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Published on: 11 September 2018

Statement No. 1081

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
(*Environmental Protection Act 1986*)

CARLTON PLAIN: STAGE 1 – IRRIGATED AGRICULTURE

Proposal: Clearing and development of 3,055 ha between House Roof Hill and the Ord River, for the purpose of surface and pressurised irrigated agricultural cropping which may include grains, cotton, perennial horticulture and other crops.

Proponent: Kimberley Agricultural Investment Pty Ltd
Australian Company Number 154 270 194

Proponent Address: Lot 398 Moonamang Road, Kununurra WA 6743

Assessment Number: 2126

Report of the Environmental Protection Authority: 1614

Pursuant to section 45 of the *Environmental Protection Act 1986*, it has been agreed that the proposal described and documented in Table 1 of Schedule 1 may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

1 Proposal Implementation

1-1 When implementing the proposal, the proponent shall not exceed the authorised extent of the proposal as defined in Table 2 of Schedule 1, unless amendments to the proposal and the authorised extent of the proposal have been approved under the EP Act.

2 Contact Details

2-1 The proponent shall notify the CEO of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

3 Time Limit for Proposal Implementation

- 3-1 The proponent shall not commence implementation of the proposal after five (5) years from the date of this Statement, and any commencement, prior to this date, must be substantial.
- 3-2 Any commencement of implementation of the proposal, on or before five (5) years from the date of this Statement, must be demonstrated as substantial by providing the CEO with written evidence, on or before the expiration of five (5) years from the date of this Statement.

4 Compliance Reporting

- 4-1 The proponent shall prepare, and maintain a Compliance Assessment Plan which is submitted to the CEO at least six (6) months prior to the first Compliance Assessment Report required by condition 4-6, or prior to implementation of the proposal, whichever is sooner.
- 4-2 The Compliance Assessment Plan shall indicate:
 - (1) the frequency of compliance reporting;
 - (2) the approach and timing of compliance assessments;
 - (3) the retention of compliance assessments;
 - (4) the method of reporting of potential non-compliances and corrective actions taken;
 - (5) the table of contents of Compliance Assessment Reports; and
 - (6) public availability of Compliance Assessment Reports.
- 4-3 After receiving notice in writing from the CEO that the Compliance Assessment Plan satisfies the requirements of condition 4-2 the proponent shall assess compliance with conditions in accordance with the Compliance Assessment Plan required by condition 4-1.
- 4-4 The proponent shall retain reports of all compliance assessments described in the Compliance Assessment Plan required by condition 4-1 and shall make those reports available when requested by the CEO.
- 4-5 The proponent shall advise the CEO of any potential non-compliance within seven (7) days of that non-compliance being known.
- 4-6 The proponent shall submit to the CEO the first Compliance Assessment Report fifteen (15) months from the date of issue of this Statement addressing the twelve (12) month period from the date of issue of this Statement and then annually from the date of submission of the first Compliance Assessment Report, or as otherwise agreed in writing by the CEO.

The Compliance Assessment Report shall:

- (1) be endorsed by the proponent's Chief Executive Officer or a person delegated to sign on the Chief Executive Officer's behalf;
- (2) include a statement as to whether the proponent has complied with the conditions;
- (3) identify all potential non-compliances and describe corrective and preventative actions taken;
- (4) be made publicly available in accordance with the approved Compliance Assessment Plan; and
- (5) indicate any proposed changes to the Compliance Assessment Plan required by condition 4-1.

5 Public Availability of Data

5-1 Subject to condition 5-2, within a reasonable time period approved by the CEO of the issue of this Statement and for the remainder of the life of the proposal the proponent shall make publicly available, in a manner approved by the CEO, all validated environmental data (including sampling design, sampling methodologies, empirical data and derived information products (e.g. maps)) relevant to the assessment of this proposal and implementation of this Statement.

5-2 If any data referred to in condition 5-1 contains particulars of:

- (1) a secret formula or process; or
- (2) confidential commercially sensitive information;

the proponent may submit a request for approval from the CEO to not make these data publicly available. In making such a request the proponent shall provide the CEO with an explanation and reasons why the data should not be made publicly available.

