

To: Declan O'Connor-Cox, Acting Assistant Secretary, Assessments (WA, SA, NT) and Post Approvals Branch (for decision)

Referral Decision Brief – Browse to North West Shelf Development, Indian Ocean, Western Australia (EPBC 2018/8319)

Timing: As soon as possible - statutory timeframe expired 13 December 2018

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>
Designated Proponent	Woodside Energy Ltd ACN 005 482 986
Controlling Provisions triggered or matters protected by particular manner	World Heritage (s12 & s15A) National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/> s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Recommendation/s:

- Consider the information in this brief, the referral (Attachment D) and other attachments.

Considered / Please discuss
- Agree with the recommended decision.

Agreed / Not agreed
- Agree to the designated proponent.

Agreed / Not agreed

4. Agree the action be assessed by Environmental Impact Statement.

Agreed / Not agreed

5. If you agree to 2 and 4, indicate that you accept the reasoning in the Departmental briefing package as the basis for your decision, including: that you accept the referral is part of a larger action identified by the proponent as its 'Burrup Hub project'; and, you have decided not to reject the referral.

Accepted / Please discuss

s. 22(1)(a)(ii)

8. Sign the notice at Attachment A, which will be published if you make the recommended decision.

Signed / Not signed

9. Sign the letters at Attachments B1-B4, which will be sent if you make the recommended decision.

Signed / Not signed

s. 22(1)(a)(ii)

s. 47F(1)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

Date: 22 February 2019

Comments:

s. 22(1)(a)(ii)

RECOMMENDED DECISION

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- National heritage values of a National Heritage place (section s15B & section 15C);

s. 22(1)(a)(ii)

As the proposed action will be taken *in* a Commonwealth marine area, the protected matter for the purposes of the controlling provisions in section 23 and 24A is the environment generally (see s 23(1) and ss 24A(1) and (2) of the EPBC Act). The 'environment' is defined in section 528 to relevantly include 'ecosystems and their constituent parts', 'natural and physical resources', 'the qualities and characteristics of locations, places and areas' (which would include the atmosphere) and heritage values of places.

These impacts are discussed respectively below.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

The proponent has committed (Attachment D2) to meeting Commonwealth and State ballast water and biofouling legislation and guidelines, and to complying with the *Whale shark management with particular reference to Ningaloo Marine Park (WA)* (Attachment E22), EPBC Regulations Part 8 Division 8.1 (Attachment E23), and the *Australian National Guidelines for Whale and Dolphin Watching* (Attachment E12).

s. 22(1)(a)(ii)

The ERT ([Attachment E4](#)) did not identify any National Heritage places located within or adjacent to the proposed action area; however, Heritage Division advice ([Attachment E36](#)) notes that the Dampier Archipelago (including the Burrup Peninsula) (Place ID 105727), which was included in the list of National Heritage Places on 3 July 2007, is likely to be indirectly impacted by the proposed action.

As set out above, section 75(2) requires you to consider all adverse impacts the proposed action has, will have or is likely to have on the matters protected by each provision of Part 3.

The Department considers that impacts from emissions of NO_x, CO₂ and volatile organic compounds (noxious emissions) are an indirect, adverse impact that the proposed action is likely to have on the national heritage values of the Dampier Archipelago National Heritage Place.

For this reason, the Department recommends that you consider the indirect impacts from the proposed action's noxious emissions when deciding whether the following provision is controlling provisions for the proposed action:

- section s15B & section 15C (National heritage values of a National Heritage place)

The Department's analysis of impacts from noxious emissions on the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place is set out below for your consideration.

The Dampier Archipelago (including the Burrup Peninsula) National Heritage Place borders the lease boundary of the Karratha Gas Plant (KGP) near Dampier on the WA coast. The place contains one of the richest and diverse collections of rock art (referred to as petroglyphs) in Australia; the petroglyphs are among the national heritage values for which the place is listed. The art features a range of motif types including anthropomorphic and zoomorphic figures and geometric and amorphous designs. The petroglyphs range considerably in their motif subject content, technique, antiquity and distribution across the landscape.

Potential impacts

Having regard to the statement in the Significant Impact Guidelines that a 'significant impact' is an impact which is important, notable or of consequence, having regard to its context or intensity, the Department considers the relevant significance threshold in the context of 'national heritage' is whether there is a real chance or possibility that the noxious emissions resulting from the action will:

- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

Advice from the Heritage Branch on EPBC 2018/8335 noted the evidence presented at the 2018 *Senate Inquiry into the Protection of Aboriginal rock art of the Burrup Peninsula* ([Attachment E39](#)). The Inquiry noted there is significant uncertainty about what might be a safe or acceptable emission threshold for maintaining the integrity of the petroglyphs, and the ongoing cumulative effects of third party emissions on the integrity and condition of the rock art values ([Attachment E39](#)). This uncertainty includes airborne emissions from existing and future industrial uses on the Burrup Peninsula including the KGP.

The Heritage Branch has also raised concerns about the lack of information on the consultation undertaken by Woodside with traditional owners on the Karratha Gas Plant extension and sought additional information that demonstrates, amongst other things, that the relevant

Indigenous people understand the proposal and assessment processes and the potential impacts on their heritage values and places (Attachment E39). Page 35 of 210

If the proposed action is approved and proceeds, it will offer a potential supply of gas for processing (liquefaction) at the KGP. If the North West Shelf Project Extension proposal (EPBC 2018/8335) is also approved and proceeds, extending the operating life of the Karratha Gas Plant until 2068, then:

- The noxious emissions from the KGP to the atmosphere will continue beyond 2030 (the facility is currently only authorised to operate until that time). The proposed action could also lead to a change in the composition of noxious emissions. The continuation of, and the change in composition of the noxious emissions may each have impacts on the petroglyphs by contributing to an acceleration in the weathering of the petroglyphs.
- The availability of useable LNG from the KGP (and/or the adjacent Pluto LNG Facility which is already approved under the EPBC Act (EPBC 2006/2968; Attachment E35) may catalyse additional third party development on the Burrup Peninsula, including the Perdaman Urea proposal (EPBC 2018/8383) and other imminent referrals from the Mitsubishi/Wesfarmers/Coogee Chemicals Methanol project (Attachment E36). These proposals could facilitate amplified, cumulative noxious emissions from the Burrup Peninsula resulting in an increasingly adverse impact on the petroglyphs.

As mentioned above, the legal test for indirect impacts is found in section 527E(1) and (2). For impacts resulting from an action taken by an independent third party to be 'indirect impacts' of the proposed action, the action must be a substantial cause of that event or circumstance. The exception is where the event or circumstance is the result of an action by a third party independently of the proponent (in that situation, there is a different legal test which is discussed below in relation to the third source of emissions). As set out above, this exception is not applicable to emissions from the KGP, as Woodside will also be the person taking the (separate) action that covers processing the gas at KGP (see EPBC 2018-8335); there is no relevant third party.

Considering the test set out in s 527E(1)(b) and (2) of the EPBC Act, the Department considers the proposed liquefaction of the gas extracted from the Brecknock, Calliance and Torosa reservoirs at the KGP is an indirect result of the referred action, with the effect that impacts from the liquefaction must be considered when assessing the impacts of the proposed action on the national heritage values of the Dampier Archipelago national heritage place.

This is because the proposed action is a substantial cause of the noxious emissions from liquefaction of the gas extracted from the Brecknock, Calliance and Torosa reservoirs. The proposed action will directly result in the gas in question being extracted being liquefied; without the proposed action, the gas from the Brecknock, Calliance and Torosa reservoirs would not be liquefied at the KGP and the noxious emissions resulting would not occur. In other words, the proposed action will facilitate the environmental impacts resulting from the liquefaction and noxious emissions.

Woodside would have contemplated the need to liquefy the gas at KGP, and that the noxious emissions may result in increased impacts on the petroglyphs.

Avoidance and mitigation measures

In the referral for EPBC 2018/8335, Woodside advise they expect atmospheric emissions from that proposal will be in line with current permitted levels and Woodside, as operator of the Karratha Gas Plant, will continue to assess emission reduction opportunities that could result in a staged decrease in emissions over time (Attachment E38).

Assuming the continuation of, and a change in composition of emissions from the KGP, and assuming the availability of useable LNG for an extended period may catalyse additional third party development on the Burrup Peninsula, the Department considers the proposed action is likely to result in indirect, cumulative impacts on the petroglyphs of the Burrup Peninsula. The proponent has not demonstrated that significant impacts could be avoided or mitigated effectively.

You should note the proponent has written to the Department presenting reasons why the controlling provision: National heritage values of a National Heritage place, should not be triggered (Attachment E43). For the reasons set out above, the Department disagrees.

The Department considers that the proposed action is likely to have a significant impact on the national heritage values of the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, specifically, the likely acceleration in the weathering of the petroglyphs. On this basis, the Department recommends that that you decide that ss 15B and 15C are controlling provisions for the proposed action.

s. 22(1)(a)(ii)

World Heritage properties	The ERT (<u>Attachment E4</u>) did not identify any World Heritage properties located within or adjacent to the proposed action area, therefore this controlling provision does not apply.
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s. 22(1)(a)(ii)

Great Barrier Reef Marine Park	The proposed action is located off the coast of Western Australia, therefore this controlling provision does not apply.
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s. 22(1)(a)(ii)

In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Any other information about the impacts of the action considered relevant - s87(3)(b)	Relevant information is discussed in the Department's advice on relevant impacts contained in the referral decision brief.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	s. 22(1)(a)(ii)
Minister may decide on an Accredited Assessment if certain requirements are met – s87(4)	

s. 22(1)(a)(ii)

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.


In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant.

The Department has had regard to the *Marine bioregional plan for the North-west Marine Region* (Attachment E1) in making its recommendation (see discussion above).

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Acting Director
Major Projects West Section
Assessments (WA, NT, SA) and Post Approvals Branch
Ph: s. 22(1)(a)(ii)

 February 2019

A: [Decision Notice](#) FOR SIGNATURE

v1.0

B: Letters FOR SIGNATURE

B1: [Proponent](#)

v1.0

B2: [Delegate of WA Minister for Environment and Disability Services
and the WA Minister for Mines and Petroleum](#)

v1.0

B3: [Delegate of the Minister for Industry](#)

v1.0

B4: [Attorney-General](#)

v1.0

s. 22(1)(a)(ii)

D: Referral

s. 22(1)(a)(ii)

D5: [Protected Matters Report](#)

v1.0

s. 22(1)(a)(ii)

E: References

s. 22(1)(a)(ii)

E4: [Environment Report Tool: 20 February 2019, 20 km buffer](#)

v1.0

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

E19: Parks Australia Division advice

v1.0

s. 22(1)(a)(ii)

E29: Heritage Division advice (3 December 2018)

v1.0

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

E39: Heritage Branch Advice on EPBC 2018/8335

v2.0

s. 22(1)(a)(ii)

E41: Legal Section advice (22 February 2019a)

v1.0

E42: Legal Section advice (22 February 2019a)

v1.0

E43: Additional Information from the proponent (22 February 2019)

v1.0

s. 22(1)(a)(ii)

DEPARTMENT OF THE ENVIRONMENT AND ENERGY

To: Declan O'Connor-Cox, Acting Assistant Secretary, Assessments (WA, SA, NT) and Post Approvals Branch (for decision)

Referral Decision Brief – Browse to North West Shelf Development, Indian Ocean, Western Australia (EPBC 2018/8319)

Timing: As soon as possible - statutory timeframe expired 13 December 2018

Recommended Decision	NCA <input type="checkbox"/> NCA(pm) <input type="checkbox"/> CA <input checked="" type="checkbox"/>
Designated Proponent	Woodside Energy Ltd ACN 005 482 986
Controlling Provisions triggered or matters protected by particular manner	World Heritage (s12 & s15A) National Heritage (s15B & s15C) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No if PM <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No if PM <input type="checkbox"/> s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Recommendation/s:
1. Consider the information in this brief, the referral (<u>Attachment D</u>) and other attachments.
Considered / Please discuss
2. Agree with the recommended decision.
Agreed / Not agreed
3. Agree to the designated proponent.
Agreed / Not agreed

4. Agree the action be assessed by Environmental Impact Statement.

Agreed / Not agreed

5. If you agree to 2 and 4, indicate that you accept the reasoning in the Departmental briefing package as the basis for your decision, including: that you accept the referral is part of a larger action identified by the proponent as its 'Burrup Hub project'; and, you have decided not to reject the referral.

Accepted / Please discuss

s. 22(1)(a)(ii)

8. Sign the notice at Attachment A, which will be published if you make the recommended decision.

Signed / Not signed

9. Sign the letters at Attachments B1-B4, which will be sent if you make the recommended decision.

Signed / Not signed

s. 22(1)(a)(ii)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

Date: February 2019

Comments:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

RECOMMENDED DECISION

Under section 75 of the EPBC Act you must decide whether the action that is the subject of the proposal referred is a controlled action, and which provisions of Part 3 (if any) are controlling provisions for the action. In making your decision you must consider all adverse impacts the action has, will have, or is likely to have, on the matter protected by each provision of Part 3. You must not consider any beneficial impacts the action has, will have or is likely to have on the matter protected by each provision of Part 3.

The Department recommends that you decide that the proposal is a controlled action, because there are likely to be significant impacts on the following controlling provisions:

- National heritage values of a National Heritage place (section s15B & section 15C);

s. 22(1)(a)(ii)

As the proposed action will be taken *in* a Commonwealth marine area, the protected matter for the purposes of the controlling provisions in section 23 and 24A is the environment generally (see s 23(1) and ss 24A(1) and (2) of the EPBC Act). The 'environment' is defined in section 528 to relevantly include 'ecosystems and their constituent parts', 'natural and physical resources', 'the qualities and characteristics of locations, places and areas' (which would include the atmosphere) and heritage values of places.

These impacts are discussed respectively below.

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

s. 22(1)(a)(ii) The proponent has committed (Attachment D2) to meeting Commonwealth and State ballast water and biofouling legislation and guidelines, and to complying with the *Whale shark management with particular reference to Ningaloo Marine Park (WA)* (Attachment E22), EPBC Regulations Part 8 Division 8.1 (Attachment E23), and the *Australian National Guidelines for Whale and Dolphin Watching* (Attachment E12).

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

National Heritage places

The ERT ([Attachment E4](#)) did not identify any National Heritage places located within or adjacent to the proposed action area; however, Heritage Division advice ([Attachment E36](#)) notes that the Dampier Archipelago (including the Burrup Peninsula) (Place ID 105727), which was included in the list of National Heritage Places on 3 July 2007, is likely to be indirectly impacted by the proposed action.

As set out above, section 75(2) requires you to consider all adverse impacts the proposed action has, will have or is likely to have on the matters protected by each provision of Part 3.

The Department considers that impacts from emissions of NO_x, CO₂ and volatile organic compounds (noxious emissions) are an indirect, adverse impact that the proposed action is likely to have on the national heritage values of the Dampier Archipelago National Heritage Place.

For this reason, the Department recommends that you consider the indirect impacts from the proposed action's noxious emissions when deciding whether the following provision is controlling provisions for the proposed action:

- section s15B & section 15C (National heritage values of a National Heritage place)

The Department's analysis of impacts from noxious emissions on the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place is set out below for your consideration.

The Dampier Archipelago (including the Burrup Peninsula) National Heritage Place borders the lease boundary of the Karratha Gas Plant (KGP) near Dampier on the WA coast. The place contains one of the richest and diverse collections of rock art (referred to as petroglyphs) in Australia; the petroglyphs are among the national heritage values for which the place is listed. The art features a range of motif types including anthropomorphic and zoomorphic figures and geometric and amorphous designs. The petroglyphs range considerably in their motif subject content, technique, antiquity and distribution across the landscape.

Potential impacts

Having regard to the statement in the Significant Impact Guidelines that a 'significant impact' is an impact which is important, notable or of consequence, having regard to its context or intensity, the Department considers the relevant significance threshold in the context of 'national heritage' is whether there is a real chance or possibility that the noxious emissions resulting from the action will:

- one or more of the National Heritage values to be degraded or damaged, or
- one or more of the National Heritage values to be notably altered, modified, obscured or diminished.

Advice from the Heritage Branch on EPBC 2018/8335 noted the evidence presented at the 2018 *Senate Inquiry into the Protection of Aboriginal rock art of the Burrup Peninsula* ([Attachment E39](#)). The Inquiry noted there is significant uncertainty about what might be a safe or acceptable emission threshold for maintaining the integrity of the petroglyphs, and the ongoing cumulative effects of third party emissions on the integrity and condition of the rock art values ([Attachment E39](#)). This uncertainty includes airborne emissions from existing and future industrial uses on the Burrup Peninsula including the KGP.

The Heritage Branch has also raised concerns about the lack of information on the consultation undertaken by Woodside with traditional owners on the Karratha Gas Plant extension and sought additional information that demonstrates, amongst other things, that the relevant

Indigenous people understand the proposal and assessment processes and the potential impacts on their heritage values and places ([Attachment E39](#)).

If the proposed action is approved and proceeds, it will offer a potential supply of gas for processing (liquefaction) at the KGP. If the North West Shelf Project Extension proposal (EPBC 2018/8335) is also approved and proceeds, extending the operating life of the Karratha Gas Plant until 2068, then:

- The noxious emissions from the KGP to the atmosphere will continue beyond 2030 (the facility is currently only authorised to operate until that time). The proposed action could also lead to a change in the composition of noxious emissions. The continuation of, and the change in composition of the noxious emissions may each have impacts on the petroglyphs by contributing to an acceleration in the weathering of the petroglyphs.
- The availability of useable LNG from the KGP (and/or the adjacent Pluto LNG Facility which is already approved under the EPBC Act (EPBC 2006/2968; [Attachment E35](#)) may catalyse additional third party development on the Burrup Peninsula, including the Perdaman Urea proposal (EPBC 2018/8383) and other imminent referrals from the Mitsubishi/Wesfarmers/Coogee Chemicals Methanol project ([Attachment E36](#)). These proposals could facilitate amplified, cumulative noxious emissions from the Burrup Peninsula resulting in an increasingly adverse impact on the petroglyphs.

