



Notification of approval

West Erregulla Processing Plant and Pipeline, Western Australia (EPBC 2021/8907)

This decision is made under section 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Note that section 134(1A) of the EPBC Act applies to this approval. That provision provides, in general terms, that if the approval holder authorises another person to undertake any part of the Action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such conditions.


Action

person to whom the approval is granted (approval holder)	AGI Operation Pty Limited
ABN of approval holder	76 166 900 170
Action	To construct and operate a gas processing plant and pipeline approximately 30 km south-east of Dongara, Western Australia. See EPBC Act referral 2021/8907.

Approval decision

decision	My decision on whether or not to approve the taking of the Action for the purposes of the controlling provision for the Action is as follows.	
	Controlling Provision	Decision
	Listed threatened species and communities (section 18 and section 18A)	Approved
period for which the approval has effect	This approval has effect until 31 March 2063.	
conditions of approval	The approval is subject to conditions under the EPBC Act as set out in Annexure A.	

Person authorised to make decision

name and position	Kylie Calhoun Branch Head Environment Assessments West (WA, SA, NT) Branch
signature	
date of decision	24 March 2023

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at PART C – DEFINITIONS.

Part A – Conditions specific to the Action

- 1) In taking the Action, to avoid and mitigate impacts to **protected matters**, the approval holder must not **clear**:
 - a) outside of the **development envelope**.
 - b) more than 37.7 ha of **Carnaby’s Black Cockatoo foraging habitat** within the **development envelope**.
 - c) more than 79.7 ha of **Sandplain Duck Orchid habitat** within the **development envelope**.
- 2) To avoid and mitigate the impacts of **clearing**, habitat fragmentation, fire, **Dieback** and vehicle strike on the **Carnaby’s Black Cockatoo** and **Sandplain Duck Orchid**, the approval holder must implement the **Construction Environmental Management Plan** from the **commencement of the Action** for the life of the approval.
- 3) To mitigate the impacts to **protected matters** from **clearing** and land fragmentation within the **development envelope**, the approval holder must implement sections 1, 2, 3, 6.1, and 7 of the **Rehabilitation and Offset Management Plan** from the **commencement of the Action** for the life of the approval.
- 4) To compensate for the residual significant impact on **protected matters**, the approval holder must implement sections 1, 2, 4, 5, 6.2 and 7 of the **Rehabilitation and Offset Management Plan** for the life of the approval.

REVISION OF ACTION MANAGEMENT PLANS

- 5) The approval holder may, at any time, apply to the **Minister** in writing for a variation to an action management plan approved by the **Minister** or as subsequently revised in accordance with these conditions, by submitting an application in accordance with the requirements of section 143A of the **EPBC Act**. If the **Minister** approves a revised action management plan (RAMP) then, from the date specified, the approval holder must implement the RAMP in place of the previous Action management plan.
- 6) The approval holder may choose to revise the **Construction Environmental Management Plan** without submitting it for approval under section 143A of the **EPBC Act**, if the taking of the Action

OFFICIAL

in accordance with the revised **Construction Environmental Management Plan** would not be likely to have a **new or increased impact**.

