



Environmental Protection Act 1986

**Hon Stephen Dawson MLC
Minister for Environment**

MINISTER'S APPEAL DETERMINATION

APPEALS AGAINST REPORT AND RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY SHAMROCK STATION IRRIGATION PROJECT (EPA REPORT 1615)

Purpose of this document

This document sets out the Minister's decision on appeals lodged under section 100(1)(d) of the *Environmental Protection Act 1986* in objection to Environmental Protection Authority's report and recommendations in respect to the above proposal. This document is produced by the Office of the Appeals Convenor for the Minister but is not the Appeals Convenor's own report, which can be downloaded from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au.

Appellants:	The Wilderness Society WA Environs Kimberley
Proponent:	Argyle Cattle Company Pty Ltd
Proposal description:	The Shamrock Station Irrigation Project proposal is located approximately 64 kilometres south of Broome and involves the development of 1,200 hectares (ha) including 650 ha of clearing of native vegetation and the abstraction of 9.5 gigalitres of groundwater per year.
Minister's Decision:	The Minister dismissed the appeals.
Date of Decision:	2 October 2018

REASONS FOR MINISTER'S DECISION

Pursuant to section 106 of the *Environmental Protection Act 1986* (the Act), the Minister obtained a report from the Environmental Protection Authority (EPA) on the matters raised in the appeals. The Minister was advised that the Appeals Convenor met with the appellants to discuss the appeal, and also consulted with the proponent.

After considering the information provided during the appeals investigation, the Appeals Convenor reported to the Minister under section 109 of the Act. This report sets out the background and other matters relevant to the appeals.

In summary, the appeals raised concerns about the potential impacts of groundwater abstraction 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. The Minister noted that one appellant also submitted that an offset should have been applied with respect to the greater bilby and the other appellant was also of the view that the proposal should have been subject to a higher level of assessment.

In relation to the impact of groundwater abstraction, the Minister was advised that the hydrological modelling was undertaken in consultation with the former Department of Water and at the highest level required for a groundwater licence.

The EPA advised that the Department of Water and Environmental Regulation (DWER) indicated that while the toe of the saltwater interface may move inland, there are unlikely to be any significant impacts to sensitive receptors and while it was acknowledged that the hydrological assessment for impacts to the Injudinah Swamp was approximate in nature, it is considered that the risks to the swamp are likely to be low.

In order to ensure that potential impacts are minimised at Injudinah Swamp, the proponent's Environmental Management Plan (EMP) includes establishing baseline groundwater and surface water parameters at the Injudinah Swamp and the monitoring of vegetation and surface water parameters relating to levels, depth and quality to ensure that groundwater levels are maintained. The Minister noted that the proponent has had ongoing consultation with the Karajarri people in relation to cultural values of the spring.

In relation to the saltwater interface, the proponent's EMP included the monitoring of groundwater dependant ecosystems, wetland vegetation and incorporated early warning trigger levels (also included as a part of its water licence conditions) to facilitate detection of movement of the saltwater interface. The Minister was advised that the results of the monitoring will be analysed by the proponent and reviewed by DWER on an annual basis.

To formalise the proponent's commitments, the EPA recommended conditions be applied to the proposal requiring the proponent to prepare and implement an EMP to meet environmental objectives (including those relating to the Injudinah Swamp, the hydrological regime, the Broome Sandstone aquifer, water quality of the aquifer, the saltwater interface and Aboriginal heritage values).

In regard to potential impacts to the greater bilby, the EPA sought advice from the Department of Biodiversity, Conservation and Attractions (DBCA) in relation to the survey design and methodology and the assessment of impacts, respectively. DBCA advised the EPA 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.

Noting that the greater bilby is likely to occur widely throughout this region, DBCA's advice and the proponent's avoidance and management actions including avoiding areas identified as high value bilby habitat, pre-clearance surveys and undertaking feral animal control, the EPA concluded that the impacts to the greater bilby could be managed subject to a condition requiring an EMP. Based on the above, the EPA considered that there would be no significant residual impact to the greater bilby, and as such an offset was not required.

In relation to priority flora, the Minister was advised that the proponent has avoided and minimised direct impacts by amending its indicative work area, where possible, and managing indirect impacts that may result from irrigated cropping. The Minister also noted that since the EPA's assessment, the conservation status of *Tephrosia andrewii*, *Polymeria sp. Broome* and *Bonamia oblongifolia* has changed from priority 1 to priority 3 and *Triodia caelestialis* is no longer listed as priority flora.

After considering the information presented to him, the Minister was of the view that the EPA's assessment was based on adequate information, has had appropriate regard to the environmental impacts of the proposal and was conducted at an appropriate level of assessment. The Minister was also satisfied that the environmental impacts of the proposal are manageable subject to the EPA's recommended conditions. It therefore follows that the Minister dismissed the appeals.

Note: this decision is published pursuant to the terms of section 110 of the *Environmental Protection Act 1986* and regulation 8 of the *Environmental Protection Regulations 1987*.

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