



Environmental Protection Act 1986

Hon Stephen Dawson MLC
Minister for Environment

MINISTER'S APPEAL DETERMINATION

APPEAL AGAINST CONDITIONS OF WORKS APPROVAL W6298/2019/1 VARANUS ISLAND COMPRESSION AND POWER OPTIMISATION PROJECT INFRASTRUCTURE

Purpose of this document

This document sets out the Minister's decision on an appeal lodged under section 102(3)(a) of the *Environmental Protection Act 1986* in objection to the conditions applied to the above works approval. 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:	Mr James Mumme
Proponent:	Santos WA Energy Limited
Proposal description:	To construct, install and commission additional natural gas compression equipment, power generation infrastructure and ancillary facilities.
Minister's Decision:	The Minister dismissed the appeal
Date of Decision:	1 February 2021

REASONS FOR MINISTER'S DECISION

An appeal was lodged in objection to the conditions applied to the works approval issued by the Department of Water and Environmental Regulation (the Department) in relation to the Varanus Island Compression and Power Optimisation Project (VICPOP).

In summary, the appellant sought for conditions of the works approval to be strengthened in relation to monitoring and reporting of air emissions, in particular for greenhouse gas emissions (GHGe).

As noted in the Appeals Convenor's report, the right of appeal for a works approval is in relation to the conditions of the works approval. The Minister's consideration of the appeal is therefore limited to the adequacy and appropriateness of the conditions applied to the works approval for the design and construction of the facility.

Taking into account the information provided, the Minister agreed with the Appeals Convenor that the conditions applied to the works approval by the Department were appropriate. It follows that the Minister dismissed the appeal.

In coming to this decision, the Minister noted that the Environmental Protection Authority (EPA) and the Department can review new information about the volume of GHGe from the premises once it becomes operational, and consider what measures (if any) are applicable to those emissions under either Part IV or Part V of the *Environmental Protection Act 1986* (the Act) at that time.

The full reasons for his decision follow.

Greenhouse gas emissions

In relation to GHGe, the Department advised that the environmental impact assessment process administered under Part IV of the Act is the primary legislative instrument for managing GHGe from major proposals in Western Australia.

In this case, the Minister understood that the former proponent (Apache Energy Limited) referred the Varanus Island Compression Project to the EPA in 2013 and it was determined that the proposal did not warrant formal assessment. In the Decision Report for the works approval for the VICPOP, the Department determined that the two proposals were essentially the same. At the time of the referral of the proposal in 2013, the expected GHGe were stated to be below 100,000 tonnes per annum (tpa).

Late in the investigation of the appeal, the proponent advised the Appeals Convenor that operational GHGe from the proposal are expected to increase above 100,000 tpa by the end of 2022.

The Minister noted that under the EPA's *Environmental Guideline Factor: Greenhouse Gas Emissions* (guideline), proposals will generally be assessed where they exceed 100,000 tonnes of carbon dioxide equivalent (CO₂-e) emissions per annum.

While the Minister's decision relating to this appeal is limited to the conditions of the works approval, and not operational GHGe, noting the proponent's advice that operational emissions are predicted to be above the threshold referenced in the guideline, the Minister has requested the EPA and the Department to review the new information, and to liaise directly with the proponent on the implications (if any) for the operation of the proposal under Parts IV and V of the Act.

Other emissions to air

In relation to these emissions, the Department identified that the risk of nitrous oxide emissions from the works exceeding the National Environment Protection (Ambient Air Quality) Measure was low, provided that the infrastructure is installed and operates as described in the application.

The Department was satisfied that the conditions of the works approval are adequate to confirm that the authorised infrastructure is operating according to the manufacturer's specifications and within the emissions profile described in the modelling.

Sulphur dioxide, unburnt hydrocarbons, carbon monoxide, particulate matter (PM₁₀), and benzene, toluene, ethylbenzene and xylene (BTEX) emissions were also expected to be low or negligible, based on the turbine fuel gas.

The environmental compliance report required by conditions 2 and 3 of the works approval is not intended for the reporting of environmental impacts of the VICPOP but rather to validate that the infrastructure is installed and operating as predicted.

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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