6 Operational Environmental Management Plan Implementation

6-1 The Proponent shall ensure implementation of the proposal achieves the following environmental outcomes:

- (1) no irreversible loss of, or serious damage to the riparian vegetation zone outside of the development envelope;
- (2) no long-term impacts on the environmental values of the Ord River, including:
 - (a) vegetation community structure and composition;

- (b) water quality;
 - (c) ecosystem processes; and
 - (3) no long-term impacts to the Aboriginal heritage values linked to the physical and/or biological surroundings of the Ord River.
- 6-2 The proponent shall implement the *Carlton Plain Stage 1 Environmental Management Plan* (Rev 0.1, August 2018) (the Plan), until the CEO has confirmed by notice in writing that the Plan meets the environmental outcomes required by condition 6-1.
- 6-3 The proponent shall implement the most recent version of the Plan which the CEO has confirmed by notice in writing, addresses the requirements of condition 6-1.
- 6-4 In the event that monitoring carried out under the Plan, determines that any of the environmental outcomes set in condition 6-1 are not being achieved by implementing the proposal, the Proponent shall:
- (1) immediately implement the contingency management actions specified in the Plan, and continue implementation of those actions until the CEO has determined that the environmental outcomes set in condition 6-1 are being achieved and will continue to be achieved;
 - (2) investigate to determine the likely cause of the environmental outcomes set in condition 6-1 not being achieved;
 - (3) within seven (7) days of determining that any of the environmental outcomes set in condition 6-1 are not being achieved, report the non-achievement to the CEO;
 - (4) within twenty-one (21) days of determining that any of the environmental outcomes set in condition 6-1 are not being achieved submit to the CEO a report detailing the following:
 - (a) the results of the monitoring that led to the determination that any of the environmental outcomes set in condition 6-1 are not being achieved;
 - (b) the investigation being undertaken as required by condition 6-4(2) into the cause of the environmental outcomes set in condition 6-1 not being achieved; and
 - (c) any contingency management actions implemented by the proponent following determination that any of the environmental outcomes set in condition 6-1 are not being achieved,

- (5) provide a report detailing the findings of the investigation required by condition 6-4(2) to the CEO within sixty (60) days of first determining that any of the environmental outcomes set in condition 6-1 are not being achieved.
- 6-5 The proponent shall submit to the CEO annual compliance assessment reports in accordance with condition 4-6 which includes:
- (1) all monitoring data and reportable incidents required by conditions 6-3 and 6-4;
 - (2) an analysis and interpretation of monitoring data to demonstrate compliance with the requirements of condition 6-1; and
 - (3) an assessment of the effectiveness of monitoring, management and contingency measures implemented to ensure compliance with the requirements of conditions 6-1.
- 6-6 Any changes to trigger criteria, threshold criteria, monitoring, trigger level actions, threshold contingency actions or reporting and/or any changes to management targets, management actions, monitoring and reporting in the Plan must be approved by the CEO in writing.

[Signed on 11 September 2018]

Hon Stephen Dawson MLC
MINISTER FOR ENVIRONMENT

Table 1: Summary of the Proposal

Proposal Title	Carlton Plain Stage 1 – Irrigated Agriculture
Short Description	Clearing and development of 3,055 ha between House Roof Hill and the Ord River, for the purpose of surface and pressurised irrigated agricultural cropping which may include grains, cotton, perennial horticulture and other crops.

Spatial coordinates for the boundaries of the proposal (MGA Zone 50)

Coordinates defining the boundaries shown in Figure 1 are held by the Department of Water and Environmental Regulation, Document Reference Number DWERDA-024955.

Table 2: Location and authorised extent of physical and operational elements

Column 1	Column 2	Column 3
Element	Location	Authorised Extent
Surface irrigation of annual crops	Figure 1	Clearing of up to 1,735 ha.
Pressurised irrigation of perennial crops	Figure 1	Clearing of up to 510 ha; Pressurised irrigation infrastructure to be constructed where soils do not allow for surface (flood) irrigation.
Infrastructure	Figure 1	Clearing of up to 810 ha within the Stage 1 Development Envelope.
Annual irrigation water abstraction	Figure 1	27.6 gigalitres (GL) from the Ord River system.

Table 3: Abbreviations and Definitions

Acronym, abbreviation or term	Definition
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the <i>Environmental Protection Act 1986</i> , or their delegate.
Environmental Management Plan Provisions	Key component of the Environmental Management Plan which are the legal requirements to be met by the proponent in implementing the Environmental Management Plan.
EP Act	<i>Environmental Protection Act 1986</i>
ha	Hectare

Outcome-based provisions	
Outcome	Proposal-specific, desired state for an environmental factor/s to be achieved from the implementation of outcome-based provisions.
Trigger criteria	Criteria that provide an early warning that the threshold criteria may not be met.
Threshold criteria	Limit of acceptable impact beyond which there is likely to be a significant effect on the environment, which indicates the environmental outcome is not being met.
Monitoring	Monitoring to determine if trigger criteria and threshold criteria are exceeded.
Trigger level actions	Actions to be implemented in the event that trigger criteria are exceeded.
Threshold contingency actions	Actions to be implemented in the event that threshold criteria are exceeded.
Reporting	Reporting of monitoring results against trigger criteria and threshold criteria to demonstrate that the outcome/s have been met.
Management-based provisions	
Management actions	Risk-based actions to be implemented to meet the environmental objective.
Management targets	Targets to determine the effectiveness of the management actions.
Monitoring	Monitoring to measure the effectiveness of management actions.
Reporting	Reporting of implementation of management actions and reporting on the effectiveness of management actions to demonstrate that the objective/s have been met.