- 7) If the approval holder makes the choice under condition 6 to revise the **Construction Environmental Management Plan** without submitting it for approval, the approval holder must:
 - a) Notify the **department** electronically that the approved action management plan has been revised and provide the **department** with:
 - i) An electronic copy of the revised the **Construction Environmental Management Plan**.
 - ii) An electronic copy of the **Construction Environmental Management Plan** marked up with track changes to show the differences between the current **Construction Environmental Management Plan** and the revised **Construction Environmental Management Plan**.
 - iii) An explanation of the differences between the approved action management plan and the revised **Construction Environmental Management Plan**.
 - iv) The reasons the approval holder considers that taking the Action in accordance with the revised **Construction Environmental Management Plan** would not be likely to have a **new or increased impact**.
 - v) Written notice of the date on which the approval holder will implement the revised **Construction Environmental Management Plan** (revised **Construction Environmental Management Plan** implementation date), being at least 20 **business days** after the date of providing notice of the revision of the **Construction Environmental Management Plan**, or a date agreed to in writing with the **department**.
 - b) Subject to condition 7(a)(v), implement the revised **Construction Environmental Management Plan** from the revised **Construction Environmental Management Plan** implementation date.
- 8) The approval holder may revoke its choice to implement the **Construction Environmental Management Plan** revised under condition 6 at any time by giving written notice to the **department**. If the approval holder revokes the choice under condition 6, the approval holder must implement the version of the **Construction Environmental Management Plan** in force immediately prior to the revision undertaken under condition 6.
- 9) If the **Minister** gives a notice to the approval holder that the **Minister** is satisfied that the taking of the Action in accordance with the revised **Construction Environmental Management Plan** would be likely to have a **new or increased impact**, then:
 - a) Condition 6 does not apply, or ceases to apply, in relation to the revised **Construction Environmental Management Plan**.
 - b) The approval holder must implement the **Construction Environmental Management Plan** specified by the **Minister** in the notice.
- 10) At the time of giving the notice under condition 9, the **Minister** may also notify that for a specified period of time, condition 6 does not apply for the **Construction Environmental Management Plan**.

Note: Conditions 6, 7, 8 and 9 are not intended to limit the operation of section 143A of the **EPBC Act** which allows the approval holder to submit a revised Action management plan, at any time, to the **Minister** for approval.

SUBMISSION AND PUBLICATION OF PLANS

- 11) The approval holder must submit all **plans** required by these conditions electronically to the **department**.
- 12) Unless otherwise agreed to in writing by the **Minister**, the approval holder must publish each **plan** on the **website** within 15 **business days** of the date:
 - a) of this approval, if the version of the **plan** to be implemented is specified in these conditions; or
 - b) the **plan** is approved by the **Minister** in writing, if the **plan** requires the approval of the **Minister**; or
 - c) the **plan** is submitted to the **department** in accordance with a requirement of these conditions, if the **plan** does not require the approval of the **Minister**; or
 - d) the **plan** is approved by a state/territory government official as required under a state/territory government condition which must be complied with in accordance with these **EPBC Act** conditions.
- 13) The approval holder must keep all published **plans** required by these conditions on the **website** until the expiry date of this approval.
- 14) The approval holder is required to exclude or redact **sensitive ecological data** from **plans** published on the **website** or otherwise provided to a member of the public.
- 15) If **sensitive ecological data** is excluded or redacted from a **plan** in accordance with condition 14, the approval holder must notify the **department** in writing what exclusions and redactions have been made in the version published on the **website**.

Part B – Administrative conditions

NOTIFICATION OF DATE OF COMMENCEMENT OF THE ACTION

- 16) The approval holder must notify the **department** electronically of the date of **commencement of the Action**, within 5 **business days** of **commencement of the Action**.
- 17) If the **commencement of the Action** does not occur within 5 years from the date of this approval, then the approval holder must not **commence the Action** without the prior written agreement of the **Minister**.

COMPLIANCE RECORDS

- 18) The approval holder must maintain accurate and complete **compliance records**.
- 19) If the **department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **department** within the timeframe specified in the request.

Note: **Compliance records** may be subject to audit by the **department**, or by an independent auditor in accordance with section 458 of the **EPBC Act**, and/or be used to verify compliance with the conditions. Summaries of the results of an audit may be published on the **department's** website or through the general media.

- 20) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guidelines for biological survey and mapped data*, Commonwealth of Australia 2018, or as otherwise specified by the **Minister** in writing.

- 21) The approval holder must ensure that any **monitoring data** (including **sensitive ecological data**), surveys, maps, and other spatial and metadata required under the conditions of this approval are prepared in accordance with the *Guide to providing maps and boundary data for EPBC Act projects*, Commonwealth of Australia 2021, or any subsequent official version or as otherwise specified by the **Minister** in writing.
- 22) The approval holder must submit all **monitoring data** (including **sensitive ecological data**), surveys, maps, other spatial and metadata and all species occurrence record data (sightings and evidence of presence) electronically to the **department** in accordance with the requirements of the **Rehabilitation and Offset Management Plan**.

