation in the Yordanogo Nature Reserve;
 - (3) specify threshold criteria to demonstrate compliance with condition 6-1;
 - (4) specify monitoring methodology to determine if trigger criteria and threshold criteria have been met;
 - (5) specify management and/or contingency actions to be implemented if the trigger criteria required by condition 6-2(2) and/or the threshold criteria required by condition 6-2(3) have not been met; and
 - (6) provide the format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 6-1 has been met over the reporting period in the Compliance Assessment Report required by condition 4-6.
- 6-3 The proponent shall implement the most recent version of the *Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan* which the CEO has confirmed by notice in writing, on advice of the Department of Biodiversity, Conservation and Attractions, addresses the requirements of condition 6-1 and condition 6-2.
- 6-4 In the event that monitoring or investigations indicate an exceedance of threshold criteria specified in the *Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan*, the proponent shall:
- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified;
 - (2) implement the contingency actions required by condition 6-2(5) within seven (7) days of the exceedance being reported as required by condition 6-4(1) and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and implementation of the threshold contingency actions are no longer required.
- 6-5 The proponent:
- (1) may review and revise the *Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan*; or

- (2) shall review and revise the *Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan* as and when directed by the CEO.

6-6 The proponent shall continue to implement the *Waitsia Gas Project Stage 2: Flora and Vegetation Management Plan (P-WGP2-054 Rev 2, May 2020)*, or any subsequent revisions as approved by the CEO in condition 6-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental objective detailed in condition 6-1 has been met.

7 Water Management Plan

7-1 The proponent shall implement the proposal to achieve the following environmental objectives:

- (1) no adverse impact to Ejarno Spring as delineated in Figure 2 of Schedule 1 as a result of the implementation of the proposal; and
- (2) no adverse impact to groundwater levels or quality as a result of the implementation of the proposal.

7-2 To achieve the objectives of condition 7-1, prior to groundwater abstraction within the development envelope delineated in Figure 2 of Schedule 1, unless otherwise agreed in writing by the CEO, the proponent shall implement the *Waitsia Gas Project Stage 2: Water Management Plan (P-WGP2-055 Rev 1, May 2020)*. This plan shall:

- (1) when implemented, substantiate and ensure that condition 7-1 is being met;
- (2) specify trigger criteria that will trigger the implementation of management and/or contingency actions to prevent further direct or indirect impacts to groundwater and/or Ejarno Spring;
- (3) specify threshold criteria to demonstrate compliance with condition 7-1;
- (4) specify monitoring methodology to determine if trigger criteria and threshold criteria have been met;
- (5) specify management and/or contingency actions to be implemented if the trigger criteria required by condition 7-2(2) and/or the threshold criteria required by condition 7-2(3) have not been met; and
- (6) provide a format and timing for the reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that condition 7-1 has been met over the reporting period in the Compliance Assessment Report required by condition 4-6.

7-3 The proponent shall implement the most recent version of the *Water Management Plan* which the CEO has confirmed by notice in writing addresses the requirements of conditions 7-1 and 7-2.

- 7-4 In the event that monitoring or investigations indicate an exceedance of threshold criteria specified in the *Water Management Plan*, the proponent shall:
- (1) report the exceedance in writing to the CEO within seven (7) days of the exceedance being identified; and
 - (2) implement the contingency actions required by condition 7-2(5) within seven (7) days of the exceedance being reported, as required by condition 7-4(1) and continue implementation of those actions until the CEO has confirmed by notice in writing that it has been demonstrated that the threshold criteria are being met and implementation of threshold contingency actions are no longer required.
- 7-5 The proponent:
- (1) may review and revise the *Water Management Plan*; or
 - (2) shall review and revise the *Water Management Plan* as and when directed by the CEO.
- 7-6 The proponent shall continue to implement the *Waitsia Gas Project Stage 2: Water Management Plan (P-WGP2-055 Rev 1, May 2020)*, or any subsequent revisions as approved by the CEO in condition 7-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated the environmental objectives detailed in condition 7-1 have been met.

