



Appeals Convenor
Environmental Protection Act 1986

**REPORT TO THE
MINISTER FOR ENVIRONMENT**

**APPEALS AGAINST THE CONTENT OF, AND RECOMMENDATIONS IN, AN
ENVIRONMENTAL PROTECTION AUTHORITY REPORT**
**EPA REPORT 1615: SHAMROCK STATION IRRIGATION PROJECT
SHIRE OF BROOME**

PROPONENT: ARGYLE CATTLE COMPANY PTY LTD

Appeal Numbers 015.001–002 of 2018

September 2018

Appeals Summary

This report relates to two appeals lodged in objection to the content of, and recommendations in, the Environmental Protection Authority's (EPA) Report 1615 for the Shamrock Station Irrigation Project located approximately 64 kilometres south of Broome.

The appellants raised a number of concerns including the potential impacts of groundwater abstraction of 9.5 gigalitres per year (GL/year) on the nearby Injudinah Swamp, the saltwater interface and groundwater availability (water allocation), and the impacts of clearing on the greater bilby and priority flora. One appellant was of the view that the assessment should have included a future stage (with groundwater abstraction of 22 GL/year), and should be remitted to the EPA for a higher level of assessment.

In Report 1615, the EPA considered impacts to key environmental factors: Fauna, Flora and Vegetation, Hydrological Processes and Inland Waters Environmental Quality; the proponent's mitigation measures; and the proponent's Environmental Management Plan (EMP). The EPA concluded that the impact to the environmental factors are acceptable and recommended that the proposal may be implemented subject to the recommended conditions.

In responding to the matters raised on appeal, the EPA advised that it remained of the view that the potential impacts to key environmental factors identified for the proposal, could be managed.

For the reasons stated in this report, it is considered that the EPA's assessment of the proposal had appropriate regard to the potential impacts raised by the appeals, was based on adequate information and was assessed at an appropriate level of assessment. Given the foregoing, it is considered that the EPA's conclusion that the proposal may be implemented subject to the recommended conditions, is supported by the available information.

It is therefore recommended that all other grounds of appeal be dismissed.

Notwithstanding this recommendation, it is noted that based on recent advice on a similar appeal, the finalisation of the EMP as it relates to the management of potential impacts to greater bilbies, including relocation protocols to be administered during clearing, should be undertaken in consultation with DBCA.