ANNUAL COMPLIANCE REPORTING

- 23) The approval holder must prepare a **compliance report** for each 12-month period following the date of this approval, or as otherwise agreed to in writing by the **Minister**.
- 24) Each **compliance report** must be consistent with the *Annual Compliance Report Guidelines* Commonwealth of Australia 2014.
- 25) Each **compliance report** must include:
 - a) Accurate and complete details of compliance and any non-compliance with the conditions and the **plans**, and any **incidents**.
 - b) One or more **shapefile** showing all **clearing** of any **protected matters**, and/or their habitat, undertaken within the 12-month period at the end of which that **compliance report** is prepared.
 - c) A schedule of all **plans** in existence in relation to these conditions and accurate and complete details of how each plan is being implemented.
- 26) The approval holder must:
 - a) Publish each **compliance report** on the website within 60 **business days** following the end of the 12-month period for which that **compliance report** is required.
 - b) Notify the **department** electronically, within 5 **business days** of the date of publication that a **compliance report** has been published on the **website**.
 - c) Provide the weblink for the **compliance report** in the notification to the **department**.
 - d) Keep all published **compliance reports** required by these conditions on the **website** until the expiry date of this approval.
 - e) Exclude or redact **sensitive ecological data** from **compliance reports** published on the **website** or otherwise provided to a member of the public.
 - f) If **sensitive ecological data** is excluded or redacted from the published version, submit the full **compliance report** to the **department** within 5 **business days** of its publication on the **website** and notify the **department** in writing what exclusions and redactions have been made in the version published on the website.

Note: Compliance reports may be published on the **department's** website.

REPORTING NON-COMPLIANCE

- 27) The approval holder must notify the **department** electronically, within 2 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**.
- 28) The approval holder must specify in the notification:
- a) Any condition or commitment made in a **plan** which has been or may have been breached.
 - b) A short description of the **incident** and/or potential non-compliance and/or actual non-compliance.
 - c) The location (including co-ordinates), date, and time of the **incident** and/or potential non-compliance and/or actual non-compliance.

Note: If the exact information cannot be provided, the approval holder must provide the best information available.

- 29) The approval holder must provide to the **department** in writing, within 12 **business days** of becoming aware of any **incident** and/or potential non-compliance and/or actual non-compliance, the details of that **incident** and/or potential non-compliance and/or actual non-compliance with the conditions or commitments made in a **plan**. The approval holder must specify:
- a) Any corrective action or investigation which the approval holder has already taken.
 - b) The potential impacts of the **incident** and/or non-compliance and/or non-compliance.
 - c) The method and timing of any corrective action that will be undertaken by the approval holder.

INDEPENDENT AUDIT

- 30) The approval holder must ensure that an **independent audit** of compliance with the conditions is conducted for every 3-year period following the **commencement of the Action** until this approval expires, unless otherwise specified in writing by the **Minister**.
- 31) For each **independent audit**, the approval holder must:
- a) Provide the name and qualifications of the nominated **independent** auditor, the draft audit criteria, and proposed timeframe for submitting the **audit report** to the **department** prior to commencing the **independent audit**.
 - b) Only commence the **independent audit** once the nominated **independent** auditor, audit criteria and timeframe for submitting the **audit report** have been approved in writing by the **department**.
 - c) Submit the **audit report** to the **department** for approval within the timeframe specified and approved in writing by the **department**.
 - d) Publish each **audit report** on the **website** within 15 **business days** of the date of the **department's** approval of the **audit report**.
 - e) Keep every **audit report** published on the **website** until this approval expires.
- 32) Each **audit report** must report for the three-year period preceding that audit report.

- 33) Each **audit report** must be completed to the satisfaction of the **Minister** and be consistent with the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

COMPLETION OF THE ACTION

- 34) The approval holder must notify the **department** electronically 60 **business days** prior to the expiry date of this approval, that the approval is due to expire.
- 35) Within 20 **business days** after the **completion of the Action**, and, in any event, before this approval expires, the approval holder must notify the **department** electronically of the date of **completion of the Action** and provide **completion data**.

