



EPBC ref: 2022/09372

Lachlan MacArthur
Approvals Adviser
Santos NA Barossa Pty Ltd
Level 7, 100 St Georges Terrace
Perth WA 6000

Further information required for preliminary documentation for the Darwin Pipeline Duplication (DPD) Project

Dear Mr MacArthur

I am writing to you regarding your proposal to construct, operate and decommission a gas export pipeline and associated infrastructure in Commonwealth waters and NT waters and land.

On 6 December 2022, a delegate of the Minister for the Environment and Water decided that the proposed action is a controlled action and that it will be assessed by preliminary documentation. Further information is required to assess the relevant impacts of the proposed action.

I now request, under s95A(2) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), further information as outlined in Attachment A.

Details on the assessment process for the project and the responsibilities of the proponent are set out in the [EPBC Act — Environment Assessment process](#) fact sheet. Further information on the [referral and assessment process](#) can be found on the department's website.

If you have any questions about the assessment process or the further information required, please contact the assessment officer Alex Santiago, by email to alex.santiago@dceew.gov.au (and cc the section email EADSAandNTSection@dceew.gov.au) or telephone 0401 585 946 and quote the EPBC reference number shown at the beginning of this letter.

Yours sincerely

Dr Candace Cooke
A/g Director
SA/NT Assessments Section
Ph: 0481 453 255
23 December 2022



Attachment A – PRELIMINARY DOCUMENTATION REQUIREMENTS

The proposed action has been determined to be a controlled action for the purposes of *the Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), subject to the following controlling provisions:

- Listed threatened species and communities (sections 18 & 18A)
- Listed migratory species (sections 20 & 20A)
- Commonwealth marine areas (sections 23 and 24A)

It has also been determined that your proposed action will be assessed on preliminary documentation. Preliminary documentation includes the information about the action and its relevant impacts already outlined in the referral. It also includes additional information identified by the Minister as being necessary to adequately assess the acceptability of the proposed action. Details of this additional information are described below.

Once the preliminary documentation is submitted and the department is satisfied that all matters outlined in this request have been addressed, the department will provide you with a letter directing you to publish the preliminary documentation for public consultation for a period of 10-20 business days. Any public comments received during this time must be addressed in a final version of the preliminary documentation prior to the department beginning the assessment of whether to approve the proposed action.

CONTENT, FORMAT AND STYLE

The preliminary documentation, which includes the referral information and the additional information described below, should be contained as one document with attachments and include sufficient information to avoid the need to search for supplementary reports.

The purpose of the preliminary documentation is to enable the Minister and interested stakeholders to understand the environmental consequences of the proposed action on protected matters, including matters of national environmental significance (MNES). The information provided should be objective, clear and succinct and where appropriate, supported by maps, plans, diagrams, or other descriptive detail.

The preliminary documentation must be able to be read as a stand-alone document and must include summaries of all relevant information. Detailed technical information, studies, or investigations necessary to support the main text should be attached as appendices to the main document.

If it is necessary to make use of material that is considered to be of a confidential nature, consultation with the department regarding the preferred presentation of that material is required before submitting the documents for approval for publication.

The level of analysis and detail in the documentation should reflect the level of expected impacts on the environment. Any variables or assumptions made in the assessment must be clearly stated and discussed. The extent to which the limitations, if any, of available information may influence the conclusions of the environmental assessment should be discussed. The documentation should be written so that any conclusions reached can be independently assessed. To this end, all sources must be appropriately referenced. The reference list should include the address of any internet pages used as data sources. The additional information should include a list of persons and agencies consulted and the names of, and work done by, the persons involved in preparing the documentation.

Maps, diagrams, and other illustrative material (such as a master plan displaying all proposed components of the action) should be included where appropriate. The additional information should be produced on A4 size paper capable of being photocopied with maps and diagrams on A4 or A3 size and in colour where possible. The format and style of the document should be appropriate for publication on the internet.

The additional information must include a copy of these guidelines and a table indicating where the information fulfilling the guidelines is included in the preliminary documentation.

