



Environmental Protection Act 1986

**Hon Stephen Dawson MLC  
Minister for Environment**

## **MINISTER'S APPEAL DETERMINATION**

### **APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY WAITSIA GAS PROJECT STAGE 2 (REPORT 1687)**

#### **Purpose of this document**

This document sets out the Minister's decision on appeals 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](http://www.appealsconvenor.wa.gov.au).

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<b>Appellants:</b>	Ms Jennifer Hole, Dr Chris Johansen, 350 Boorloo Perth, Midwest Carbon Zero, Mid West Geothermal Power Pty Ltd, Mr Ian Dunlop, Hon Dr Carmen Lawrence, Mr Ben Lawrence, Dr Rob Phillips, Ms Leslie McNulty, Gasfield Free Irwin, Mr Philip Warren Gardiner, Lock the Gate Alliance, Doctors for the Environment Australia, Conservation Council of Western Australia Inc, Mr Simon Wallwork, Ms Christie Kingston, Mr Dale Park, Prof Alex Gardner, Sustainable Energy Now, Mr Wayne Pech
<b>Proponent:</b>	AWE Perth Pty Ltd
<b>Proposal description:</b>	Waitsia Gas Project Stage 2, Shire of Irwin
<b>Minister's Decision:</b>	The Minister allowed the appeals in part
<b>Date of Decision:</b>	28 January 2021

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

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AWE Perth Pty Ltd (AWE) proposes to construct, operate and decommission a 250 terajoules per day gas plant and related infrastructure about 16 kilometres east-south-east of the Dongara-Port Denison town sites.

The gas extracted from the production wells will be conveyed to gas gathering stations, or hubs. From there, gas will be directed through flowlines to the proposed Waitsia gas plant for processing, before being conveyed to the nearby Dampier to Bunbury Natural Gas Pipeline for both domestic and industrial consumption. Hydraulic fracturing is not proposed for this development.

The concerns raised by the appellants are set out in detail in the Appeals Convenor's report. In summary, appellants expressed concern about the appropriateness of the Environmental

Protection Authority (EPA) recommending approval of a proposal that will increase net greenhouse gas (GHG) emissions when urgent reductions are required.

Each appellant submitted that, based on relevant scientific information, policy and statutory context, the EPA should have either recommended against the proposal being implemented, or otherwise recommended the proposal achieve net zero GHG emissions from commencement. Concerns were also raised about air emissions, impacts to groundwater and social surroundings.

### **Minister's decision**

On the basis of the information available, the Minister considered the EPA's recommendations were consistent with relevant guidelines and that no further assessment or reassessment was required.

The Minister however varied the EPA's recommended conditions in order to improve transparency and confidence in the proponent's GHG management plan. This includes clarifying that all plans and reports related to the GHG management are to be made publicly available and a requirement for the proponent to revise the plan if there is a chance that the requirement to either avoid or offset all reservoir GHG emissions will not be achieved. The Minister also included a requirement for a revised plan to be submitted at least once every five years, with responsibility for approval of revised GHG management plans to the Chief Executive Officer (CEO) of the Department of Water and Environmental Regulation.

A final decision on whether or not the proposal may be implemented, and if so, the conditions to which it should be subject, will be made under section 45 of the *Environmental Protection Act 1986* (the Act). Consistent with the EPA's advice in response to the appeals, this process will consider if the residual GHG emissions from the proposal are acceptable and/or aligned with current policy settings, taking into account the many sources of GHG emissions and reduction opportunities in the State.

It follows that the Minister allowed the appeals in part, by varying the EPA's recommended conditions. The full reasons for the Minister's decision follows.

### **Greenhouse gas emissions**

The EPA's assessment found that the residual scope 1 emissions of this proposal, after mitigation, will be about 120,000 tonnes carbon dioxide equivalent (CO<sub>2</sub>-e) per annum. This equates to about 2 million tonnes CO<sub>2</sub>-e over its life. About 37.7 million tonnes of scope 3 emissions are also identified. In relation to scope 3 emissions, the EPA advised that while these emissions are high, a significant proportion will likely be regulated and reported on as scope 1 emissions at third-party facilities.

The EPA considered that the scope 1 emissions from the proposal were manageable, noting that the proponent will avoid or offset all reservoir emissions for the life of the proposal, accounting for about 61 per cent of total emissions.

Appellants submitted that the EPA's report did not demonstrate the EPA considered relevant information, and that as a result the proposal should be remitted to the EPA for further assessment. In the alternative, appellants contended that the proposal should achieve net zero GHG emissions from commencement.

The basis for these claims includes that the EPA failed to correctly apply its objective for GHG emissions, the principles under section 4A of the Act, and current scientific knowledge.

In April 2020, the EPA published its Environmental Factor Guideline: Greenhouse Gas Emissions. This Guideline includes the EPA's objective for GHG emissions, which is 'to reduce

net greenhouse gas emissions in order to minimise the risk of environmental harm associated with climate change'. The Guideline states that, as a general rule, where GHG emissions from a proposal exceed 100,000 tonnes of scope 1 emissions each year measured in CO<sub>2</sub>-e, the proposal will require assessment.

Consistent with the Guideline, the EPA identified GHG emissions as a key environmental factor for this proposal and required the proponent to provide certain information. This included estimated GHG emissions, a GHG management plan outlining the proponent's contribution towards the aspiration of net zero GHG emissions by 2050, and measures to avoid, reduce or offset GHG emissions from the proposal.

The proponent's GHG management plan sets out how it intends to reduce scope 1 emissions over the life of the proposal, with a trajectory to net zero operational emissions by 2050. The effect of these commitments are that the proponent will avoid, reduce or offset the scope 1 reservoir emissions (calculated as 60.8% of proposal emissions) commencing from the start of operations, and ensure a continued trajectory of emissions down to net zero by 2050 through an emission reduction target of a further 10 per cent of proposal emissions by the financial year ending 30 June 2040.

The EPA assessed the information provided by the proponent and accepted that the reduction in emissions were consistent with the EPA's objective to reduce net emissions to minimise impacts associated with climate change. The EPA's recommended conditions are directed at requiring the outcomes in the GHG management plan to be achieved.

In response to the appeals, the EPA recommended that additional reports and conditions be included for the purpose of increasing public transparency of, and confidence in, the proponent's GHG management plan.

The Minister carefully considered the information provided in respect to the EPA's assessment, and considered that it was consistent with its guidelines and expressed view that it is not possible to make a direct link between a single proposal's emissions and the environmental impacts associated with climate change in Western Australia.

The Minister also noted the EPA's advice that it is for the decision-makers under section 45 of the Act to determine if the residual emissions from the proposal are acceptable taking into account the many sources of GHG emissions and reduction opportunities in the State. The Minister accepted this advice, and included within this consideration, scope 3 emissions.

As to the conditions, the Minister allowed the appeals in part by adopting the changes recommended by the EPA and Appeals Convenor's advice. This included a new requirement for the GHG management plan to be revised and approved by the CEO at least every five years, and a new, publicly available summary plan every five years that updates benchmarking information and reduction measures implemented by the proponent.

### **Next steps**

A final decision on whether or not the proposal may be implemented, and if so, the conditions to which it may be subject, is a matter for determination under section 45 of the Act.

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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*.

### **Office of the Appeals Convenor**

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