Figure (attached)

Figure 1: Carlton Plain Stage 1 Development Envelope

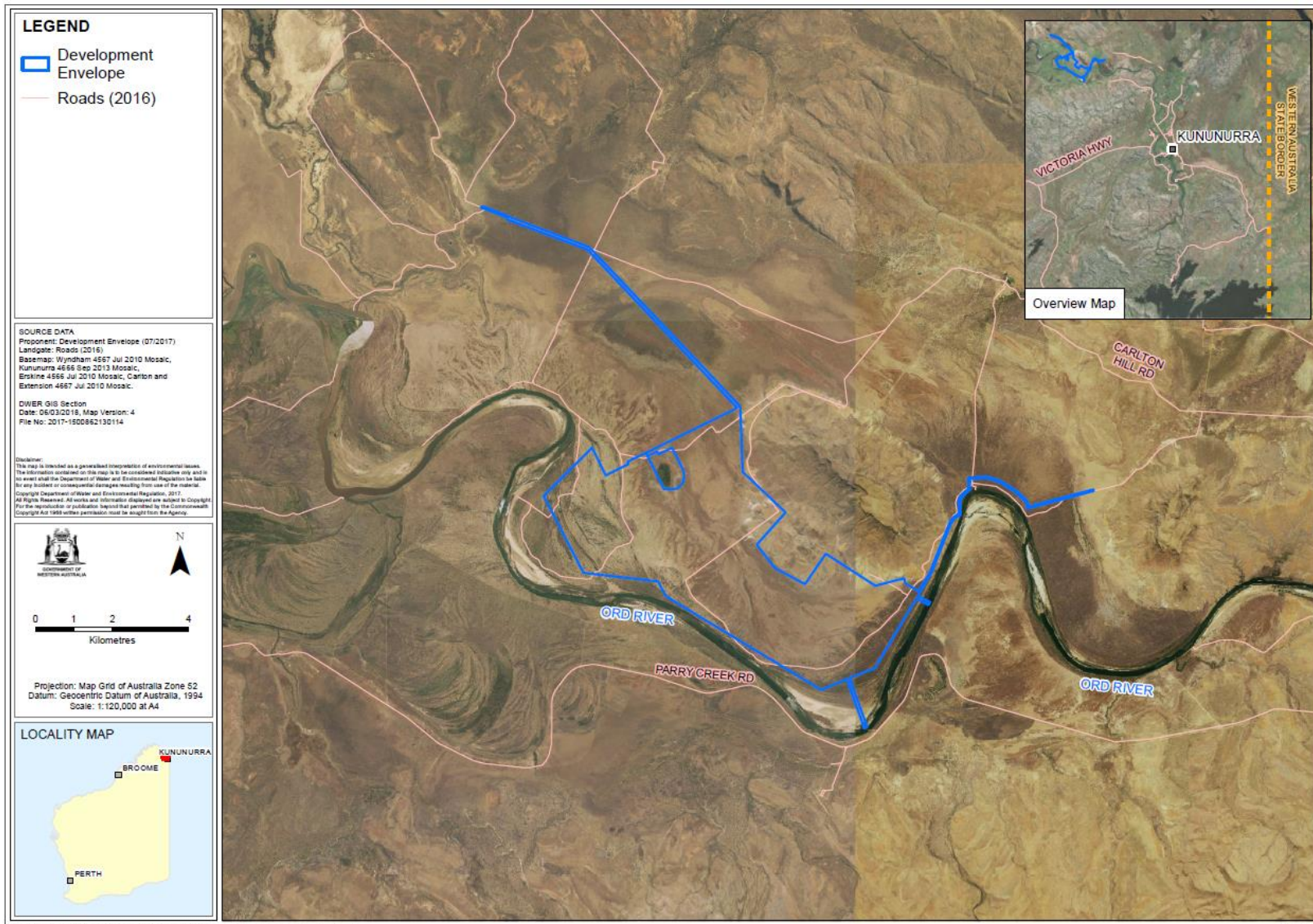


Figure 1: Carlton Plain Stage 1 Development Envelope