Specific content of the additional information

The department requires additional information to assess the significance and acceptability of impacts to protected matters, as detailed in the table below. To note, avoidance and mitigation information relating to the construction, operation and decommissioning phases of the project may be provided in an Environmental Management Plan (EMP). If this is the case, the EMP must be provided to the department for review. Should this proposal obtain approval, it is likely that conditions of approval would require the implementation of the EMP (if satisfactory). The EMP should include the avoidance and mitigation measures proposed in the referral documentation, and the department’s recommendations and comments outlined above. In order to prepare environmental management plans under the requirements of the EPBC Act, please follow the department’s [Environmental Management Plans Guidelines](#).

Impacts to MNES	
1.	<u>Construction and operation activities</u>

The department notes that construction activities will result in disturbance to the marine environment, including in Commonwealth waters. The following additional information is required to determine the significance and acceptability of these disturbances:

- The total (maximum) area (in hectares) of seafloor proposed to be trenched.
- Details of the following chemicals and materials proposed to be used:
 - FCGT / hydrotest chemicals (biocides, oxygen scavengers, dye, corrosion inhibitors) including Hydrosure, Roemex, Hydro 4 and other potential similar alternatives they may be used, and a copy of Santos' chemical risk assessment process indicating interchangeability of products.
 - Fuels (marine diesel oil, marine gas oil), hydraulic fluids, lubricants.
 - Composition and chemical additives of the grout to be used in the grout bags for span rectification.
 - Other chemicals proposed or may potentially be disposed of to the sea which are 'Gold/Silver/ D or E rated through the Offshore Chemical Notification Scheme (OCNS), or PLONOR substance listed by OSPAR', including commentary that their environmental risk profile in the North Sea is applicable to marine waters in the project area. (e.g., vessel deck cleaning products and confirmation that they meet MARPOL Annex V, anti-fouling coatings, vessel fire training and fate of chemical used in firefighting systems, coatings for pipe welds).
 - Information on the source of imported rock material to backfill trenches.
- The following reports referenced in the referral package:
 - Whole of effluent testing (WET) assessment report for 'Hydrosure' as referenced in the dispersion modelling assessment reports. Wheatstone Project Offshore Facilities and Produced Formation Water Discharge Management Plan: Stage 1. Document No: WSO-0000-HES-PLN-CVX-000-00101-000, Chevron Australia Pty Ltd (Chevron, 2015).
 - Complete copy (including all appendices) of 'Pipeline Benthic Survey Report – Barossa DPD' (RPS, 6 September 2022, AU213002038.001).
 - DPD Project trenching and spoil disposal sediment dispersion modelling (RPS 2022c, in draft); RPS (2022c). Darwin Pipeline Duplication Sediment Dispersion Modelling. Document Number MAW1077J.001.
 - DPD Project oil spill modelling (RPS, 2022d). RPS (2022d). Darwin Pipeline Duplication Oil Spill Modelling. Document Number MAW1077J.002. Prepared for Santos Ltd by RPS, Robina, QLD.
 - INPEX Operations Australia Ltd (2014). Ichthys project – Gas Export pipeline: Dredging and spoil disposal management plan. Document no. F281-AH-PLN-10009, 454 pp.
 - Santos Offshore Division Operations Chemical Approval Procedure (EA-91-II-10001).

The department notes that several management plans are referenced in the referral package, which are pertinent to mitigating impacts to MNES. The department therefore requires the following management plans to assess the residual significance and acceptability of impacts to MNES. Please provide justification where management plans cannot be provided.