8 Greenhouse Gas Management Plan

- 8-1 For the period ending 30 June 2025, and for every subsequent period of five financial years, the proponent shall avoid, reduce and/or offset the quantity of **Reservoir Emissions** released to the atmosphere in that period.
- 8-2 For the purposes of condition 8-1, **Reservoir Emissions** are avoided, reduced and/or offset for a period by the quantity of **GHG Emissions** represented by:
- (1) the amount of **Non-Reservoir Emissions** that have been avoided or reduced through a **Certified Improvement**; and/or
 - (2) the amount of **Authorised Offsets** that meet the **Timing and Reporting Requirements**.
- 8-3 The proponent shall submit a report to the CEO each year by 31 March, commencing on the first 31 March after the date of this Statement, verifying for the previous financial year:
- (1) the quantity of **Proposal Emissions, Reservoir Emissions and Non-Reservoir Emissions**;
 - (2) the number of terajoules of gas processed at the proposal facility;

- (3) the number of terajoules of gas produced from the proposal facility determined in accordance with **NGER Item 30(1)**;
- (4) **Total Emissions Intensity** and **Non-Reservoir Emissions Intensity**, including calculations and calculation methodology for each.

8-4 The proponent shall submit to the CEO by 31 March 2026, and every fifth 31 March thereafter:

- (1) a report specifying:
 - (a) for each of the preceding five (5) financial years, the matters referred to in conditions 8-3(1) to 8-3(4);
 - (b) for the period comprising five (5) financial years which ended on 30 June in the year before the report is due:
 - (i) the amount of **Non-Reservoir Emissions** that have been avoided or reduced through a **Certified Improvement** as contemplated by condition 8-2(1), including describing the **Certified Improvement** that caused the avoidance or reduction;
 - (ii) the type, quantity, identification or serial number, and date of retirement or cancellation of any **Authorised Offsets** which have been retired or cancelled as contemplated by condition 8-2(2), including written evidence of such retirement or cancellation;
 - (iii) the progress towards meeting the interim and long-term reduction targets for **Proposal Emissions** as specified in the **Greenhouse Gas Management Plan**; and
 - (iv) any measures that have been implemented to avoid or reduce **Proposal Emissions**; and
- (2) an audit and peer review of the report required by condition 8-4(1), carried out by an independent person or independent persons with suitable technical experience dealing with the suitability of the methodology used to determine the matters set out in the report, whether the report is accurate and whether the report is supported by credible evidence. This report is to be made publicly available as required by condition 8-9.

8-5 Subject to, and to the extent that it is not inconsistent with, condition 8-1 or condition 8-2, the proponent shall implement:

- (1) The *Waitsia Gas Project Stage 2 Greenhouse Gas Management Plan (P-WGP2-059 Rev 5)* dated August 2020; or

- (2) if that plan has been revised, the latest version of the plan that the CEO has confirmed in writing meets the requirements of condition 8-8.
- 8-6 A summary document comprising of a summary plan and progress statement outlining key information from the **Greenhouse Gas Management Plan** (and reports to that time) must be provided every five years as per condition 8-4 and also if the Greenhouse Gas Management Plan is revised under condition 8-7. The summary must include:
- (a) A graphical comparison of emission reduction commitments in the **Greenhouse Gas Management Plan** with 'actual' emissions for compliance periods
 - (b) proposal performance against benchmarking for comparable facilities
 - (c) emissions intensity
 - (d) a summary of emission reduction measures undertaken by the proponent
 - (e) a clear statement as to whether interim targets have been achieved.
- 8-7 The proponent:
- (1) may revise a **Greenhouse Gas Management Plan** at any time;
 - (2) must revise the **Greenhouse Gas Management Plan** if there is a change to the proposal which means there is a material risk that condition 8-1 will not be achieved;
 - (3) must revise the **Greenhouse Gas Management Plan** at least every five years to align with the five yearly reporting requirements specified in condition 8-4; and
 - (4) must revise a **Greenhouse Gas Management Plan** if directed to by the CEO, within the time specified by the CEO.
- 8-8 The proponent shall submit a revised **Greenhouse Gas Management Plan** referred to in condition 8-7 to the CEO that:
- (1) is not inconsistent with condition 8-1 and condition 8-2;
 - (2) specifies the estimated **Proposal Emissions, Reservoir Emissions, Non-Reservoir Emissions, Total Emissions Intensity** and **Non-Reservoir Emissions Intensity** for the remainder of the life of the proposal;