As mentioned above, the legal test for indirect impacts is found in section 527E(1) and (2). For impacts resulting from an action taken by an independent third party to be 'indirect impacts' of the proposed action, the action must be a substantial cause of that event or circumstance. The exception is where the event or circumstance is the result of an action by a third party independently of the proponent (in that situation, there is a different legal test which is discussed below in relation to the third source of emissions). As set out above, this exception is not applicable to emissions from the KGP, as Woodside will also be the person taking the (separate) action that covers processing the gas at KGP (see EPBC 2018-8335); there is no relevant third party.

Considering the test set out in s 527E(1)(b) and (2) of the EPBC Act, the Department considers the proposed liquefaction of the gas extracted from the Brecknock, Calliance and Torosa reservoirs at the KGP is an indirect result of the referred action, with the effect that impacts from the liquefaction must be considered when assessing the impacts of the proposed action on the national heritage values of the Dampier Archipelago national heritage place.

This is because the proposed action is a substantial cause of the noxious emissions from liquefaction of the gas extracted from the Brecknock, Calliance and Torosa reservoirs. The proposed action will directly result in the gas in question being extracted being liquefied; without the proposed action, the gas from the Brecknock, Calliance and Torosa reservoirs would not be liquefied at the KGP and the noxious emissions resulting would not occur. In other words, the proposed action will facilitate the environmental impacts resulting from the liquefaction and noxious emissions.

Woodside would have contemplated the need to liquefy the gas at KGP, and that the noxious emissions may result in increased impacts on the petroglyphs.

Avoidance and mitigation measures

In the referral for EPBC 2018/8335, Woodside advise they expect atmospheric emissions from that proposal will be in line with current permitted levels and Woodside, as operator of the Karratha Gas Plant, will continue to assess emission reduction opportunities that could result in a staged decrease in emissions over time ([Attachment E38](#)).

Assessment and conclusion about impacts of noxious emissions resulting from the proposed action on the national heritage values

Assuming the continuation of, and a change in composition of emissions from the KGP, and assuming the availability of useable LNG for an extended period may catalyse additional third party development on the Burrup Peninsula, the Department considers the proposed action is likely to result in indirect, cumulative impacts on the petroglyphs of the Burrup Peninsula. The proponent has not demonstrated that significant impacts could be avoided or mitigated effectively.

You should note the proponent has written to the Department presenting reasons why the controlling provision: National heritage values of a National Heritage place, should not be triggered ([Attachment E43](#)). For the reasons set out above, the Department disagrees.

The Department considers that the proposed action is likely to have a significant impact on the national heritage values of the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, specifically, the likely acceleration in the weathering of the petroglyphs. On this basis, the Department recommends that that you decide that ss 15B and 15C are controlling provisions for the proposed action.

s. 22(1)(a)(ii)

World Heritage properties

The ERT ([Attachment E4](#)) did not identify any World Heritage properties located within or adjacent to the proposed action area, therefore this controlling provision does not apply.

s. 22(1)(a)(ii)

Great Barrier Reef Marine Park

The proposed action is located off the coast of Western Australia, therefore this controlling provision does not apply.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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In making your decision you must consider the matters summarised in the table below:

Matter to be considered	Comment
Any other information about the impacts of the action considered relevant - s87(3)(b)	Relevant information is discussed in the Department's advice on relevant impacts contained in the referral decision brief.
Any comments received from a State or Territory minister relevant to deciding the appropriate assessment approach – s87(3)(c)	s. 22(1)(a)(ii)
Minister may decide on an Accredited Assessment if certain requirements are met – s87(4)	

s. 22(1)(a)(ii)

Precautionary principle

In making your decision under section 75, you are required to take account of the precautionary principle (section 391). The precautionary principle is that a lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental damage.

Bioregional Plans

In accordance with section 176(5), you are required to have regard to a bioregional plan in making any decision under the Act to which the plan is relevant.

The Department has had regard to the *Marine bioregional plan for the North-west Marine Region* (Attachment E1) in making its recommendation (see discussion above).

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Acting Director

Major Projects West Section

Assessments (WA, NT, SA) and Post Approvals Branch

Ph:s. 22(1)(a)(ii)

February 2019

ATTACHMENTS

A: [Decision Notice](#) FOR SIGNATURE v1.0

B: Letters FOR SIGNATURE

B1: [Proponent](#) v1.0

B2: [Delegate of WA Minister for Environment and Disability Services
and the WA Minister for Mines and Petroleum](#) v1.0

B3: [Delegate of the Minister for Industry](#) v1.0

B4: [Attorney-General](#) v1.0

s. 22(1)(a)(ii)

D: Referral

s. 22(1)(a)(ii)

D5: [Protected Matters Report](#) v1.0

s. 22(1)(a)(ii)

E: References

s. 22(1)(a)(ii)

E4: [Environment Report Tool: 20 February 2019, 20 km buffer](#) v1.0

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

E36: [Heritage Division advice](#) (15 February 2019)

v2.0

s. 22(1)(a)(ii)

E39: [Heritage Branch Advice on EPBC 2018/8335](#)

v2.0

s. 22(1)(a)(ii)

E41: [Legal Section advice](#) (22 February 2019a)

v1.0

E42: [Legal Section advice](#) (22 February 2019a)

v1.0

E43: [Additional Information from the proponent](#) (22 February 2019)

v1.0

s. 22(1)(a)(ii)



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled action
DECISION ON ASSESSMENT APPROACH – environmental impact statement**

Browse to North West Shelf Development, Indian Ocean, WA [EPBC 2018/8319]

This decision is made under section 75 and section 87 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action To: develop and extract hydrocarbons from the Brecknock, Calliance and Torosa reservoirs; install and operate two floating production storage and offloading (FPSO) facilities, all approximately 425 km north of Broome; and install and transport hydrocarbons from the FPSO facilities via a 900 km trunkline to existing pipeline infrastructure near North Rankin Platform, 120 km northwest of Karratha [see EPBC Act referral 2018/8319].

decision on proposed action The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.

relevant controlling provisions

- National heritage values of a National Heritage place (sections (s15B & s15C)
- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine area, the protected matter being the environment generally (sections 23 & 24A)

designated proponent Woodside Energy Ltd
ACN 005 482 986

assessment approach The project will be assessed by environmental impact statement.

Decision-maker

Name and position Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

Signature

date of decision

**Australian Government****Department of the Environment and Energy**

EPBC Ref: 2018/8319

Mr Richard van Lent
Senior Vice President Browse
Woodside Energy Limited
11 Mount Street
Perth WA 6000

Dear Mr van Lent

Decision on referral**Browse to North West Shelf Development, Indian Ocean, WA**

Thank you for submitting a referral under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This is to advise you of my decision about the referral of the proposed action, to: develop and extract hydrocarbons from the Brecknock, Calliance and Torosa reservoirs; install and operate two floating production storage and offloading (FPSO) facilities, all approximately 425 km north of Broome; and install and transport hydrocarbons from the FPSO facilities via a 900 km trunkline to existing pipeline infrastructure near North Rankin Platform, 120 km northwest of Karratha [see EPBC Act referral 2018/8319].

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

s. 22(1)(a)(ii)

- National heritage values of a National Heritage place.

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance:

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The proposed action may indirectly result in prolonged, and a change in the composition of, NO_x, CO₂ and volatile organic compounds emissions from the Karratha Gas Plant. If that occurs, those components of those emissions may have impacts on petroglyphs protected within the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, by contributing to an acceleration in their weathering.

Please note that this decision only relates to the potential for significant impacts on matters protected by the Australian Government under Chapter 2 of the EPBC Act.

I have also decided that the project will need to be assessed by environmental impact statement.

A copy of the document recording these decisions is enclosed.

Each assessment approach requires different levels of information and involves different steps. All levels of assessment include a public consultation phase, *in which third parties can comment on the proposed action*.

Indigenous communities may also need to be consulted during the assessment process. For more information on how and when indigenous engagement should occur during environmental assessments, please refer to the indigenous engagement guidelines at <http://www.environment.gov.au/epbc/publications/engage-early>.

s. 22(1)(a)(ii)

Details on the assessment process for the project and the responsibilities of the proponent are set out in the enclosed fact sheet. Further information is available from the Department's website at <http://www.environment.gov.au/topics/environment-protection/environment-assessments>.

Please also note that once a proposal to take an action has been referred under the EPBC Act, it is an offence under section 74AA to take the action while the decision making process is on-going (unless that action is specifically excluded from the referral or other exemptions apply). Persons convicted of an offence under this provision of the EPBC Act may be liable for a penalty of up to 500 penalty units. The EPBC Act is available on line at <http://www.environment.gov.au/epbc/about/index.html>

s. 22(1)(a)(ii)

If you have any questions about the referral process or this decision, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au), or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

February 2019



EPBC Ref: 2018/8319

Mr Richard van Lent
Senior Vice President Browse
Woodside Energy Limited
11 Mount Street
Perth WA 6000

Dear Mr van Lent

**Decision on referral
Browse to North West Shelf Development, Indian Ocean, WA**

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Yours sincerely

s. 47F(1)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

22 February 2019



Australian Government

Department of Sustainability, Environment,
Water, Population and Communities

EPBC ACT—ENVIRONMENT ASSESSMENT PROCESS

This fact sheet gives an overview of the Australian Government's environment assessment processes laid out in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The EPBC Act is the Australian Government's key piece of environmental legislation. Under the EPBC Act you need approval from the Australian Government environment minister for any proposed action—including projects, developments, activities, or alteration of these things—likely to have a significant impact on a matter protected by the EPBC Act.

What matters are protected by the EPBC Act?

The environment assessment process of the Act protects:

Matters of national environmental significance including:

- world heritage properties
- national heritage places
- wetlands of international importance (often called 'Ramsar' wetlands after the international treaty under which such wetlands are listed)
- nationally threatened species and ecological communities
- migratory species
- Commonwealth marine areas
- the Great Barrier Reef Marine Park
- nuclear actions (including uranium mining)
- a water resource, in relation to coal seam gas development and large coal mining development.

Other matters:

- the environment, where actions proposed are on, or will affect Commonwealth land, and
- the environment, where Commonwealth agencies are proposing to take an action.

There are significant penalties, including fines and imprisonment, for taking such an action without approval. If you intend to take an action that is likely to have a significant impact on a matter protected by the EPBC Act, it is important to make a referral as early as possible in the planning and development stages.



Environment assessment processes

There are two key stages in the environment assessment process required by the EPBC Act:

- *Referral*: How do I know if my proposed action requires approval under the EPBC Act?
- *Assessment/decision whether to approve*: How will the minister consider my action? How is a decision made?

1. Referral

The purpose of the referral stage is to determine whether or not a proposed action requires approval under the EPBC Act.

Step 1: Submitting a referral. Before taking an action that could have a significant impact on a matter protected by the EPBC Act, you must complete a referral form (available at www.environment.gov.au/epbc/assessments/referral-form.html) and submit it to the minister via the department for consideration.

Step 2: The decision process. Following the receipt of a valid referral, the minister has 20 business days to decide whether the proposed action will require assessment and approval under the EPBC Act.

Step 3: Public comment period. As part of the total 20 business days taken for the referral process, there is a 10 business day public comment period. This provides an opportunity for relevant Australian, state and territory government ministers and members of the public to comment on the proposed action.

Step 4: The decision whether an action requires assessment and approval. Within the 20 business day timeframe, the minister will decide whether a proposed action is likely to have a significant impact on one or more matters protected by the EPBC Act. If a significant impact is likely the action will need to be assessed and approved under the EPBC Act before it can proceed. This is called a 'controlled action'.

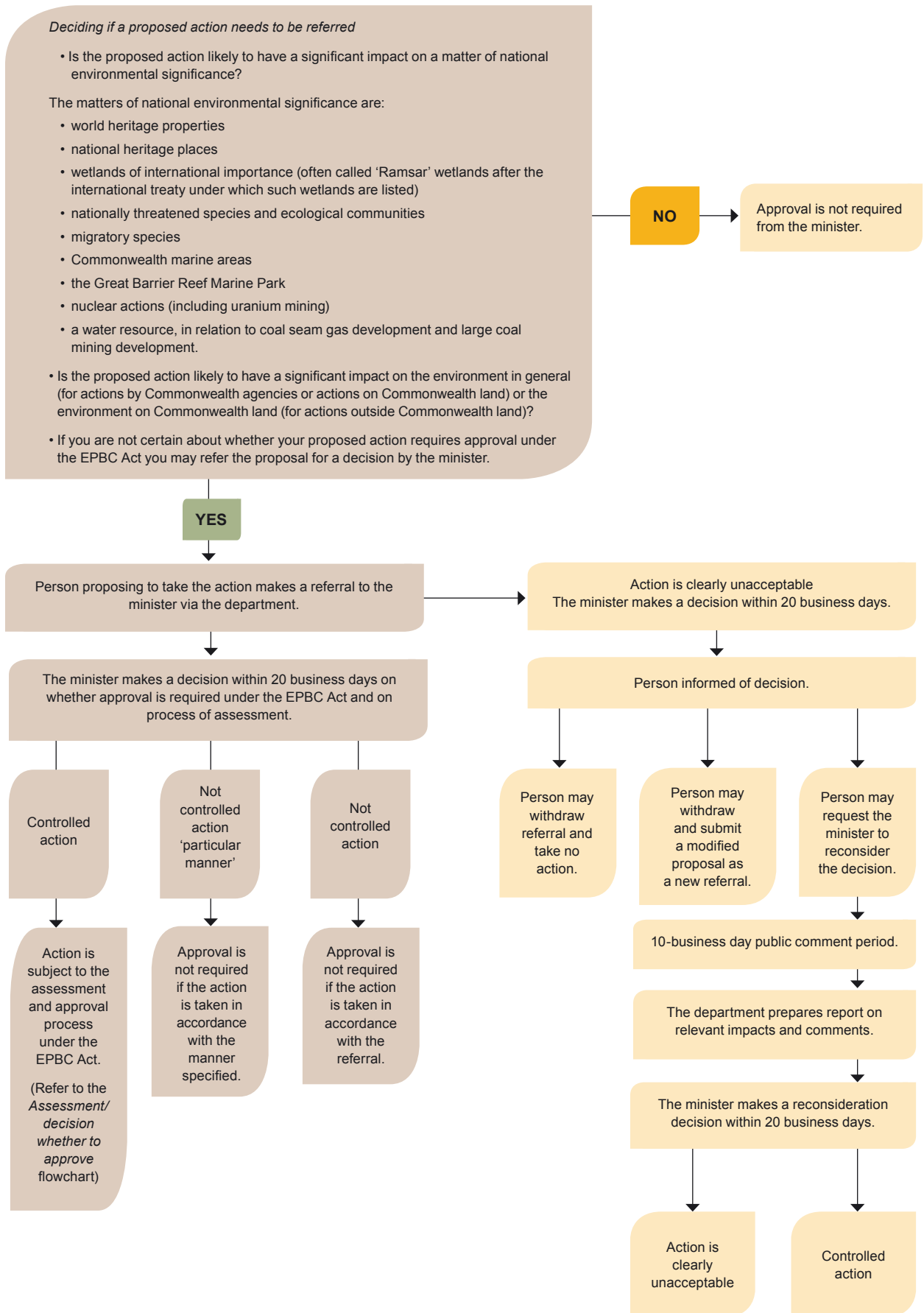
Step 5: How will the proposed action be assessed? Proposed actions can be assessed using different methods, depending on a range of considerations, including the complexity of the proposed action. The minister will let you know which method will be used in assessing your proposed action.

Helpful hint: Providing appropriate documentation

Not every action that involves a matter protected by the EPBC Act will have a significant impact, so it is important that you provide all available information about the proposed action, as well as measures you will be putting in place to reduce adverse impacts on those matters.



EPBC Act environment assessment process—referral



2. Assessment/decision whether to approve

Actions can be assessed using one of the following assessment methods:

- accredited assessment
- assessment on referral information (assessment done solely on the information provided in the referral form)
- assessment on preliminary documentation (referral form and any other relevant material identified by the minister as being necessary to adequately assess a proposed action)
- assessment by environmental impact statement (EIS) or public environment report (PER), and
- assessment by public inquiry.

The EPBC Act sets out the process and timing requirements for each type of assessment. This is summarised in the *EPBC Act Environment Assessment Process* flowchart on next page.

Reducing duplication of Australian and state/territory government processes

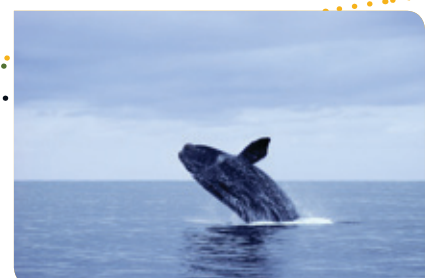
The Australian Government has bilateral agreements with all state and territory governments to accredit environment assessment processes that meet set standards.

If you need EPBC Act approval, in addition to state or territory government approval, it may be possible to do a single assessment, avoiding duplication. To take advantage of this opportunity it is important that you make a referral to the minister early in the development of your proposal.

