



*Environmental Protection Act 1986*

**Hon Albert Jacob MLA  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEAL AGAINST REPORT AND RECOMMENDATIONS — GORGON GAS DEVELOPMENT — ADDITIONAL CONSTRUCTION LAYDOWN AND OPERATIONS SUPPORT AREA (REPORT 1499)**

#### **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 report and recommendations of the Environmental Protection Authority (EPA) for 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](http://www.appealsconvenor.wa.gov.au).

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| <b>Appellants:</b>           | L. Marty   |
| <b>Proponent:</b>            | Chevron Australia Pty Ltd  |
| <b>Proposal description:</b> | To undertake clearing and earthworks of up to 32 hectares (ha) on uncleared land within a 36 ha development envelope on Barrow Island. The clearing is for the purpose of an additional construction laydown and operations support area to support the construction and operation of the approved Gorgon Gas Development. |
| <b>Minister's Decision:</b>  | The Minister dismissed the appeal  |
| <b>Date of Decision:</b>     | 6 March 2014   |

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#### **REASONS FOR MINISTER'S DECISION**

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Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeal. The Minister also received a report from the Appeals Convenor. The Appeals Convenor's report sets out the background and other matters relevant to the appeal.

The Minister noted that the appeal related to the loss of additional habitat on Barrow Island and the use of additional land by the proponent that is not provided for under the *Barrow Island Act 2003* (as amended in December 2013), fauna injuries and fatalities as a result of vehicle strikes, impacts on subterranean fauna, provisions for protecting the Black-flanked Rock-wallaby and the introduction of non-indigenous species to Barrow Island. These matters are discussed in detail in the Appeal Convenor's Report.

The EPA advised the Minister that in making its recommendations on the proposal, it took into account the measures taken by the proponent to avoid and minimise the impacts to conservation significant habitat on Barrow Island through its site selection process.

The Minister understood that through the avoidance and minimisation of impacts to conservation significant habitat, the proposal is not expected to threaten the biodiversity of Barrow Island and that the proposal was considered to meet the EPA's environmental objectives.

The Minister noted that in recognition that there will be a loss of 32 hectares of habitat the EPA considered that there was a significant residual impact that required an offset. The EPA therefore recommended that an appropriate offset is the extension of the Threatened Species Translocation and Reintroduction Program for two years consistent with existing funding arrangements. This represents a 10 per cent increase in the contribution which is commensurate with the approximately 10 per cent increase in the project footprint.

The Minister understood that the *Barrow Island Act 2003* specifically makes available the use of a certain amount of previously uncleared land on Barrow Island for the Gorgon Gas Development and that the Act does not preclude the use of already cleared land on the Island, on which the proponent has some form of tenure, to support the Gorgon Gas Development.

With respect to the appellant's concerns about terrestrial fauna injuries and fatalities due to vehicle strikes, the Minister understood a key characteristic of the proposal is that it will result in the consolidation of existing operations from across Barrow Island into one location adjacent to the Gorgon Gas Development. The Minister noted that the proponent has predicted that this consolidation will result in 122 less casualties of threatened fauna due to vehicle strikes during the construction period and 300 less casualties during the operation of the Gorgon Gas Development. The Minister was advised that the handling of fauna and euthanasia of injured animals is covered by the *Gorgon Gas Development and Jansz Feed Gas Pipeline Fauna Handling and Management Common User Procedure*, which has been approved by the Department of Parks and Wildlife to ensure appropriate measures are used in fauna-handling.

In terms of potential impacts of the proposal on the three subterranean fauna species listed as Schedule 1 species under the *Wildlife Conservation Act 1950*, the EPA advised the Minister that while the proposal may impact on these three species, these species have been found to have a wider distribution across Barrow Island. The Minister also noted the advice of the proponent that the proposal would potentially affect only a very small proportion of available subterranean fauna habitat. The proponent cited as an example that it is estimated that the proposal would affect approximately 0.4% of the reported Barrow Island extent of the Barrow Cave Gudgeon habitat, which has the most restricted distribution of these three species.

With regard to the appellant's concern for the Black-flanked Rock-wallaby, the Minister was advised that this species is considered to inhabit the west coast of Barrow Island whilst the proposal is located on the eastern side of the Island. The Minister understood therefore that the proposal is not expected to impact on this species.

In relation to quarantine, the Minister confirmed that the proposal will reduce the amount of equipment and materials taken off the Island thus reducing the likelihood of non-indigenous species being introduced.

After considering the information presented to him with respect to the appeals, the Minister formed the view that the EPA adequately considered the environmental impacts raised in the appeals in its assessment of the proposal and that this assessment was consistent with section 44 of the Act. The Minister determined not to remit the proposal to the EPA for further assessment.

Having determined the appeals, section 45 of the Act requires that the Minister consult with relevant decision making authorities to seek agreement as to whether or not the proposal may be implemented, and if so, the conditions to which the implementation of the proposal should be subject.

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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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