	<ul style="list-style-type: none"> • Oil Pollution Emergency Plan, Shipboard Oil Pollution and Emergency Plan (SOPEP) and / or Shipboard Marine Pollution Emergency Plan (SMPEP). • Acid Sulfate Soils Management Plan. • Construction Environmental Management Plan (CEMP). • Trenching, Spoil Disposal Management and Monitoring Plan (TSDMMP). • Ongoing Environmental Management Plan (OEMP). • Pipeline maintenance, cleaning and repair procedures and plans, and waste disposal plans.
<p>Avoidance, mitigation, and management</p>	
<p>2.</p>	<p><u>EPBC Act listed threatened and migratory turtles</u></p> <p>The proposed action intersects biologically important areas and habitat critical to survival of the Flatback Turtle (<i>Natator depressus</i>). Additionally, the department considers that Green Turtle, Olive Ridley Turtle and Hawksbill Turtle are likely to utilise the proposed action area. The department notes that the proposed action is likely to adversely affect these important areas through trenching, pipelay and spoil disposal activities. The proposed action also has potential to injure or displace marine turtles through acoustic disturbance or vessel collision associated with construction activities. The department therefore requires the following information to assess the residual significance and acceptability of impacts to EPBC-listed marine turtles:</p> <ul style="list-style-type: none"> • Detail and justify all avoidance and mitigation measures proposed to reduce impacts to marine turtles and their habitats, for example: <ul style="list-style-type: none"> ○ Timing of construction activities, noting peak Flatback Turtle internesting period is June-September; ○ Avoidance of important habitat features; ○ Acoustic disturbance mitigation measures; and ○ Collision mitigation measures. • Provide evidence that the proposed action will not cause significant residual impacts to threatened marine turtles or their habitat. • If significant residual impacts cannot be avoided and mitigated, please provide an offset proposal consistent with the EPBC Act Offsets policy. Information required regarding offsets is stated in section 4 of this table.
<p>3.</p>	<p><u>EPBC Act listed migratory dolphins</u></p>

	<p>The proposed action intersects biologically important areas for the Australian Snubfin Dolphin (<i>Orcaella heinsohni</i>), Australian Humpback Dolphin (<i>Sousa sahulensis</i>), and Spotted Bottlenose Dolphin (<i>Tursiops aduncus</i>). The department notes that the proposed action has potential to injure or displace these dolphins through acoustic disturbance or vessel collision associated with construction activities. The department therefore requires the following information to assess the residual significance and acceptability of impacts to EPBC-listed inshore dolphins:</p> <ul style="list-style-type: none"> • Detail and justify all avoidance and mitigation measures proposed to reduce impacts to inshore dolphins and their habitats, for example: <ul style="list-style-type: none"> ○ Avoidance of important habitat features; ○ Acoustic disturbance mitigation measures; and ○ Collision mitigation measures. • Provide evidence that the proposed action will not cause significant residual impacts to migratory dolphins or their habitat. • If significant residual impacts cannot be avoided and mitigated, please provide an offset proposal consistent with the EPBC Act Offsets policy. Information required regarding offsets is stated in section 4 of this table.
<p>Proposed offsets</p>	
<p>4.</p>	<p>If there is likely to be a residual significant impact after all reasonable avoidance and mitigation measures have been applied, provide details of all compensatory measures (i.e., environmental offsets) proposed to compensate for any residual significant impacts on EPBC Act listed threatened species and/or migratory species, including:</p> <ol style="list-style-type: none"> a) The type of offset(s) proposed. b) Extent to which the proposed offset actions correlate to, and adequately compensate for EPBC Act listed species. c) Suitability of the location of any proposed offset site for EPBC Act listed species, including evidence of the presence of, or usage by, relevant protected matter(s). d) Conservation gain to be achieved by the offset i.e., positive management strategies that improve the site or avert the future loss, degradation or damage of the protected matter(s). e) Time it will take to achieve the proposed conservation gain. f) Level of certainty that the proposed offset will be successful.

	<p>Demonstrate how any proposed offset is consistent with the department’s EPBC Act Environmental Offsets Policy and provide a completed offsets assessment guide (Excel spreadsheet available on the department’s website) and justification for the figures used to complete the offsets assessment guide.</p>
<p>Economic and social matters</p>	
<p>5.</p>	<p>The preliminary documentation must provide information about the expected economic and social impacts of the proposed action (both positive and negative). This should include, but not necessarily be limited to, the following:</p> <ul style="list-style-type: none"> a) Estimate of any anticipated economic costs and/or benefits (in AUD). b) Basis for any estimations of costs and/or benefits. c) Potential employment opportunities expected to be generated at each phase of the proposed action. d) Information regarding the impacts of the proposal on traditional owners/the local community/other parties impacted. e) Details of any public and/or traditional owner stakeholder consultation activities, including the outcomes of those consultations. f) Consideration of different scales of economic and/or social impacts where relevant (e.g., local versus national).
<p>Ecologically sustainable development</p>	
<p>6.</p>	<p>The preliminary documentation must provide information about how the proposed action is consistent with the principles of ecologically sustainable development, as defined in the EPBC Act:</p> <ul style="list-style-type: none"> a) decision-making processes should effectively integrate both the long-term and short-term economic, environmental, social, and equitable considerations b) the precautionary principle, which states that a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation where there are threats of serious or irreversible environmental damage