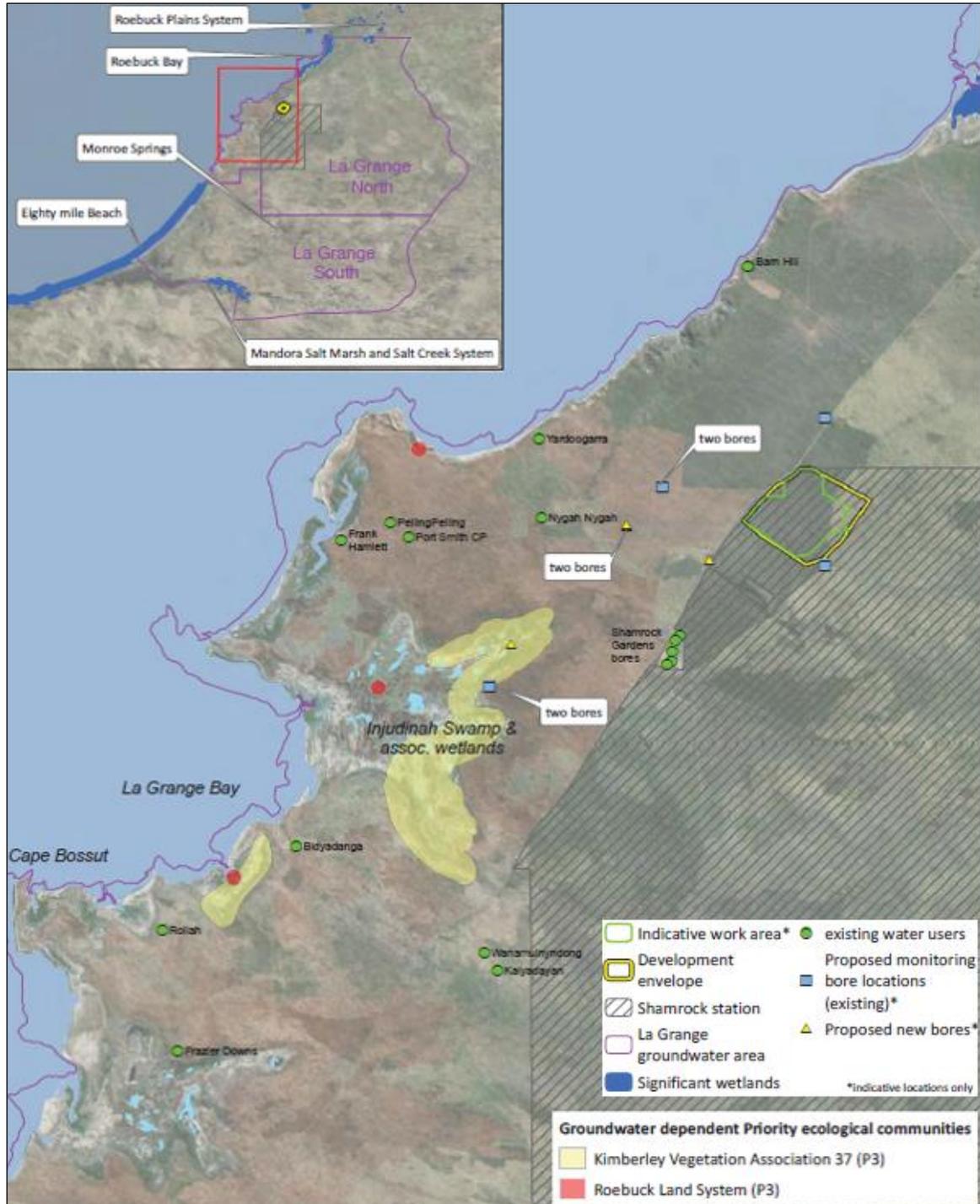
Recommendation

It is recommended that the appeals be dismissed.

INTRODUCTION

This report relates to appeals lodged by The Wilderness Society WA and Environs Kimberley in objection to the content of, and recommendations in, Report 1615 of the Environmental Protection Authority (EPA) in respect to a proposal by Argyle Cattle Company Pty Ltd (the proponent) to develop an irrigated agriculture project, approximately 64 kilometres (km) south of Broome (see Figures 1 and 2).

Figure 1 – Location and key local features



(Source: Phoenix Environmental, 2017)

Figure 2 – Development envelope/indicative work area



(Source: Phoenix Environmental, 2017)

The proposal is for the development of a pivot irrigation project to produce irrigated pasture and fodder to support intensive cattle grazing on Shamrock Station. The proposal includes up to 1,200 hectares (ha) of disturbance comprising 650 ha of clearing and 550 ha of pastoral grazing, within a development envelope of 2,650 ha. The proposal also includes up to 9.5 gigalitres per year (GL/year) of groundwater abstraction.

The proposal was referred to the EPA on 21 September 2017. On 21 November 2017, the EPA decided to assess the proposal and set the level of assessment at 'Referral Information'. In setting the level of assessment the EPA requested supplementary information from the proponent. The Supplementary Report¹ was submitted and released for public review from 5 October to 11 October 2017.

This document is the Appeals Convenor's formal report to the Minister for Environment under section 109(3) of the *Environmental Protection Act 1986* (EP Act).

¹ Phoenix Environmental Services (2017). Shamrock Station Irrigation Project. Section 38 referral supplementary information. Prepared for Argyle Cattle Company Pty Ltd by Phoenix Environmental Services Pty Ltd.

OVERVIEW OF APPEAL PROCESS

In accordance with section 106 of the EP Act, a report was obtained from the EPA in relation to the issues raised in the appeals. The proponent also provided the Appeals Convenor with a written response to the appeals on 11 July 2018.

During the investigation, the Appeals Convenor met with the appellants and the proponent to discuss the issues raised in the appeals.