Part C - Definitions

In these conditions any bolded use of a word or term refers to the below definition of that word or term:

Audit report means a written report of compliance and fulfilment of the conditions attached to this approval, objectively evaluated against the audit criteria approved by the **department**.

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the Action.

Carnaby's Black Cockatoo means the **EPBC Act** listed threatened species *Calyptorhynchus latirostris*.

Carnaby's Black Cockatoo foraging habitat means any area which provides foraging habitat for **Carnaby's Black Cockatoo**. **Carnaby's Black Cockatoo foraging habitat** includes, but is not limited to, Banksia woodland, Tuart forest, Jarrah woodland and mixed heathland. Within the **development envelope**, the location of identified **Carnaby's Black Cockatoo foraging habitat** is represented in Attachment B by the light purple shaded zones labelled 'Fauna Habitat 2: *Banksia* spp. and occasional *Eucalyptus tottiana* mid open woodland over shrubs and sedgeland on sand plains'.

Clear/clearing means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Commencement of the Action means the first instance of any specified activity associated with the action including **clearing** and **construction**. **Commencement of the Action** does not include minor physical disturbance necessary to:

- a) undertake pre-clearance surveys or monitoring programs
- b) install signage and /or temporary fencing to prevent unapproved use of the project area
- c) protect environmental and property assets from fire, weeds and pests, including installation of temporary fencing, and maintenance of existing surface access tracks
- d) install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**

OFFICIAL

Completion data means an environmental report and spatial data clearly detailing how the conditions of this approval have been met. The **department's** chosen format for spatial data is a **shapefile**.

Completion of the Action means the date on which all specified activities associated with the Action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession, or that are within the approval holder's power to obtain lawfully.

Compliance report means a written report of compliance with, and fulfilment of, the conditions attached to the approval.

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage. **Construction** does not include the erection of signage and site facilities for persons undertaking pre-commencement of activities so long as there are located where they have no impact on protected matters.

Construction Environmental Management Plan means the document entitled *West Erregulla Processing Plant and Pipeline – Construction Environmental Management Plan*, version 1, dated 31 December 2021, prepared for AGI Operations Pty Limited by Mark Brown, 2021, or a version subsequently revised in accordance with these conditions.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Development envelope means the location of the action, represented in Attachment A by the zone enclosed by the red solid line labelled 'Development Envelope – West Erregulla Gas Field' and in Attachment B and Attachment C by the zones enclosed within the red solid line labelled 'Survey Footprint'

Dieback means the destructive plant disease, dieback, caused by the pathogen *Phytophthora cinnamomi* and other *Phytophthora* species.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

EPBC Act Environmental Offsets Policy means the *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*, Commonwealth of Australia 2012, including the Offsets Assessment Guide.

OFFICIAL

Incident/s means any event which has the potential to, or does, impact on any **protected matter**.

Independent audit means an audit conducted by an **independent** and **suitably qualified** person as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines*, Commonwealth of Australia 2019.

Minister means the Australian Government Minister administering the **EPBC Act**, including any delegate thereof.

Monitoring data means the data required to be recorded under the conditions of this approval.

New or increased impact means any direct or indirect increase in the impacts of an Action, an increase to the likelihood of an impact occurring, a reduction to the monitoring or mitigation measures for a **protected matter**, and/or a change to the nature or management of an environmental offset as outlined in the *Guidance on 'new or increased impact' relating to changes to approved management plans under EPBC Act environmental approvals*, Commonwealth of Australia 2017.

Plan/s means any action management plan or strategy that the approval holder is required by these conditions to implement.

Protected matter means a matter protected under a controlling provision in Part 3 of the **EPBC Act** for which this approval has effect.

Rehabilitation and Offset Management Plan means the rehabilitation detailed with the *Rehabilitation and Offset Management Plan*, version 7, prepared by AGI Operations Pty Limited, by M Brown, 7 December 2022.

Sandplain Duck Orchid means the EPBC Act listed threatened species (*Paracaleana dixonii*).

Sandplain Duck Orchid habitat means any area which provides habitat for the Sandplain Duck Orchid. Within the **development envelope**, the location of identified **Sandplain Duck Orchid habitat** is and represented in Attachment C by the green shaded zones labelled 'Excellent'.