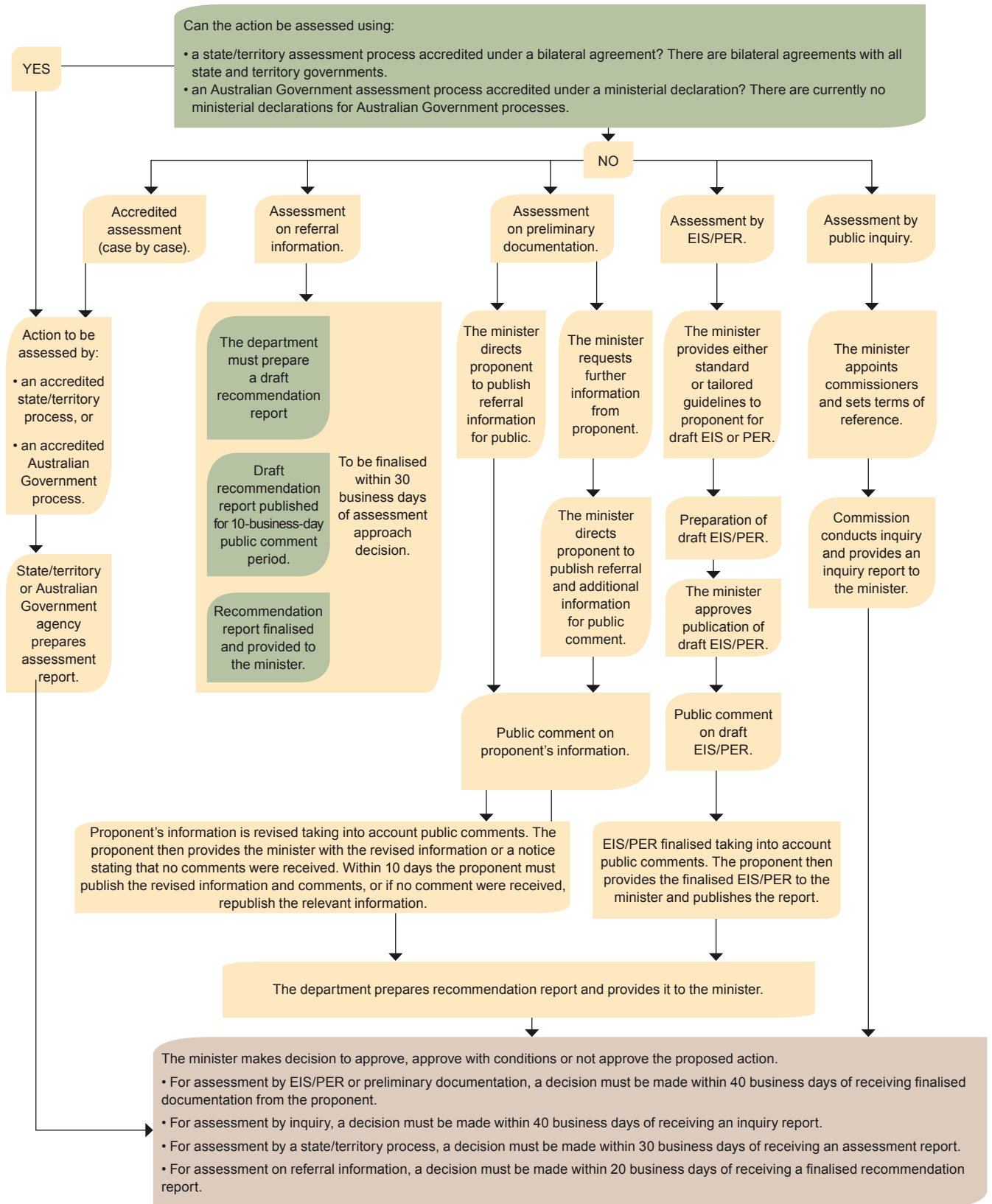
Helpful hint:

Taking measures to avoid significant impacts

In some cases, approval may not be required because you are proposing to put in place measures to avoid impacts on a matter protected by the EPBC Act. For example, you may commit to carrying out your construction activities at a time that will avoid the breeding season of migratory birds, thereby avoiding significant disturbances to a protected species. In these cases, you may be able to proceed without further assessment and approval under the EPBC Act, on the condition that you carry out your proposed action in the manner prescribed (not controlled action 'particular manner').



EPBC Act environment assessment process—assessment/decision whether to approve



Frequently asked questions

What will the minister consider when deciding if a proposed action should be approved?

When deciding if a proposed action should be approved, and what conditions to impose, the minister will consider the impacts of the proposed action on matters protected by the EPBC Act and other economic and social matters. The minister must take into account:

- the principles of ecologically sustainable development
- the results of the assessment of the impacts of the proposed action, including the relevant recommendation report from the secretary of the federal environment department
- referral documentation
- community and stakeholder comments
- any other relevant information available on the impacts of the proposed action, and
- relevant comments from other Australian Government and state and territory government ministers (such as information on social and economic factors).

The minister may also take into account the environmental history of the individual or company proposing to take the action, including the environmental history of the executive officers of companies, and parent companies and their executive officers.

What decisions can the minister make?

Following the assessment of your proposed action, the minister will decide whether to:

- approve your action
- approve your action subject to constraints (that is, place conditions on the action), or
- not approve your action.

Can I be asked to provide more information?

You can be asked to provide further information so that an informed decision can be made. The timeframe for making the next relevant decision in the assessment process stops until this information is received.

What conditions can be placed on an approval?

The minister may attach conditions to an approval to protect, repair or mitigate damage to a matter protected by the EPBC Act. Conditions can include bonds or other securities, independent environmental auditing and compliance monitoring.

The minister will provide you with a copy of the proposed decision on whether or not to approve an action, and the proposed conditions (if any) to attach to the approval, for comment before making a final decision.



How will I be notified of the minister's decision?

Once the minister has made a final decision you will receive a copy of the approval including conditions attached to the approval (if any), or notice of the refusal. Decisions are published on the *Government Notices Gazette* and on the department's web site.

Other permits

What about state, territory and local government environmental authorisations?

Getting approval under the EPBC Act does not remove the need to seek relevant state and territory and local government authorisations. To reduce delays and provide the opportunity to coordinate assessments, you should consider making an EPBC Act referral no later than when you begin state or territory authorisation processes.

Will I need other Australian Government permits?

If a proposed action is to take place on Commonwealth land or in the Commonwealth marine area, there may be cases where, even though the action is not considered to be significant and does not require approval through the referral process, it may still require a permit under a different section of the EPBC Act.

Separate permits may be required for any actions affecting an individual member of a threatened, marine or migratory species, or a whale or dolphin. If you require a permit, then you should submit a permit application at the same time as submitting a referral. The EPBC Act also regulates activities in Commonwealth protected areas and reserves, or which involve the import and export of wildlife.

If your action is in the Great Barrier Reef Marine Park, you may also require permission under the *Great Barrier Reef Marine Park Act 1975*. A permission under that Act may be required even if significant impact on the environment of the Great Barrier Reef Marine park is not likely. For more information, go to www.gbrmpa.gov.au

Further information about the EPBC Act is available from the department's website at www.environment.gov.au/epbc, by emailing ciu@environment.gov.au, or calling 1800 803 772.

Referral forms are also available from the department's website at: www.environment.gov.au/epbc/assessments/referral-form.html

The *Significant impact guidelines 1.1* provides guidance on whether an action is likely to have a significant impact on a matter protected by the EPBC Act. It is available at: www.environment.gov.au/epbc/publications/nes-guidelines.html

The *Significant impact guidelines 1.2* provides guidance in relation to actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies. It is available at www.environment.gov.au/epbc/commonwealth-guidelines.html

For assistance with a referral, email: epbc.referrals@environment.gov.au

Disclaimer

The views and opinions contained in this document are not necessarily those of the Australian Government. The contents of this document have been compiled using a range of source materials and while reasonable care has been taken in its compilation, the Australian Government does not accept responsibility for the accuracy or completeness of the contents of this document and shall not be liable for any loss or damage that may be occasioned directly or indirectly through the use of or reliance on the contents of the document.

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Australian Government

Department of the Environment and Energy

EPBC Act Cost Recovery - Fee Schedule

EPBC No: 2018/8319

Date of Fee Schedule: Dec. 13, 2018

Project title: Browse to North West Shelf Development, Indian Ocean, WA

Assessment method: Environmental Impact Statement

Fee Schedule

STAGE FEES	Base fee	PART A Complexity costs (A-L, P)	PART B Complexity costs (MNO)	Total
Stage 1	\$4,715	\$93,189	\$0	\$97,904
Stage 2	\$5,394	\$147,549	\$0	\$152,943
Stage 3	\$7,119	\$155,315	\$121,010 (Estimate)	\$283,444 (Estimate)
Stage 4	\$8,355	\$380,521	\$121,010 (Estimate)	\$509,887 (Estimate)
TOTAL PROJECT COST	\$25,583	\$776,575	\$242,021 (Estimate)	\$1,044,179 (Estimate)

Notes:

- For assessments by environmental impact statement - If standard guidelines are used under Section 101A(2)(a) of the EPBC Act, the Stage 1 fee will not be applicable.
- For assessments by public environmental report - If standard guidelines are used under Section 96B of the EPBC Act, the Stage 1 fee will not be applicable.
- If no further information is requested under section 95A of the EPBC Act, the Stage 1 and 2 fees will not be applicable.
- The Department advises applicants of the maximum liability for Part B complexity fees at the time of the assessment approach decision, based on the information provided in the referral documentation. Applicants have the opportunity to reduce the Part B complexity fees during the assessment process by improving the quality of information provided to the Department during Stage 2 of the assessment. These Part B complexity fees are confirmed when all the assessment documentation is provided in Stage 2, and are not payable until Stages 3 and 4 of the assessment.

Fee Breakdown

		COMPLEXITY FEE	
CONTROLLING PROVISIONS			
Part A Fees	A Listed threatened species and ecological communities	High	\$25,615
	B Listed migratory species	High	\$25,615
	C Wetlands of international importance	None	\$0
	D Environment of the Commonwealth marine area	Very High	\$48,931
	E World heritage properties	None	\$0
	F National heritage places	None	\$0
	G Nuclear actions	None	\$0
	H Great Barrier Reef Marine Park	None	\$0
	I Water Resources	None	\$0
	J Commonwealth Land/Commonwealth Agency/Commonwealth Heritage Places Overseas	None	\$0
NUMBER OF PROJECT COMPONENTS			
	K Number of project components	High	\$51,166
COORDINATION WITH OTHER LEGISLATION			
	L Coordination with other legislation	Very High	\$33,162
ADEQUACY OF INFORMATION AND CLARITY OF PROJECT SCOPE			
Part B Fees: estimate (to be confirmed prior to Stage 3)	M Site surveys/Knowledge of environment	Very High	\$84,311
	N Management measures (including mitigation and offsets)	Very High	\$95,311
	O Project scope	Very High	\$62,399
EXCEPTIONAL CIRCUMSTANCES			
Exceptional circumstances	P Exceptional circumstances	True	\$592,086
TOTAL COMPLEXITY FEES (Estimate)			\$1,018,596
BASE FEE			\$25,583
TOTAL FEE (Estimate)			\$1,044,179

Potential fees for contingent and post-approval activities (if required)

The Department will notify you if a contingent activity fee is applicable due to an additional statutory step being required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Post-approval fees

Evaluation of new Action Management Plan (per management plan) (\$2,690)

Contingent Fees

Request additional information for referral or assessment approach decision (\$1,701)

Variation to the proposed action (\$1,353)

Reconsideration of the controlled action or assessment approach decision at the applicant's request (\$6,577)

Request additional information for approval decision (assessment on referral information, preliminary documentation or bilateral/accredited assessment) (\$1,701)

Request additional information for approval decision (assessment by environmental impact statement or public environment report) (\$7,476)

Variation of conditions (\$2,690)

Variation of an action management plan under conditions of approval (\$2,690)

Administrative variation of an action management plan under conditions of approval (\$710)

Transfer of approval to new approval holder (\$1,967)

Extension to approval expiry date (\$2,690)

**Australian Government****Department of the Environment and Energy**

EPBC Ref: 2018/8319

Mr Mike Rowe
Director General
Department of Water and Environmental Regulation
Locked Bag 33
Cloisters Square Perth WA 6850

Dear Mr Rowe

Decision on referral**Browse to North West Shelf Development, Indian Ocean, WA**

I am writing to you as the nominated delegate of the WA Minister for Environment and Disability Services, and of the WA Minister for Mines and Petroleum. This is to advise you of my decision about the referral of the proposed action, to: develop and extract hydrocarbons from the Brecknock, Calliance and Torosa reservoirs; install and operate two floating production storage and offloading (FPSO) facilities, all approximately 425 km north of Broome; and install and transport hydrocarbons from the FPSO facilities via a 900 km trunkline to existing pipeline infrastructure near North Rankin Platform, 120 km northwest of Karratha [see EPBC Act referral 2018/8319].

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Yours sincerely

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

February 2019



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Director General
Department of Water and Environmental Regulation
Locked Bag 33
Cloisters Square Perth WA 6850

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s. 47F(1)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

22 February 2019

**Australian Government****Department of the Environment and Energy**

EPBC Ref: 2018/8319

Dr Margie Eddington
Assistant Manager, Mining and Investment
Department of Industry, Innovation and Science
GPO 2013
Canberra ACT 2601

Dear Dr Eddington

Decision on referral**Browse to North West Shelf Development, Indian Ocean, WA**

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Yours sincerely

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

February 2019



EPBC Ref: 2018/8319

Dr Margie Eddington
Assistant Manager, Mining and Investment
Department of Industry, Innovation and Science
GPO 2013
Canberra ACT 2601

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Browse to North West Shelf Development, Indian Ocean, WA**

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s. 22(1)(a)(ii)

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The proposed action may indirectly result in prolonged, and a change in the composition of, NO_x, CO₂ and volatile organic compounds emissions from the Karratha Gas Plant. If that occurs, those components of those emissions may have impacts on petroglyphs protected within the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, by contributing to an acceleration in their weathering.

I have also decided that the project will need to be assessed by environmental impact statement.

A copy of the document recording these decisions is enclosed.

If you have any questions about the referral process or this decision, please contact the project manager s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au), or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 47F(1)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

22 February 2019

**Australian Government****Department of the Environment and Energy**

EPBC Ref: 2018/8319

The Hon Christian Porter MP
Attorney-General
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Attorney-General

Decision on referral**Browse to North West Shelf Development, Indian Ocean, WA**

This is to advise you of my decision about the referral of the proposed action, to: develop and extract hydrocarbons from the Brecknock, Calliance and Torosa reservoirs; install and operate two floating production storage and offloading (FPSO) facilities, all approximately 425 km north of Broome; and install and transport hydrocarbons from the FPSO facilities via a 900 km trunkline to existing pipeline infrastructure near North Rankin Platform, 120 km northwest of Karratha [see EPBC Act referral 2018/8319].

As a delegate of the Minister for the Environment, I have decided under section 75 of the EPBC Act that the proposed action is a controlled action and, as such, it requires assessment and a decision about whether approval for it should be given under the EPBC Act.

The information that I have considered indicates that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

s. 22(1)(a)(ii)

- National heritage values of a National Heritage place.

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

The proposed action may indirectly result in prolonged, and a change in the composition of, NO_x, CO₂ and volatile organic compounds emissions from the Karratha Gas Plant. If that occurs, those components of those emissions may have impacts on petroglyphs protected within the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, by contributing to an acceleration in their weathering.

I have also decided that the project will need to be assessed by environmental impact statement.

A copy of the document recording these decisions is enclosed.

If you have any questions about the referral process or this decision, please contact the project manager s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) [@environment.gov.au](mailto:s.22(1)(a)(ii)@environment.gov.au), or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

February 2019



EPBC Ref: 2018/8319

The Hon Christian Porter MP
Attorney-General
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Dear Attorney-General

Decision on referral

Browse to North West Shelf Development, Indian Ocean, WA

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s. 22(1)(a)(ii)

- National heritage values of a National Heritage place.

Based on the information available in the referral, the proposed action is likely to have a significant impact on the following matters of national environmental significance:

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

The proposed action may indirectly result in prolonged, and a change in the composition of, NO_x, CO₂ and volatile organic compounds emissions from the Karratha Gas Plant. If that occurs, those components of those emissions may have impacts on petroglyphs protected within the Dampier Archipelago (including the Burrup Peninsula) National Heritage Place, by contributing to an acceleration in their weathering.

I have also decided that the project will need to be assessed by environmental impact statement.

A copy of the document recording these decisions is enclosed.