- (3) includes comparison of each of the estimated **Emissions** and **Emissions Intensity** figures referred to in condition 8-8(2) for the remainder of the life of the proposal against other comparable projects;
- (4) specifies the estimated number of terajoules of gas to be processed at the proposal facility for the remainder of the life of the proposal;
- (5) specifies the estimated number of terajoules of gas to be produced at the proposal facility as determined in accordance with **NGER Item 30(1)** for the remainder of the life of the proposal;
- (6) identifies and describes any measures that the proponent will implement to avoid, reduce and/or offset **Proposal Emissions, Reservoir Emissions** or **Non-Reservoir Emissions**, and/or reduce **Total Emissions Intensity**;
- (7) specifies interim and long-term targets for avoiding, reducing and/or offsetting **Proposal Emissions**; and
- (8) provides for a program for the future review of the plan to:
 - (a) assess the effectiveness of measures referred to in condition 8-8(6); and
 - (b) identify and describe options for future measures that the proponent may or could implement to avoid, reduce and/or offset **Proposal Emissions, Reservoir Emissions** or **Non-Reservoir Emissions**, and/or reduce **Total Emissions Intensity**.

8-9 The proponent shall make all **Greenhouse Gas Management Plans** and the reports (including summary plans and progress statements) publicly available within the specified timeframes on the proponent's website for the life of the proposal, or in any other manner specified by the CEO, within a time specified by the CEO:

- (1) the **Greenhouse Gas Management Plan** referred to in condition 8-5(1) within two (2) weeks of the issue of the Statement;
- (2) the report referred to in condition 8-3 within two (2) weeks of submitting a relevant report to the CEO;
- (3) the reports, summary plans and progress statements referred to in conditions 8-4 and 8-6 within two (2) weeks of submitting the relevant reports, summary statements and progress reports to the CEO; and
- (4) any revised **Greenhouse Gas Management Plan** referred to in condition 8-7 within two (2) weeks of receiving confirmation from the CEO as referred to in condition 8-5(2).

9 Flaring Management Plan

9-1 The proponent shall implement the proposal to achieve the following environmental objective:

- (1) no adverse impact on visual amenity as a result of implementation of the proposal.

9-2 In order to meet the objective of condition 9-1, the proponent shall implement the *Waitsia Gas Project Stage 2: Management of Flaring Plan (P-WGP2-058 Rev 1, May 2020)*. This plan shall:

- (1) specify the management actions for flaring at the Waitsia Gas Plant site;
- (2) identify impacts of flaring from the Waitsia Gas Plant to visual amenity;
- (3) identify impacts of flaring from the Waitsia Gas Plant on air quality; and
- (4) detail the commitment to the World Bank's *Zero Routine Flaring by 2030* initiative.

9-3 The proponent:

- (1) may review and revise the *Management of Flaring Plan*; or
- (2) shall review and revise the *Management of Flaring Plan* as and when directed by the CEO.

9-4 The proponent shall implement the latest revision of the *Waitsia Gas Project Stage 2: Management of Flaring Plan (P-WGP2-058 Rev 1, May 2020)* or any subsequent revisions as approved by the CEO in condition 9-3, until the CEO has confirmed by notice in writing that the proponent has demonstrated that the environmental objective detailed in condition 9-1 has been met.

10 Heritage Management

10-1 Prior to commencement of ground-disturbing activities the proponent shall:

- (1) consult with the Southern Yamatji Native Title Claim group and ensure that the proponent has complied with its obligations under the *Aboriginal Heritage Act 1972*; and
- (2) ensure contractors are made aware of their obligations under the *Aboriginal Heritage Act 1972*.



Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the proposal

Proposal title	Waitsia Gas Project Stage 2
Short description	The Waitsia Gas Project Stage 2 is a conventional gas proposal located approximately 16 kilometres east-south-east of the Dongara-Port Denison town sites. The proposal includes the construction and operation of a 250 terajoules per day gas plant and related infrastructure.