Sensitive ecological data means data as defined in the *Sensitive Ecological Data – Access and Management Policy V1.0*, Commonwealth of Australia 2016.

Shapefile(s) means location and attribute information about the Action provided in an Esri shapefile format. Shapefiles must contain '.shp', '.shx', '.dbf' files and a '.prj' file that specifies the projection/geographic coordinate system used. Shapefiles must also include an '.xml' metadata file that describes the shapefile for discovery and identification purposes.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative

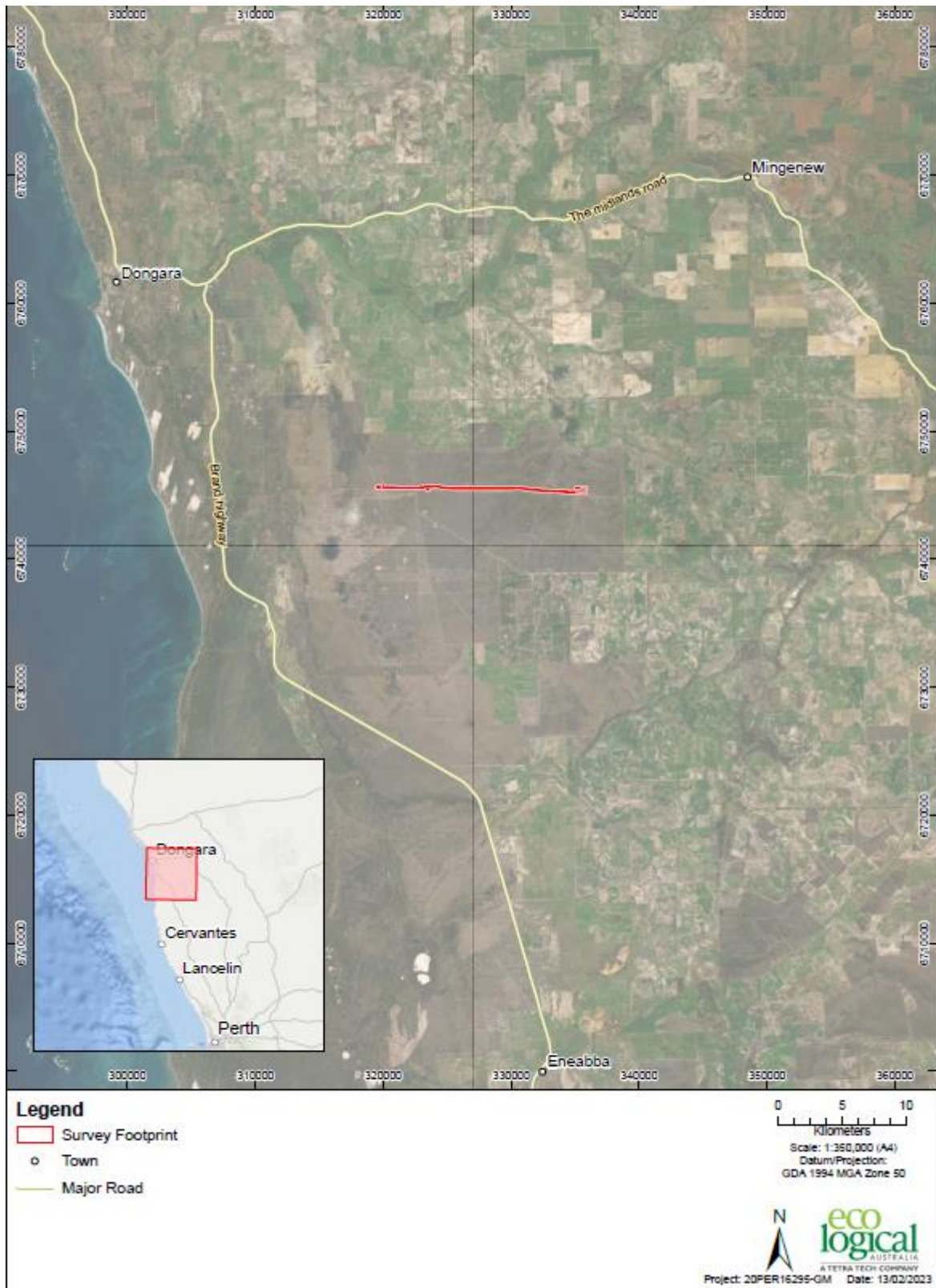
independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.