If you have any questions about the referral process or this decision, please contact the project manager, s. 22(1)(a)(ii) by email to s. 22(1)(a)(ii) environment.gov.au, or telephone s. 22(1)(a)(ii) and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

s. 47F(1)

Declan O'Connor-Cox
Acting Assistant Secretary
Assessments (WA, SA, NT) and Post Approvals Branch

22 February 2019



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 09/08/18 16:46:45

[Summary](#)

[Details](#)

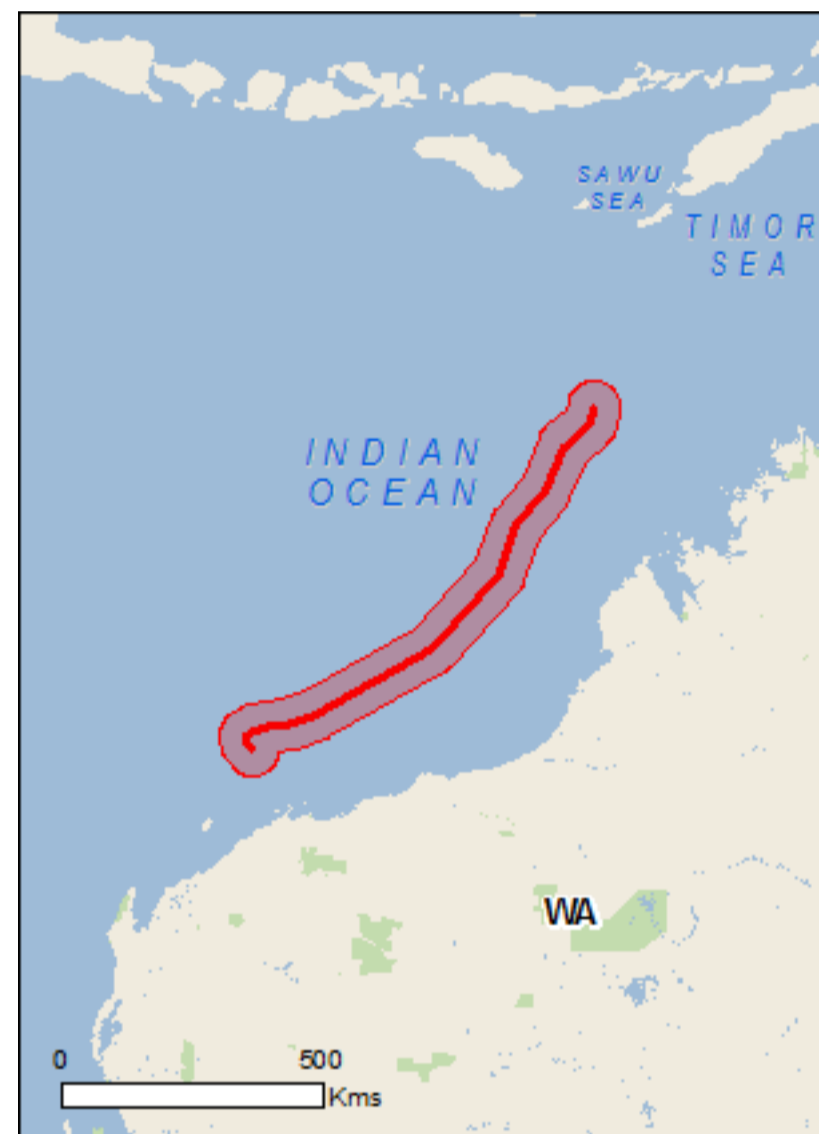
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

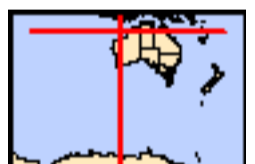
[Acknowledgements](#)



This map may contain data which are ©Commonwealth of Australia (Geoscience Australia), ©PSMA 2010

[Coordinates](#)

Buffer: 50.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Great Barrier Reef Marine Park:	None

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

s. 22(1)(a)(ii)

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-13.915406 122.040706,-14.20315 121.985775,-14.586241 121.502376,-15.297431 121.205745,-15.890017 120.711361,-16.691447 120.41473,-17.929089 119.250179,-18.992011 117.261654,-19.15814 116.756282,-19.199647 116.514583,-19.251515 116.174007,-19.344836 116.031185,-19.458823 116.053157,-19.583081 116.152034

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
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- [-Queensland Museum](#)
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- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- [-Other groups and individuals](#)

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

2018-8319 Referral-Brief-AttE4-ERT-20kmBuffer-190220

Report created: 20/02/19 17:17:36

[Summary](#)

[Details](#)

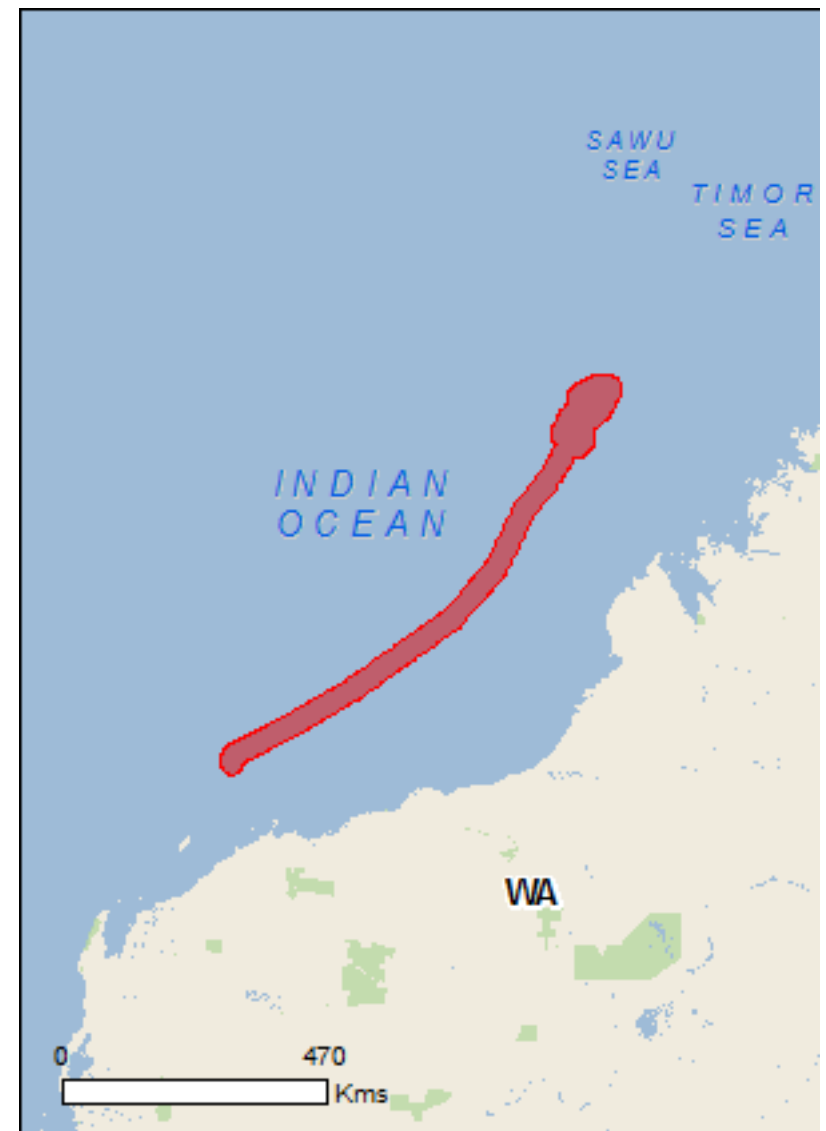
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

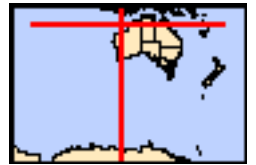
[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
©Commonwealth of Australia
(Geoscience Australia), ©PSMA 2010



Summary

Matters of National Environment Significance

World Heritage Properties: None _____

National Heritage Places: None _____

s. 22(1)(a)(ii)

Great Barrier Reef Marine Park: None _____

s. 22(1)(a)(ii)

Other Matters Protected by the EPBC Act

s. 22(1)(a)(ii)

Extra Information

This part of the report provides information that may also be relevant to the area you have

s. 22(1)(a)(ii)

Details

Matters of National Environmental Significance

Commonwealth Marine Area

[Resource Information]

Approval is required for a proposed activity that is located within the Commonwealth Marine Area which has, will have, or is likely to have a significant impact on the environment. Approval may be required for a proposed action taken outside a Commonwealth Marine Area but which has, may have or is likely to have a significant impact on the environment in the Commonwealth Marine Area.

Name

s. 22(1)(a)(ii)

EPBC Act Referrals

[Resource Information]

Further details about the referral or advice - including its current status if still active - are available in its PINK report; click on the title.

Key Ecological Features (Marine)

[Resource Information]

Key Ecological Features are the parts of the marine ecosystem that are considered to be important for the biodiversity or ecosystem functioning and integrity of the Commonwealth Marine Area.

s. 22(1)(a)(ii)

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under 'type of presence'. For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

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- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

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- [-Ocean Biogeographic Information System](#)
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- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

ADDITIONAL REFERRAL ADVICE – 2018.8319 (BROWSE TO NORTH WEST SHELF)

Proposed action: Woodside Energy Ltd, and joint venture partners, propose to develop the Browse Basin's Torosa, Calliance and Brecknock fields, offshore from Western Australia, approximately 425 km north of Broome. The development, which will extract gas and condensate, will include two Floating Production Storage and Offloading (FPSO) facilities. The FPSOs will be supplied by a subsea production system and will export gas to the existing North West Shelf (NWS) Project infrastructure via an approximate 85 km spur line and an approximate 900 km proposed Browse Trunkline (BTL) which will tie in near the North Rankin Complex (NRC). Construction is expected to commence approximately 2021-2022, with operations expected for up to 50 years.

s. 42(1)

Additional advice:

- Heritage Branch considers the approval of the Browse to North West Shelf project (2018.8319) will facilitate extension of the Karratha Gas Plant (North West Shelf Project Extension 2018.8335) operational longevity by nearly 50 years (up to 2068), and will facilitate feedstock for third party projects endeavouring to establish themselves on the Burrup Peninsula (e.g. 2018.8383 Perdaman Urea, and imminent referral from Mitsubishi/Wesfarmers/Coogee Chemicals Methanol project). This increased development will lead to increased emissions, which may have significant impact on the Nationally Heritage listed rock art of the Burrup Peninsula.
- The proposed action (2018.8319), although not directly impacting the National Heritage listed rock art of the Burrup Peninsula, would be an instigating action that would significantly increase and facilitate amplified, cumulative emissions the Burrup Peninsula by providing an extended supply of LNG to the Karratha Gas Plant and extend its operations to 2068, which would consequentially enable a second LNG source for the Pluto LNG plant (in addition to the proposed Scarborough LNG source 2018.8362), indicating a possible extension on longevity of Pluto LNG operations. This extension of Pluto's operations would also contribute significantly to an increased emissions impact on the rock art of the Peninsula.
- Please note the cumulative effect of emissions on the rock art of the Burrup Peninsula is undetermined and contested. Scientific certainty to the impact of emissions on the Burrup's rock art is currently being determined, with the Western Australia Government currently in the process of establishing a rock art monitoring program via the *Burrup Rock Art Strategy*, with the intention to establish reputable baseline data sets, as well as an emissions impact threshold.
- The exponential increase of emissions from increased industrial activities, and extension of operating licence from Karratha Gas Plant and other industrial ventures may have undetermined

and very significant impact on the Nationally Heritage listed, world-class rock art of the Burrup Peninsula. Therefore, the facilitated and cumulative impacts of all relevant industrial developments on the Burrup Peninsula must be taken into consideration when making a decision. The Heritage Branch encourages the Delegate to assess the referral 2018.8319 referral in a collective manner (i.e. the proposed action, 2018.8319, will instigate and facilitate substantially amplified industrial activity on the Burrup, and thus have a much larger effect on the Nationally Heritage Listed rock art, additional to the single action of developing the Browse to North West Shelf project).

From: s. 22(1)(a)(ii)
To: Declan O'Connor-Cox; s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: For consideration - Additional Heritage advice regarding Browse (2018.8319) [SEC=UNCLASSIFIED]
Date: Friday, 15 February 2019 5:44:51 PM
Attachments: [Additional referral advice - 190215 - Browse 8319 v2.docx](#)
[image002.jpg](#)
Importance: High

Good afternoon Declan s. 22(1)(a)(ii)

I am sending this email on behalf of my Assistant Secretary, Mr David Williams.

This email is in regards to referral 2018.8319 (Browse to North West Shelf). The Heritage Branch has recently met with General Counsel Branch (GCB) to ascertain if, and what level of cumulative and indirect impacts can be assessed within Heritage referral advices.

s. 42(1)

s. 42(1)

Heritage Branch

appeals to the Delegate to consider the additional Heritage Branch advice attached in this email regarding the Browse to North West Shelf referral (2018.8319).

Please feel free to contact either myself, of David, if you wish to discuss.

Kind regards

s. 22(1)(a)(ii)

Department of the Environment and Energy
Indigenous Heritage Section | Heritage, Reef and Marine Division
GPO Box 787 CANBERRA, ACT 2601

T s. 22(1)(a)(ii) E s. 22(1)(a)(ii) @environment.gov.au

cid:image002.png@01D24737.A9D83D20



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

From: s. 22(1)(a)(ii)
To:
Subject: FW: Request for Advice - 2018/8335 - North West Shelf Project Extension [SEC=UNCLASSIFIED]
Date: Monday, 17 December 2018 4:43:58 PM
Attachments: [image001.png](#)
[image002.jpg](#)

Hi s. 22(1)(a)(ii)

A resend, as the original email to your address bounced back.

Kind regards

s. 22(1)(a)(ii)

From: s. 22(1)(a)(ii)

Sent: Monday, 17 December 2018 4:42 PM

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii) @environment.gov.au¹

Subject: RE: Request for Advice - 2018/8335 - North West Shelf Project Extension [SEC=UNCLASSIFIED]

Good afternoon ESD

Please see below for the advice regarding referral 2018/8335, requesting for more information. As outlined below, there is insufficient information to determine the potential impact of the proposed project.

The below advice comes with EL2 (s. 22(1)(a)(ii) and Acting Assistant Secretary s. 22(1)(a)(ii) approval.

Kind regards

s. 22(1)(a)(ii)

Department of the Environment and Energy
Indigenous Heritage Section | Heritage, Reef and Marine Division
GPO Box 787 CANBERRA, ACT 2601

T s. 22(1)(a)(ii) E s. 22(1)(a)(ii) [@environment.gov.au](mailto:environment.gov.au)

cid:image002.png@01D24737.A9D83D20



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

Referral 2018/8335 - DoEE Heritage Branch request for more information

Summary of findings:

On review of the referral 2018/8335, the Heritage Branch advises there is insufficient information and supporting documentation to determine the potential impact of the proposed action on the National Heritage Listed values of the Burrup Peninsula (including the Dampier Archipelago).

On the information available, advice cannot be made with confidence that approving the project will not cause the National Heritage values to be degraded, damaged, notably altered, modified, obscured or diminished.

While it is agreed some measures proposed and/or continued—including strict controls on access by Woodside personnel to the listed place; induction of employees about the heritage values; and an Aboriginal Heritage Audit—mitigate the impact of the plant to a degree, the most critical impact for consideration is the management of existing and future airborne gas emissions from the Karratha Gas Plant (KGP) and its undetermined impact on the listed rock art values of the Burrup Peninsula. This key issue is not addressed in the documentation.

Evidence presented at the Senate Inquiry into the Protection of Aboriginal rock art of the Burrup

Peninsula indicates there is significant uncertainty about what might be a safe or acceptable emission threshold for maintaining the integrity of the rock art, and the ongoing cumulative effects of third party emissions on the integrity and condition of the rock art values. This uncertainty includes airborne emissions from existing industrial uses on the Burrup Peninsula including the KGP.

The proponent outlines the proposed length of the project to be from 07/2020 to 11/2068, an extension of approximately 50 years to the longevity of the Karratha Gas Plant. The information provided by the proponent, the cumulative impacts of such intensification on the heritage values of the Burrup Peninsula over such a timeframe, cannot be assessed with confidence. The Department of the Environment and Energy requests more detailed information regarding the referred action to make a reasoned judgement of the potential impact of the action.

Additional information to be provided by the proponent includes:

- Detailed plans of future reduction mitigation strategies of airborne emissions.
- Current management practices of how the proponent is currently managing airborne emissions (esp. NO_x and SO_x others).
- Clear details of current volume for processes, detailed information regarding predicted changes to volume and composition of emissions over life of plant, and proposed volumes for processing for timeframe provided (e.g. up to 2068).
- Detailed information regarding the predicted changes to volume and composition of emissions anticipated over the extended life of the plant.
- Quantified percentage emission reductions (volumes) forecasts and the steps that will be taken and timeline to achieve this reduction in airborne emissions over the proposed extended life of the plant (including mitigation strategies).
- It is requested that the proponent provide more detailed information (e.g. reports, indicative studies) of the predicted effects of potential changes to feed gas composition.
- Detailed information (e.g. reputable reports, indicative studies, and base line data) of the effects of these potential changes to composition of environmental discharge and emissions, and outline the existing permitted volumes and discharges and current monitoring and management measures in place to manage these emissions. Additional to this point, the proponent outlines that volumes of emissions are expected to be in line with current levels. It is requested that the proponent provide the reports and indicative studies that confirm this statement.
- Evidence that the implementation of new technologies is an effective mitigation strategy to alleviate possible impact on the National Heritage Values of the Burrup Peninsula, and detailed plans for future site and plant refurbishment, construction of additional/replacement of equipment and take up of new technology should also be provided showing the relationships between emissions points within the plant and the rock art.
- Results of monitoring programs (*the Burrup Ambient Air Quality Monitoring Program*) and details of the findings that evidence the statement that 'that there are negligible effects on air quality arising from emission from NWS Project facilities'. The voluntarily run monitoring program *Burrup Ambient Air Quality Monitoring Program* ceased operation in 2011. A report on this program has not been provided to verify the claims and as the program did not continue, Woodside does not appear to be a contributing to an ongoing program monitoring of air quality around the plant. Additionally, the proponent advises that a range of monitoring programs have been undertaken in the last 15 years to further evidence statements that NWS operations are having minimal impact. Proponent to provide results and details of *the Burrup Ambient Air Quality Monitoring Program* and

- the results of the other 'range of monitoring programs' referenced to evidence claims.
- Clarification of the scope of the whole project. Proponent outlines, under section 1.15 that this action is not part of a staged development (or a component of a larger project), however notes that there are additional referrals to come relating to this project. Proponent to confirm that this action is not a part of the larger Burrup Hub vision, and directly related to EPBC Referral 2018/8319 and future incoming referrals.
 - A3 maps with a legend that references the current, and future emission points in reference to rock art sites.
 - Clarification or evidence to vague statements provided in the referral. Statements include '*atmospheric emissions **are expected to be** in line with current permitted levels*' and '*Woodside ... will continue to assess emission reduction opportunities **that could result** in a staged reduction over time (section 2.2.1)*'.
 - Information regarding the current operating licence conditions (DWER) to determine whether the existing operational regime is adequate.