The environmental appeals process is a merits-based process. For appeals in relation to an EPA report and recommendations, the Appeals Convenor normally considers the environmental merits of the assessment by the EPA, based on objectives as set by the EPA as well as other environmental factors. The appeals process considers environmental significance, relevance of factors, additional information not considered by the EPA, technical errors and attainment of policy objectives. Where the development has been the subject of previous EPA assessments, those assessments and any subsequent Ministerial appeal decisions also need to be taken into account.

OUTCOMES SOUGHT BY APPELLANTS

In summary, the appellants were of the view that the proposal should be remitted to the EPA for assessment at a public environmental review (PER) level of assessment for both stages of the project, which includes 22 GL/year of groundwater abstraction. The appellants also submitted that should the proposal be implemented, more stringent conditions should be applied to the proposal.

GROUND OFS OF APPEAL

The grounds of appeal relate to the following environmental factors:

1. Hydrological Processes and Inland Waters Environmental Quality;
2. Terrestrial Fauna (Greater Bilby); and
3. Flora and Vegetation.

GROUND 1: HYDROLOGICAL PROCESSES AND INLAND WATERS ENVIRONMENTAL QUALITY

The appellants raised a number of issues relating to the potential environmental impacts of groundwater abstraction associated with the proposal.

Appellants raised concerns that the Groundwater Dependant Ecosystem (GDE) of the Injudinah Swamp will be impacted through high levels of abstraction of groundwater (9.5 GL/year), in particular that there was insufficient investigation into swamp hydrology and modelling of groundwater impacts. During discussions, Environs Kimberley raised concern about the potential for groundwater drawdown to impact on seagrasses in sensitive coastal areas. The Wilderness Society also submitted that there was no evidence of consultation with the Karajarri people on the potential impacts of the proposal on Aboriginal cultural values of the swamp.

The Wilderness Society also submitted that the EPA did not consider the former Department of Water's (DoW)² *La Grange groundwater allocation plan* (2010)³ in its assessment and the

² Now known as the Department of Water and Environmental Regulation.

³ Department of Water (2010). *La Grange groundwater allocation plan*.
https://www.water.wa.gov.au/__data/assets/pdf_file/0017/1655/82626.pdf

cumulative impacts of water use in the area. In particular, The Wilderness Society submitted that the allocation plan identifies 35 GL/year being available for allocation from La Grange North, of which 8 GL/year has been allocated and 1.5 GL/year is exempt. In addition, the appellant was of the view that the EPA did not consider the current additional 48 GL/year of groundwater requested from the same aquifer and that the Shamrock Station proposal aims to take approximately one-third of the available water. The appellant was concerned that the proponent's current water licence application for both stages of the project (22 GL/year) represents more than 60 per cent of the total available 35 GL/year.

Furthermore, The Wilderness Society submitted that climate change and rainfall data were not assessed in the allocation plan or in any of the assessment documentation, and there is minimal data available on the ability of the aquifer to recharge. The appellant requested that the assessment be placed on hold until a strategic review of the current and future water needs has been undertaken by government.

Both appellants raised concern about lack of certainty around enforceable triggers for cease pump levels in regard to the Injudinah Swamp and the saltwater interface and that impacts relating to groundwater abstraction cannot be managed through an Environmental Management plan (EMP) and should be assessed at a PER level of assessment.

Consideration

The EPA considered Hydrological Processes and Inland Waters Environmental Quality as key environmental factors for the Shamrock Station Irrigation Project. The EPA's environmental objectives for Hydrological Processes and Inland Waters Environmental Water Quality are 'to maintain the hydrological regimes of groundwater and surface water so that environmental values are protected' and 'to maintain the quality of groundwater and surface water so that environmental values are protected', respectively.

In relation to the *La Grange groundwater allocation plan*,³ the EPA advised that it assessed the proposal referred to it which required an abstraction rate of 9.5 GL/year which is within the allocation limit for the La Grange North subarea set out in the allocation plan.

The EPA also advised that the proposal was supported by an appropriate hydrological assessment for 9.5 GL/year. The proponent advised that the modelling was consistent with a H3 level of assessment which is the highest level of assessment required by the Department of Water and Environmental Regulation's (DWER) requirements for a groundwater abstraction licence⁴. The proponent also advised that the hydrogeological assessment and numerical modelling was undertaken in consultation with the former DoW and included data collected by the former Department of Agriculture and Food WA through the '*La Grange Agriculture Opportunities*' projects.