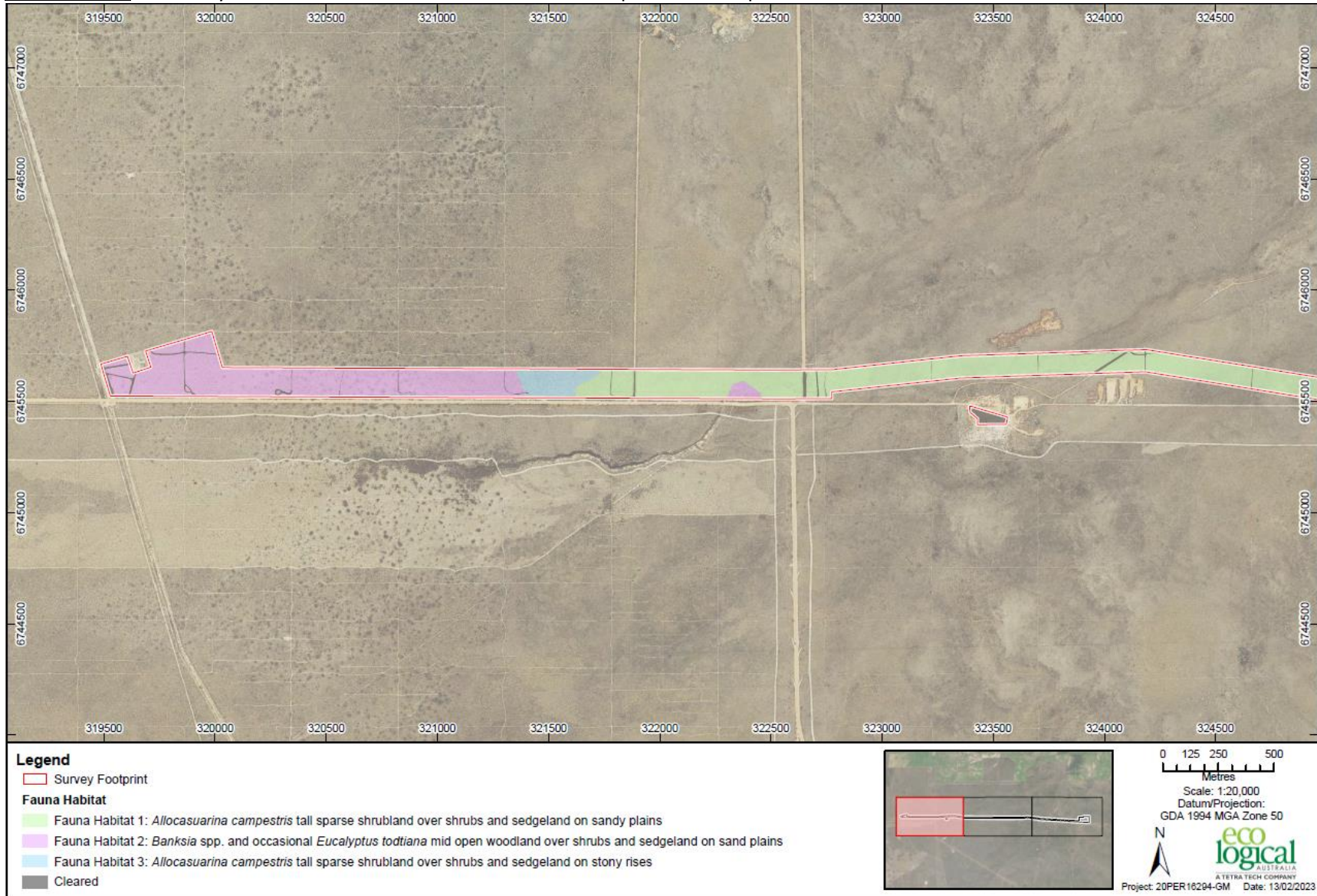
Attachments

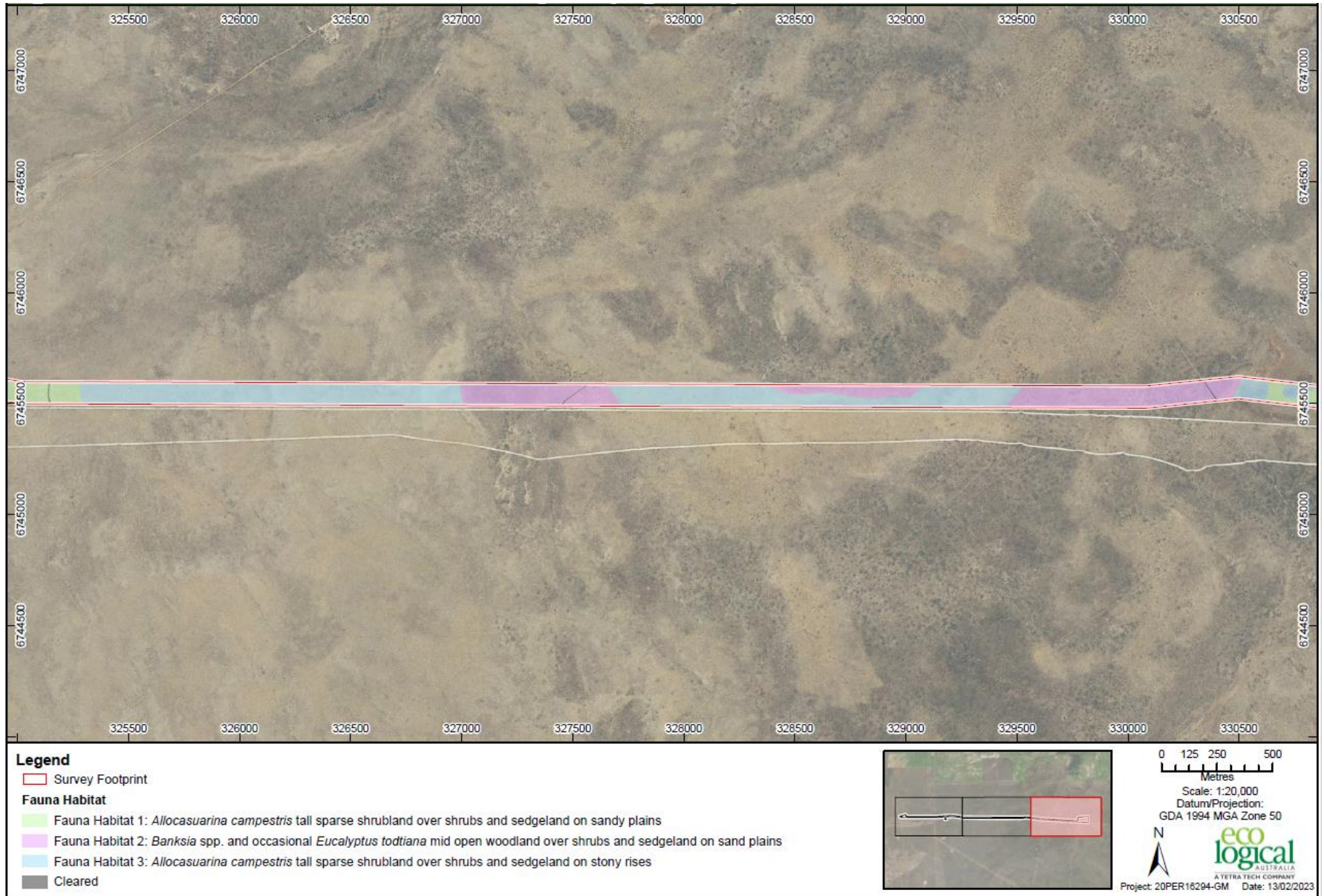
- 1) Attachment A – Development Envelope
- 2) Attachment B – Carnaby’s Black Cockatoo habitat within development envelope
- 3) Attachment C – Sandplain Duck Orchid habitat and vegetation condition within the development envelope