Contested reports

The proponent references air pollution studies where the methodology used (monitoring points) and the results and conclusions are contested by stakeholders (CSIRO 2017, and Duffy et al 2017). The proponent acknowledge this contestation in the referral (see 2.2.1), however continue to use these reports as evidence that the proposed action will not have a significant impact on the NHL values (see 4.1).

Best Practice Indigenous engagement

Traditional Owners have expressed their clear wishes that no further development occur on Murujuga (the Burrup Peninsula, including the Dampier Archipelago) and have outlined their preference that further development occur at the nearby Maitland Estate or other areas. The proponent is asked to provide more information outlining consultations that have taken place that indicate that the development has been discussed, and been understood by Traditional Owners and custodians.

Section 1.13 of the referral outlines that Woodside outlines its intentions to building long term and meaningful relationships with host communities, and its regular engagement with stakeholders including potential and environmental and social impacts. Additionally, the referral indicates at 1.13 that the proponent is consulting with the regional community but does not specifically refer to forums that have been convened for the Indigenous community and heritage managers, which need to be both culturally appropriate and designed in collaboration with the Indigenous community.

In referral (2.2.1), the proponent indicates that they are a participant on the WA's Murujuga Rock Art Strategy Stakeholder Reference Group. The Department is also a member of the Group. In this forum, no information has been presented to the Traditional Owners members by Woodside about this referral and the potential impacts on their rock art in this forum (to date). There is no evidence in the referral or supportive documentation that adequate consultation has occurred to date regarding the proposed action and its impacts. The referral does not effectively outline that appropriate and comprehensive engagement has occurred with Traditional Owners and Custodians to effectively outline the ongoing impacts of the proposed action, or that Traditional Owners understand, or support the proposal. The referral

Additional information regarding Indigenous engagement to be provided by the proponent includes:

- Evidence and plans of the 'phased stakeholder engagement program' and all evidence of consultation with Traditional Owners about the proposed development.
- Documentation that identifies that the Indigenous people that have been consulted/and or

their representative body.

- Evidence that Traditional Owners have been provided opportunity to ask questions, and adequate responses have been provided.
- Evidence that ensures Indigenous people understand the proposal and assessment processes and the potential impacts on their heritage values and places.
- Evidence that outlines concerns that Indigenous people identified during consultation about impacts on their Indigenous heritage values and how they have been addressed.
- Any MOU's, agreements/plans, (including those with confidentiality arrangements) to manage the Indigenous heritage values and places.

The proponent should provide written confirmation from the Indigenous community and their appropriate representative body (Murujuga Aboriginal Corporation (MAC)) that they are satisfied with consultation process, the information provided and proposed actions to mitigate impacts on their heritage values (or otherwise), and attach this written confirmation to the referral. Additionally, evidence should be provided that outlines that traditional owners/MAC have been informed about any of the associated infrastructure that may follow on from extending the life of this Plant (if proposal is a part of a larger project) and, the potential impact to the listed rock art values and the heritage place.

Woodside's consultation with Indigenous stakeholders should conform with the best practice approach in *Engage early – guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* <http://www.environment.gov.au/epbc/publications/engage-early>.

From: s. 22(1)(a)(ii)

Sent: Monday, 3 December 2018 2:19 PM

To: Heritage EPBC Mailbox <HeritageEPBC.HeritageEPBC@environment.gov.au>

Cc: s. 22(1)(a)(ii) @environment.gov.au

Subject: Request for Advice - 2018/8335 - North West Shelf Project Extension

[SEC=UNCLASSIFIED]

Hi Heritage and Indigenous Heritage teams

I am writing to request comments on the following EPBC project:

EPBC Number:	2018/8335
Referral Title:	North West Shelf Project Extension, Carnarvon Basin, WA
Project Stage:	Referral
Project Documentation	SPIRE folder
Potential Issues	A Woodside joint venture wishes to extend the life of the Karratha Gas Plant to 2070, to enable processing of LNG from the proposed Browse development and other projects. We request your advice as to the nature and scale of potential impacts on heritage matters, including the National Heritage place, Dampier Archipelago (including Burrup Peninsula)
Timeframe for providing advice	Please email your advice to the Primary ESD contact Officer by COB 17 December 2018 (standard ten day turnaround).

Primary ESD Contact Officer details

Name s. 22(1)(a)(ii) Email: s. 22(1)(a)(ii) @environment.gov.au

Secondary ESD Contact Officer details

Name s. 22(1)(a)(ii) Email: s. 22(1)(a)(ii) @environment.gov.au

Relevant ESD Director

Names. 22(1)(a)(ii)

Email: s. 22(1)(a)(ii) [@environment.gov.au](mailto: @environment.gov.au)

Cheers,
s. 22(1)(a)(ii)

Senior Assessment Officer | Major Projects West
Assessments (WA, SA, NT) and Post Approvals Branch | Environment Standards Division
Department of the Environment and Energy

Please note I do not work Wednesdays

e. s. 22(1)(a)(ii) [@environment.gov.au](mailto: @environment.gov.au)

phs. 22(1)(a)(ii)

cid:3331976236_74013


s. 22(1)(a)(ii)

Senior Assessment Officer | Major Projects West
Assessments (WA, SA, NT) and Post Approvals Branch | Environment Standards Division
Department of the Environment and Energy

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phs. 22(1)(a)(ii)

cid:3331976236_74013

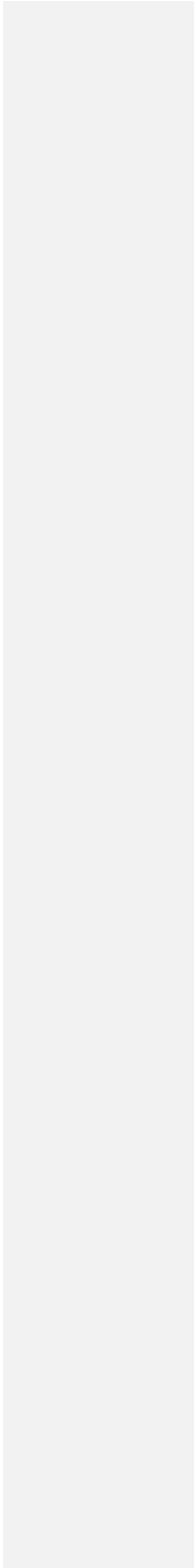

s. 42(1), s. 22(1)(a)(ii)

s. 42(1), s. 22(1)(a)(ii)