Table 2: Location and authorised extent of physical and operational elements

Element	Location	Authorised extent
<i>Physical elements</i>		
Gas plant and associated infrastructure	Figure 2	Clearing of no more than 17 ha of native vegetation within a 354 ha development envelope
Gas production wells	Figure 2	Up to 8 (including 2 existing)
Produced formation water disposal wells	Figure 2	Up to 3
Disturbance footprint	Figure 2	Up to 345 ha within the 354 ha development envelope
<i>Operational elements</i>		
Gas production facility capacity	Figure 2	Up to 250 TJ per day
Gas extraction method		Conventional
Greenhouse gas emissions (Scope 1)		Up to 300,000 tonnes CO ₂ -e per annum
Project life		20 Years

Table 3: Abbreviations and Definitions

Acronym or abbreviation	Definition or term
Authorised Offsets	<p>Units representing GHG Emissions issued under one of the following schemes and cancelled or retired in accordance with any rules applicable at the relevant time governing the cancellation or retiring of units of that kind:</p> <ul style="list-style-type: none"> (a) Australian Carbon Credit Units issued under the <i>Carbon Credits (Carbon Farming Initiative) Act 2011</i> (Cth); (b) Verified Emission Reductions issued under the Gold Standard program; (c) Verified Carbon Units issued under the Verified Carbon Standard program; or (d) other offset units that the CEO has notified the proponent in writing meet integrity principles and are based on clear, enforceable and accountable methods.
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 his delegate.
Certified Improvement	<p>An improvement to technology and/or processes approved by the CEO as an improvement that was or would be unlikely to occur in the ordinary implementation of the proposal (disregarding the effect of these conditions), and which is the subject of a report that:</p> <ul style="list-style-type: none"> (a) describes the improvement; (b) demonstrates that the improvement was or would be unlikely to occur in the ordinary implementation of the proposal (disregarding the effect of these conditions); and (c) has been reviewed by a suitably qualified peer reviewer, who has been approved by the CEO, and who confirms that he or she agrees with the conclusions set out in the report.
Clearing	The killing, destruction, removal, severing or ringbarking of trunks or stems or doing of any other substantial damage to some or all the native vegetation in an area.
CO₂-e	Carbon dioxide equivalent
Emissions or GHG Emissions	Greenhouse gas emissions expressed in tonnes of carbon dioxide equivalent (CO ₂ -e) as calculated in accordance with the definition of 'carbon dioxide equivalence' in section 7 of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth), or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the CEO.
EP Act	<i>Environmental Protection Act 1986</i>
Greenhouse Gas or GHG	Has the meaning given by section 7A of the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth) or, if that definition is amended or repealed, the meaning set out in an Act, regulation or instrument concerning greenhouse gases as specified by the CEO.

Acronym or abbreviation	Definition or term
Greenhouse Gas Management Plan	<i>Waitsia Gas Project Stage 2 Greenhouse Gas Management Plan (P-WGP2-059 Rev 5)</i> dated August 2020 and any subsequent version of the plan that the CEO has confirmed in writing meets the requirements of condition 8-8.
Ground-disturbing activities	Activities that are associated with the substantial implementation of a proposal including but not limited to, digging (with mechanised equipment), blasting, earthmoving, vegetation clearance, grading, gravel extraction, construction of new or widening of existing roads and tracks.
ha	Hectare
NGER Item 30(1)	Item 30(1) of Schedule 2 to the <i>National Greenhouse and Energy Reporting (Safeguard Mechanism) Rule 2015</i> (Cth) in force at the date of this Ministerial Statement, or, if amended or repealed such that it no longer provides for the calculation of gas production, a provision of an Act, regulation or instrument specified by the CEO.
Non-Reservoir Emissions	Proposal Emissions other than Reservoir Emissions .
Non-Reservoir Emissions Intensity	Non-Reservoir Emissions per terajoule of gas produced from the proposal facility determined in accordance with NGER Item 30(1) .
Proposal	As defined in Table 1 of Schedule 1 of this Statement and delineated by co-ordinates detailed in Schedule 2.
Proposal Emissions	Scope 1 GHG Emissions released to the atmosphere as a direct result of an activity or series of activities that constitute the proposal, calculated in accordance with: (a) the <i>National Greenhouse and Energy Reporting Act 2007</i> (Cth) and its subsidiary legislation; or (b) if that Act or the relevant subsidiary legislation is amended or repealed such that it does not provide a mechanism for calculating the Proposal Emissions , any other Act, regulation or instrument concerning greenhouse gases as specified by the CEO.
Reservoir Emissions	Proposal Emissions that were separated (from natural gas or products produced from extracted hydrocarbons) in an acid gas removal unit and released unused and unprocessed.
Timing and Reporting Requirements	The Timing and Reporting Requirements are that the Authorised Offsets : (a) were cancelled or retired between 1 July of the relevant period until 1 March in the year after the period ends; (b) have been identified as cancelled or retired in the relevant report as required by condition 8-4(1)(b)(ii); (c) have not been identified as cancelled or retired in any prior report as required by condition 8-4(1)(b)(ii); and