The hydrological assessment identified various potential sensitive receptors including wetland and coastal areas listed under the Ramsar Convention on Wetlands and the Australian Directory of Important Wetlands, Aboriginal communities and other groundwater users in the area. Of these, the Injudinah Swamp, Shamrock Gardens and the Nygah Nygah Aboriginal community were identified as being potentially impacted by the proposal.

The proponent's hydrological assessment modelled the hydrological changes in the Broome Sandstone Aquifer based on an abstraction rate of 9.5 GL/year within the potential impact zone, and included predictions for groundwater drawdown at Injudinah Swamp and locations of other groundwater users and predicted movement of the saltwater interface.

⁴ Department of Water (2009). Operational Policy no.5.12 – Hydrogeological reporting associated with a groundwater well licence. Government of Western Australia.

In response to the appellants' concerns regarding the saltwater interface, the EPA advised that at the ocean interface a saltwater toe penetrates the base of the Broome Sandstone aquifer (due to the higher density of saltwater), and occurs approximately 3.5 to 4.2 km from the coast to the closest point of the project area and modelling has predicted that after 30 years, the interface may move inland by between 1.4 and 3.1 km. The EPA noted as part of its assessment that DWER advised that although the saltwater interface may move inland, there are unlikely to be any significant impacts on sensitive receptors.

In relation to impacts on the Injudinah Swamp (located approximately 15 km southwest of the project area), hydrological modelling predicted that the lowering of groundwater caused by all licensed users is 0.46 to 0.65 metres (m) within 10 years and 0.27 to 0.35 m in 30 years at the swamp; however, it was identified in the hydrological report that little is known about the groundwater interaction between the swamp and the aquifer, and the ecosystem's dependency on this relationship.

In the absence of specific data, hydrological investigations to predict the response of the Induniah Swamp to groundwater drawdown were undertaken using a methodology by Froend and Loomes (2004)⁵ which assess the potential response of either wetland or phreatophytic (deep rooted) vegetation to groundwater drawdown.

Although the hydrological assessment was approximate in nature, it provided initial indication that the environmental risks to the Injudinah Swamp are 'at worst, low to moderate, with the most likely scenario being low risk'.

In Report 1615, the EPA noted the proponent's commitments to undertake baseline groundwater analyses as new bores are established and that baseline surface water parameters will be established at the Injudinah Swamp.

The proponent's EMP identified monitoring requirements to ensure that groundwater drawdown does not adversely impact on the Injudinah Swamp and included early warning monitoring specifically to facilitate the detection of movement of the saltwater interface. Monitoring requirements include groundwater parameters (quality, pressure and levels), vegetation monitoring of Injudinah Swamp, and surface water (quality and levels). Early warning trigger levels will be established and set as a part of the water licensing conditions to ensure that appropriate management actions can be implemented.

In response to the appeals, the EPA advised that results of monitoring will be analysed by the proponent annually as a requirement of the water licence and also reviewed by DWER annually. The initial program was deemed acceptable by DWER.

The EPA also advised that, given the measures taken by the proponent to avoid impacts through the monitoring commitments and that modelling of groundwater has indicated that movement of the saltwater interface is unlikely to cause significant impacts, the direct impacts of the proposal can be managed and are unlikely to be significant. It was on this basis that the EPA recommended condition 6 through the preparation and submission of an EMP to formalise the required monitoring.

In relation to the appellants' concerns regarding the mechanism for contingency action in the event that trigger levels are reached, recommended condition 6-4 provides that in the event that management targets are exceeded, the proponent is required to report the exceedance to DWER, investigate the cause of the exceedance, and provide a report to DWER including:

⁵ Froend R. and Loomes, R. (2004). *Approach to Determination of Ecological Water requirements of Groundwater Dependent Ecosystems in Western Australia*. Report to the Department of Environment, 2004-12.

- cause of management targets being exceeded;
- findings of the investigation required by conditions 6-4(2);
- details of raised and/or additional management actions to be implemented to prevent exceedance of the management targets(s); and
- relevant changes to the proposal activities.