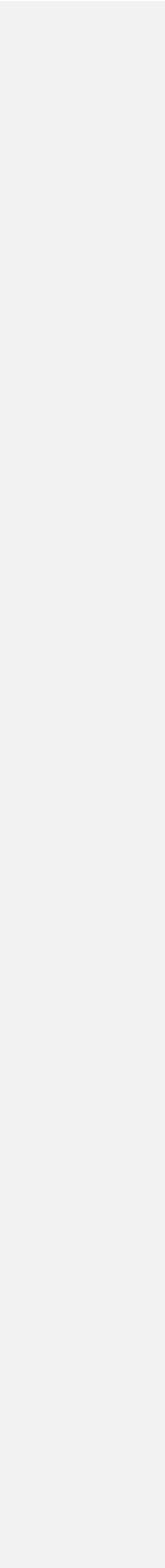
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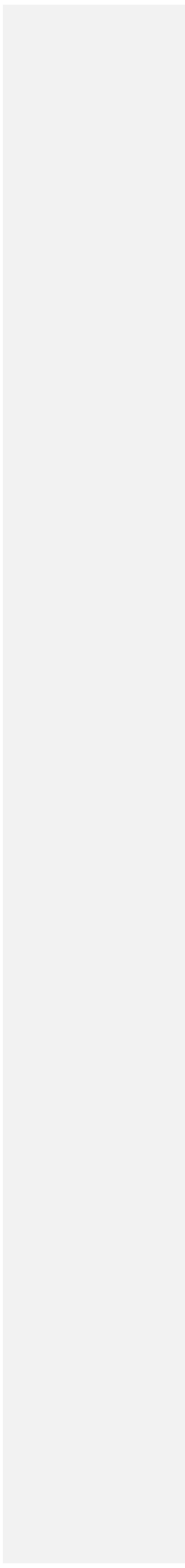
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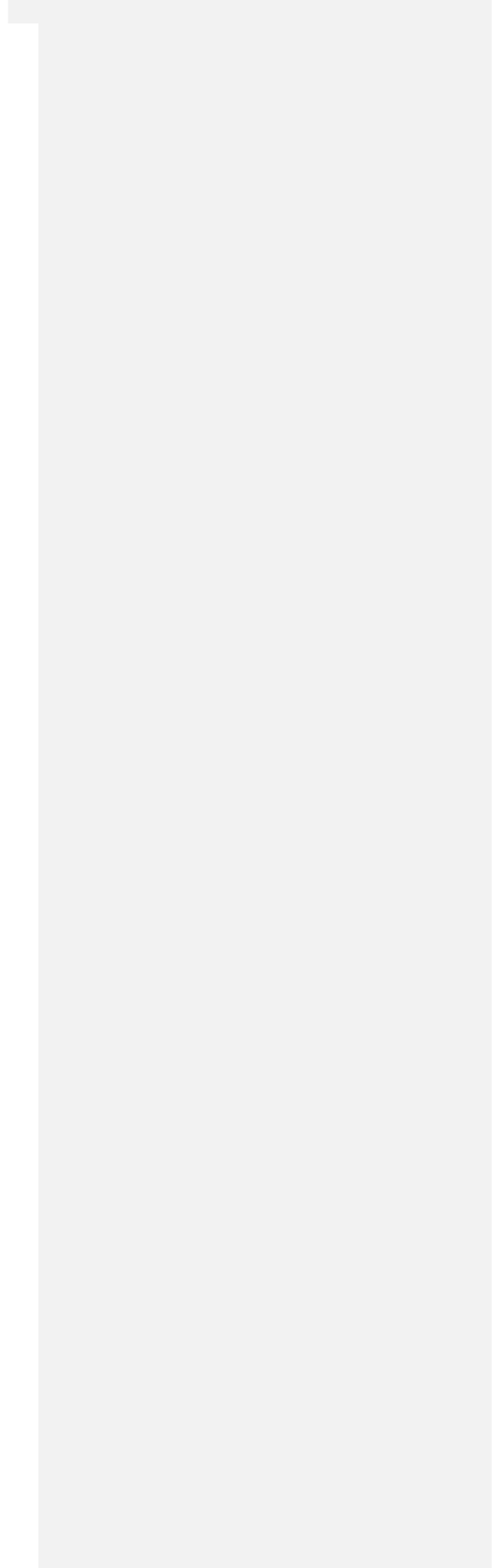
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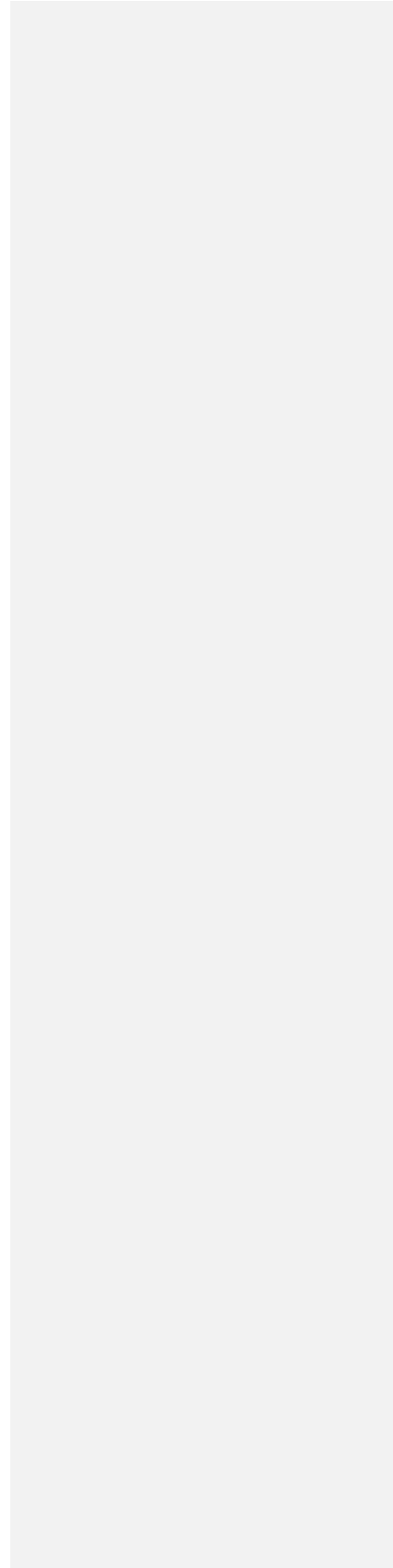
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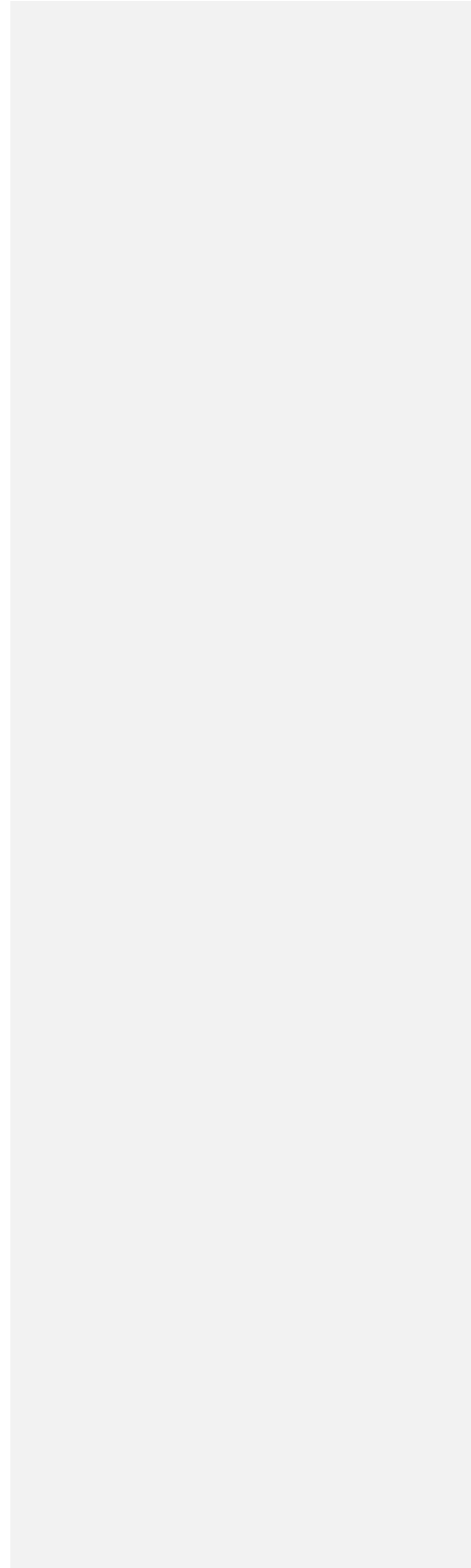
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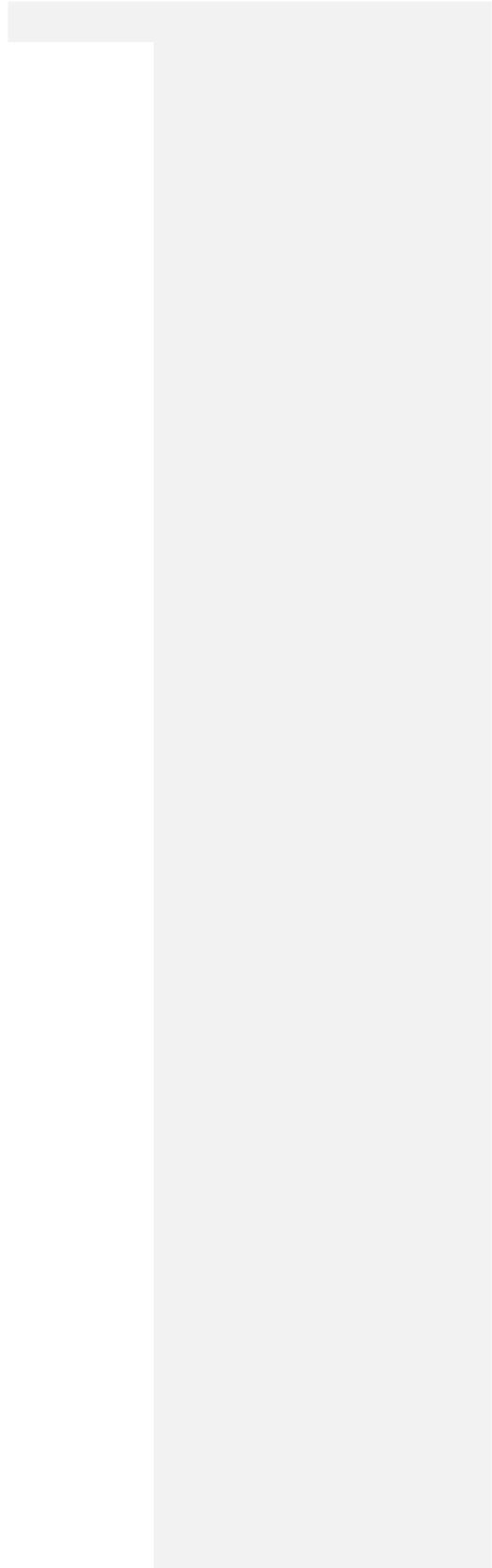
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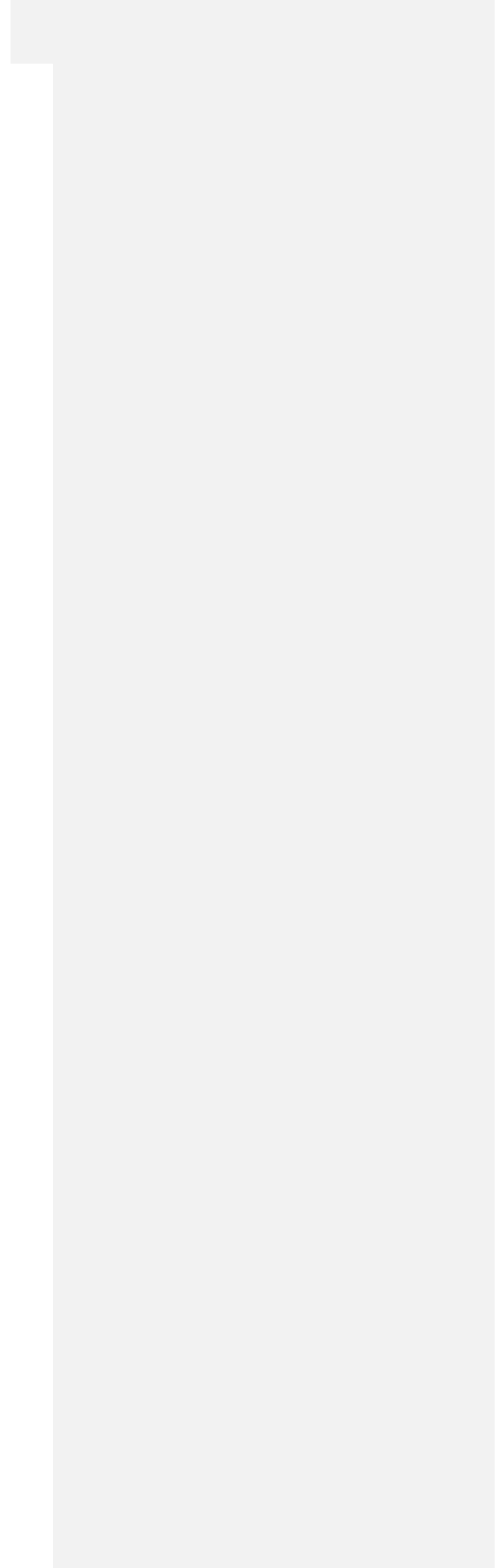
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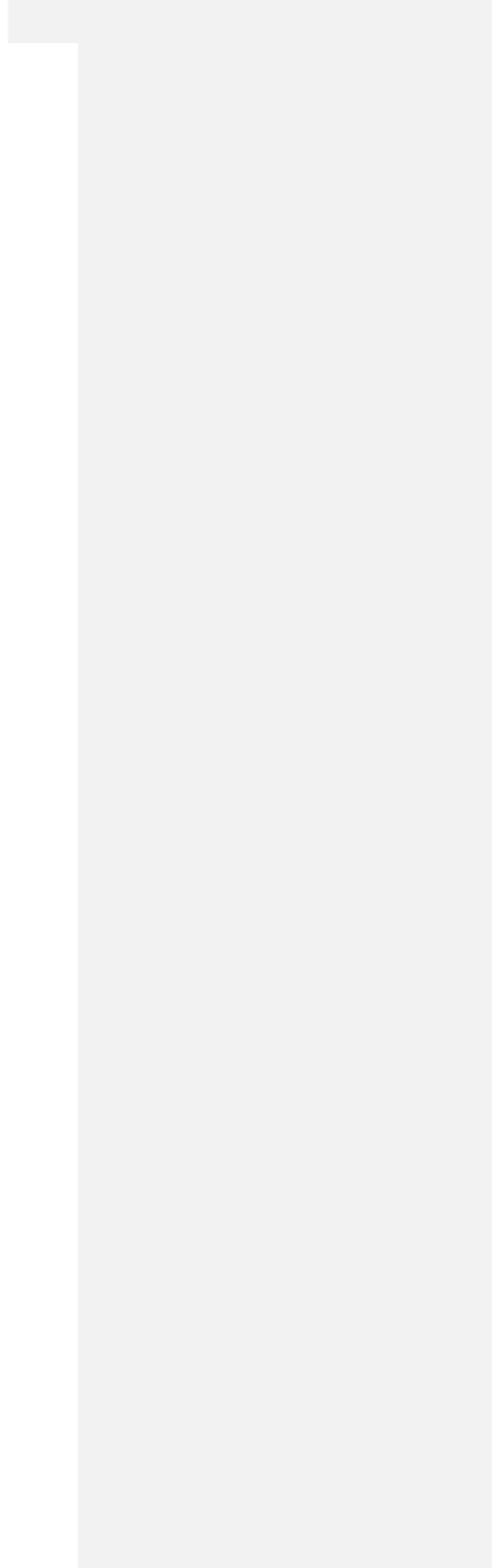
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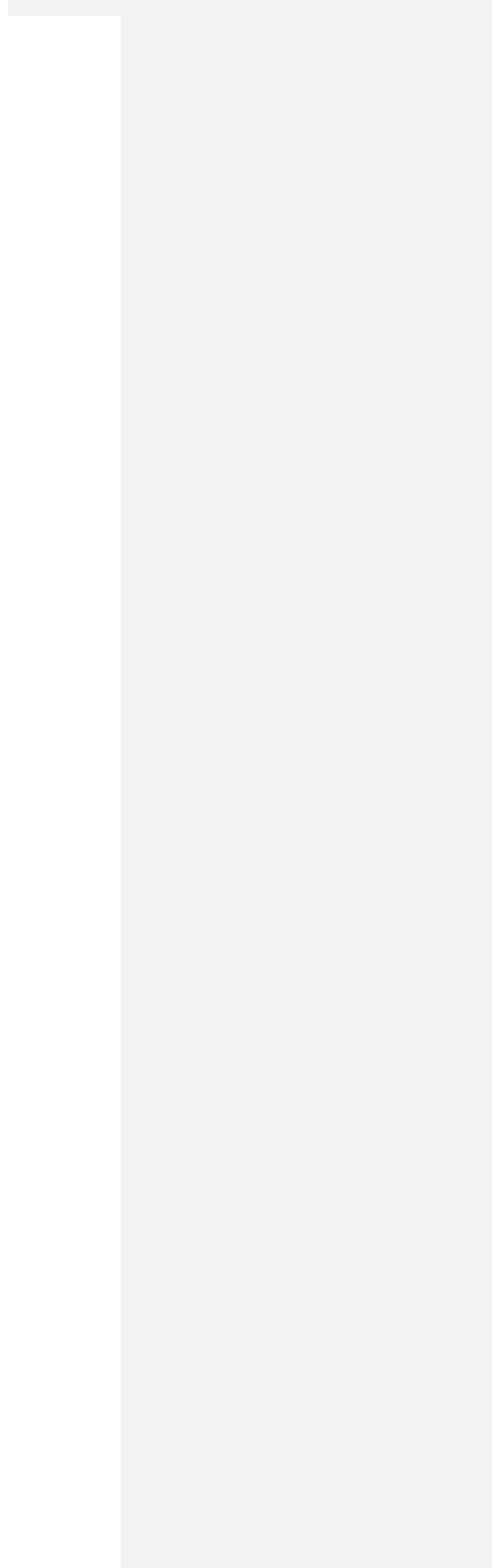
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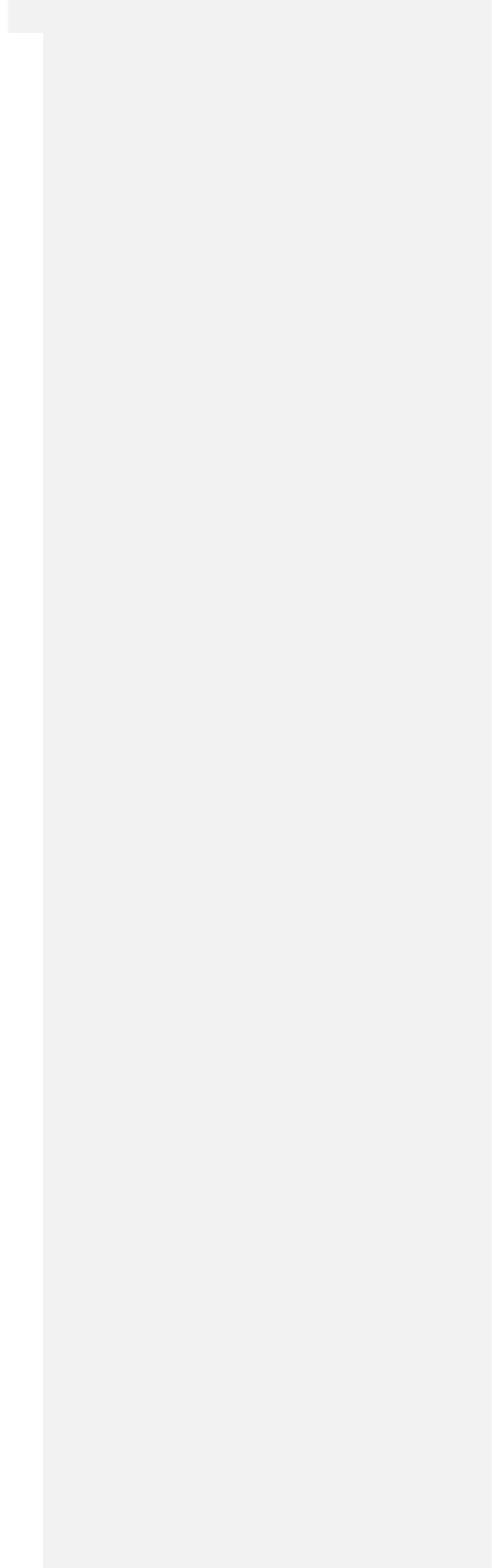
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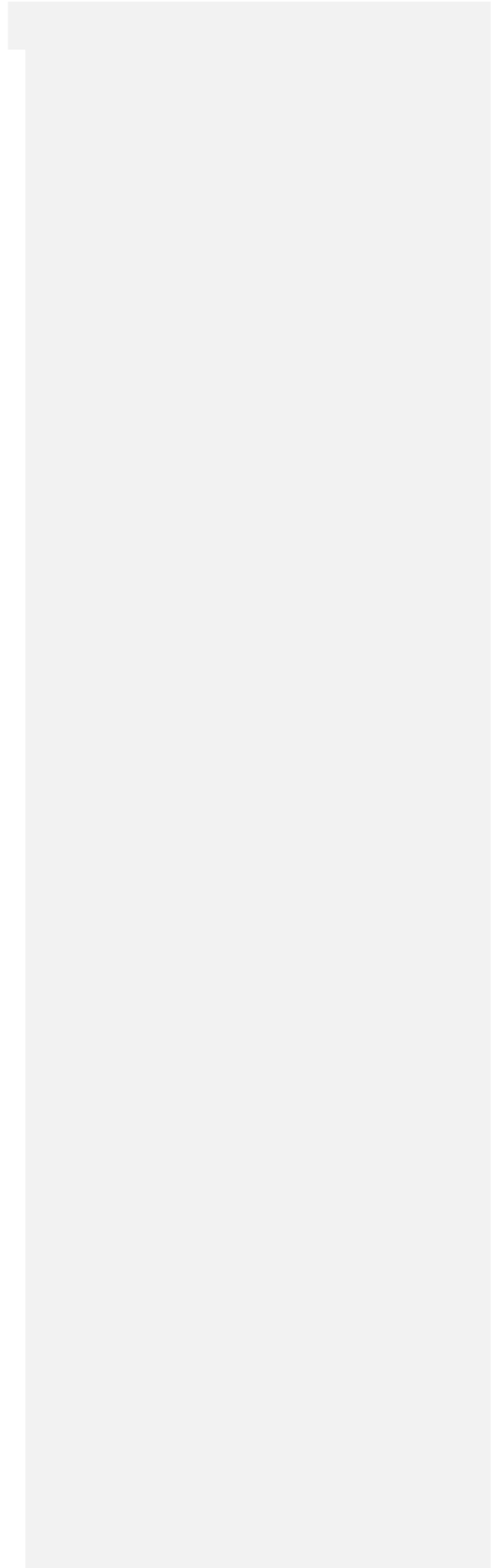
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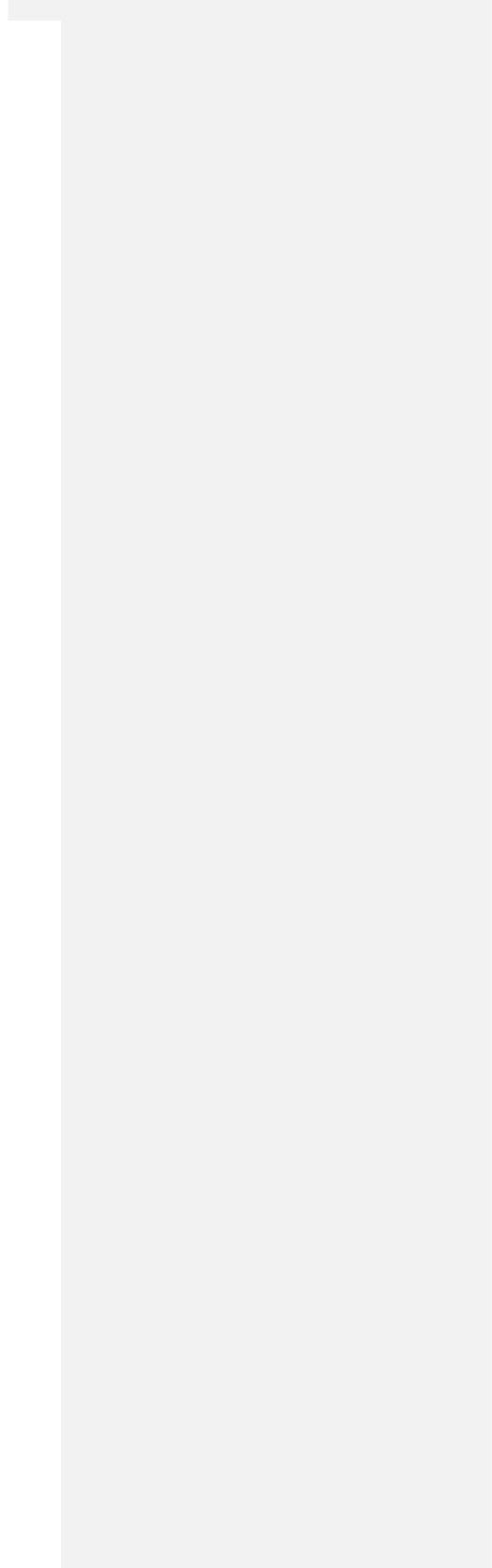
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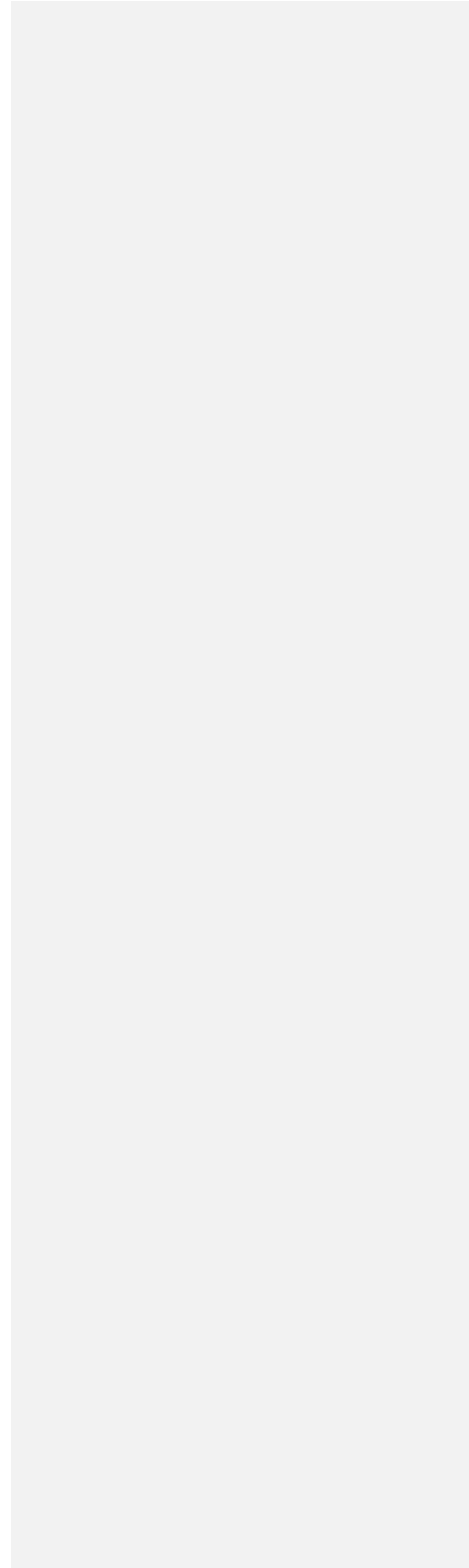
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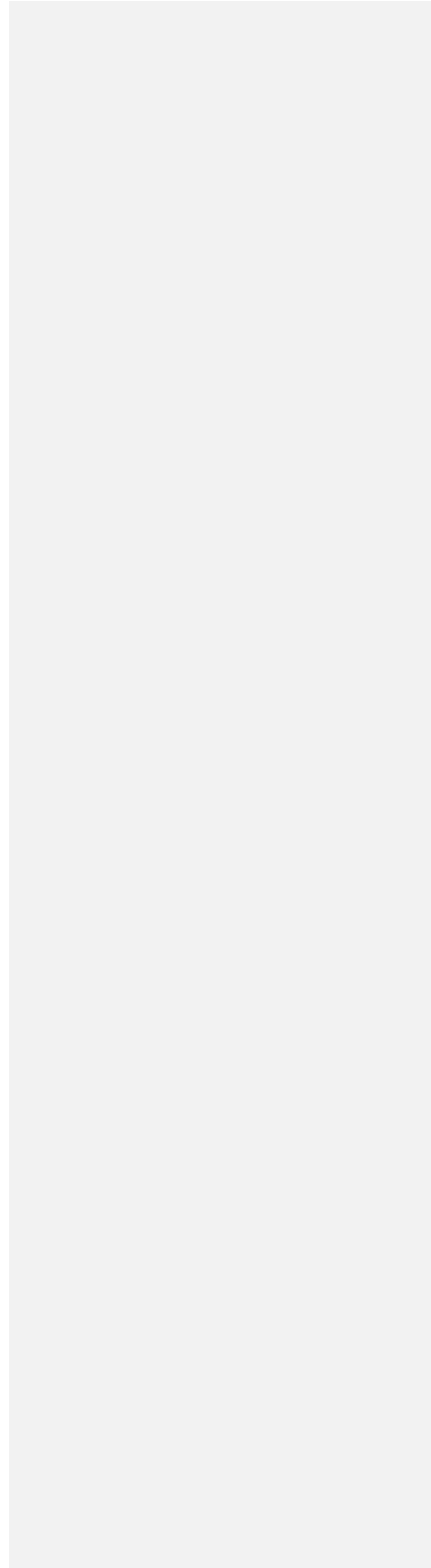
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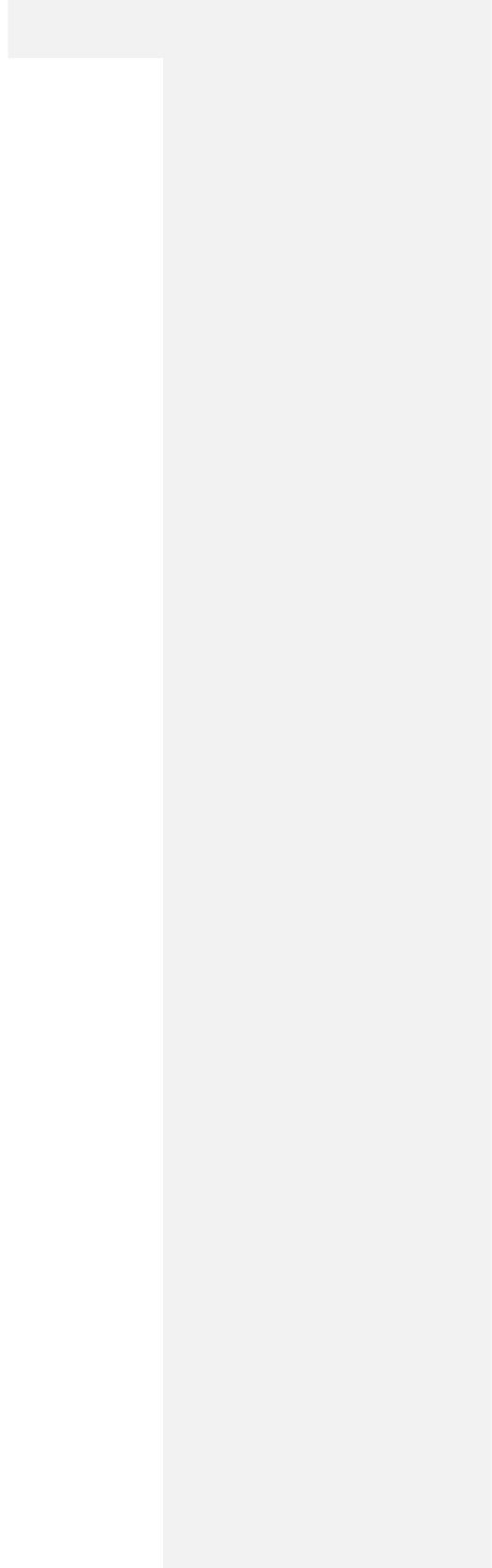
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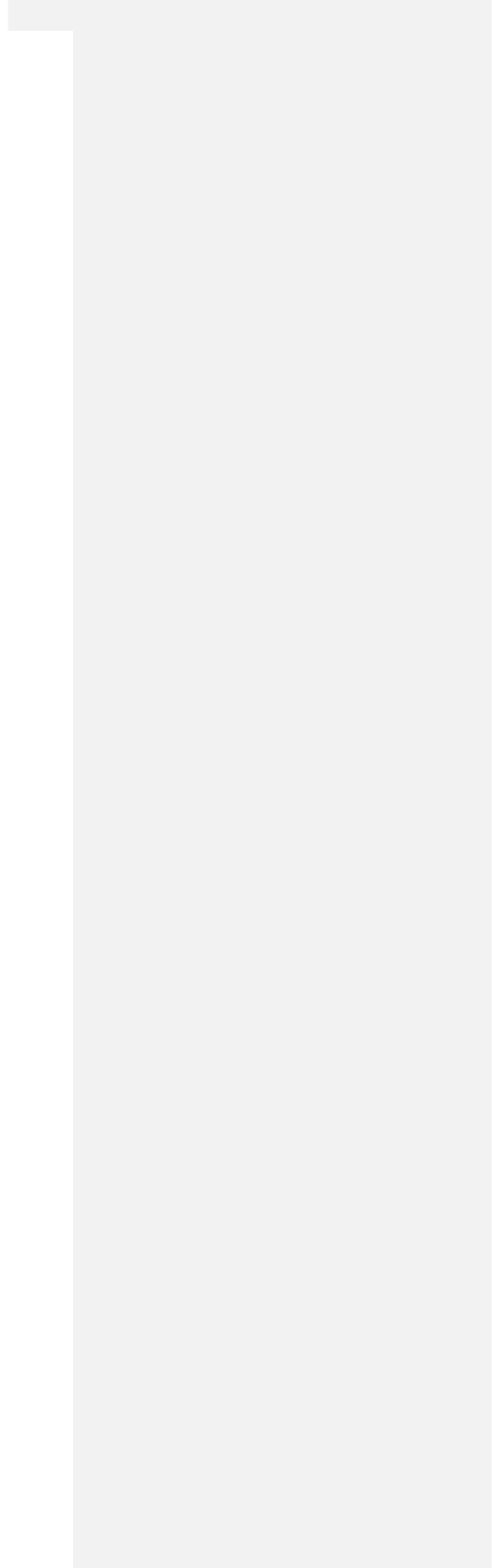
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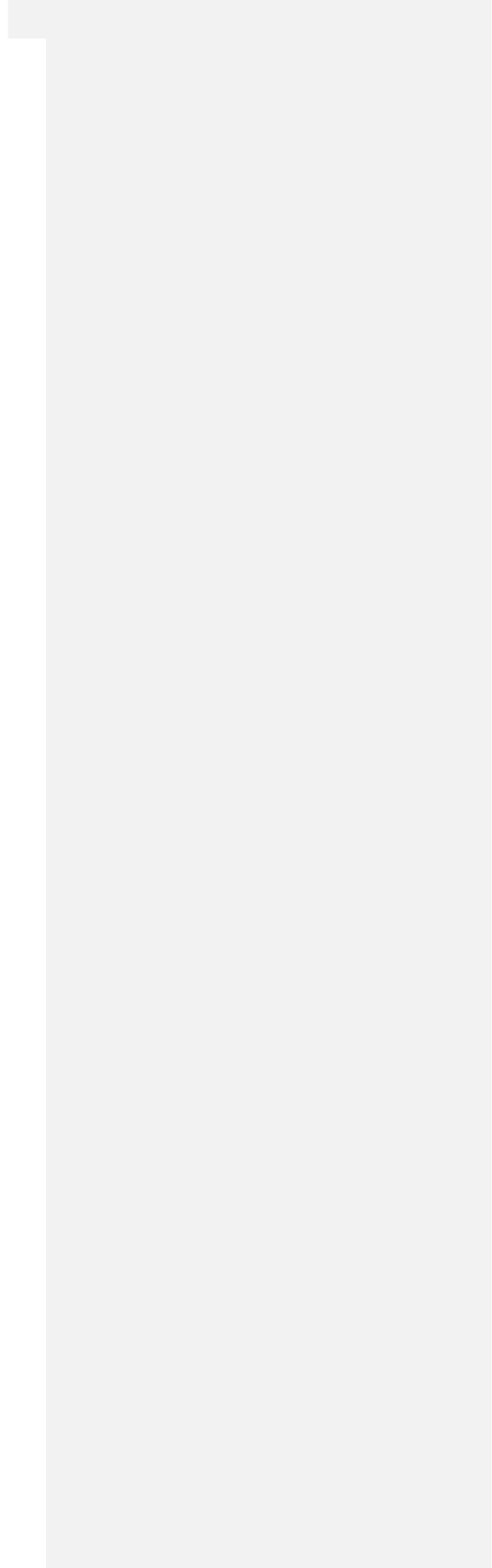
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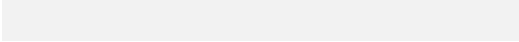