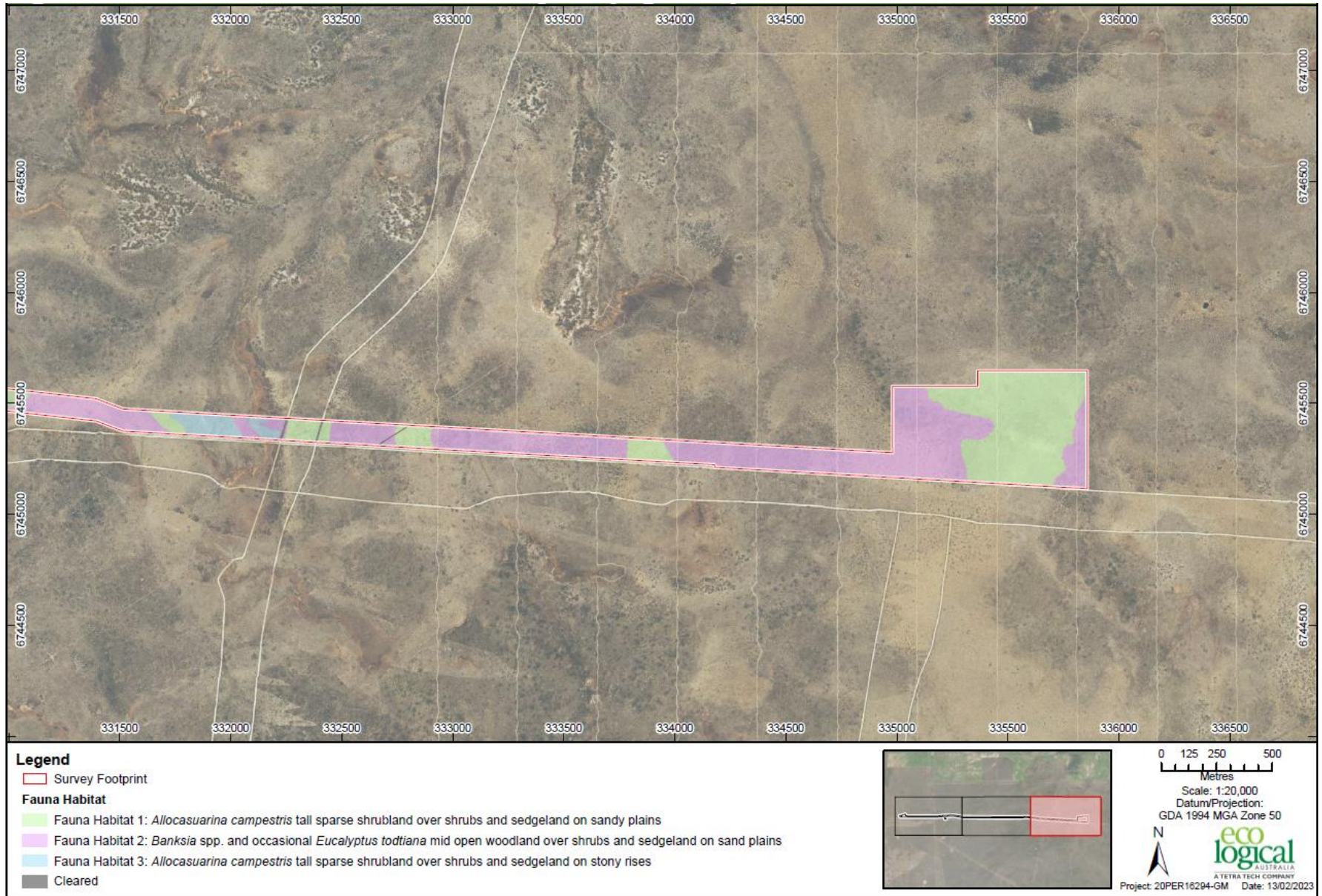
Attachment A – Development Envelope



Attachment B – Carnaby’s Black Cockatoo habitat within the development envelope







Attachment C – Sandplain Duck Orchid habitat and vegetation condition within the development envelope