In relation to The Wilderness Society's submission that the assessment should have been at a PER level including the second stage of the proposal, the proponent advised that although it applied for a water licence for 22 GL/year to allow for a second stage, further investigations are required to establish if a viable stage 2 operation is feasible and it was not justified in submitting such a proposal into the decision-making process at this stage. In this regard, the EPA advised that it assessed the proposal referred to it, being for the abstraction of 9.5 GL/year and any future stages would be need to be referred to the EPA for assessment including hydrological and environmental investigations.

In relation to consultation with the Karajarri people regarding Aboriginal culture and heritage values, the proponent advised that it has had an ongoing consultation process commencing in 2016 until the present time. It is also noted that consultation with the Karajarri people has been documented within the proponent's supplementary documentation for the referral¹. Having regard to Aboriginal heritage and values, the EPA recommended condition 6-1(4) requiring the proponent to:

Avoid, where possible, and minimise direct and indirect impacts so that the proposal does not cause long term impacts on Aboriginal heritage values.

In addition, the EPA recommended condition 7 requiring the proponent to consult with the Karajarri Native Title Claim group to ensure that the proponent has met its obligations under the *Aboriginal Heritage Act 1972*.

Conclusion

Taking into account the above, it is considered that the EPA's assessment of the key environmental factors, Hydrological Processes and Inland Waters Environmental Quality, was based on appropriate investigations and modelling and had regard to sensitive receptors including the Injudinah Swamp. Although uncertainties around potential impacts have been identified and acknowledged, it is considered that the conditions recommended by the EPA provide sufficient early warning to manage abstraction prior to the occurrence of impacts.

It is on this basis that the EPA's conclusion that the potential impacts in relation to Hydrological Processes and Inland Waters Environmental Quality can be managed provided the recommended conditions are implemented, is supported and it is considered that an appropriate level of assessment was undertaken.

GROUND 2: TERRESTRIAL FAUNA – THE GREATER BILBY

The appellants raised concerns in relation to potential impacts of clearing to the greater bilby population (*Macrotis lagotis*)⁶ and that an offset should have been applied to compensate for the loss of greater bilby habitat.

⁶ Listed as Vulnerable under the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999*.

The Wilderness Society submitted that the EPA did not consider the findings of the *Greater Bilby Survey: La Grange Project Area* survey report⁷ in its assessment. The appellant also noting the proposal is located within an area considered to be a 'stronghold' of bilby habitat, submitting that based on the recommendation of the greater bilby survey report for further research into movement patterns and the size of habitat required to protect the bilby, the proposal cannot be managed through an EMP.

Consideration

Fauna was identified as a key environmental factor by the EPA due to the potential impact from the clearing of native vegetation on greater bilby habitat; impacts from increased light, noise and vibration during construction; and operational activities. The EPA's environmental objective for this factor is 'to protect terrestrial fauna so that biological diversity and ecological integrity are maintained'.

A Level 1 terrestrial fauna survey and a targeted assessment were undertaken for the proposal. In response to the appeals, the proponent advised that it sought advice from the Department of Biodiversity, Conservation and Attractions (DBCA) on the methodology and sampling design of the survey, and the EPA noted in its assessment that the survey was undertaken in accordance with EPA's Guidance Statement No. 56⁸.

According to the survey report, the greater bilby was recorded five times during the field survey identified by foraging diggings. Two were from within the study area and three from within 1 km outside of the study area. No tracks or burrows were recorded during the survey and foraging digging appeared to be aged and weathered.

Having identified a mix of high and low quality habitat for bilby from the survey (high habitat value occurring along the eastern and western edges, but mostly outside of the study areas), the proponent amended the indicative work area⁹ to avoid clearing areas where the greater bilby was recorded and where areas were identified as having a high habitat value, as shown in Figure 3.

Management targets set by the proponent include:

- no greater bilby mortality or active burrow destruction; and
- no observed increase in feral animals (rabbits, cats, foxes or other species) in proximity to the proposal area.