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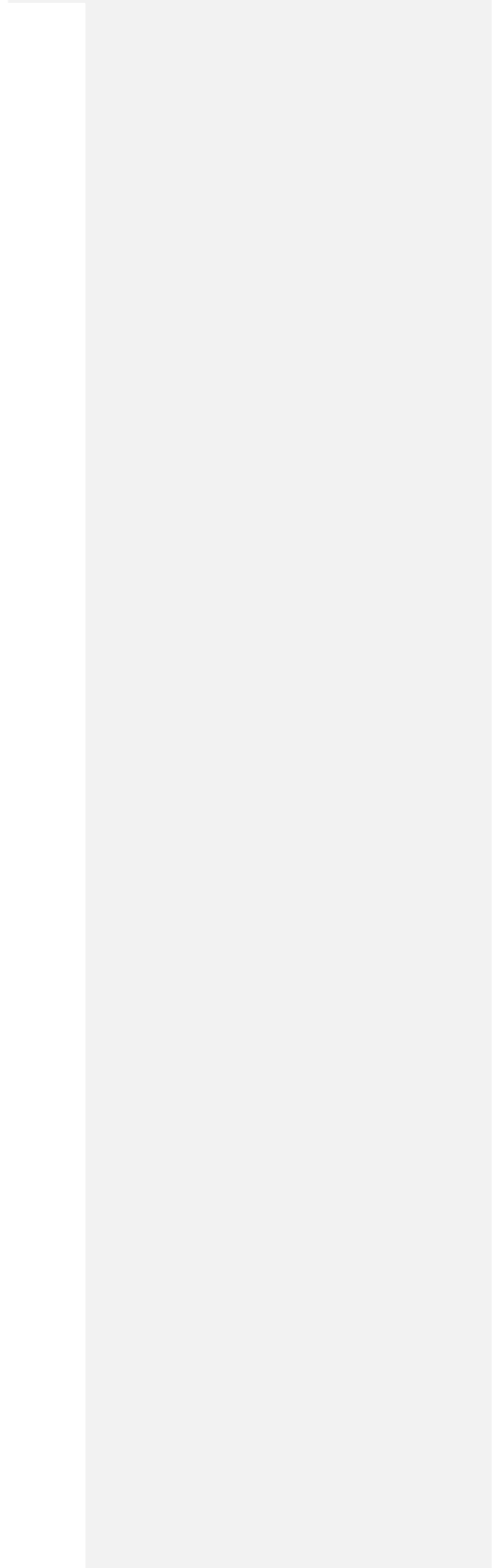
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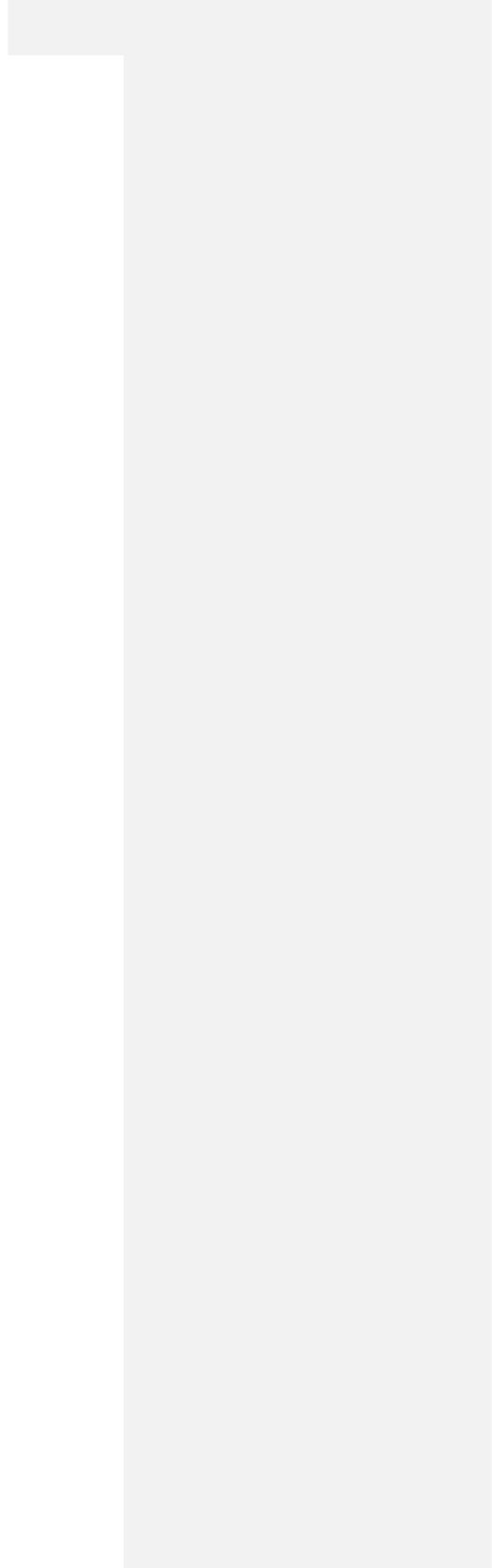
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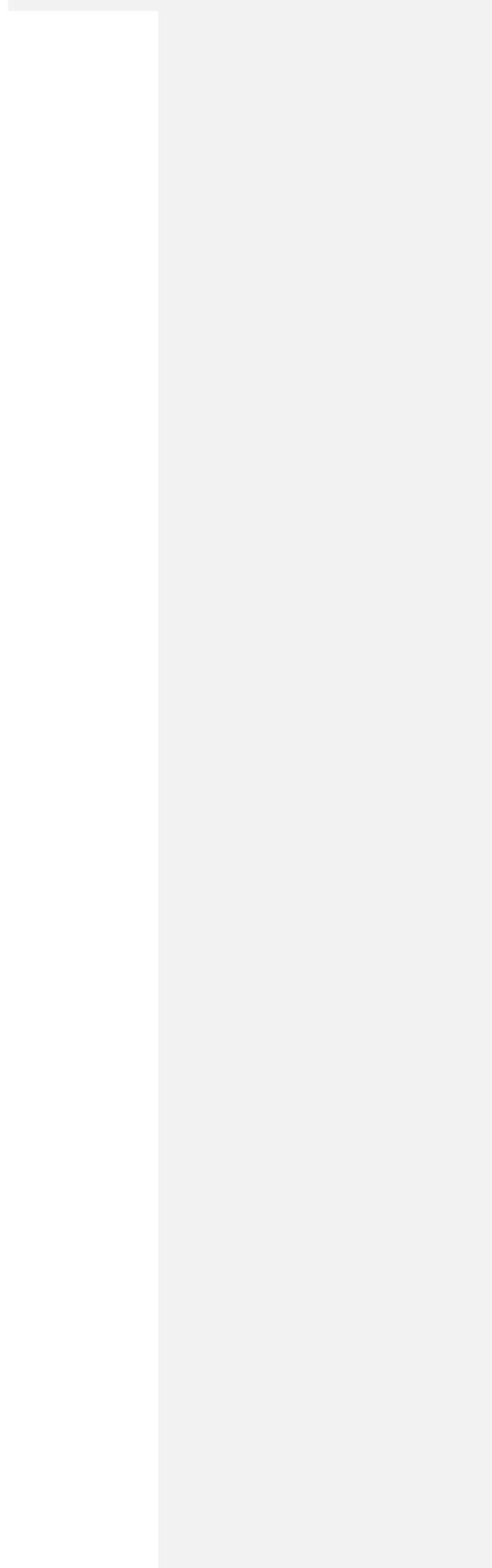
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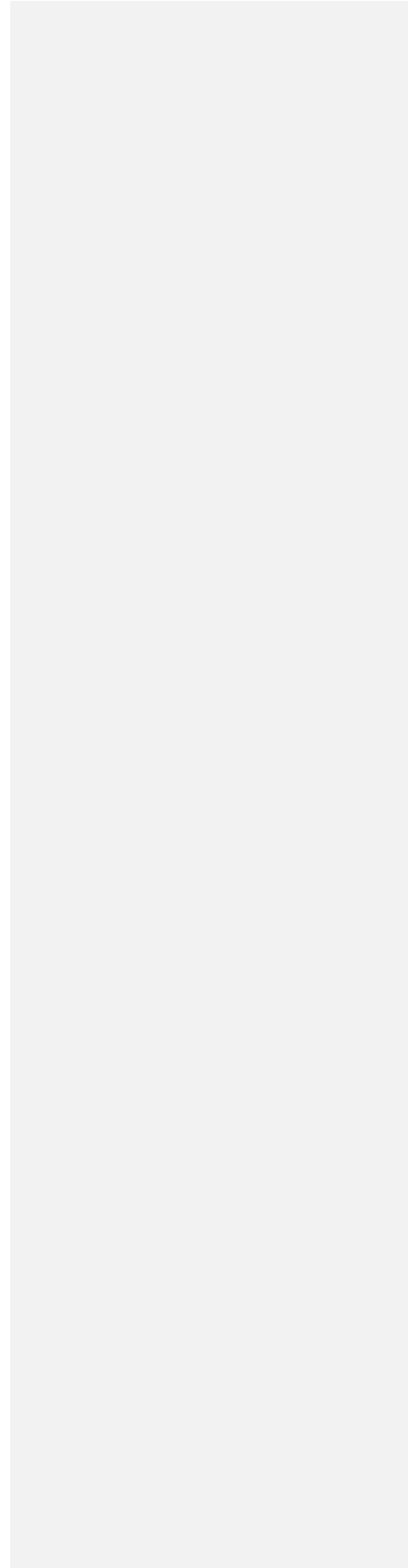
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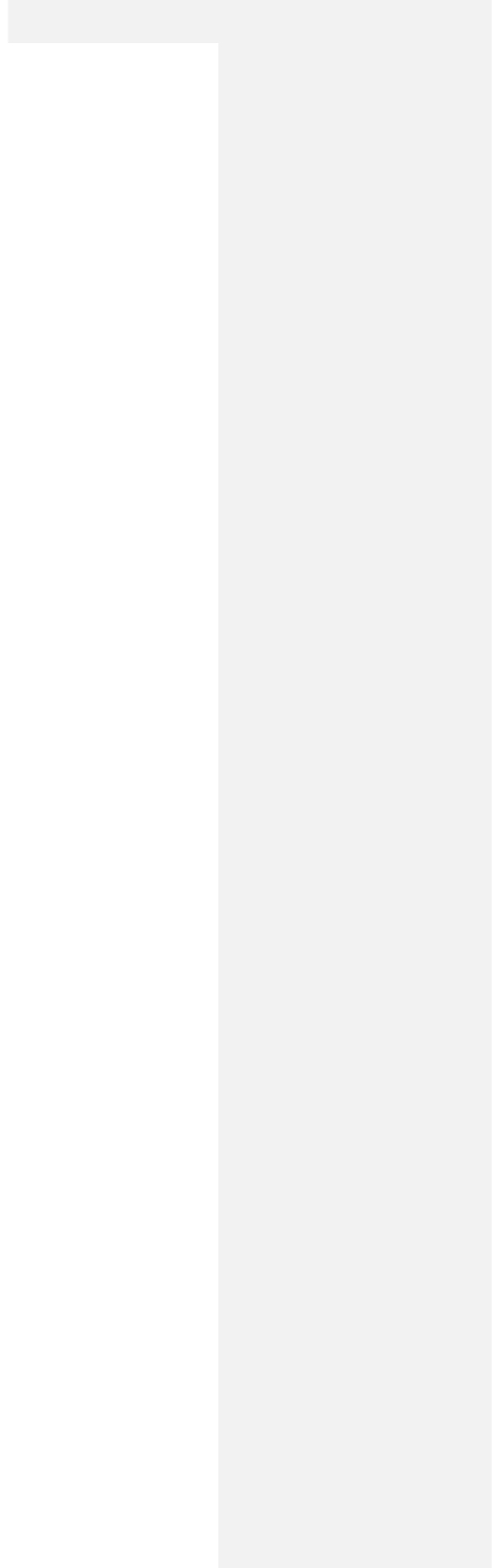
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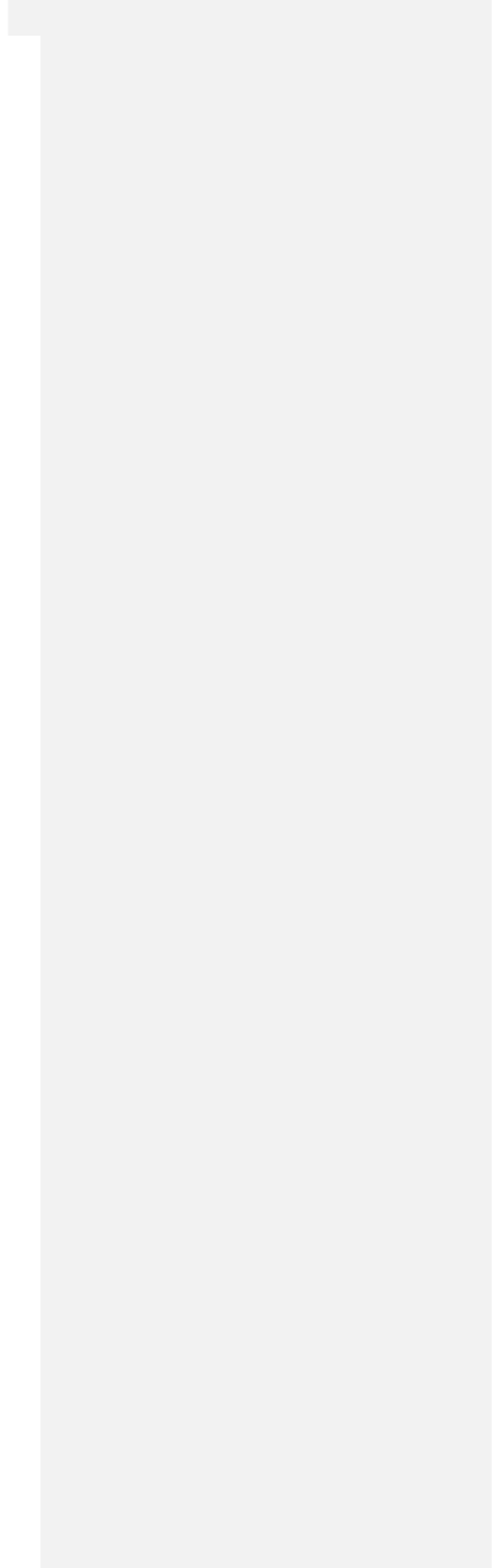
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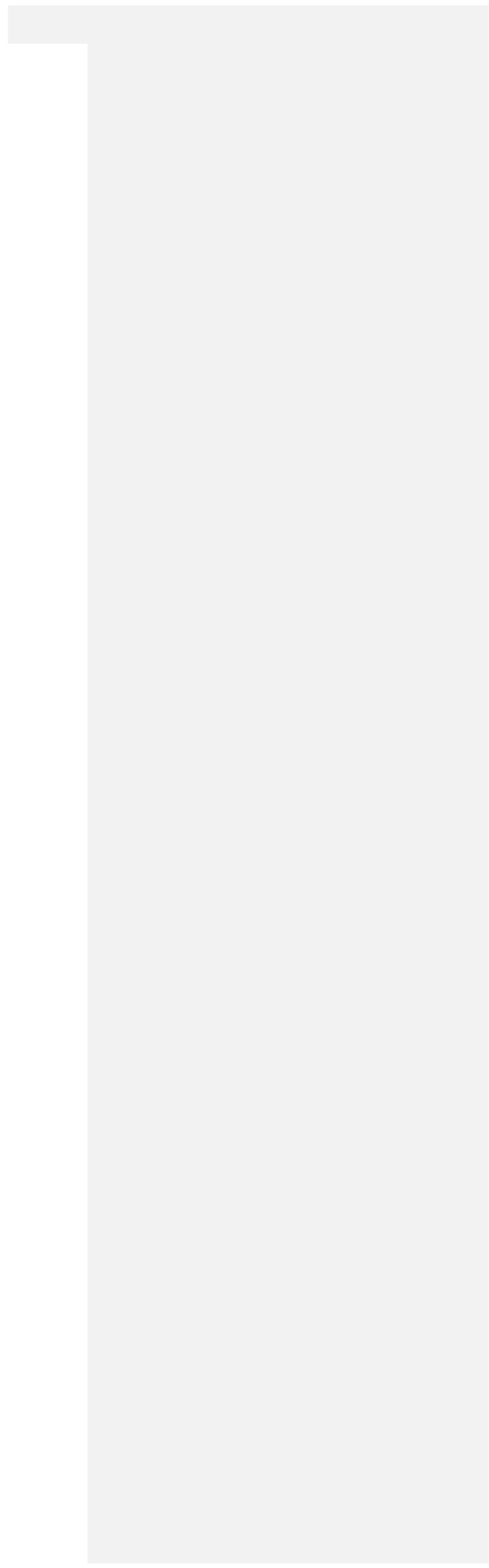
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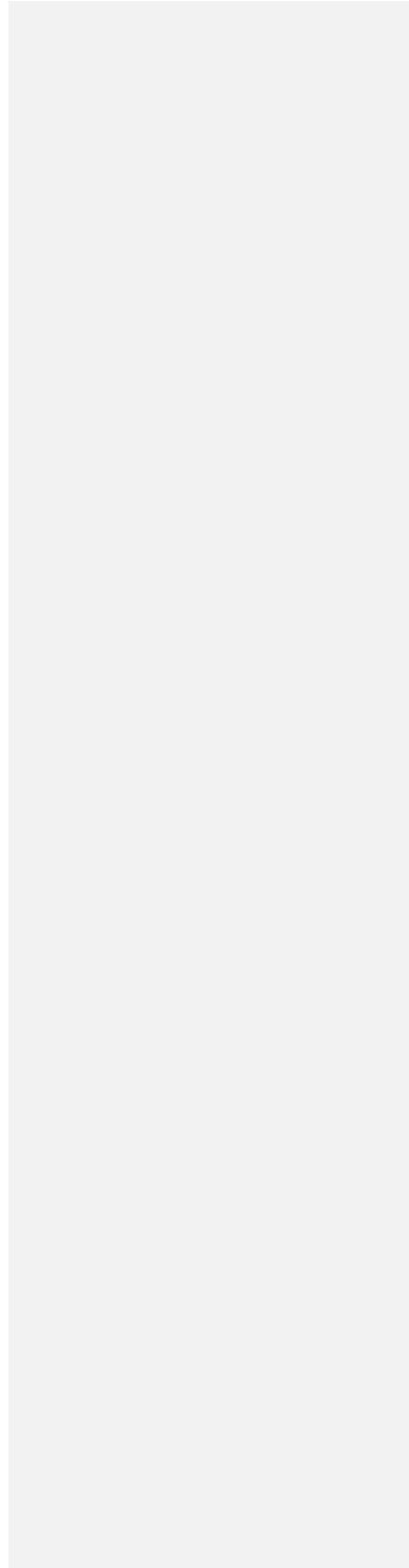
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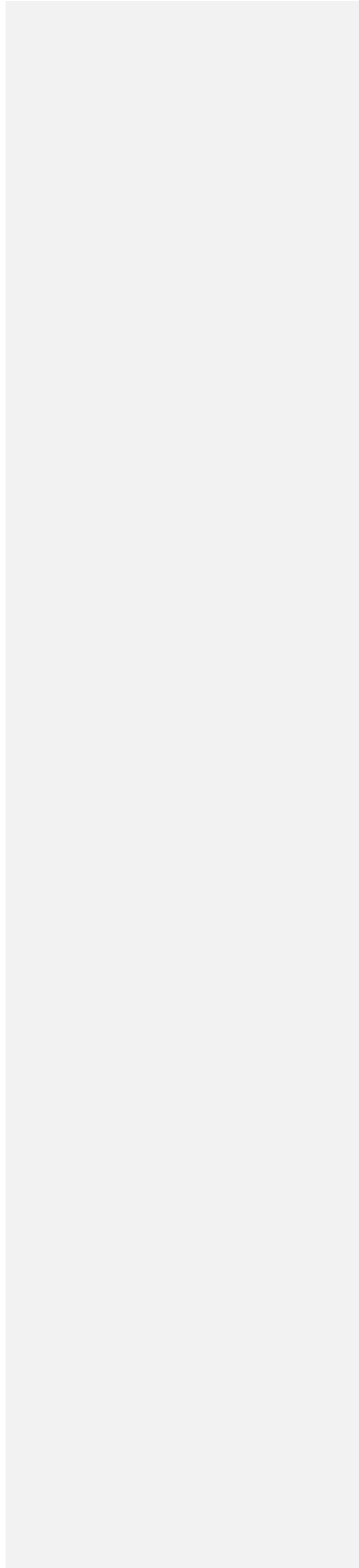
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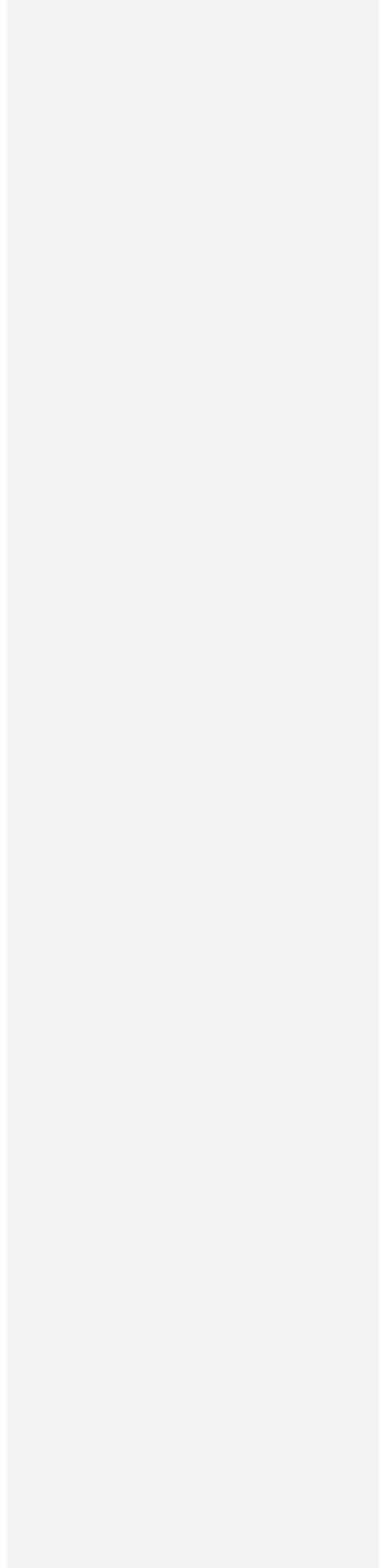
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s. 42(1), s 22(1)(a)(ii)