	<ul style="list-style-type: none"> c) the principles of inter-generational equity, which states that the present generation should ensure that the health, diversity, and productivity of the environment is maintained or enhanced for the benefit of future generations d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making e) improved valuation, pricing and incentive mechanisms should be promoted
	Environmental record of person(s) proposing to take an action
7.	<p>The environmental record of the person proposing to take the action must be provided to demonstrate a satisfactory record of responsible environmental management. Therefore, the preliminary documentation must include details of any proceedings under a Commonwealth, state, or territory law for the protection of the environment or the conservation and sustainable use of natural resources against:</p> <ul style="list-style-type: none"> a) the person proposing to take the action b) for an action for which a person has applied for a permit, the person making the application.
	Other approvals and conditions
8.	<p>The preliminary documentation must include information on any other requirements for approval or conditions that apply, or that the proponent reasonably believes are likely to apply, to the proposed action. This must include:</p> <ul style="list-style-type: none"> a) a description of any approval that has been obtained or is required to be obtained from a state, territory or Commonwealth agency or authority (other than an approval under the EPBC Act), including any conditions that apply (or are reasonably expected to apply) to the action. b) a description of the monitoring, enforcement and review procedures that apply, or are proposed to apply, to the action.
	Relevant policies and publications
9.	

Various policy statements and other publications that may be relevant to your assessment can be found on the department's website. Some key policies are summarised below:

- Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) (2012). *Marine bioregional plan for the North Marine Region*. Prepared under the Environment Protection and Biodiversity Conservation Act 1999. Available from: <http://www.environment.gov.au/topics/marine/marine-bioregional-plans/north>
- Department of the Environment and Energy (2018). *Threat Abatement Plan for the impacts of marine debris on the vertebrate wildlife of Australia's coasts and oceans*. Available from: <http://www.environment.gov.au/biodiversity/threatened/publications/tap/marine-debris-2018>
- Department of the Environment and Energy (2017). *Recovery Plan for Marine Turtles in Australia*. Available from: <http://www.environment.gov.au/marine/publications/recovery-plan-marine-turtles-australia-2017>.
- Department of the Environment (2015). *Sawfish and River Sharks Multispecies Recovery Plan*. Available from: <http://www.environment.gov.au/biodiversity/threatened/publications/recovery/sawfish-river-sharks-multispecies-recovery-plan>.
- Department of the Environment, Water, Heritage and the Arts (2008). *Approved Conservation Advice for Green Sawfish*. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/68442-conservation-advice.pdf>.
- Department of the Environment (2014). *Approved Conservation Advice for *Pristis pristis* (Largetooth Sawfish)*. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/60756-conservation-advice.pdf>.
- Department of the Environment, Water, Heritage and the Arts (2009). *Approved Conservation Advice for *Pristis clavata* (Dwarf Sawfish)*. Available from: <http://www.environment.gov.au/biodiversity/threatened/species/pubs/68447-conservation-advice.pdf>.
- Department of the Environment and Energy (2020). *National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds*. Available from: <https://www.dcceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>
- Department of the Environment and Water Resources (2007). *Industry Guidelines on the Interaction between offshore seismic exploration and whales*. Available from: <https://www.dcceew.gov.au/environment/epbc/publications/epbc-act-policy-statement-21-interaction-between-offshore-seismic-exploration-and-whales>

	<ul style="list-style-type: none">• Department of the Environment and Energy (2017). Australian National Guidelines for Whale and Dolphin Watching. Available from: https://www.dcceew.gov.au/environment/marine/publications/australian-national-guidelines-whale-and-dolphin-watching-2017 <p>The preliminary documentation must include a statement of whether the proposed action is inconsistent with any relevant recovery plans or threat abatement plans.</p>
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