Management actions (including monitoring and reporting) proposed by the proponent to reduce the impact on the greater bilby include:

- undertake pre-clearance surveys for bilby and translocation if required;
- undertake feral animal control (rabbits, cats, foxes, or other species) as required;
- minimise clearing of native vegetation; and
- maintain cattle within in fenced areas.

In relation to The Wilderness Society's concerns that the EPA did not consider all relevant information in its assessment, the EPA advised in response to the appeals, that it sought

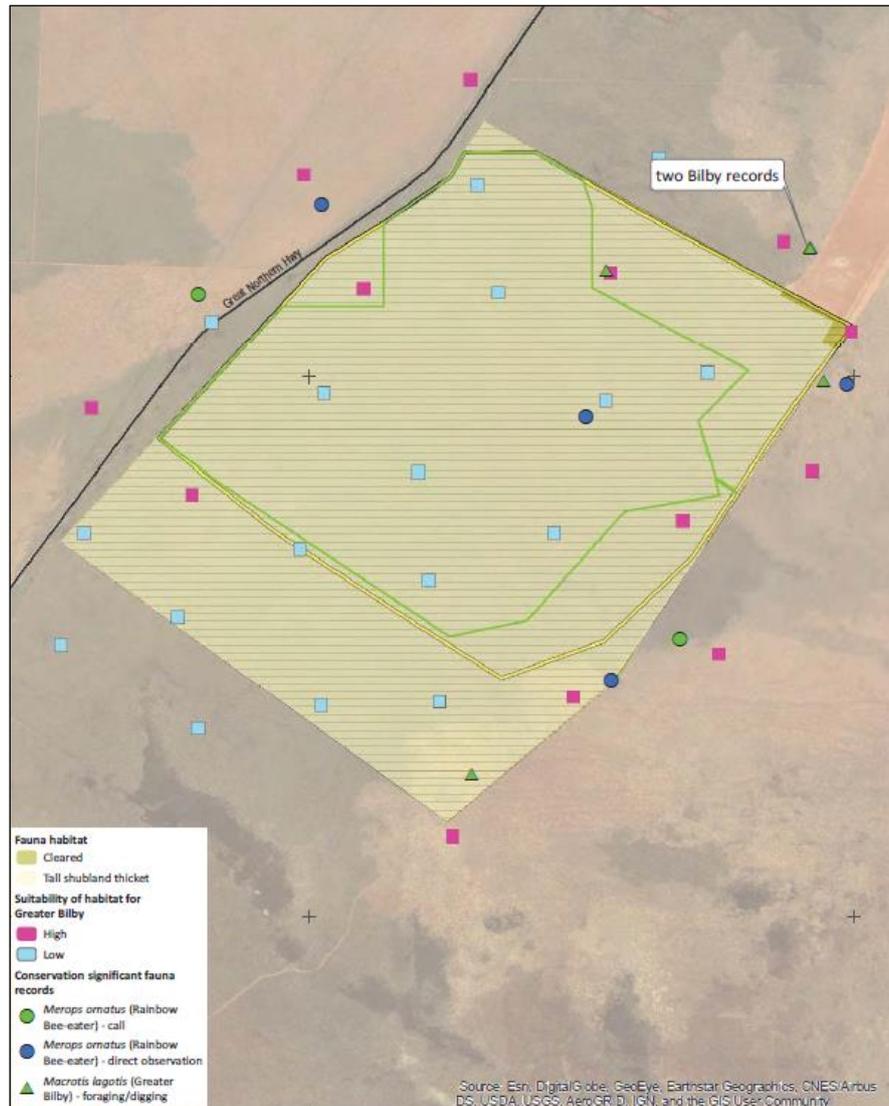
⁷ Department of Biodiversity, Conservation and Attractions (2017). *Greater Bilby Survey: La Grange Project Area*. Department of Biodiversity, Conservation and Attractions, Perth.

⁸ Environmental Protection Authority (2016), *Guidance Statement No. 56. Guidance Statement for Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia*. Government of Western Australia.

⁹ Also referred to as the 'indicative footprint' by the EPA in Report 1615.

advice from DBCA, which has a program underway monitoring bilbies across the La Grange area within the Karajarri ranges.¹⁰ The DBCA's advice indicated that ongoing regulatory oversight of the proposal during implementation should ensure that the final EMP is implemented to a high standard to ensure suitable protection of conservation significant values in the area.

