

Public record pursuant to s. 39 of the *Environmental Protection Act 1986*

Proposal title: Napier Downs Irrigation Project

Proposal location: The proposal is situated within Napier Downs Pastoral lease (LPL N049855), located in the West Kimberley region, 240 km east northeast of Broome, Western Australia.

EO number: APP-0000385

Date referral received: 06-06-2023

Date more information received: 29-09-2023

Referrer: Napier Corporation Pty Ltd

Proponent: Napier Downs Irrigation Project

Potential significant effects:

There are potential impacts on: flora and vegetation from the clearing of 200 ha of native vegetation; terrestrial fauna from the clearing of habitat and disturbance; inland waters and subterranean fauna from abstraction to groundwater; social surroundings from flora and fauna of cultural significance.

Public comment on referral information:

Do not assess:	0
Assess: a) Referral information	0
b) Environmental review - no public review	1
c) Public environmental review	2
<i>Total submissions:</i>	3

Decision: s. 38G(1) – Not Assess

Referral Examined, preliminary investigations and inquiries conducted. Proposal not to be assessed under Part IV of the EP Act – Advice given.

Explanation of decision:

The Environmental Protection Authority (EPA) considers that the likely environmental effects of the proposal are not so significant as to warrant a formal assessment. The EPA notes there are other statutory processes relevant to this proposal that can mitigate potential impacts from the construction and operation, including a clearing permit under Part V Division 2 (Clearing) of the *Environmental Protection Act 1986* (EP Act) and the *Rights in Water and Irrigation Act 1914* (RiWI) licencing process.

Appeals: This decision is appealable. Appeals close 27-11-2023. Appeals are administered by the Office of the Appeals Convenor.

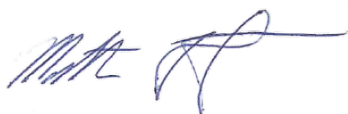
Public advice:

The EPA notes that proposal involves groundwater abstraction from the Grant Group Aquifer, at a rate up to 3 GL/annum with a staged approach. Each pivot will have a total water demand of up to 750 megalitres/annum to meet crop water requirements. The EPA considered that potential impacts to groundwater dependent ecosystems as a result of the implementation of the proposal can be managed with an appropriate operating strategy that includes suitable triggers, thresholds and adaptive management actions. With appropriate development staging, monitoring and adaptive management legally enforceable through licence conditions, the potential impacts from groundwater abstraction can be managed under the RiWI Act.

The EPA considered the potential for impact associated with the clearing of native vegetation for the proposal and considers based on the types of vegetation present, and the mitigation measures in place, there are no significant residual impacts predicted for flora and vegetation. The EPA notes that the types of impact associated with the clearing of native vegetation for the proposal, including potential indirect impacts to the Golden Bandicoot can be regulated under Part V Division 2 of the EP Act.

The EPA considered the potential for both direct and indirect impacts to Aboriginal Cultural Heritage values including those associated with groundwater dependent ecosystems, native flora and vegetation, and terrestrial fauna values. The EPA notes that the proponent has undertaken consultation with Traditional Owner groups and continues to engage with Traditional Owners on the development of a Heritage Protection Agreement. No concerns regarding impacts to cultural heritage values have been identified through this engagement and groundwater drawdown is not predicted to impact on any identified cultural heritage sites. An Aboriginal heritage survey was conducted on behalf of the Traditional Owners to inform the prediction of direct and indirect impacts to Aboriginal Cultural Heritage values and ongoing mitigation and management. No direct residual impacts to Aboriginal heritage sites or values are expected as a result of the proposal.

DWER will be notified of the EPA's decision for this proposal and the EPA's expectations of the outcome of their statutory decision-making process.

A handwritten signature in blue ink, appearing to read 'MAT TONT', with a stylized flourish extending to the right.

Prof. Matthew Tonts

CHAIR

Delegate of the Environmental Protection Authority

1 November 2023