Acronym or abbreviation	Definition or term
	(d) have not been used to offset any GHG Emissions other than Proposal Emissions ; and (e) were not generated by avoiding Proposal Emissions .
Total Emissions Intensity	Proposal Emissions per terajoule of gas produced from the proposal facility determined in accordance with NGER Item 30(1) .
TJ	Terajoules

Figures (attached)

Figure 1 Regional location (this figure is a representation of the co-ordinates referred to in Schedule 2)

Figure 2 Development envelope (this figure is a representation of the co-ordinates referred to in Schedule 2)

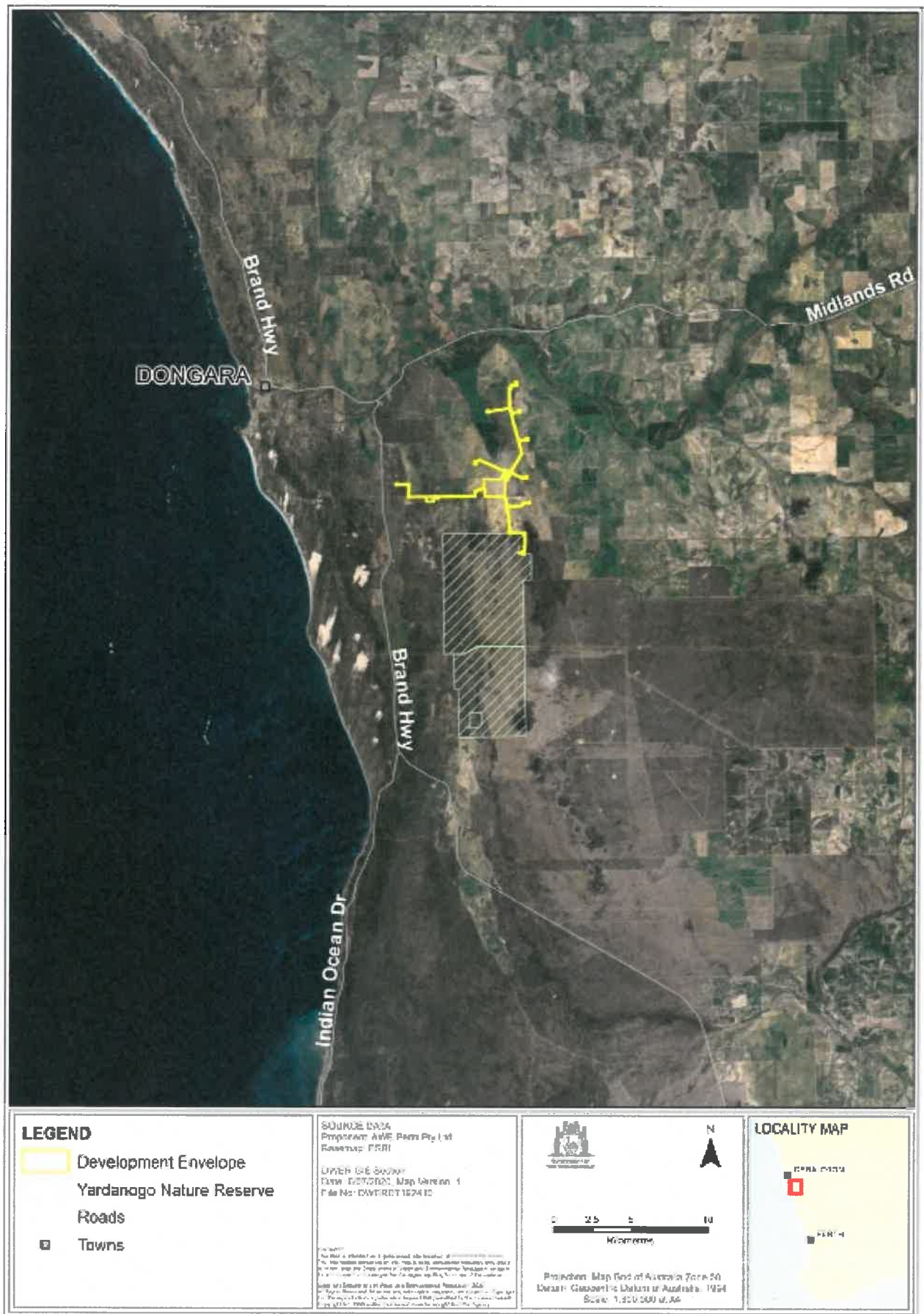


Figure 1: Regional location

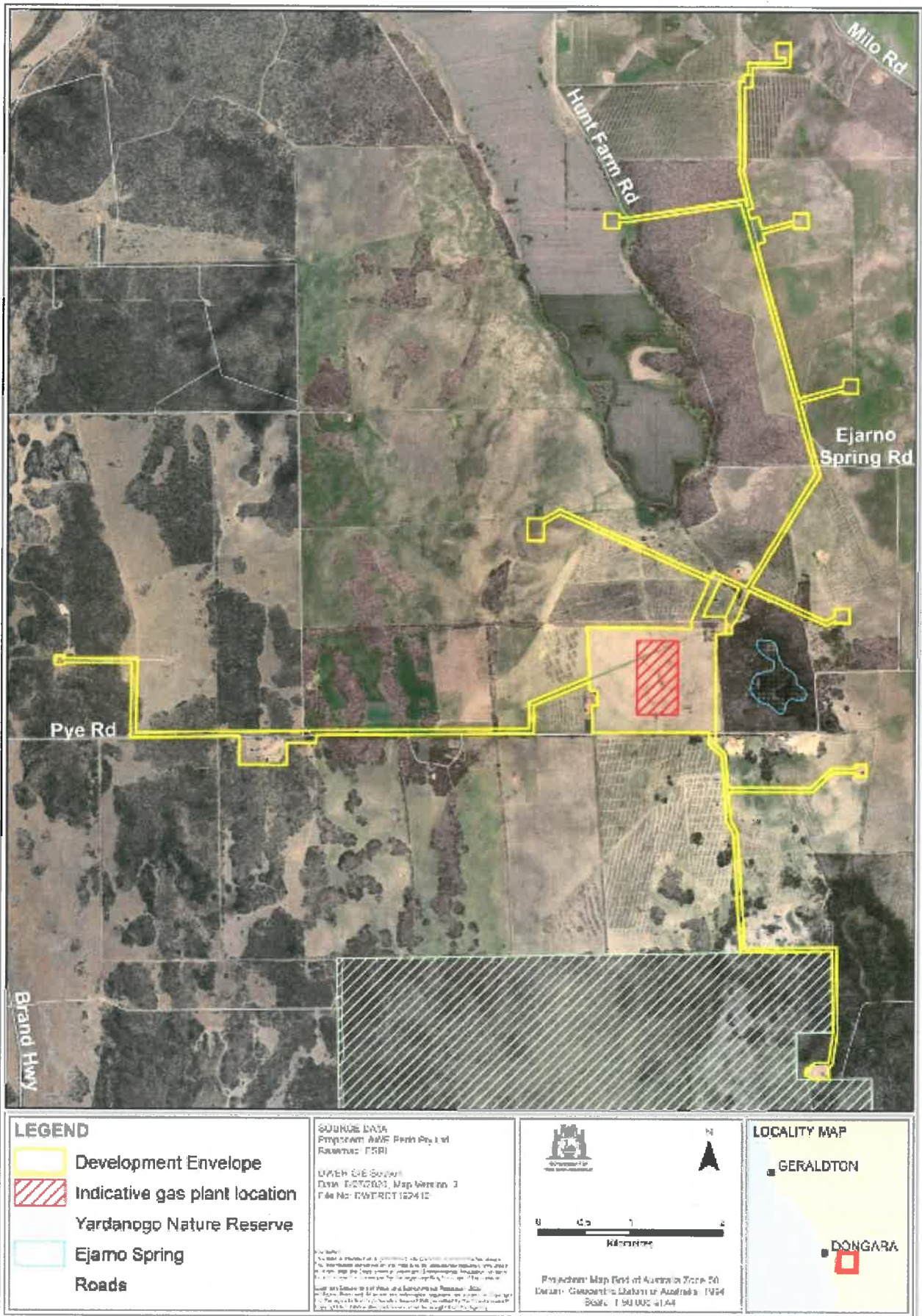


Figure 2: Development envelope

Schedule 2

Co-ordinates defining the regional location and development envelope are held by the Department of Water and Environmental Regulation, Document Reference Number DWERDT196097.