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s. 42(1), s. 22(1)(a)(ii)

s. 42(1), s. 22(1)(a)(ii)

From: s. 47F(1)
To: s. 22(1)(a)(ii)
Subject: RE: Browse to NWS Project (EPBC 2018/8319, EPA 2191): draft Environmental Scoping Document - for review [SEC=UNCLASSIFIED]
Date: Thursday, 21 February 2019 4:54:23 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

s. 22(1)(a)(ii)
 Hi

As discussed we understand that the delegate is likely to add national heritage as a controlling provision for Browse due to the potential for air emissions associated with NWS processing Browse gas to impact petroglyphs on the Burrup.

Similar to greenhouse, we view this as unnecessary and setting an unpredictable precedent for a number of reasons:

- Browse and NWS are related, but not a single action – the ownership differs and Browse does not have operational control over NWS emissions. The subsequent value/efficacy of assigning conditions to the Browse Joint Venture is therefore questionable.
- It may lead to the above issue being assessed in two places (the Browse EIS and NWS PER) which is likely to confuse stakeholders and hinder a holistic assessment of the issue. Due to the above, the Browse EIS would need to be silent on management and mitigation and any assessment would be dependent on information provided by the NWSJV (or would need to cross-reference the same).
- Emissions associated with the NWS processing Browse gas will be assessed under the NWS approval process.
- At Browse RFSU, approximately 40% of NWS capacity will be occupied by Browse. As the residual 60% declines, NWS is likely to receive gas from other proponents in the timeframe stipulated in their referral. As such their assessment needs to “stand alone”
- The assessment processes are running in parallel and as discussed we will be seeking to align or at least overlap public comment periods. This ensures that stakeholders have the opportunity to view and comment on the issue if it is “signposted” from the Browse EIS
- If you follow similar logic – if domestic gas from a new offshore gas facility will be used at a downstream petrochemical facility, then that offshore gas facility would need to evaluate the localised impacts of that petrochemical facility

Whilst we appreciate that indirect impacts require consideration, Browse understands that the NWS is progressing opportunities to open up the Karratha Gas Plant to potential third party tolling as ullage becomes available. Therefore it is not possible to say that Browse, as a potential customer, is the material and substantial cause of the impacts or the consequences of the proposed NWS extension. Onshore processing is also one option but not necessarily the only option available to potential offshore developments.

We understand that this is ultimately a decision for the Minister/delegate however, and look forward to receiving the level of assessment decision tomorrow.

If national heritage is included as a controlling provision for Browse, we would appreciate discussing scoping and challenges with you.

Thanks

s. 47F(1)

Environment Manager | Developments HSEQ



Woodside Energy Ltd.
 Mia Yellagonga
 Karlak, 11 Mount Street
 Perth WA 6000
 Australia

T: s. 47F(1)

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 w

s. 22(1)(a)(ii)

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