Figure 3 – Greater bilby habitat



(Source: Phoenix Environmental, 2017)

In consideration of the proponent's mitigation options, including pre-clearance surveys and feral animal impact control, the EPA concluded in Report 1615 that the impacts on the greater bilby could be managed and in this regard, recommended that a condition be applied that requires the proponent to prepare and submit an EMP to formalise the proponent's commitments. As such, recommended condition 6 states:

6-1 Prior to the commencement of ground disturbing activities or as otherwise agreed in writing by the CEO, the proponent shall prepare and submit an Operational Environmental Management Plan to the CEO, to demonstrate that the following environmental objectives will be met:

¹⁰ Department of Biodiversity, Conservation and Attractions (2017). *Greater Bilby Survey: La Grange Project Area*, Department of Biodiversity, Conservation and Attractions Perth.

(1) Avoid, where possible, and minimise impacts to the Greater Bilby within the development envelope as defined in Figure 2 of Schedule 1.

In relation to the proponent's proposed management measures to translocate identified greater bilby individuals within the proposed clearing areas, DBCA advised on a recent appeal (Appeal reference C009-2018) that this is not the preferred method of relocation as trapping may cause injury. An alternative is for the proponent to encourage the bilbies to disperse independently and self-relocate. In order to achieve the safe relocation of bilbies, and noting DBCA's advice to the EPA for ongoing regulatory oversight, it is suggested that the proponent consult with DBCA on the development of the EMP as it relates to the greater bilby including an appropriate protocol for relocation to be undertaken during clearing.

Noting that the proposal is located within an area that contains one broad fauna habitat type and that the greater bilby is likely to occur widely throughout this habitat, the EPA did not consider that there would be a significant residual impact and therefore the application of an offset was not required.

Conclusion

Taking into account the above, it is considered that the EPA's assessment of terrestrial fauna was based on adequate information and it is considered that the EPA's recommendation that the impacts to terrestrial fauna, and in particular the greater bilby, subject to the implementation of conditions can be managed through an EMP, is supported.

GROUND 3: FLORA AND VEGETATION

Under this ground of appeal, The Wilderness Society raised concern that the priority flora identified within the development envelope are not protected in conservation reserves, and therefore cannot be protected from pastoral activities and agriculture. The appellant recommended that the proposal be remitted to the EPA until further research is completed to determine the distribution of these species.

The species of concern identified in the appeal included: *Tephrosia andrewii* (priority 1 (P1)), *Polymeria sp. Broome* (P1), *Bonamia oblongifolia* (P1) and *Triodia caelestialis* (priority 3 (P3)).

The Wilderness Society also submitted that the Western Australian Government lacks a policy around the protection of High Conservation Value (HCV) native vegetation and native vegetation can only be 'managed' when a comprehensive monitoring and management system for quality and extent of HCV native vegetation across WA is in place.

Consideration

Flora and Vegetation was identified by the EPA as a key environmental factor due to the potential impacts of clearing native vegetation. The environmental objective for this factor is 'to protect flora and vegetation so that biological diversity and ecological integrity are maintained'.

In response to The Wilderness Society's concerns about the lack of policy for the protection of HCV native vegetation, the EPA in Report 1615 stated that it assessed the impacts to flora and native vegetation in accordance with object and principles of EP Act and had consideration to the Environmental Factor Guideline - Flora and Vegetation¹¹. This guideline outlines considerations to be undertaken by the EPA during its assessment of impacts in relation to the objective for flora and vegetation and includes, among other considerations, the

¹¹ Environmental Protection Authority (2016). *Environmental factor guideline – Flora and Vegetation*, Environmental Protection Authority, WA.

scale at which impacts to flora and vegetation are considered, the current state of knowledge of flora and vegetation and the level of confidence underpinning the predicted residual impacts.

The EPA's assessment of potential impacts to flora was based on a single season flora and vegetation survey within and surrounding the development envelope. The EPA advised that the survey was a Level 2 survey undertaken in accordance with the EPA's *Technical Guidance Flora and Fauna Vegetation Surveys for Environmental Impact Assessment* (2016). Targeted searches were also undertaken for conservation significant flora.

Three priority flora were recorded in the study area during the survey; *Tephrosia andrewii* (P1), *Polymeria sp. Broome* (P1), and *Triodia caelestialis* (P3). No flora species listed as 'Threatened' under the *Wildlife Conservation Act 1950* were recorded during the survey.

It is noted that since the EPA's assessment, the conservation status of *Tephrosia andrewii*, *Polymeria sp. Broome* and *Bonamia oblongifolia* has been changed to P3. *Triodia caelestialis* is no longer listed as priority flora.

Based on information provided by the proponent, it is understood that the location of the development envelope within the pastoral lease and the indicative work area¹², as shown in Figure 2, has been amended to avoid direct impacts to recorded *Tephrosia andrewii* species. Although potential exists for indirect disturbance to this species within the indicative work area, it is considered that it is unlikely that this species will be significantly impacted and suitable habitat is extensive outside of the development envelope.

In relation to *Polymeria sp. Broome*, three of the seven locations recorded within the development envelope may be impacted by the proposal. However, the EPA's assessment noted that this species is expected to be found in the broader Interim Biogeographic Regionalisation for Australia Pindanland subregion. It is also understood that the records of this species within the development envelope represent a southern range extension and suitable habitat is well represented outside of the development envelope.

In relation to *Triodia caelestialis*, 10 records comprising 58 plants may be directly impacted by the clearing for the proposal. Of these, only the large population (25 individuals) will be avoided if possible. The proponent summarised that based on the broad distribution of the species across a variety of habitats and the avoidance of the records from the study area, it was considered unlikely that the proposal will represent a significant impact on this species.

No records *Bonamia oblongifolia* were made during the field survey; however, the proponent in response to the appeals, advised that this species was recorded readily in the targeted survey both within and outside of the development envelope.

The EPA in its assessment concluded that, given the measures undertaken by the proponent to avoid impacts to conservation significant flora, including amending the indicative work area and creating buffer zones between non-native pastures and native vegetation, direct impacts on flora are unlikely to be significant.

In regard to the management of indirect impacts to flora and vegetation, the EPA, as outlined in Report 1615, was of the view that indirect impacts are manageable and would no longer be significant, provided there is:

- Implementation of recommended condition 6 for an EMP that will minimise impacts of irrigated cropping on adjacent vegetated areas; [and]

- Control of impacts through the authorised extent in schedule 1 of the Recommended Environmental Conditions.

It is noted that the proponent has committed to the following management actions in its draft EMP:

- establish buffer zones between pivots and remanent vegetation; and
- undertake control of Rhodes Grass, other irrigation crops or weeds in remanet vegetation outside pivots, if management targets exceeded.

Conclusion

Having regard to the above, it is considered that the EPA's assessment in respect to flora adequately considered impacts to priority flora including the species identified by The Wilderness Society.

Noting the proponent's commitments to manage indirect and direct impacts to flora and the EPA's requirement for the implementation of an EMP to manage impacts of irrigated cropping on adjacent vegetated areas under condition 6, it is recommended that this ground of appeal be dismissed.

CONCLUSION AND RECOMMENDATION

For the reasons stated in this report, it is considered that the EPA's assessment of the proposal had appropriate regard to the potential impacts raised by the appellants, was based on adequate information and was assessed at an appropriate level of assessment. Given the foregoing, it is considered that the EPA's conclusion that the proposal may be implemented subject to the recommended conditions, is supported by the available information.

It is therefore recommended that all other grounds of appeal be dismissed.

If the Minister agrees with this recommendation, the final decision on whether or not the proposal should be implemented is to be made under section 45 of the EP Act.

Notwithstanding this recommendation, it is noted that based on recent DBCA advice on a similar appeal, the finalisation of the EMP as it relates to the management of potential impacts to greater bilbies, including relocation protocols to be administered during clearing, should be undertaken in consultation with DBCA.

Emma Gaunt
APPEALS CONVENOR

Investigating Officer:
Tonya Carter, Senior Appeals Officer